RESPONSE TO COMMENTS DOCUMENT AND FINAL ENVIRONMENTAL IMPACT REPORT

NORTHGATE MALL REDEVELOPMENT PROJECT

SAN RAFAEL, CALIFORNIA

SCH# 2021120187

LSA

October 2024

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NORTHGATE MALL REDEVELOPMENT PROJECT

SAN RAFAEL, CALIFORNIA

SCH# 2021120187

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LIST OF ABBREVIATIONS AND ACRONYMS

µg/m^3	micrograms per cubic inch
AAQS	ambient air quality standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACMs	asbestos-containing materials
ADA	Americans with Disabilities Act
AQ/GHG Technical Report	Air Quality and Greenhouse Gas Emissions Technical Report
BAAQMD	Bay Area Air Quality Management District
BCDC	San Francisco Bay Conservation and Development Commission
BMPs	Best Management Practices
BMR	Below Market Rate
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
CALGreen Code	California Green Building Standards Code
California Register	California Register of Historical Resources
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CCAP	Climate Change Action Plan
CCAP 2030	Climate Change Action Plan 2030
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
City	City of San Rafael
CMP	Construction Management Program
CNEL	Community Noise Equivalent Level

CO	carbon monoxide
CPUC	California Public Utilities Commission
CSTDM	California Statewide Travel Demand Model
CTC	California Transportation Commission
dB	decibels
dBA	A-weighted decibels
DPM	diesel particulate matter
DRB	Design Review Board
EIR	Environmental Impact Report
EO	Executive Order
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
EV	electric vehicle
FEMA	Federal Emergency Management Agency
General Plan Final EIR	San Rafael General Plan 2040 Final EIR
GHG	greenhouse gas
GIS	geographic information system
GLA	gross leasable area
HBMS	Hazardous Building Materials Survey
HCD	State Department of Housing and Community Development
HCM	Highway Capacity Manual
HP	horsepower
HRA	Health Risk Assessment
HVAC	heating, ventilation, and air conditioning
I-580	Interstate 580
in/sec PPV	inches per second of peak particle velocity
ITE	Institute of Transportation Engineers
lbs/day	pounds per day
L_{dn}	day-night average noise level
LED	light-emitting diode
L_{eq}	equivalent continuous sound level
LGVSD	Los Gallinas Valley Sanitary District

LID	Low Impact Development
L_{max}	maximum instantaneous noise level
L_{min}	lowest time-weighted sound level
LOS	level of service
LT	long-term
LUST	leaking underground storage tank
MCL	Marin Conservation League
MCSD	Miller Creek School District
MEI	Maximally Exposed Individual
MMRP	Mitigation Monitoring and Reporting Program
MPO	Metropolitan Planning Organization
MS4	Municipal Separate Storm Sewer System
MT CO_2e	metric tons of carbon dioxide equivalent
MT CO_2e/yr	metric tons of carbon dioxide equivalent per year
MTA	Memorandum of Traffic Assumptions
MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards
National Register	National Register of Historic Places
NOA	Notice of Availability
NOP	Notice of Preparation
NO_X	nitrous oxides
NPDES	National Pollutant Discharge Elimination System
OPR	Governor's Office of Planning and Research
PCBs	polychlorinated biphenyls
PD	Planned Development
PDA	Priority Development Area
PEIR	Program Environmental Impact Report
PG&E	Pacific Gas & Electric Company
PM_{10}	particulate matter less than 10 microns in size
$PM_{2.5}$	particulate matter less than 2.5 microns in size
PRA	Public Records Act
PRC	Public Resources Code

project	Northgate Mall Redevelopment Project, also Northgate Town Square
RGM	Responsible Growth in Marin
RHNA	Regional Housing Needs Assessment
ROGs	reactive organic gases
RTC Document	Response to Comments Document
RTP	Regional Transportation Plan
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RTPA	Regional Transportation Planning Agencies
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
Scoping Plan	2022 Scoping Plan for Achieving Carbon Neutrality
SCP	Stormwater Control Plan
SCS	Sustainable Communities Strategy
SGMP	Soil and Groundwater Management Plan
SMART	Sonoma-Marin Area Rail Transit
SR-37	State Route 37
SRA	State Responsibility Area
SRCS	San Rafael City Schools District
SRFD	San Rafael Fire Department
SRPD	San Rafael Police Department
ST	short-term
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TA Guidelines	City of San Rafael Transportation Analysis Guidelines
TACs	toxic air contaminants
TAM	Transportation Authority of Marin
TAMDM	TAM demand model
TIS	Transportation Impact Study
TOC	Transit-Oriented Communities
TOS	Transportation Operations Study
TPA	Transit Priority Area

US-101	United States Route 101
UST	underground storage tank
VdB	vibration velocity decibels
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	vehicle miles traveled
VOCs	volatile organic compounds
WDR	Waste Discharge Requirement
WSA	Water Supply Assessment
WWTP	wastewater treatment plant

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1.0 INTRODUCTION

1.1 PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (EIR) prepared for the proposed Northgate Mall Redevelopment Project, also known as the "Northgate Town Square" (project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments Document (RTC Document) provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, resulting from those comments or to clarify material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On December 9, 2021, the City of San Rafael (City) circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. The NOP was mailed to public agencies, organizations, and individuals likely to be interested in the potential impacts of the proposed project. A scoping session was held as a public meeting before the Planning Commission on January 11, 2022, to solicit feedback regarding the scope and content of the EIR. Comments received by the City on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on January 5, 2024, and was distributed to local and State responsible and trustee agencies. The Draft EIR and an announcement of its availability were posted electronically on the City's website at: https://www.cityofsanrafael.org/northgate-town-square-environmental-review. The Notice of Availability (NOA) for the Draft EIR was provided to all individuals and organizations who made a written request for notice, was filed with the Marin County Clerk, and was posted at the project site.

The NOA stated that the review period would occur over a duration of 45 days, as mandated by CEQA. Due to a procedural error, the local review period was extended for a total period of 60 days and ended on March 5, 2024. The City held a public hearing on the Draft EIR with the Planning Commission on February 13, 2024. The City received a total of 269 comment letters from State and local agencies, organizations, and individuals during the comment period, and 2 comment letters after the close of the comment period. Copies of all written comments received during the comment period, the two late comments, and a transcript of the verbal comments received at the public hearing are included in Chapter 4.0, Comments and Responses, of this document.

1.3 DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- **Chapter 1.0: Introduction**. This chapter discusses the purpose and organization of this RTC Document, and the Final EIR, and summarizes the environmental review process for the project.

- **Chapter 2.0: Revised Project.** This chapter includes a description of refinements to the proposed project that have been developed by the project sponsor since publication of the Draft EIR (the "revised project"). An evaluation and comparison of the impacts and mitigation measures identified in the Draft EIR to those of the revised project are also included in this chapter.

- **Chapter 3.0: List of Commenters**. This chapter contains a list of agencies, organizations, and individuals who submitted written comments during the public review period or provided verbal comments at the public hearing on the Draft EIR.

- **Chapter 4.0: Comments and Responses**. This chapter contains reproductions of all comment letters received on the Draft EIR, as well as the transcript of verbal comments provided at the public hearing. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.

- **Chapter 5.0: Draft EIR Text Revisions**. Corrections and edits to the Draft EIR that are necessary in light of the comments received and responses provided or are necessary to amplify or clarify material in the Draft EIR are contained in this chapter. Double underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR.

2.0 REVISED PROJECT

Since publication of the Draft Environmental Impact Report (EIR) for the Northgate Mall Redevelopment Project, the project sponsor has refined certain elements of the project design, herein referred to as the "revised project" and more fully described in this chapter. No other changes to the project evaluated in the Draft EIR are proposed. The revised project would constitute the uses and design that would be reviewed and considered by City decision-makers for the Final EIR certification and project approval, and is therefore also referred to as the "proposed project" in the Final EIR.

This chapter presents revisions to the project that was described and evaluated in the Draft EIR and summarizes the environmental impacts that would be associated with those revisions to the project, as compared to the project impacts identified in the Draft EIR. This discussion concludes that the changes to the project do not amount to the addition of significant new information requiring recirculation of the Draft EIR because they would not result in any new or substantially more severe significant environmental impacts than those already identified in the Draft EIR, and there are no new mitigation measures or alternatives that are considerably different from those analyzed in the Draft EIR that would substantially reduce one or more of the project's significant effects on the environment, but which the project sponsor has declined to adopt. Changes to the project and associated environmental impacts are also considered and incorporated into the responses to comments provided in Chapter 4.0 of this document.

2.1 PROJECT EVALUATED IN THE DRAFT EIR

Chapter 3.0, Project Description, of the Draft EIR provides a complete description of the original proposed project as identified in the application materials submitted by the project sponsor to the City of San Rafael (City), dated June 11, 2021, and updated May 9, 2023.[1] The proposed project would result in the redevelopment of the existing mall through demolition, renovation, and new construction with a mix of commercial and residential land uses. The proposed project would be developed in two phases. As described in Chapter 3.0, Project Description, of the Draft EIR (pgs. 3-25 through 3-53), the proposed project at full buildout would include the following components: (1) demolition of 648,807 square feet of existing commercial space; (2) retention of existing and/or construction of approximately 217,520 square feet of commercial space; (3) development of 1,422 residential units (1,746,936 square feet), of which 147 units (10.3 percent) would be set aside for low-income households; (5) development of 705,384 square feet of open space and landscaping, including a 48,075-square-foot Town Square; and (6) the installation of various associated site improvements, including modifications to the internal circulation, parking, and infrastructure improvements. Building heights would vary across the site up to a maximum of 78 feet.

The following summarizes the project as described and evaluated in the Draft EIR. Refer to Chapter 3.0 of the Draft EIR for a complete description.

[1] Merlone Geier Partners, LLC. 2022. City of San Rafael General Planning Application for the Northgate Town Square Project. June 11. Updated May 2023.

2.1.1 2025 Master Plan (Phase 1)

Phase 1 (also referred to as the 2025 Master Plan) would generally include the demolition of the RH Outlet building, the HomeGoods building, and the Mall Shops East, which is approximately 144,432 square feet of the main building, and construction of approximately 44,380 square feet of new commercial space and up to 922 residential units (96 of which would be set aside for low-income households) (see Draft EIR, Table 3.B).

New commercial construction that would occur in Phase 1 would consist of an approximately 20,000-square-foot addition to the existing Century Theatre space, and the construction of four new commercial spaces, including a 5,000-square-foot retail pad, a 6,200-square-foot retail pad, an 8,400-square-foot retail pad designed for a sit-down restaurant, and a 4,300-square-foot retail pad that would be designed for a drive-through restaurant. Commercial spaces identified as “Shops” are expected to include multiple tenants, while commercial spaces identified as “Pads” are expected to include only a single tenant. An approximately 200-square-foot San Rafael Police Department (SRPD) substation would also be on site.

Residential development would include the construction of a total of 922 residential units within three apartment-style residential buildings, each on their own parcel (Residential Parcels 1, 3, and 4) and 15 townhome buildings (containing 100 townhome units), all located on a fourth parcel (Residential Parcel 2). Of the 922 units, 96 would be set aside for low-income households, while the remaining 826 units would be offered at market rates.

Phase 1 would provide approximately 601,227 square feet of open space, which would consist of approximately 295,659 square feet of useable open space and approximately 305,568 square feet of landscaped area. Useable open space would include open space for each of the residential buildings. All of the residential areas would include common courtyards for residents, and the Residential Parcel 4 building would also include a rooftop deck. In addition, common open space would be provided adjacent to the Century Theatre building that would consist of approximately 12,934 square feet of outdoor amenity space with a bike hub/fix it station, a shipping container cafe with associated outdoor dining tables, a fire feature, and lounge seating. Adjacent to the Kohl’s building would be 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. West of the Macy’s building would be an approximately 8,984-square-foot common open space area with landscaping and common seating areas. Phase 1 would also include the construction of a Town Square near the center of the project site, which would be approximately 48,075 square feet in size and would contain a large flexible lawn space, a dog park, children’s nature play features, a water feature, a flexible stage, fire features, lounge seating, and game tables.

Landscaping would be provided throughout the project site in the open space, along internal roadways and pedestrian paths, within the surface parking lots, and along the site boundaries. Parking structures or private garages would be provided for each residential building. Nine surface lots would provide an additional 1,903 spaces for commercial uses.

A detailed description of Phase 1 development is provided in Section 3.3.1 of the Draft EIR.

2.1.2 2040 Vision Plan (Phase 2)

Phase 2 (also referred to as the 2040 Vision Plan) would generally include the demolition of the 254,015-square-foot Macy's building and 79,051-square-foot Kohl's building, and the construction of up to 55,440 square feet of new commercial space and up to 500 additional residential units (51 of which would be set aside for low-income households).

Phase 2 of the proposed project would begin with demolition of the Macy's building, the Kohl's building, and Shops 1. New commercial construction during Phase 2 would consist of the construction of two new major tenant spaces, two new shop spaces, and three new retail pads (one of which would be designed to be a drive-through restaurant). Overall, Phase 2 would result in a reduction in gross leasable area on the project site from approximately 501,941 square feet to 217,520 square feet. Therefore, it is estimated that Phase 2 would result in a reduction in employees from approximately 1,434 to 621.

Residential development in Phase 2 includes two new residential buildings that would contain a total of 500 residential units within two apartment-style buildings, each on their own parcel (Residential Parcels 5 and 6). Of the 500 units, 51 would be set aside for low-income households, while the remaining 449 units would be offered at market rates. Accordingly, 10.2 percent of the new units provided under the 2040 Vision Plan would be affordable to low-income households.

Phase 2 would provide approximately 705,384 square feet of open space, which would consist of approximately 377,409 square feet of useable open space and approximately 327,975 square feet of landscaped area. In addition to the useable open space at the residential buildings included in Phase 1, the Residential Parcel 5 building would include four courtyards, a rooftop deck, and additional open space areas totaling approximately 37,838 square feet, and the Residential Parcel 6 building would include two courtyards, a rooftop deck, and additional open space areas totaling approximately 38,308 square feet.

Landscaping would be provided throughout the project site in the open space areas mentioned above, along internal roadways and pedestrian paths, within the surface parking lots, and along the site boundaries. In addition to the parking structures provided for each of the residential buildings, Phase 2 would also include eight surface parking lots throughout the project site, providing 1,325 spaces for commercial uses.

A detailed description of Phase 2 development is provided in Section 3.3.2 of the Draft EIR.

2.2 REVISED PROJECT

On June 4, 2024, the project sponsor re-submitted the project application[2] with a number of design refinements and revised entitlement requests, referred to herein as the "revised project." This submittal occurred after the Draft EIR public comment period ended on March 5, 2024. A comparison between the proposed project evaluated in the Draft EIR and the revised project is provided in Table 2.A.

[2] Merlone Geier Partners, LLC. 2024. Northgate Town Square Redevelopment Plan Refinements Plan Set. June 4.

Table 2.A: Proposed Project and Revised Project Comparison

	Proposed Project Draft EIR	Revised Project Final EIR	Change
Commercial			
Commercial – Phase 1			
Demolition	308,946 sf	308,946 sf	0
Existing to Remain	457,561 sf	457,561 sf	0
New	44,380	44,380 sf	0
Total	**501,941**	**501,941 sf**	**0**
Employees (1 per/350 sf)	**1,423**	**1,423**	**0**
Commercial – Phase 2			
Demolition	339,861 sf	339,861 sf	0
Existing to Remain	162,080 sf	162,080 sf	0
New	55,440 sf	57,300 sf	+1,860 sf
Total - Overall	**217,520 sf**	**219,380 sf**	**+1,860 sf**
Employees (1 per/350 sf)	**621**	**627**	**+6**
Residential			
Residential – Phase 1 (units)			
Residential Parcel 1 (apartments changed to townhomes)	96	38	-58
Residential Parcel 2	100	100	0
Residential Parcel 3	280	280	0
Residential Parcel 4	446	446	0
Total Phase 1	**922**	**864**	**-58**
Residential – Phase 2 (units)			
Residential Parcel 5 (five-story changed to six-story apartment)	251	309	+58
Residential Parcel 6	249	249	0
Total Phase 2	**500**	**558**	**+58**
Total Residential	**1,422**	**1,422**	**0**
Residents (full occupancy)			
Residents – Phase 1 (2.49/unit)	2,296	2,151	-145
Residents – Phase 2 (2.49/unit)	1,245	1,390	+145
Total Residents	**3,541**	**3,541**	**0**
Square Footage			
Total Residential Square Footage	**1,746,936 sf**	**1,766,265 sf**	**+19,329 sf**
Affordable Housing			
Phase 1	96	87	-9
Phase 2	51	56	+5
Total	**147**	**143**	**-4**
Open Space			
Open Space	705,384 sf	654,012 sf	-51,372 sf
Usable Open Space	377,409 sf	329,142 sf	-48,267 sf
Landscape Planting Area	327,975 sf	324,870 sf	-3,105 sf
Landscape %	**16.8%**	**16.7%**	**-0.1%**

Source: Northgate Town Square Redevelopment Plan Refinements Plan Set (Merlone Geier Partners, LLC, June 4, 2024).
EIR = Environmental Impact Report
sf = square feet

The revised project would include the following components; all other aspects of the proposed project as evaluated in the Draft EIR would remain the same.[3] Project changes are further identified in Figures 2-1 through 2-3.

[3] Design refinements that are irrelevant to the analysis in the Draft EIR are not specifically identified in this RTC Document but may be noted in the staff report.

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FIGURE 2-1

N

0 120 240
FEET

SOURCE: MerloneGeier Partners, 6/4/2024

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Northgate Mall Redevelopment Project EIR
Revised 2025 Master Plan

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FIGURE 2-2

N

0 120 240
FEET

SOURCE: MerloneGeier Partners, 6/4/2024

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Northgate Mall Redevelopment Project EIR

Revised 2040 Vision Plan

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FIGURE 2-3

NOT TO SCALE

SOURCE: MerloneGeier Partners, 6/2024

Northgate Mall Redevelopment Project EIR

Revised Town Square Detail

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2.2.1 Building Program

Revisions to the commercial and residential building programs for Phases 1 and 2 of the project are described below.

2.2.1.1 Commercial Buildings

No changes to the commercial building program other than enhancements to architectural details in response to feedback from the September 6, 2023 Design Review Board meeting would occur under Phase 1 of the Master Plan. Phase 2 of the Vision Plan (project buildout) would include a nominal 1,860-square-foot increase in the commercial square footage. Commercial square footage provided by the project would increase from 217,520 square feet to a total of 219,380 square feet at buildout.[4]

2.2.1.2 Residential Buildings

Overall, the revised project increases the total residential square footage by 19,394 square feet from 1,746,936 square feet to 1,766,625 square feet. The total number of units provided (1,422) remains unchanged, although the total number of units by phase would differ. The number of units in Phase 1 would be 864 (a decrease of 58), and the number of units in Phase 2 would be 558 (an increase of 58).

Phase 1 of the Master Plan previously was designed to provide the City's affordable housing requirement for that phase by locating 96 low-income units within a single building dedicated exclusively to affordable housing (Residential Parcel 1). The revised project integrates required affordable housing units throughout the residential structures, thereby providing market-rate and affordable units throughout all residential parcels.

The revised project includes 38 townhome units where the 96-unit affordable housing apartment building was previously located (Residential Parcel 1). The townhomes in Residential Parcel 1 would utilize the same unit prototypes and exterior design as those provided in Residential Parcel 2. The height of the townhome buildings on the Residential Parcel 1 would be 35 feet, a decrease from 58 feet for the 96-unit apartment building previously proposed.

The remaining 58 units would be relocated to the Residential Parcel 5 building, increasing the unit count from 251 to 309 units. To accommodate the additional units, the Residential Parcel 5 building would be six instead of five stories, with an increased height from 58 feet to 68 feet. Elevator

[4] As stated on page 3-26 of the Draft EIR, "the technical reports prepared for the proposed project evaluated 498,661 square feet of commercial area during Phase 1 and a total of 225,100 square feet of commercial area at project buildout (implementation through Phase 2); this minor increase in Phase 1 square footage and decrease in buildout square footage would be negligible and would not substantially change the analysis or conclusions presented in the technical reports prepared for the project (refer to specific topical sections in Chapter 4.0 of this EIR for further explanation). The analysis in this EIR evaluates the maximum development potential for the proposed project." The total commercial square footage for the revised project is still below the total buildout square footage assumed in the Draft EIR analysis.

penthouses and other projections would reach to 90 feet in height, an increase of 15 feet. A rooftop pool deck on top of the parking garage would be provided in the Residential Parcel 5 building.

The revised project would continue to set aside 10 percent of units for affordable housing, with a slight decrease from the proposed project (from 147 to 143) but in full compliance with the City's inclusionary housing ordinance. A total of 87 units would be built during Phase 1, and 56 units would be built during Phase 2.

2.2.2 Landscaping and Open Space

The total square footage of open space would decrease from 705,384 square feet to 654,012 square feet with the revised project. However, the size of the Town Square to be developed during Phase 1 would increase from 48,075 to 56,975 square feet. The synthetic turf has been changed to natural turf. There are also fewer boulders to make the lawn more open and usable. Trees have been added along the perimeter of the open turf space for shade, the Town Square spill-out spaces have overhead cover, and the pavilion has additional seating to provide shade. The large space along the north part of the Town Square would be dedicated for a larger feature playground. The dog park would be moved to a smaller portion of the Town Square. Other minor changes to landscaping and outdoor amenities would also occur.

In addition, no fire pits (using natural gas or any other fuel) would be included in the revised project and they are no longer shown on the June 2024 plans.

As part of the adjustments to the Town Square, the bike hub located in front of the Cinema is slightly reduced in size from 12,934 square feet to 9,604 square feet.

2.2.3 Parking and Circulation

No changes to the total number of parking spaces or circulation are proposed. In order to increase the size of the Town Square, one row of parking as shown in the original proposal has been removed but additional parking has been added in front of nearby Shops 3. The bike rest stop along the corner of Northgate Drive and Las Gallinas Avenue has been adjusted with additional amenities (a water fountain, benches, a dog waste dispenser, and bike racks).

2.2.4 Project Approvals

Table 3.F of the Draft EIR identified that approval of a Development Agreement was anticipated for the proposed project. However, the project sponsor has withdrawn its request for a Development Agreement. Withdrawal of the request for a Development Agreement does not affect the project as described in the Draft EIR or the evaluation of environmental issues.

Specific proposals for the project's requested Master Sign Program were submitted as part of the revised project application.

2.2.5 Project Design Refinements

The landscape, bicycle connectivity plans, and fence/wall plans have been slightly revised to accommodate changes at Residential Parcel 1 and the Town Square and to address Design Review Board (DRB) comments related to uses, amenities, and screening of and between uses.

Modest changes to project design/architecture, landscape, and open space areas throughout the site include but are not limited to:

- Adding color fiber cement siding and slate stone veneer to buildings;
- Adding a stone base to selected elevations;
- Further articulating building elevations with stone bases, horizontal trim, and vertical breaks;
- Incorporating gabled canopies to building frontages facing the Town Square;
- Modifying storefront awnings and light fixtures to enhance pedestrian experiences at ground level;
- Adding trellises to private decks above two-story bases facing the Town Square;
- Replacing porcelain tile with warm-colored stone veneer on selected elevations;
- Adding a variety of plaster colors; and
- Providing additional varied landscaping at selected intersections to provide better gateway differentiation.

2.3 ENVIRONMENTAL EFFECTS OF THE REVISED PROJECT

The Draft EIR provided a discussion of potential impacts related to the following topics:

- Land Use and Planning
- Population and Housing
- Visual Resources
- Cultural Resources
- Tribal Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Transportation
- Air Quality
- Greenhouse Gas Emissions
- Noise
- Public Services and Recreation
- Utilities and Service Systems
- Energy

The project revisions described above are relatively minor in nature, would not substantially change the uses or alter the overarching physical changes or objectives of the proposed project as detailed in the Draft EIR, would not extend beyond the current limits of the project site, would not substantially increase the overall amount of development proposed, would not include new uses previously not considered in the Draft EIR, and would not alter the type of utility, infrastructure, and/or service requirements necessary for the construction and occupation/operation of the proposed uses. As further explained below for each environmental issue topic evaluated in the Draft EIR, the revised project does not add significant new information to the Draft EIR or substantially alter the analysis or conclusions in the Draft EIR.

2.3.1 Land Use and Planning

Similar to the project evaluated in the Draft EIR, the revised project would result in the redevelopment of the existing mall through demolition, renovation, and new construction with a mix of commercial and residential land uses. Changes in the type and location of residential units, the minor increase in overall commercial space, changes to the location and size of the Northgate Town Square, and the project design refinements would not disrupt or divide an existing community.

The proposed project evaluated in the Draft EIR was found to "generally be consistent with the overall vision and intent of the General Plan," fitting within the overall development assumed under the City's General Plan, as well as the specific density requirements for the project site (see Draft EIR, pg. 4.1-9) As shown on Table 4.1.A of the Draft EIR (see pg. 4.1-13), the proposed project would only be partially consistent with General Plan Policies C-4.2B, C-4.5, and C-5.2 (climate change policies) because the project would allow use of natural gas appliances in commercial kitchens, and Policies N-1.2, N-1.5, and N-1.9 (noise standards) because the project could result in noise levels at on-site residences that would exceed the City's land use compatibility standards. The project revisions do not change the proposed use of natural gas or substantially alter the amount of commercial square footage; therefore, these inconsistencies would remain. As discussed in Draft EIR Section 4.12, Noise, the introduction of new residential-type, noise-sensitive receptors on the project site would be exposed to noise levels in excess of City standards and would require some applied noise reduction or other project design feature at on-site outdoor-exposed heating, ventilation, and air conditioning (HVAC) systems, subsurface parking level ventilation systems, and/or above-grade exposed parking areas. These noise reduction methods, further detailed below as part of the on-site noise compliance requirements (see Draft EIR, Mitigation Measure NOI-2, pg. 4.12-31) may not be sufficient to attain noise reduction needs at affected future on-site residential receptors so that noise levels would exceed the applicable City standard; therefore, under the proposed project, this noise impact would be significant and unavoidable and would result in inconsistency with Policies N-1.2 and N-1.5. The revised project does not change the number or overall location of new residential on-site noise sensitive receptors. The change in unit type from apartment to townhome in Residential Parcel 1 results in the movement of units to Residential Parcel 5 (adding a sixth floor), an area previously planned for multi-family residential development. The noise impacts resulting from the construction and operation of the revised project would be no more severe than those previously identified with the proposed project. Therefore, similarly, the partial inconsistency with General Plan Policies N-1.2, N-1.5, and N-1.9 (noise standards) would still occur.

The City may determine that, overall, compliance with the vision and intent of the General Plan has been achieved, and these impacts have been mitigated to the extent feasible, given applicable economic, legal, social, technological, and other considerations. Due to the similar nature to the proposed project, a less than significant impact related to consistency with General Plan policies adopted to mitigate adverse environmental impacts would result from implementation of the revised project.

2.3.2 Population and Housing

Like the proposed project, the revised project would result in the redevelopment of the existing mall through demolition, renovation, and new construction to accommodate a mix of commercial and residential land uses. A minor increase (1,860 square feet) of commercial space would be provided under Phase 2. Commercial square footage provided by the project would total 219,380 square feet. Though the number of residential units provided on site remains unchanged, residential square footage is increased by 19,394 square feet to 1,766,625 square feet. At full buildout, slightly more than 10 percent of the proposed residential units (i.e., 143 of the 1,422 units) would be provided to Below Market Rate (BMR) households in compliance with Section 14.16.030 of the City's Zoning Ordinance.[5] While the revised project provides slightly fewer BMR housing units than the original project (147 versus 143), it still exceeds the affordable housing requirement established by the City.

Construction of the proposed project would provide short-term construction jobs with buildout expected by 2040. Many of the construction jobs for each phase would be temporary and specific to the different types of construction activity. Generally, construction workers are only at a job site for the time frame in which their specific skills are needed to complete that phase of construction. Although the proposed project would slightly increase the number of employees at the project site during construction activities, it is expected that local and regional construction workers would be available to serve the construction needs of the project, and construction workers would not be expected to permanently relocate their household as a consequence of working on the proposed project due to the short-term nature and localization of the construction work (see Draft EIR, pg. 4.2-12). Due to the similarity in the type, scale, and extent of construction required under the revised project, no substantial change in the type or duration of construction or requirement for construction workers would occur. Although some existing commercial spaces are currently vacant, based on a ratio of 1 employee per 350 square feet, full occupancy of *existing* commercial uses would employ up to 2,190 people (or 2,081 people assuming an average 5 percent vacancy). Due to the limited increase in commercial space, at full occupancy, the revised project would provide up to 627 jobs, a slight increase compared to the 621 jobs provided by the proposed project. Refer to Master Response 3 in Chapter 4.0 of this RTC Document for additional discussion regarding vacancy assumptions.

Based on San Rafael's average household size of 2.49 persons, which applies to a range of housing types as outlined in the General Plan (and is thus conservatively applied to the proposed townhome and apartment development), because the number of residential units provided under the proposed and revised project do not differ from that identified in the Draft EIR, no change in the population increase identified in the Draft EIR would occur. The site's contribution to population increase in the city (64 and 39 percent of San Rafael's anticipated population growth by in 2025 and 2030, respectively) would remain unchanged under the revised project (see Draft EIR, pg. 4.2-13). Therefore, similar to the proposed project, the revised project is consistent with the forecasted

[5] Section 14.16.030 requires that a minimum of 5 percent of the units be provided on site as BMR. While the City's Zoning Ordinance only requires 5 percent to be located on the project site, all of the affordable units would be provided on the project site. Additionally, very-low-income units are not required by the City. Affordable units would consist of units restricted to low-income households. Low-income households are those earning between 51 and 80 percent of the area median income, subject to adjustment factors.

population growth planned for in the San Rafael General Plan 2040 and Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) Projections 2040, and the revised project would not result in substantial unplanned population growth. Instead, the revised project would contribute to the needed and planned supply of housing, including affordable housing. Therefore, like the proposed project, impacts under the revised project would be less than significant.

Because residential uses are not currently located on site, neither the proposed nor the revised project would directly displace people or housing units, thereby necessitating the construction of housing elsewhere; therefore, impacts would remain less than significant.

2.3.3 Visual Resources

Because it entails redevelopment of the project site in substantially the same manner, the revised project would have similar impacts on the aesthetic condition of the project area. Under the revised project, the large residential building on Residential Parcel 1 would be replaced by townhomes. To accommodate the change and number of units, 58 units would be added to the Residential Parcel 5 building, thereby increasing its parapet height to 68 feet. The heights of townhome buildings on Residential Parcel 1 would be reduced in height from 58 to 35 feet. Similar to the proposed project, the revised project would result in an increase in density and intensity of uses at the project site that would partially or further obstruct already limited views of surrounding hillsides and mountains, including San Pedro Ridge to the east and San Rafael Hill to the south. Because the seven-story Residential Parcel 4 building is located directly south of the Residential Parcel 5 building, increasing the height of the Residential Parcel 5 building to 68 feet would not substantially obstruct views to a greater extent than that which has already been assessed in the Draft EIR (see Draft EIR, Figures 4.3-7 and 4.3-8). Intermittent views of surrounding hillsides and mountains would still be available from all six representative viewpoints that depict publicly accessible views of the project site. Furthermore, because hillside views are already obstructed under existing conditions, existing views from the project site and surrounding areas are not considered to be of such high quality as to constitute a scenic vista. The small increase in commercial square footage, changes to the size and configuration of the Northgate Town Square, and design changes related to façade treatments, landscaping, and outdoor amenities (e.g., walls, trellises, canopies) would not substantially alter or adversely affect public views of the site. Therefore, similar to the proposed project, the revised project would not substantially or completely block public views of identified scenic resources, no new or substantially more severe significant impact to scenic resources and vistas would occur, and impacts would remain less than significant.

The nearest eligible State Scenic Highways include State Route 37 (SR-37) and US-101 in Novato, both of which are located approximately 5 miles north of the project site. The nearest officially designated State Scenic Highway is Interstate 580 (I-580) in Oakland, which is located approximately 19.4 miles southeast of the project site. Because the location of the project site is unchanged, similar to the proposed project, the revised project would have no impact on scenic resources within a State Scenic Highway.

Due to its similar nature and scale of development, compared to the project assessed in the Draft EIR, the revised project would have an equal effect on the visual character of the project site. This

change would result from the demolition of existing structures, construction of new buildings and associated improvements, and intensification of existing land uses. The revised project would still rezone the site to the Planned Development (PD) District, allowing for flexibility in the design and development of mixed uses that is responsive to site conditions. As with the proposed project, the revised project is undergoing Environmental and Design Review to ensure that the project meets all the guidelines, standards, and objectives related to building design and aesthetics and that the project's design is compatible with and appropriate for its surroundings. Compliance with the goals, policies, and programs in the General Plan, ordinances in the San Rafael Municipal Code, and additional City standards related to scenic quality would ensure that development under the revised project would not conflict with the San Rafael General Plan or impede attainment of a complementary visual relationship between the site and existing and planned uses in the project area. As such, no new or substantially more severe significant impact would result from development of the revised project; similar to the proposed project, impacts would be less than significant.

The project site is located in an urban area with a variety of existing light sources, including street and parking area lights, interior and exterior building lighting, and light associated with traffic on nearby roadways. Similar to the proposed project, the revised project would introduce new sources of light and glare to the area in the form of new windows, new interior lighting, new exterior safety and security lighting, and vehicle lighting. While building heights up to 68 feet with projections up to 90 feet would make light from the project site noticeable from off-site locations, it would be absorbed and blended into the overall lighting patterns that already exist in the area. The revised project would be subject to various Municipal Code and General Plan requirements that would minimize potential impacts related to light and glare that may result from the increase in intensity at the project site. As such, implementation of the proposed project would not create a source of light and glare that would substantially or adversely affect day or nighttime views in the area, and this impact would be less than significant. Because the Residential Parcel 5 building under the revised project would be only 10 feet taller than the height previously assessed in the Shadow Study prepared for the proposed project and because of the distance of surrounding off-site uses from the Residential Parcel 5 building, the revised project would not cast new shadows on surrounding off-site uses, including the open space areas to the southeast, across Los Ranchitos Road. In particular, during the winter solstice, when shadows are generally the most prominent, new shadows from Residential Parcel 5 would only be cast on existing or proposed buildings on the project site, and the Draft EIR's conclusion would not change with the minor increase in building height for the Residential Parcel 5 building. Therefore, no new or substantially more severe significant impact would result from development of the revised project and, similar to the proposed project, impacts would be less than significant.

2.3.4 Cultural Resources

The revised project would not substantially increase the project footprint, alter the type and function of proposed use, or extend construction beyond the current project limits; therefore, no change in the analysis or conclusions of the Draft EIR analysis as it relates to cultural resources would occur. The demolition of buildings, project grading, and the installation of new buildings, including excavations for building foundations and utility, would be essentially the same as that identified and analyzed in the Draft EIR.

The Northgate Mall does not appear to be eligible for inclusion individually or as part of a historic district in either the National Register of Historic Places (National Register) or California Register of Historical Resources (California Register), or as a city landmark. Therefore, the Northgate Mall does not qualify as a historical resource pursuant to the National Register or California Register criteria (Draft EIR, pg. 4.4-21), nor does it appear eligible for listing as a City landmark (Draft EIR, pg. 4.4-22). The project site is located adjacent to, but not within, the Terra Linda Valley neighborhood, a historic resource that appears eligible for listing as a city landmark. Like the proposed project, the revised project would not result in modifications to any of the buildings, contributing elements, or character-defining features of the historic district, nor would its operation disrupt or diminish the architectural significance of the Terra Linda Valley neighborhood; therefore, no impact would occur.

While no archaeological resources were encountered during the archaeological field survey conducted as part of the Draft EIR analysis (refer to Draft EIR, pg. 4.2-26), a moderate potential exists for the discovery of prehistoric archaeological resources due to the flat topography and the previous presence of a drainage to the south fork of Gallinas Creek. Because the location, type, or uses proposed are not substantially altered, this finding would apply equally to the project as modified under the revised project.

Similar to the proposed project, the revised project would result in potential archaeological resource impacts; however, these impacts would not be more severe than those identified in the Draft EIR. Implementation of Draft EIR Mitigation Measures CUL-1a through CUL-1c would be required to ensure that impacts to archaeological resources would be reduced to a less than significant level.

2.3.5 Tribal Cultural Resources

Although the project site is fully developed, tribal cultural resources still may exist below the paved areas on the project site that originally experienced limited and shallow soil disturbance, or at a deeper depth below existing buildings with shallow foundations. Additionally, as described in Section 4.6, Geology and Soils, the eastern portion of the site is covered by fill up to 20 feet deep. Placement of fill materials could have removed or dispersed native soils and any associated archaeological materials across the site. While excavation across the entire project site is not anticipated to extend to this depth, excavation could occur to this depth in areas of the project site, especially where basement levels are being removed or utility trenches would be installed. If significant tribal cultural resources are unearthed during project construction, a substantial adverse change in their significance could occur from their demolition, destruction, relocation, or alteration such that the significance of the resources would be materially impaired through loss of information important to the Federated Indians of the Graton Rancheria (see Draft EIR, pg. 4.5-5.)

The revised project would not substantially increase the project footprint, alter the type and function of proposed uses, or extend construction beyond the current surface or subsurface project limits; therefore, no change in the analysis or conclusions of the Draft EIR analysis as it relates to tribal cultural resources would occur. Similar to the proposed project, the revised project would result in potential impacts to tribal cultural resources. These impacts, however, would not be more severe than those identified in the Draft EIR and, with the implementation of Draft EIR Mitigation Measures TCR-1a and TCR-1b, would also be mitigated to a less than significant level.

2.3.6 Geology and Soils

The geologic and soils conditions of the site are identified in Section 4.6 of the Draft EIR. These existing conditions would equally affect any revised development undertaken on the project site. The revised project does not extend the project beyond the existing site boundaries, nor does it substantially alter the number, type, or location of planned uses. The change in unit type from apartment to townhome in Residential Parcel 1 results in the movement of units to Residential Parcel 5 (adding a sixth floor), an area previously planned for multi-family residential development. Other project refinements, including a slight increase in commercial space and expansion of the Northgate Town Square, occur within areas for which impacts have already been determined to be less than significant for fault rupture, ground shaking, liquefaction, landslide, or lateral spreading. Therefore, due to the similar type, scale, and location of the revised project, potential impacts related to these seismic conditions during the construction and operation of the revised project would be similar to the proposed project and less than significant.

Similar to the proposed project, the revised project could expose occupants to seismic hazards related to expansive soils and settlement/subsidence/collapse. The Geotechnical Investigation indicates that excavated on-site soil is generally not suitable from a geotechnical perspective for reuse as engineered fill or backfill. The Geotechnical Investigation includes recommendations to address expansive soils (including the selection, placement, and compaction of engineered fill beneath proposed improvements) and maintaining surface drainage so that runoff would be collected in lined ditches or drainage swales, and would not pond adjacent to foundations, roadways, pavements, retaining walls, or slabs (Draft EIR, pg. 4.6-15). Mitigation Measure GEO-1 (Lining of Bioretention Planters) (Draft EIR, pg. 4.6-16) would control the risk of damage to proposed and existing improvements that may result from expansive soils. Mitigation Measure GEO-2 (Preparation of a Design-level Geotechnical Report) would ensure that potential impacts related to static settlement, subsidence, or collapse of unstable soil would be minimized to the extent feasible through compliance with site-specific construction and engineering practices to be detailed in a design-level geotechnical report. Compliance with these measures would ensure that impacts are reduced to below a level of significance and consistent with accepted practices throughout the State.

Because the revised project includes the development of the same uses within the same project footprint, a similar potential impact related to expansive and unstable/collapsible soils would occur. Mitigation Measures GEO-1 and GEO-2 are equally applicable and appropriate for development of the revised project. Because the revised project would implement these measures, the revised project would similarly reduce impacts from these geologic conditions to a less than significant level; therefore, no impact more severe than that identified in the Draft EIR would result from the project refinements.

There are no unique geologic features at the project site; therefore, the revised project would not impact any such feature. Due to the similarities in location and use, the revised project would include similar excavation activities for construction of foundation features and utilities, which could potentially encounter and damage or destroy paleontological resources. Therefore, the revised project has a similar potential to affect paleontological resources that may be present in the site's native soil and bedrock. The Draft EIR (pg. 4.6-22) identified Mitigation Measure GEO-3

(Paleontological Resource Protection) that would be equally applicable and appropriate to implement during the construction of the revised project. The revised project would not result in impacts more severe than that associated with the proposed project. With the implementation of Mitigation Measure GEO-3, similar to the project assessed in the Draft EIR, paleontological resource impacts resulting from development of the revised project would be reduced to a less than significant level.

2.3.7 Hydrology and Water Quality

Stormwater runoff from the project site is captured in catch basins and conveyed through underground storm drains located throughout the project site that discharge into larger diameter storm drains located around the perimeter of the project site, including those that drain to 49-inch-diameter storm drains along Los Ranchitos Road and Las Gallinas Avenue, which converge near Merrydale Road, discharge into a culvert that crosses beneath US-101, and then discharge into a drainage channel that connects to the south fork of Gallinas Creek. Stormwater runoff from the project site is not currently treated to remove contaminants (see Draft EIR, pg. 4.7-1). Groundwater has been encountered at depths ranging between approximately 11 feet and 33 feet during past geotechnical investigations of the project site. Groundwater was encountered at depths as shallow as approximately 7 to 10 feet in the southeast portion of the project site during groundwater sampling activities performed in June 2017.

Because the revised project entails substantially the same type, level, and location of development, similar to the proposed project, the revised project would involve construction activities such as excavation, grading, and groundwater dewatering, which can increase the potential for erosion and sedimentation from stormwater runoff and for the leaching/transport of potential contaminants from disturbed soil. Construction activities would also involve the use of construction materials, equipment, and hazardous materials that can be sources of stormwater and groundwater pollution. If stormwater contacts disturbed soil and/or improperly stored hazardous materials, sediments and contaminants could be entrained in stormwater runoff that could reach waterways and degrade water quality, potentially resulting in a violation of water quality standards.

The Construction General Permit allows the discharge of non-contaminated dewatering effluent if the water is properly filtered or treated using appropriate technology. In accordance with Construction General Permit requirements, a Stormwater Pollution Prevention Plan (SWPPP) would be developed and implemented to identify all potential pollutants and their sources, including a list of site-specific Best Management Practices (BMPs) to reduce discharges of construction-related stormwater pollutants. The SWPPP would include a detailed description of controls to reduce pollutants and outline maintenance and inspection procedures. Furthermore, and if approved by the Regional Water Quality Control Board (RWQCB,) site-specific Waste Discharge Requirements (WDRs) required under National Pollutant Discharge Elimination System (NPDES) would be implemented. These site-specific WDRs contain rigorous monitoring requirements and performance standards that, when implemented, ensure that receiving water quality is not substantially degraded.

As discussed in Section 4.8 of the Draft EIR, Mitigation Measure HAZ-2 (Soil and Groundwater Management Plan) requires the project sponsor to engage with the appropriate regulatory agency to provide oversight of additional subsurface investigation at the project site, preparation and

implementation of a Soil and Groundwater Management Plan (SGMP) due to the potential for detectable levels of contaminants (percholoroethylene) used at former businesses on the project site, and the project's potential to contribute groundwater contamination. The SGMP would include guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements. Additionally, Mitigation Measure HYD-1 (Prevent Potential Groundwater Contamination Migration) requires evaluation pursuant to the appropriate agency (e.g., RWQCB) and the implementation of measures to prevent the migration of groundwater contamination during dewatering activities.

The proposed project would be required to implement post-construction stormwater management and treatment measures to reduce pollutant loads in runoff in accordance with Section E.12 of the Small Municipal Separate Storm Sewer System (MS4) Permit. The project must prepare a Stormwater Control Plan (SCP) that describes how runoff would be routed to Low Impact Development (LID) stormwater treatment facilities that are sized and designed using either volumetric or flow-based criteria specified in the Small MS4 Permit, and the SCP must be approved by the City. The City's review of the project designs and SCP would ensure that the project complies with the stormwater control and treatment regulations discussed above. Because stormwater runoff from the project site is not currently treated and the project would include stormwater treatment, the project would result in less contamination of surface water than existing conditions. The revised project would be required to adhere to these same standards and requirements. Further, the Northgate Town Square would be expanded and the turf material changed from synthetic to natural cover. Similar to the project evaluated in the Draft EIR, because the revised project would include the use of municipal recycled water for all landscape irrigation, the revised project must be designed and managed such that no untreated stormwater discharge occurs unless it is the result of the 25-year, 24-hour storm event in accordance with the City's Municipal Code. Furthermore, recycled water is highly regulated by the State Water Resources Control Board (SWRCB) and is treated to a quality that reduces pathogen levels to below thresholds that would affect public health; therefore, recycled water is safe for recreational use.[6]

Due to the similar type, extent, and location of the uses planned in the revised project, Mitigation Measures HYD-1 and HAZ-2 are equally applicable and effective to reduce impacts to surface and groundwater. The revised project does not include changes in type, use, or location that alter the previous analysis, and no new impact or more severe impact than that identified in the Draft EIR would result from the construction or operation of the revised project; therefore, similar to the proposed project, potential impacts related to water quality, waste discharge requirement, and/or the degradation of surface or groundwater quality would be less than significant with mitigation.

Similar to the proposed project, the revised project could require a substantial amount of excavation dewatering for construction of proposed underground parking structures in the southeast and eastern portions of the project site. These areas of the project site, however, are not located within a designated groundwater basin, and the dewatering during construction would be temporary and

[6] Marin Water. 2024. Recycled Water Webpage. Website: https://www.marinwater.org/recycledwater (accessed August 2024).

localized; therefore, dewatering in these areas would not result in depletion of a significant groundwater supply resource or related impacts.

Compared to the existing condition, the amount of pervious area provided under the proposed project would be increased by 0.8 acre (see Draft EIR, pg. 4.7-22). Under the revised project, the large residential building on Residential Parcel 1 would be replaced by townhomes covering the same footprint. To accommodate the units, a sixth floor would be added to the Residential Parcel 5 building with no change to the building footprint. A negligible increase in the commercial area footprint and resulting impermeable surface area would occur but would be offset by the larger increase in the overall Northgate Town Square's permeable surface footprint and change from synthetic to natural turf, which would increase opportunities for groundwater infiltration. Given these minimal changes under the revised project, the overall volume and pattern of infiltration on the project site would not substantially change from what was evaluated in the Draft EIR, and no new or more severe impacts would result. Further, final runoff calculations and drainage system designs will be developed during the final design stage and documented in the Final Grading Plan and Drainage Plan as well as the Stormwater Control Plan as required by the Municipal Code.

The number of residences provided on site is not altered under the revised project, and the proposed commercial space is only nominally increased; therefore, no substantial change in water demand is anticipated with the revised project. Amenities such as the new rooftop pool over the Residential Parcel 5 building would only nominally increase water usage. In addition, recycled water would be used for outdoor landscaping, and the increase in the size of the Northgate Town Square and change from synthetic to natural turf would not increase potable water demand and therefore would only nominally increase recycled water use. Although no groundwater was pumped in 2020 to make up Sonoma Water's supplies, and Marin Water neither pumps groundwater nor plans to use groundwater as a supply source in the future, groundwater is supplied by Sonoma Water during drought conditions (Draft EIR, pg. 4.7-24). In order to ensure that the proposed project would not interfere with sustainable management of groundwater recharge in the Santa Rosa Plain Subbasin, the Draft EIR identifies Mitigation Measure HYD-2 (Water Supply Coordination) as requiring a project-specific Water Supply Assessment (WSA) be provided to Sonoma Water so that the project is appropriately included in future water management plan projections. This measure is equally effective and applicable to the revised project; therefore, no new or substantially more severe significant impact would result from development of the revised project. Similar to the proposed project, impacts on groundwater supplies and groundwater sustainability resulting from development of the revised project would be less than significant with mitigation.

Construction activities occurring under the revised project would generally involve a similar amount of excavation and grading, which would temporarily expose soil to potential erosion and increase the risk of siltation in storm drainage systems and receiving waters. As previously stated, compliance with the Construction General Permit, the City's Small MS4 Permit, and the SCP would be similarly required under the revised project, thereby ensuring that potential impacts related to erosion of exposed soil or sedimentation would be less than significant. No new or substantially more severe significant impact would result from development of the revised project.

The project would alter the surface water drainage patterns on the project site by altering impervious/pervious surfaces and installing new stormwater treatment and drainage facilities. It is

not clear whether the proposed on-site stormwater infrastructure could accommodate the peak flow rate from a 100-year storm event (see Draft EIR, pg. 4.7-25). The drainage channel on the east side of US-101 that receives runoff from the project site could be affected by sea level rise that could affect future drainage conditions at the project site and surrounding areas. If 100-year storm runoff would exceed the capacity of proposed on-site stormwater infrastructure, flooding potentially could occur on the project site or runoff from the project site could contribute to flooding of surrounding roadways, which could impede evacuation along key roads. Due to the substantially similar nature of type, extent, and configuration of uses, a similar condition would occur under the revised project. Mitigation Measure HYD-3 (Hydraulic Modeling) requires modeling and evaluation of whether runoff from the site and surrounding properties would result in on-site flooding and, if so, to identify and incorporate additional stormwater retention systems into the project design to ensure that flows on the site would not result in on-site or contribute to off-site flooding. This mitigation is equally applicable and appropriate to development of the site under the revised project. Similar to the proposed project, the implementation of Mitigation Measure HYD-3 would reduce impacts to a less than significant level with mitigation; therefore, no new or substantially more severe significant impact would result from development of the revised project.

Because the project site is not located within a flood hazard zone or a tsunami hazard area (seiches are not considered a hazard in San Francisco Bay) and because there are no other water bodies located near the project site that could generate a seiche, regardless if the proposed project or revised project were developed, the potential impacts related to the release of pollutants as a result of flooding, tsunami, or seiche would remain less than significant.

2.3.8 Hazards and Hazardous Materials

Construction of the proposed project would result in the generation of various waste materials that would require recycling and/or disposal, including some waste materials that could be classified as hazardous waste. Operation of the project would involve the routine storage and use of small quantities of commercially available hazardous materials for routine maintenance (e.g., paint and cleaning supplies). In addition, equipment installed or replaced at the project site (e.g., hydraulic elevator systems) may involve the storage of hydraulic fluid, fuels, and other hazardous materials (Draft EIR, pgs. 4.8-17 and 4.8-18). Due to the similar nature of type, location, and function of the uses under the revised project, impacts associated with the use of hazardous materials during construction and operation of the on-site uses would be similar. Adherence to standard local, State, and federal regulations governing the routine use, transport, or disposal of hazardous materials is equally applicable and appropriate for development of the site under the revised project. No new or substantially more severe significant impact would occur; therefore, similar to the proposed project, impacts would be less than significant.

The City's General Plan includes Programs S-5.4A (Use of Environmental Databases in Development Review), S-5.4B (Hazardous Soils Clean-Up), S-5.4C (Environmental Site Management Plan [ESMP]), and S-5.4D (Soil Vapor Intrusion Assessment), which require working with appropriate agencies to require remediation and cleanup prior to development of sites where hazardous materials have impacted soil or groundwaters. As discussed in Section 4.8 of the Draft EIR and Section 2.3.7 above, Mitigation Measure HAZ-2 (Soil and Groundwater Management Plan) requires the project sponsor to engage with the appropriate regulatory agency to provide oversight of additional subsurface

investigation at the project site, and preparation and implementation of an SGMP. The SGMP would include guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements. This measure is equally applicable and appropriate for development of the revised project. No new or substantially more severe significant impact would occur; therefore, similar to the proposed project, impacts would be less than significant with mitigation.

Similar to the proposed project the revised project includes the demolition and renovation of structures and features that may require the removal of hazardous materials, (e.g., asbestos, lead-based paint, heavy metals, polychlorinated biphenyls [PCBs]) (Draft EIR, pgs. 4.8-19 and 4.8-20). Mitigation Measure HAZ-1 (Hazardous Building Materials Survey) requires an evaluation of the structures to be demolished to document the absence/presence of PCBs and other hazardous building materials and to provide abatement specifications (as required), with any abatement conducted per applicable laws and regulations prior to demolition or renovation of existing structures on site. This measure is equally applicable and appropriate for development of the site under the revised project. No new or substantially more severe significant impact would occur; therefore, similar to the proposed project, impacts would be less than significant with mitigation.

The revised project envisions the demolition, construction, and operation/occupation of uses substantially similar to that addressed in the Draft EIR. The revised project does not alter the site location, nor does it include a new or different use that would have a substantially greater effect at nearby schools. Compliance with existing local, State, and federal regulations governing the transport, use, storage, and/or disposal of hazardous materials, as well as implementation of Mitigation Measures HAZ-1 and HAZ-2 would, similar to the proposed project, ensure that impacts associated with the revised project would remain less than significant. No new or substantially more severe significant impact would occur.

While underground storage tanks (USTs) and some petroleum hydrocarbon contamination have been recorded near the former Sears Auto Center, the project site has not been designated as a leaking underground storage tank (LUST) site by the SWRCB. The extent and manner of ground disturbance required for redevelopment of the project site under the revised project would be similar to that already evaluated in the Draft EIR. Should the site be designated as an LUST and/or be listed pursuant to Government Code Section 65962.5, similar to the proposed project, implementation of Mitigation Measure HAZ-2 would be equally applicable and effective during development of the revised project. This measure requires that the investigation and remediation of the project site would be performed under regulatory agency oversight, which would ensure that potential impacts related to subsurface contamination would be less than significant.

The revised project shifts 58 units from Residential Parcel 1 to Residential Parcel 5. To accommodate the addition of units, the Residential Parcel 5 building would be increased to six stories, with a parapet height of 68 feet. This revision does not exceed the maximum height for other residential structures on site. No change in the location or extent of the project site would occur under the revised project. The nearest airport to the project site is the San Rafael Airport, a small private airport located approximately 1 mile northeast of the project site that does not have a land use plan. The nearest public airport to the project site is the Marin County Airport at Gnoss Field in Novato, approximately 9 miles to the north. The project site is not located within the land use plan area for

the Marin County Airport at Gnoss Field and is not located within 2 miles of a public airport or public use airport. Therefore, similar to the proposed project, the revised project, including the increased building height of the Residential Parcel 5 building, would not have an adverse effect on aviation safety or flight patterns.

The City's General Plan contains many policies and programs related to local planning and development decisions to ensure compliance with existing emergency response and evacuation plans, and the projected population for the proposed project was accounted for in General Plan buildout assumptions. Because the revised project does not increase the number of residential uses or significantly increase overall commercial square footage on site, any demand for emergency response resources and service would be similar to that required of the proposed project. Because development would remain within the limits of the site identified in the Draft EIR and because no intensification of uses would occur, similar to the proposed project, the revised project would not impair or interfere with implementation of the established emergency response-related plans discussed above. Implementation of the City's General Plan policies and programs would ensure that the City maintains an effective emergency response program that accounts for development of the project. Appropriate and adequate emergency access would continue to be provided to and through the project site. Additionally, due to the similar scale and type of uses, like the proposed project, the revised project could result in an overall reduction in traffic on the surrounding roadway network over the course of the day and during the critical p.m. hour. Because construction activities would be temporary in nature under either the proposed or revised project, any road closures would require the preparation of a traffic control plan and the approval of appropriate permits from the City. The implementation of traffic control and access provisions and permit requirements would ensure that adequate and appropriate emergency response and evacuation access is maintained. No new or substantially more severe significant impact than that identified in the Draft EIR would occur during construction and operation of the revised project; therefore, like the proposed project, impacts would be less than significant.

2.3.9 Transportation

Due to the removal of a substantial amount of square footage from the existing commercial center, the trip generation calculated at buildout (Phases 1 and 2) identified an overall reduction of 8,384 daily trips and 886 PM peak-hour trips from the existing condition. Compared to the existing condition, AM peak-hour trips would be increased by 177 trips under full buildout of the project. See Draft EIR, Table 4.9.D for both phases of the proposed project. The overall number of units is unchanged, and the increase in overall commercial square footage is minimal and below what was analyzed in the technical analyses that support the Draft EIR analysis; thus, similar to the proposed project, a traffic signal is not warranted at any of the study intersections, and the proposed project would result in a less than significant impact related to the need for intersection improvements. Under the proposed project, vehicle queues at intersections in the project vicinity would either be contained within the existing turn-lane capacities, or the queue increase in a turn lane with an existing deficient stacking distance would be less than the established threshold of 50 feet (refer to Draft EIR pg. 4.9-19 and the Traffic Impact Study [TIS]); therefore, the proposed project would not create an excessive vehicle queue spillback that could periodically block or interfere with pedestrian, bicycle, or transit facilities, and impacts would be less than significant. Due to the overall similarity

of the revised project to the project assessed in the Draft EIR, impacts related to signalization and vehicle queuing would be similar and less than significant.

The revised project includes transit, bicycle, and pedestrian amenities that are generally similar to those provided under the proposed project. Existing transit routes are adequate to accommodate project-generated trips, and existing transit stops are within an acceptable walking distance of the site. Because the overall location, type, and amount of uses to be developed will not substantially change, the revised project would not result in changes in the demand for transit, bicycle, and pedestrian facilities. Neither the proposed nor revised project would interfere with the existing, or preclude the construction of, planned transit, pedestrian, or bicycle facilities. Because the proposed project is consistent with the plans, ordinances, and policies that address the circulation system (see Draft EIR, Table 4.9.E) and because the revised project retains the same number of units and includes only a minimal increase in commercial uses, no new or substantially more severe significant impact would occur; therefore, like the proposed project, impacts related to program/policy consistency similarly are less than significant.

For analysis of the residential uses, the vehicle miles traveled (VMT) associated with all home-based trips made by residents are assessed. The associated average residential VMT per capita is calculated by summing the total vehicle mileage and dividing it by the projected number of residents. Because the number of units and resultant population under the revised project is unchanged, the residential VMT per capita at buildout would be similar (10.7) and, similar to the proposed project, would not exceed the VMT per capita threshold of 11.3; therefore, no new or substantially more severe significant impact would result from implementation of the revised project, and impacts would remain less than significant. In the year 2040 with buildout of Phase 2, the total retail VMT is projected to be approximately 81,100 miles less per day than “no build” conditions (see Draft EIR, Table 4.9.G). The minor addition (1,860 square feet) of commercial uses under the revised project would not substantially increase project VMT to a point where it exceeds the “no build’ condition; therefore, no new or substantially more severe significant impact related to commercial VMT would occur. In addition, the Draft EIR’s technical analysis assumed a larger commercial square footage and the revised project is still below this number. Similar to the proposed project, commercial VMT impacts would be less than significant.

With implementation of the proposed project, the driveways 230 feet and 140 feet north of Los Ranchitos Road-Las Gallinas Avenue/Northgate Drive would be removed, and the driveway 100 feet west of Northgate Drive/El Faisan Drive would be moved to Northgate Drive/El Faisan Drive, thereby converting the existing tee intersection into a four-legged intersection. The other driveways would remain unchanged. These changes would be equally implemented under the revised project. Sight and stopping distances from each driveway are adequate for the posted/recorded speed except for the driveway 280 feet north of Northgate Drive/Thorndale Drive. Due to the dense vegetation south of this driveway combined with vertical grade on the driveway ascending up to the roadway, the sight distance at this intersection would be inadequate under either the proposed or revised project; therefore, the potentially hazardous design is a potential significant impact. Mitigation Measure TRA-1 requires submittal of plans that show the removal of vegetation to a point where appropriate line of sight is maintained. This measure is equally applicable to the revised project and,

like the proposed project, would ensure that impacts are reduced to a less than significant level. No new or substantially more severe significant impact would occur.

The City of San Rafael Municipal Code Chapter 4.08 adopts the 2019 California Fire Code with several amendments regarding emergency access. With regard to traffic, a fire access road of at least 20 feet in unobstructed width must be provided within 150 feet of all exterior building walls. Both phases of the proposed project would include a network of interior roads and parking aisles at least 20 feet wide that provide access within 150 feet of all building exteriors when combined with the public streets of Las Gallinas Avenue and Northgate Drive around the outside of the project site. There would be multiple interior paths through the project that connect the multiple driveways, providing alternative routes in the event one aisle or driveway is blocked. This requirement and post-development condition would be equally applied to the revised project; therefore, no new or substantially more severe significant impact would occur under the revised project. Furthermore, as the number of units developed and the overall amount of commercial space provided remain generally the same as the proposed project, which itself reduced daily and PM peak-hour traffic (compared to the existing condition), similar to the proposed project, emergency access and emergency response impacts would be less than significant.

2.3.10 Air Quality

The revised project would not alter the conclusions of the Draft EIR related to Air Quality (see Draft EIR, Section 4.10). Due to the generally similar condition of the revised project (e.g., same number of units, limited expansion of commercial space, same manner of construction) and because the location, extent, duration, and manner of demolition and construction would be generally similar to the proposed project, emissions generated during demolition, ground disturbance, and construction activities associated with the revised project would be similar to that previously assessed in the Draft EIR. As established in the Draft EIR (pg. 4.10-28), during construction of the proposed project, short-term degradation of air quality may occur due to the release of particulate matter emissions (e.g., fugitive dust) generated by demolition, grading, hauling, and other activities. Emissions from construction equipment are also anticipated and would include carbon monoxide (CO), nitrous oxides (NO_X), reactive organic gases (ROGs), directly emitted particulate matter ($PM_{2.5}$ [particulate matter less than 2.5 microns in size] and PM_{10} [particulate matter less than 10 microns in size]), and toxic air contaminants (TACs) such as diesel particulate matter (DPM). These emissions would be reduced to a less than significant level after the implementation of standard mitigation required by the Bay Area Air Quality Management District (BAAQMD) (Mitigation Measures AIR-2a and AIR-2b, and AIR-3a and AIR-3b).[7] These measures would be equally applicable and effective during construction of the revised project; therefore, like the project assessed in the Draft EIR, construction air quality impacts resulting from development of the revised project would be less than significant upon implementation of these same measures.

Long-term air pollutant emission impacts that would result from the proposed project are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment). As detailed

[7] Note that Mitigation Measures AIR-3a and AIR-4 are modified as identified in Chapter 5.0 of this RTC Document.

in the Draft EIR (see Tables 4.10.G and 4.10.H), operational emissions from the project would not exceed the BAAQMD significance criteria for ROGs, NO_X, PM_{10}, or $PM_{2.5}$ emissions; therefore, operational impacts related to a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable national or State air quality standard would be less than significant. Because the revised project retains the same number of units and only slightly increases overall commercial space, the emissions projected in the Draft EIR are representative of emissions that would result from development of the revised project; therefore, no new or substantially more severe significant impact would occur and, similar to the proposed project, would be less than significant.

The Draft EIR analysis assumed that the cancer risk associated with project construction for the maximally exposed individual (MEI) off site would be 11.58 in 1 million for off-site receptors, which would exceed BAAQMD thresholds of 10.0 in 1 million. Since publication of the Draft EIR, the construction Health Risk Assessment for the proposed project was modified to include updated meteorological data and study the revised project details.[8] The revised analysis identified that the risk associated with construction of the revised project for the off-site MEI would be higher than originally calculated (18.6 in 1 million for off-site receptors), which would also exceed BAAQMD thresholds. This increase is primarily attributed to the use of updated meteorological data and not to the revised project details. Similar to the proposed project, implementation of Mitigation Measure AIR-4 (as modified to identify implementation of modified Mitigation Measure AIR-3a) would be required to reduce substantial pollutant concentrations during project construction. The Draft EIR assumed that the MEI for future on-site residents (7.09 in a million) would be below the BAAQMD cancer risk threshold; however, the revised analysis for the revised project identified that the MEI for future on-site residents would be 11.08 in 1 million, which would exceed the threshold of 10.0 in 1 million. Again, this increase is primarily attributed to the use of the new meteorological data. Therefore, Mitigation Measure AIR-4, as modified, also applies to this impact. While the revised project and supplemental analysis identify that impacts to the on-site MEI would occur, which was not identified for the proposed project evaluated in the Draft EIR, no change to the overall impact conclusions would occur, and this impact would remain less than significant with mitigation. Specifically, with mitigation the cancer risk would be reduced to 5.10 per million for the off-site MEI and 4.06 for the on-site MEI, well below the 10.0 in 1 million threshold. Refer to Response B-8B-42 in Chapter 4.0 of this RTC Document for additional explanation and for the mitigated health risk comparison.

Further, the total chronic and acute Hazard Indices and the total $PM_{2.5}$ concentration would not exceed the BAAQMD significance thresholds for either off-site or on-site receptors (see Draft EIR, Table 4.10.I, pgs. 4.10-37 and 4.10-38) with both the proposed project and the revised project. The location, extent, manner, and duration of construction under the revised project would be substantially similar to that assessed in the Draft EIR, and the location of off-site and on-site receptors would remain the same; therefore, similar health risk impacts would occur during construction of the revised project. Impacts to off-site and on-site sensitive receptors would be substantially similar. Mitigation Measure AIR-4 would be equally applicable during development of the revised project and would be equally effective at reducing the MEI health risk to off-site

[8] Dudek. 2024. *Northgate Mall Redevelopment Project – Supplemental Air Quality Analysis Technical Memorandum*. August 13.

receptors (see Draft EIR Table 4.10.J as modified in Chapter 5.0 and Response B-8B-42 in Chapter 4.0); therefore, no new or substantially more severe significant impact would result from development of the revised project and, similar to the proposed project, impacts would be less than significant with mitigation.

Odors produced during construction would be attributable to architectural coatings, asphalt pavement application, and concentrations of unburned hydrocarbons from tailpipes of construction equipment. Such odors would disperse rapidly from the proposed project site and generally occur at magnitudes that would not affect substantial numbers of people. Therefore, impacts associated with odors during construction would be less than significant. As a mixed-use redevelopment, the revised project includes commercial and residential land uses that would not be expected to generate objectionable odors. Furthermore, facilities that are common sources of odors are not located in the vicinity of the proposed project; therefore, future sensitive receptors associated with the operations of the proposed project would not be exposed to significant odors from existing sources. Due its similar nature to the project assessed in the Draft EIR, no new or substantially more severe odor impact would result from development of the revised project and, similar to the proposed project, impacts would be less than significant.

2.3.11 Greenhouse Gas Emissions

The proposed project would generate construction- and operations-related GHG emissions and contribute to global climate change through the phased redevelopment of the project site. Implementation of mitigation measures included in Section 4.10, Air Quality of the Draft EIR would also serve to reduce GHG emissions to the extent feasible. While the proposed project includes all-electric residential and non-restaurant commercial buildings, energy efficiency/conservation measures (e.g., energy efficient windows, additional insulation, external and internal shade structures, light-emitting diode [LED] lighting, daylighting and occupancy controls, efficient space heating and cooling systems, and on-site renewable energy and energy storage), provides electric vehicle (EV) charging space in excess of California Green Building Standards Code (CALGreen Code) requirements, and reduces overall VMT per capita, natural gas connections to commercial kitchens and outdoor recreational uses (e.g., firepits) would not comply with all BAAQMD design recommendations adopted to reduce GHG emissions (refer to Draft EIR, pgs. 4.11-22 through 4.11-24). Mitigation Measure GHG-1 would prohibit natural gas-fired recreational fire pits. This measure would be equally applicable to the revised project, and is incorporated into the revised project design. The revised project does not include recreational fire pits, fueled by natural gas or any other source. The City has previously determined that prohibitions against natural gas commercial kitchen use are infeasible due to cost-effectiveness considerations (Draft EIR, pgs. 4.11-24 and 4.11-25). Although the proposed project would achieve all other project design elements necessary to meet BAAQMD GHG Threshold “A”, the proposed project’s inclusion of natural gas for commercial kitchens would constitute a significant and unavoidable impact under that threshold. Compared to the project assessed in the Draft EIR, because of its similarity to the proposed project, no new or substantially more severe significant impact would result from development of the revised project. Similar to the proposed project, even with implementation of Mitigation Measure GHG-1, a significant and unavoidable impact related to lack of consistency with all of the design criteria outlined in BAAQMD GHG Threshold A would occur.

The proposed project would be consistent with the City's Climate Change Action Plan (CCAP) 2030 and with Plan Bay Area 2050. However, because the proposed project would allow natural gas plumbing and natural gas use in commercial kitchens, the proposed project would potentially conflict with the 2022 Scoping Plan and long-term State goals for GHG emission reductions and carbon neutrality in 2045. Due to the similar nature and extent of the uses to be developed under the revised project, a similar potential conflict would occur. Draft EIR Table 4.11.E identifies that the proposed project would comply with all applicable required elements of the City's CCAP 2030 and would further implement most of the recommended elements from the CCAP where feasible. The proposed project therefore can be considered generally consistent with the goals and measures included in CCAP 2030. The project also consists of infill development, includes many sustainable design features, would comply with the City's CCAP 2030, and would support the VMT reduction goals included in the California Air Resources Board (CARB) Mobile Source Strategy and Plan Bay Area 2050. Mitigation to prohibit the use of natural gas in commercial kitchens was found by the City to be infeasible to implement; therefore, the proposed project would potentially conflict with the 2022 Scoping Plan and related State legislation, and a significant and unavoidable impact relative to conflict with applicable plans, policies, and programs for GHG reduction would occur. While no new or substantially more severe significant impact would occur, due to its similarity with the proposed project, the revised project would result in a similar significant and unavoidable impact.

2.3.12 Noise

At certain sensitive noise receptors, demolition and construction operations attributed to the proposed project would cause an increase in the outdoor ambient sound level more than 10 decibels (dB) higher than the existing estimated hourly equivalent continuous sound level (L_{eq}) and thereby result in a significant impact (see Draft EIR, Table 4.12.H). The revised project would result in a similar level of demolition and construction noise perceptible at nearby sensitive receptors (off site during Phase 1, and on site and off site during Phase 2). Mitigation Measure NOI-1 would require installation of temporary construction barriers (10 feet in Phase 1, 11 feet in Phase 2). This measure, equally applicable and effective for the revised project, would ensure that short-term construction period impacts associated with temporary increases in ambient noise levels during Phase 1 would be reduced to below established thresholds; therefore, no new or substantially more severe significant impact would result from development of the revised project and, like the proposed project, impacts would be less than significant with mitigation. In addition to Mitigation Measure NOI-1, noise reduction BMPs consistent with the City's General Plan Noise Element would be implemented during any on-site development. Implementation of these standard BMPs would further reduce noise impacts at sensitive receptors during demolition and construction operations.

With the contribution of traffic from the proposed project, changes to the traffic noise levels (expressed as a day-night average noise level [L_{dn}] value) at noise-sensitive receivers along the studied roadway segments would be less than 3 A-weighted decibels (dBA), thus being consistent with the thresholds established by the General Plan and representing a less than significant impact. Due to the similarity in location, type, and general intensity of uses, compared to the project assessed in the Draft EIR, no substantial increase or change in vehicle traffic would result from development of the revised project; therefore, no new or substantially more severe significant

impact would result from development of the revised project. Similar to the proposed project, traffic-related noise impacts would be less than significant.

The expected sources of noise from within the project during project operation/occupation would include a variety of sources, including modest amplified music from outdoor dining or other commercial areas, speech from pedestrians or patrons of an outdoor dining area, audible safety or security alarms, occasional vehicle door closures and associated low-speed vehicle movements or idling engines in parking areas, electro-mechanical equipment (e.g., rooftop HVAC systems), and activity at the proposed Northgate Town Square area and its partially covered outdoor stage, which would be configured to host occasional live events with sound reinforcement. The analysis provided in the Draft EIR (pgs. 4.12-23 through 4.12-26) indicates that during Phase 1, these noise activities would not result in a temporary increase in operational noise that exceeds the City's established thresholds, and this impact would be less than significant. Phase 2 of the project would introduce residential noise-sensitive receptors onto the project site; therefore, on-site noise could adversely affect the nighttime noise environment for these sensitive receptors (Draft EIR, pgs. 4.12-24 through 4.12-31). Mitigation Measure NOI-2 would be incorporated into the proposed project design to reduce operational noise effects to on-site sensitive receptors to the extent feasible. The revised project envisions a mixed-use development of the same location, use, and intensity; therefore, during Phase 2, the operational noise impacts would be similar and significant. Mitigation Measure NOI-2 would be equally applicable to development of the site under the revised project. Though no new or substantially more severe significant impact would occur under the revised project, because it is not possible to confirm whether noise levels would be absolutely below the City's established thresholds, this impact would be equally deemed significant and unavoidable.

All predicted vibration levels during both Phase 1 and Phase 2 are lower than the occupant annoyance threshold of 72 vibration velocity decibels (VdB) and lower than the building damage risk threshold of 0.2 inch per second of peak particle velocity (in/sec PPV). Because the development under the revised project envisions similar demolition, construction, and operational characteristics, vibration-related impacts would also be similar. No new or substantially more severe significant impact would occur under the revised project. Similar to the proposed project, vibration impacts would be less than significant.

The nearest airport to the project site is the San Rafael Airport, a small private airport located approximately 1 mile northeast of the project site that does not have a land use plan. The nearest public airport to the project site is the Marin County Airport at Gnoss Field in Novato, approximately 9 miles to the north. The project site is not located within the land use plan area for the Marin County Airport at Gnoss Field and is not located within 2 miles of a public airport or public use airport. Aviation noise exposure from the San Rafael Airport would be below the State threshold of 65 dB Community Noise Equivalent Level (CNEL) and is expected to remain below this level in the future; therefore, whether as proposed or revised, development on the site would not expose people residing or working at the project to excessive aircraft noise and no impact would occur.

2.3.13 Public Services and Recreation

As discussed in Section 4.2 of the Draft EIR, the proposed project would be consistent with the development assumed for the project site in the General Plan, the General Plan EIR, and Housing

Element. Because the revised project does not increase the number of residential units or resident population and only slightly increases (0.8 percent) the overall commercial square footage compared to the proposed project, the revised project also is consistent with the forecasted population growth planned for in the San Rafael General Plan 2040, and ABAG and Metropolitan Transportation Commission (MTC Projections 2040), and would not result in substantial unplanned population growth.

2.3.13.1 Fire, Police, and School Services

Regarding fire and police protection, the revised project would not change the proposed project's residential population and would increase commercial square footage by only 0.8 percent. Therefore, the revised project, like the proposed project, would not result in a need for new or expanded fire or police protection facilities. No new or substantially more severe significant impact would occur, and the impact would remain less than significant.

Regarding schools, the revised project retains the same number of residential units and any increases in local student populations would equal those previously identified in the Draft EIR given that student generation rates are calculated based on the number of units (and not unit type or size) (see Draft EIR, pgs. 4.13-14 and 4.13-15). New development on the project site would be subject to fees prescribed under the Mitigation Fee Act. The payment of such fees is deemed to fully mitigate the impacts of new development on school facilities, per California Government Code Section 65995. Accordingly, no new or substantially more severe significant impact would occur and, similar to the proposed project, impacts related to the provision of school services and facilities would be less than significant.

Regarding parks, both the proposed and revised projects would increase the City's population by up to 3,541 persons,[9] which would decrease the citywide total parkland-to-resident ratio from 4.28 to 4.09 acres of improved parkland per 1,000 residents.[10] This ratio would remain within the citywide standard of 4.0 acres of improved park and recreation land per 1,000 residents. Therefore, additional parkland would not be required to accommodate the new development and maintain the City's desired parkland-to-resident ratio, and the provision of new or physically altered governmental facilities (the construction of which could cause significant environmental impacts) in order to maintain acceptable performance objectives would not be required. No new or substantially more severe significant impact would occur and, similar to the proposed project, impacts related to the provision of park services and facilities would be less than significant.

2.3.13.2 Other Public Services

Development of either the proposed or revised project would increase demand for other public services, including libraries, community centers, and public healthcare facilities. Both the proposed and revised project would also include approximately 5,000 square feet of library space to replace

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9 1,422 residential units x 2.49 persons per household (average household size as detailed in Section 4.2, Population and Housing) = 3,541 persons.

10 73,300 residents + 3,541 = 76,841;
314 acres of parkland ÷ 76,841 = 0.00408636 * 1,000 = 4.09 acres per 1,000 residents in the Sphere of Influence.

the existing 3,000-square-foot library within the Northgate Mall, and the environmental effects related to the construction and operation of the library space have been addressed throughout the Draft EIR.

2.3.13.3 Parks and Recreation

Both the proposed and revised project would increase San Rafael's population by up to 3,541 persons, which could increase the use of parks within the vicinity of the project site, including Oliver Hartzell Park, Los Ranchitos Park, Terra Linda Garden, and Lagoon Park; however, as discussed above, with implementation of the proposed project, a ratio of 4.09 acres of parkland per 1,000 residents (which exceeds the City's 4.0 acres/1,000 residents standard) would be maintained.

On-site open space would include: (a) courtyards and roof decks for each of the residential buildings; (b) outdoor amenity spaces that would be open to the public and consist of a bike hub/ fix-it station, a shipping container café with associated outdoor dining tables, lounge seating, and a flexible turf area; and (c) a Northgate Town Square that would be open to the public. The revised project increases the size of the Northgate Town Square from 48,075 to 56,975 square feet. Design changes to the Northgate Town Square include the replacement of the synthetic turf with natural turf, reduction of boulders to provide more usable open space, the addition of shade trees around the perimeter of the Northgate Town Square, and the provision of additional seating at the pavilion. The large space at the northeast corner of the Northgate Town Square would be used for a larger playground, while the dog park has been moved to a smaller portion at the northwest corner of the Northgate Town Square. Additionally, the bike rest stop along the corner of Northgate Drive and Las Gallinas Avenue has been adjusted with additional amenities (a water fountain, benches, a dog waste dispenser, and bike racks). The proposed and revised on-site recreation and open space facilities are intended to primarily serve new residents but would also be open to the public, and the availability of recreational and open space uses on site would likely lessen current usage of existing parks in the vicinity of the project site because the public project amenities would be available to existing residents in the project vicinity.

Because the revised project increases on-site recreational amenities, no new or substantially more severe significant impact related to park usage would occur and, similar to the proposed project, impacts would be less than significant.

2.3.14 Utility and Service Systems

The revised project would be developed in the same location, with the same utility infrastructure requirements as that addressed in the Draft EIR (pgs. 4.14-16 through 4.14-23). As with the proposed project, the revised project would generate wastewater flows in excess of the capacity of adjacent sewer lines; therefore, Mitigation Measure UTL-1 requires the upgrade of the Terra Linda Trunk sewer to 15 inches in diameter. Because this measure would be equally applicable to the revised project, with implementation of Mitigation Measure UTL-1, like the proposed project, impacts related to sewer line capacity would be less than significant with mitigation. Because of the similar nature of the revised project, impacts related to water, stormwater, electricity, natural gas, and telecommunication systems would be the same, and no new or substantially more severe significant impact to these systems would occur. Therefore, similar to the proposed project, impacts to these systems would be less than significant.

The number of residences provided on site is not altered under the revised project, and the proposed commercial space is only nominally increased; therefore, no substantial change in water demand is anticipated with the revised project. Amenities such as the new rooftop pool over the Residential Parcel 5 building would also only nominally increase water usage. Neither the proposed project nor the revised project would lead to insufficient water supplies under the City's existing water rights entitlements and resources or require new or expanded entitlements. As demonstrated in the WSA, Marin Water has adequate supply to serve the proposed project, and this conclusion does not change with the project refinements. No new water entitlements would be required to serve the proposed project. In addition, recycled water would be used for outdoor landscaping, and the increase in the size of the Northgate Town Square and change from synthetic to natural turf would not increase potable water demand and would only nominally increase recycled water use. No new or substantially more severe significant impact to potable or recycled water supplies would result from development of the revised project; therefore, similar to the proposed project, impacts would be less than significant.

The wastewater pump stations that serve the project site would have adequate capacity to serve the proposed project and similarly the revised project. In addition, with implementation of Mitigation Measure UTL-1, the wastewater pipes that serve the project site would also have adequate capacity. Due to the similar nature of the revised project to the proposed project, a similar volume of wastewater flow is anticipated. The receiving wastewater treatment plant has sufficient surplus capacity to accommodate the proposed project (Draft EIR, pg. 4.14-20); therefore, there is also sufficient surplus capacity to accommodate flows from the revised project. No new or substantially more severe significant impact would result from development of the revised project. Similar to the proposed project, impacts related to wastewater treatment capacity would be less than significant.

The revised project would retain the same number of dwellings and the same resident population (3,541 person) and would only slightly increase the number of employees (six additional employees) on site compared to the proposed project; therefore, based on disposal rates cited in the Draft EIR (pg. 4.14-21), an additional 71 pounds of solid waste (based on six additional employees)[11] would be generated daily on site. Such a minor increase would not affect the project's overall contribution to the daily permitted throughput at either the Redwood or Potrero Hills Landfills (approximately 0.6 and 0.3 percent of the total daily permitted throughput, respectively). The amount of solid waste generated by operation of the proposed project would not exceed the landfills' capacity. Therefore, no new or substantially more severe significant impact would result from development of the revised project and, similar to the proposed project, impacts related to landfill capacity would be less than significant.

Zero Waste Marin, which serves the project site, collects solid waste at per capita disposal rates of 5.2 pounds per day (lbs/day) per resident and 11.8 lbs/day per employee, which are well below the California Department of Resources Recycling and Recovery (CalRecycle) targets of 7.6 lbs/day per resident and 17.3 lbs/day per employee. Any development on the site would be required to comply with the CALGreen Code, which requires that at least 65 percent of non-hazardous construction and demolition waste from non-residential construction operations be recycled and/or salvaged for

[11] Based on a calculation of 17.3 lbs/day per employee.

reuse. Because the revised project would be required to recycle demolition waste and provide recycling and composting for future commercial and multi-family residential uses, the revised project would comply with the applicable solid waste regulations, and no new or substantially more severe significant impact would occur. Similar to the proposed project, impacts would be less than significant.

2.3.15 Energy

As stated in Section 4.15 of the Draft EIR, the proposed project would not utilize fuel in a wasteful or inefficient manner and would comply with and exceed existing energy standards and regulations; therefore, energy-related impacts would be less than significant. The revised project provides the same number of residential units and only slightly increases commercial space; therefore, the type and quantity of fuels consumed under the revised project would be similar. The revised project would eliminate the fire rings that were included in the proposed project and therefore would slightly reduce overall energy use compared to the proposed project. The same energy fuel efficiency, energy generation, energy conservation, and electrification requirements stated in the Draft EIR for the proposed project would be equally applicable to development under the revised project. Solar panels would be installed on top of all residential buildings and existing parking structures, while the retail buildings would be solar ready. Battery storage would be provided in the apartment-style residential buildings. As solar power technology improves in the future and regulations require additional solar, it is reasonable to assume that additional solar power may be provided to the proposed project site. Project-specific sustainable design features would include EV charging infrastructure, on-site bicycle storage, preferential parking for low-emission/fuel-efficient vehicles and carpools/vanpools, and pedestrian-friendly design, all of which would encourage the reduction of petroleum usage. The revised project would implement the same energy efficiency and energy conservation features as the proposed project; therefore, like the proposed project, impacts would be less than significant.

The residential and non-restaurant retail development would be 100 percent electric, supporting the City's goals, including the City's CCAP 2030 (with the exception of natural gas usage in commercial kitchens). Like the proposed project, the revised project would include solar power that is generated on site, EV charging stations, bicycle amenities, and site connectivity. It would also contribute to the City's planned pedestrian and bicycle connection to the Sonoma-Marin Area Rail Transit (SMART) Marin Civic Center station. These features ensure consistency with the City's CCAP 2030. Additionally, the proposed project would meet or exceed CALGreen Code Tier 2 Voluntary Standards for EV charging. As such, like the proposed project, the revised project would meet and exceed the applicable requirements for energy efficiency. No new or substantially more severe significant impact would occur. Similar to the proposed project, impacts would be less than significant.

2.4 PROJECT ALTERNATIVES

The Draft EIR evaluated three alternatives to the proposed project:

- **No Project Alternative:** Under the No Project Alternative, the project site would continue to be occupied by the existing Northgate Mall. The existing mall includes the main mall building, which

is a total of approximately 633,783 square feet in size, and consists of five sections: (1) Mall Shops East, (2) Mall Shops West, (3) Century Theatre, (4) RH Outlet, and (5) Macy's. West of the main building is a Kohl's department store, which also includes a small attached unoccupied retail space, a two-level parking structure containing approximately 476 parking spaces, and a vacant retail building. A Rite Aid, HomeGoods, and an additional vacant retail building are located east of the main building. A total of approximately 2,190 people could be employed on the project site at full occupancy, though this would continue to fluctuate based on market conditions.

- **Reduced Development Alternative:** Under the Reduced Development Alternative, only Phase 1 (also referred to as the 2025 Master Plan) of the proposed project would be implemented. Phase 1 would consist of the demolition of the two vacant retail buildings (Sears Auto Center and Sears Seasonal) totaling 28,500 square feet on the southern portion of the project site. Phase 1 of the proposed project also would include demolition of the RH Outlet building, the HomeGoods building, and Mall Shops East, which is approximately 144,432 square feet of the main building. A total of 44,380 square feet of new commercial space would also be constructed, resulting in a total of 501,941 square feet of commercial space. Phase 1 would include the construction of a total of 922 residential units within three apartment-style residential buildings (containing 822 units) and 15 townhome buildings (containing 100 units), all located on a fourth parcel, resulting in a residential population of 2,295. At least 10.4 percent of the 922 dwelling units constructed would be below market rate units set aside for low-income households (minimum of 96 dwelling units). It is estimated that Phase 1 would result in a reduction in employees from approximately 2,190 to 1,434.

- **Reduced Residential Alternative:** Under the Reduced Residential Alternative, the total number of residential units would decrease by 63 units compared to the proposed project, for a total of 1,359 units at buildout and a resulting residential population of 3,384. The reduction in the number of units would occur during implementation of Phase 1, with development of 859 residential units. Specifically, Residential 1 would be developed with 33 townhomes units (63 fewer units and a different unit mix than the apartments proposed by the project), Residential 2 would be developed with 100 townhome units, Residential 3 would be developed with 280 apartment units, and Residential 4 would be developed with 446 apartment units. With the exception of the reduction in residential unit count and mix, all other elements of the Phase 1 2025 Master Plan and Phase 2 2040 Vision Plan proposed by the project would occur. At full buildout, the Reduced Residential Alternative would include a total of up to approximately 217,520 square feet of commercial space and up to 1,359 residential units, including 136 below market rate units set aside for low-income households. The below market rate units would be constructed throughout the project site and in compliance with Section 14.16.030 of the San Rafael Municipal Code.

As described above in Section 2.2, the revised project would result in an additional 1,860 square feet of commercial space in Phase 2 (project buildout) and would reduce the number of residential units in Phase 1 by 58 units, but would result in the same number of residential units at project buildout (1,442 total), and increase the total residential square footage by 19,690 square feet. The number of affordable housing units would decrease by 9 units in Phase 1 and increase by 5 units in Phase 2, for

an overall reduction in 4 units compared to the proposed project. Additionally, the size of the Town Square would increase from 48,075 to 56,975 square feet. Overall, the alternatives to the proposed project would remain unchanged and the conclusions would be substantially the same, as further described below. As further described below, because of the similarities between the Reduced Residential Alternative and the revised project, the Draft EIR's conclusion that the Reduced Residential Alternative is the environmentally superior alternative equally applies to the revised project.

2.4.1 No Project Alternative

As described in Section 5.1 of the Draft EIR, under the No Project Alternative, the project site would continue to be occupied by the existing Northgate Mall and no physical changes to the existing site would occur. Similar to the analysis provided in the Draft EIR, when compared to the revised project, the No Project Alternative would avoid all of the construction-related impacts of the project. Full occupancy of the Northgate Mall with commercial uses would result in more vehicle trips compared to operation of the revised project, with resulting air pollutant and greenhouse gas (GHG) emissions. No mitigation measures would be required for the No Project Alternative. The No Project Alternative would not achieve any of the objectives of the project, which are unchanged with the revised project. Given that the proposed project evaluated in the Draft EIR and the revised project are substantially similar, the analysis and conclusions for the No Project Alternative would be substantially the same and remain valid.

2.4.2 Reduced Development Alternative

As described in Section 5.2 of the Draft EIR, under the Reduced Development Alternative the project site would be redeveloped with implementation of Phase 1 of the proposed project only. With the revised project, Phase 1 implementation would consist of the same total square footage of commercial space as the proposed project, or a net total of 501,941 square feet (308,946 square feet of demolition, 457,561 square feet of existing square footage to remain, and 44,380 square feet of new commercial space) and the same number of employees (1,423). Under the revised project, Residential Parcel 1 would be redeveloped with 38 townhomes instead of 96 apartments and Residential Parcels 2, 3, and 4 would be developed with the same unit types and number of units as the proposed project (826), for a total reduction of 58 units compared to the proposed project. Of this total reduction, 9 fewer affordable units would be developed.

As described in the Draft EIR, the Reduced Development Alternative would slightly reduce the less than significant impacts related to air quality, energy, and noise for the proposed project due to the reduced construction and operation intensity, and would avoid the noise impact on Phase 1 residents from Phase 2 construction, but would not eliminate any of the required construction-period mitigation measures. The Reduced Development Alternative would also slightly decrease impacts associated with GHG emissions and heating, ventilation, and air conditioning (HVAC) operational noise on project residents, but would not reduce those impacts to less than significant levels. In addition, the Reduced Development Alternative would meet all of the identified project objectives which are unchanged with the revised project, although to a lesser extent due to the reduction in total number of residential units to be developed. This same conclusion applies with the revised project.

Given that Phase 1 of the proposed project evaluated in the Draft EIR and the revised project are substantially similar with the exception of an overall reduction in the number of residential units, the analysis and conclusions for the Reduced Development Alternative would be substantially the same and remain valid. However, overall construction would be slightly less compared to the proposed project due to reduced development on Residential Parcel 1 and the overall number of residential trips and resulting emissions would be similarly reduced, and therefore development under this alternative would also be slightly less than what was considered in the Draft EIR for the Reduced Development Alternative.

2.4.3 Reduced Residential Alternative

As described in Section 5.3 of the Draft EIR, under the Reduced Residential Alternative the total number of residential units would decrease by 63 units compared to the proposed project. This would occur through the reduction of Residential Parcel 1 units, which would include 33 townhome units instead of 96 apartments. At full buildout, the Reduced Residential Alternative would include a total of up to approximately 217,520 square feet of commercial space (the same as the proposed project) and up to 1,359 residential units, including 136 below market rate units set aside for low-income households. The revised project is substantially similar to the Reduced Residential Alternative described and evaluated in the Draft EIR. Compared to the Reduced Residential Alternative, the revised project would include 5 additional residential units in the Residential Parcel 1 townhomes and 1,860 square feet of additional commercial space.

As described in the Draft EIR, the Reduced Residential alternative would slightly reduce the less than significant impacts related to air quality, GHG emissions, energy, and noise for the project due to the reduced operational intensity and reduction in vehicle trips associated with fewer residential units, but would not eliminate any of the required construction- or operation-period mitigation measures. In addition, the Reduced Residential Alternative would meet all of the identified project objectives which are unchanged with the revised project, although to a lesser extent due to the reduction in total number of residential units to be developed. This same conclusion applies with the revised project.

Given that the revised project and the Reduced Residential Alternative are substantially similar with the exception of a slight increase in the number of residential units and commercial space with the revised project, the analysis and conclusions for the Reduced Residential Alternative would be substantially the same and remain valid. The difference in overall construction would be negligible due to reduced development on Residential Parcel 1 and the increase in commercial square footage. The overall number of residential and commercial trips and resulting emissions would be substantially the same, and therefore development under this alternative would also be similar to what was considered in the Draft EIR for the Reduced Residential Alternative.

2.4.4 Environmentally Superior Alternative

As identified in the Draft EIR, the Reduced Residential Alternative would slightly reduce some of the potentially significant impacts of the proposed project through reduced construction and operational building intensities, including an overall reduction in the number of vehicle trips generated to and from the site, although none of the significant unavoidable project impacts would be avoided, and all project mitigation measures would still be required. The project objectives would

also be largely met, although to a lesser extent than the proposed project, and the Reduced Residential Alternative would provide 63 fewer residential units than the proposed project, slightly reducing its contribution to alleviating the City's household deficit. Due to its slight reductions in some environmental impacts compared to both the proposed project evaluated in the Draft EIR and the revised project, the Reduced Residential Alternative continues to be considered the environmentally superior alternative.

2.5 CONCLUSION

In general, and as detailed above, the revised project does not add significant new information to the EIR and would not substantially change the construction and operational impacts and related mitigation measures identified in the Draft EIR. The revised project would result in a minor increase in the amount of commercial space and retains the same amount of residential development overall. The location, uses, manner of construction, and characteristics of operation of the revised project are substantially similar to those described in Chapter 3.0 of the Draft EIR and as evaluated and (as necessary) mitigated in Chapter 4.0 of this RTC Document. The project refinements do not affect the impact conclusions presented in the Draft EIR.

The revised project would result in minor changes to the project analyzed in the Draft EIR and would not result in new or more significant environmental impacts that were not identified in the Draft EIR. Per *State CEQA Guidelines* Section 15088.5, recirculation of a Draft EIR prior to certification is required only when "significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification." "Significant new information" is defined as:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
1. 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.
2. 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.
3. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The revised project does not trigger any of these conditions because no significant new information as defined in *State CEQA Guidelines* Section 15088.5, including new impacts, mitigation measures, or project alternatives, has been added to the Draft EIR after publication of the Notice of Availability (NOA). The revised project represents a refinement of the overall project design, is substantially similar to the project described and evaluated in the Draft EIR, and does not result in any new significant environmental impacts or any substantial increase in the severity of previously identified environmental impacts. The information and analysis contained in the Draft EIR and this RTC Document are adequate for the purposes of CEQA, and recirculation of the EIR is not required due to the revised project.

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3.0 LIST OF COMMENTERS

This chapter presents a list of comment letters received during the public review period and describes the organization of the letters and comments that are provided in Chapter 4.0, Comments and Responses, of this document.

3.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter 4.0 includes a reproduction of each comment letter received on the Draft Environmental Impact Report (EIR). The written comments are grouped by the affiliation of the commenter, as follows: (A) State and local agencies; (B) organizations; (C) individuals; (D) public hearing comments; and (E) comments received after the close of the comment period.

The comment letters are numbered consecutively with the A, B, C, D, and E designations and follow the format below:

State and Local Agencies ..... A-#-#
Organizations ..... B-#-#
Individuals ..... C-#-#
Public Hearing Comments ..... D-#-#
Late Comments ..... E-#-#

The letters are numbered and comments within each letter are numbered consecutively after the hyphen. For example, Letter A-1 represents the first State agency letter, and comment A-1-1 represents the first enumerated comment within that letter.

3.2 LIST OF AGENCIES COMMENTING ON THE DRAFT EIR

The following State and local agencies submitted comments to the City during the public review period:

A-1: State of California, California Air Resources Board, Annalissa Schilla, Ph.D., Assistant Chief, Sustainable Transportation Communities Division, March 5, 2024
A-2: Transportation Authority of Marin, Anne Richman, Executive Director, March 5, 2024
A-3: Miller Creek School District, Brad Honsberger, Board President, March 1, 2024

3.3 LIST OF ORGANIZATIONS COMMENTING ON THE DRAFT EIR

The following organizations submitted comments to the City during the public review period:

B-1: Catalysts for Local Control, Susan Kirsch, President, February 22, 2024
B-2: Marin Conservation League, Terri Thomas, President, March 5, 2024
B-3: Marin County Residents for Responsible Development, Represented by Adams, Broadwell, Joseph & Cardozo, Kevin Carmichael, March 5, 2024
B-4: Marin Environmental Housing Collaborative, Jennifer Silva, Board Chair, March 1, 2024
B-5: Merlone Geier Partners, David E. Geiser, March 5, 2024

B-6: Responsible Growth in Marin, David Smith, President, February 7, 2024
B-7: Responsible Growth in Marin, David Smith, President, February 7, 2024
B-8A: Responsible Growth in Marin, Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith, Cover Letter, March 5, 2024
B-8B: Responsible Growth in Marin, Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith, Attachment 1 from Phyllis Fox, March 4, 2024
B-8C: Responsible Growth in Marin, Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith, Attachment 2 from Smith Engineering and Management, February 26, 2024
B-8D: Responsible Growth in Marin, Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith, Attachment 3 from Smith Engineering and Management, March 1, 2024
B-8E: Responsible Growth in Marin, Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith, Attachment 4 from Responsible Growth in Marin, March 5, 2024
B-8F: Responsible Growth in Marin, Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith, Attachment 5, Email Communications, February 28, 2024
B-9: Responsible Growth in Marin, Grace Geraghty, Board Director, February 28, 2024
B-10: Responsible Growth in Marin, David Smith, President, March 5, 2024
B-11: Responsible Growth in Marin, David Smith, President, March 5, 2024
B-12: International Association of Sheet Metal Air, Rail, and Transportation Workers, Rick Werner President/Business Manager, February 26, 2024
B-13: Sustainable San Rafael, William Carney, President, February 9, 2024

Comments from the Gallinas Watershed Council and Mont Marin/San Rafael Park Neighborhood Association were also received but were inadvertently categorized as comments from individuals because the comments were not submitted on organization letterhead and were provided through a City of San Rafael (City) website comment form. Comment letters from these organizations are listed in Section 3.4 below (i.e., Comment Letters C-86 and C-209).

3.4 LIST OF INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following individuals submitted comments to the City by 5:00 p.m. on March 5, 2024:

C-1: Aceves, Sara, March 5, 2024
C-2: Acosta, Nur, February 7, 2024
C-3: Acosta, Nur, February 7, 2024
C-4: Alborg, Krista, February 27, 2024
C-5: Alborg, Tim, February 28, 2024
C-6: Alfieri, Joseph, March 3, 2024
C-7: Allen, Ashley, February 8, 2024
C-8: Alves, Jose, February 27, 2024
C-9: Andersen, George, February 28, 2024
C-10: Andersen, Kristen, February 28, 2024

C-11: Arai, Judy, February 27, 2024
C-12: Atkinson, Ligia, March 4, 2024
C-13: Atkinson, Richard, February 21, 2024
C-14: Barnett, Paul, March 4, 2024
C-15: Beavis, Sophia, January 9, 2024
C-16: Benoit, Elise, February 13, 2024
C-17: Bingham, Cara, March 5, 2024
C-18: Bingham, Stephen, January 12, 2024
C-19: Boeck, Larry, January 16, 2024
C-20: Brar, Gloria, February 27, 2024
C-21: Brennan, Mark, January 15, 2024
C-22: Brinich, Paul, February 28, 2024
C-23: Brooks, Ann, March 5, 2024
C-24: Brooks, Francis, March 2, 2024
C-25: Bucchieri, David, February 28, 2024
C-26: Burk, Robert, March 4, 2024
C-27: Busch, Chris, February 9, 2024
C-28: Card, Viki, March 3, 2024
C-29: Carrere, Carolyn, February 28, 2024
C-30: Chambers, Michelle, February 21, 2024
C-31: Cmundo, Collin, March 3, 2024
C-32: Cohen, Anne, February 27, 2024
C-33: Cruz, Marjo, March 1, 2024
C-34: Cutchin, Michael, February 21, 2024
C-35: Cytryn, Whitney, February 27, 2024
C-36: Dale, Allison, February 27, 2024
C-37: Day, Joyce, February 28, 2024
C-38: DeGennaro, Kate, March 2, 2024
C-39: Del Gobbo, Carolyn, February 13, 2024
C-40: De Martini, Gaylyn, March 3, 2024
C-41: De Martini, Steven, February 28, 2024
C-42: Dickinson, Ken, February 21, 2024
C-43: D’Orazio, Lisa, March 3, 2024
C-44: Downs, Phil, February 21, 2024
C-45: Drakman, Frank, February 29, 2024
C-46: Dziadur, Ryszard, February 29, 2024
C-47: Ellick, Craig, February 25, 2024
C-48: Ellick, Kathi, February 24, 2024
C-49: Ellison, Heather, February 27, 2024

C-50: Erickson, Natalia, February 27, 2024
C-51: Everest, Lisa, February 27, 2024
C-52: Farris, Janet, February 27, 2024
C-53: Fischer, Ken, March 4, 2024
C-54: Fischer, Shirley, March 5, 2024
C-55: Fitzgerald, Lee, February 27, 2024
C-56: Flanagan, Tim, February 22, 2024
C-57: Fleming, Dianna, March 4, 2024
C-58: Folk, Rosemarie, March 3, 2024
C-59: Frasco, Colleen, March 5, 2024
C-60: Freslon, Swann, February 27, 2024
C-61: Freudman, Johnathan, February 20, 2024
C-62: Freudman, Lauren, February 21, 2024
C-63: Fridman, Victor, February 21, 2024
C-64: Gendreau, Steve, February 27, 2024
C-65: Gesueli, Felipe, February 28, 2024
C-66: Ghanate, Ashish, February 27, 2024
C-67: Giovingo, Margaret, March 5, 2024
C-68: Gooplott, Bea, February 21, 2024
C-69: Gregoriev, Maria, March 4, 2024
C-70: Griffin, Shannon, February 19, 2024
C-71: Griffin, Shannon, February 20, 2024
C-72: Grossberg, Mary Lou, March 5, 2024
C-73: Hadden, Page, February 27, 2024
C-74: Haldeman, Emily, February 21, 2024
C-75: Halenbeck, Claire, February 25, 2024
C-76: Hanspers, Kristina, March 3, 2024
C-77: Hetchman, Miles, February 28, 2024
C-78: Hevia, Karrson, February 27, 2024
C-79: Hicks, Robert, February 4, 2024
C-80: Hislop, Leah and Rob, February 27, 2024
C-81: Hudner, Carla and Phil, March 4, 2024
C-82: Ishii, Jennifer, March 3, 2024
C-83: Jackson, Janis, February 25, 2024
C-84: Janet, Wendy, March 5, 2024
C-85: Johnson, Elise, February 21, 2024

C-86: Johnston, Margaret, March 5, 2024[1]
C-87: Johnson, Matt, March 5, 2024
C-88: Johnson, Vikki, March 5, 2024
C-89: Jones, Alan, February 12, 2024
C-90: Kakinuki, John, March 4, 2024
C-91: Kane, Kathleen, February 27, 2024
C-92: Karsenti, Pascal, March 2, 2024
C-93: Kasman, Corrine, March 5, 2024
C-94: Kay, Diane, February 14, 2024
C-95: Keck, Kristin, February 27, 2024
C-96: Keenan, Terrence, February 22, 2024
C-97: Kerby, Geraldine, March 5, 2024
C-98: Khorasanee, Sarah, March 9, 2024
C-99: Kinavey, Cynthia, March 5, 2024
C-100: Knight, Beth, February 27, 2024
C-101: Knight, Ronny, February 27, 2024
C-102: Kotov, Helen, February 22, 2024
C-103: Kretschmer, Regina, February 26, 2024
C-104: Kuth, Byron, March 5, 2024
C-105: Kuykendall, Jerome, March 4, 2024
C-106: Lahiri, Raksha, February 27, 2024
C-107: Lancaster, Todd, January 29, 2024
C-108: Langenhan, Robert, January 9, 2024
C-109: Larrea, Jeanine, February 10, 2024
C-110: Larrea, Jeanine, February 26, 2024
C-111: Lawson, Antonia, February 22, 2024
C-112: Levin, Norm, February 20, 2024
C-113: Levin, Sarah, February 27, 2024
C-114: Lewin, Laurence, March 4, 2024
C-115: Li, Hui, February 22, 2024
C-116: Lorber, Ray, February 13, 2024
C-117: Lynch, Scott, January 9, 2024
C-118: MacDonnell, Fergal, March 5, 2024
C-119: Mack, Carol, March 1, 2024
C-120: Macknight, Pamela, February 3, 2024
C-121: Macknight, Pamela, February 3, 2024

[1] Note that this comment letter was submitted by the Gallinas Watershed Council, but was inadvertently miscategorized as an individual comment due to it being submitted through the City's website rather than on the organization's letterhead.

C-122: Mangurian, Christina, March 1, 2024
C-123: Manolov, Rali, March 4, 2024
C-124: Manovi, Cathy, February 26, 2024
C-125: Maplestone, Kim, March 5, 2024
C-126: Martin, Christina, March 5, 2024
C-127: Mason, Benjamin, March 4, 2024
C-128: Mazza, Jean, March 4, 2024
C-129: McAllister, Greg, February 29, 2024
C-130: McConnell, James, January 30, 2024
C-131: McConville, Karen, February 27, 2024
C-132: McFarland, Michael, February 27, 2024
C-133: McFarland, Odilia, February 26, 2024
C-134: McPherson, Brett, February 27, 2024
C-135: Meadows, Kristen, February 27, 2024
C-136: Medved, Adolfo, March 4, 2024
C-137: Mehas, Christine, February 1, 2024
C-138: Melenkivitz, Adam, February 27, 2024
C-139: Mesa, Lina, March 4, 2024
C-140: Meschel, Esther, March 4, 2024
C-141: Meyrowitz, Harold, March 4, 2024
C-142: Milford, Candiece, March 2, 2024
C-143: Milford, John, March 2, 2024
C-144: Miller, Brooke, March 8, 2024
C-145: Miller, Peter, March 5, 2024
C-146: Miller, Rebecca, February 29, 2024
C-147: Mitchell, Patricia, January 21, 2024
C-148: Moezzi, Ram, February 5, 2024
C-149: Mohtarami, Ashraf, March 4, 2024
C-150: Mone, Sheila, February 27, 2024
C-151: Munoz, Clara, January 15, 2024
C-152: Nadler, Mariana, February 27, 2024
C-153: Napell, Gail, February 12, 2024
C-154: Navarra, Marcus, February 29, 2024
C-155: Neuenburg, John, February 24, 2024
C-156: Neuenburg, John, February 24, 2024
C-157: Nordahl, Caroline, March 3, 2024
C-158: Norman, Winston, February 24, 2024
C-159: Norris, Robin, February 27, 2024
C-160: Noxon, Allan, January 8, 2024

C-161: O'Neill, Jack, February 27, 2024
C-162: Pagani, Gigi, March 4, 2024
C-163: Pandya, Jatin, March 3, 2024
C-164: Pandya, Rahul, March 3, 2024
C-165: Pay, Heidi, January 11, 2024
C-166: Pedersen, Stephanie, February 27, 2024
C-167: Pless, Petra, January 16, 2024
C-168: Poindexter, Juliana, March 4, 2024
C-169: Pollack, Rebecca, February 27, 2024
C-170: Powers, Amy, February 29, 2024
C-171: Price, Jon, March 1, 2024
C-172: Quilici, Brady, February 23, 2024
C-173; Reed, Tonya, March 4, 2024
C-174: Reinhardt, Elke, February 21, 2024
C-175: Rindner, John-Michael, February 22, 2024
C-176: Roberton, L.J., January 8, 2024
C-177: Roberts, Nancy, March 3, 2024
C-178: Robinson, Lynn, February 23, 2024
C-179: Rose, C.J., February 27, 2024
C-180: Ruggeri, Franco, February 29, 2024
C-181: Russell, Jen, February 27, 2024
C-182: Russell, Lance, March 3, 2024
C-183: Russell, Shelley, March 2, 2024
C-184: Ryals, Bobbi, January 24, 2024
C-185: Ryals, Bobbi, March 5, 2024
C-186: Schatz, Blake, March 2, 2024
C-187: Seay, Misha, February 27, 2024
C-188: Shallit, Cynthia, March 1, 2024
C-189: Shandoff, Erin, February 27, 2024
C-190: Shandoff, Ward, February 27, 2024
C-191: Shirley, Janet, March 5, 2024
C-192: Silverberg, David, February 27, 2024
C-193: Silverman, Laura, March 5, 2024
C-194: Sjahsam, Anne, February 27, 2024
C-195: Slater, Catherine, March 5, 2024
C-196: Small, Michael, February 27, 2024
C-197: South, Marilyn, March 4, 2024
C-198: Souza, Matheus, February 27, 2024
C-199: Spaelti, Abby, February 27, 2024

C-200: Stadtner, Alex, February 27, 2024
C-201: Stein, Eric, February 14, 2024
C-202: Stein, Eric, March, 5, 2024
C-203: Stein, Hoang, March 4, 2024
C-204: Stevens, Mary, February 27, 2024
C-205: Strugnell, Anne-Christine, February 21, 2024
C-206: Stuckey, Charles, March 1, 2024
C-207: Tabatabai, Kimia, February 27, 2024
C-208: Tabatabai, Kimia, February 27, 2024
C-209: Tackabery, Craig, March 5, 2024[2]
C-210: Teasdale, Elizabeth, March 4, 2024
C-211: Terada, Rachael, February 27, 2024
C-212: Tervet, Karen, February 28, 2024
C-213: Triplett, Bruce, March 4, 2024
C-214: Triplett, Tara, February 27, 2024
C-215: Troy, Jonathan, February 28, 2024
C-216: Tully, Danielle, March 1, 2024
C-217: Tung, Christopher, January 13, 2024
C-218: Twitchell, Anna, February 29, 2024
C-219: Twitchell, Kate, February 1, 2024
C-220: Twitchell, Mark, February 29, 2024
C-221: Urquhart, Susie, February 27, 2024
C-222: Vaughan, Kimia, February 27, 2024
C-223: Vincent-Green, Nancy, February 20, 2024
C-224: Vine, Diana, March 5, 2024
C-225: Voisen, Sally, February 27, 2024
C-226: Waagen, Doug, March 3, 2024
C-227: Ward, Katie, March 5, 2024
C-228: Waska, Liz, February 22, 2024
C-229: Waska, Robert, February 21, 2024
C-230: Waskiewicz, Pat, March 2, 2024
C-231: Waskiewicz, Pat, March 4, 2024
C-232: Watkins, Michelle, February 27, 2024
C-233: Wellington, Ivy, February 6, 2024
C-234: Wertheimer, Laurie, February 20, 2024
C-235: Whisman, Greg, February 27, 2024

[2] Note that this comment letter was submitted by the Mont Marin/San Rafael Park Neighborhood Association, but it was inadvertently miscategorized as an individual comment due to it being submitted through the City's website rather than on the organization's letterhead.

C-236: Wiborg, Lloyd, March 4, 2024
C-237: Winston, Erin, March 1, 2024
C-238: Wlodaver, Joan, February 26, 2024
C-239: Wolff, Norman, January 19, 2024
C-240: Wolff, Norman, January 26, 2024
C-241: Young, Christine, February 27, 2024
C-242: Zampino, Alison, February 27, 2024
C-243: Zargar, Saum, February 27, 2024
C-244: Zwillinger, Rachel, February 12, 2024

The following individuals submitted comments to the City after 5:00 p.m. on March 5, 2024:

C-245: Aceves, Sara, March 5, 2024
C-246: Beaton, Paul, March 5, 2024
C-247: Bingham, Cara, March 5, 2024
C-248: Greider, Laurey, March 5, 2024
C-249: Janet, Wendy, March 5, 2024
C-250: Kinavey, Cynthia, March 5, 2024
C-251: Reaves, Pamela, March 5, 2024
C-252: Ward, Katie, March 5, 2024

3.5 LIST OF PUBLIC HEARING COMMENTERS ON THE DRAFT EIR

Verbal comments on the Draft EIR were provided by members of the Planning Commission and the public at the hearing on the Draft EIR held on February 13, 2024, as listed below:

D-1: Commissioner Rodby
D-2: Commissioner Haveman
D-3: Commissioner Previtali
D-4: Commissioner Saude
D-5: Case, Julie
D-6: Holstein, Phil
D-7: Fischer, Shirley
D-8: Silverman, Laura
D-9: Smith, David
D-10: Coleman, Susan
D-11: Halenbeck, Claire
D-12: Carney, Bill
D-13: Reeves, Pam
D-14: Ryals, Bobbi
D-15: Jones, Alan

D-16: Shirley, Janet
D-17: Colin
D-18: Napell, Gail
D-19: Keith, Sheet Metal Workers
D-20: McIntyre, John
D-21: Lorber, Ray
D-22: Reardon, Frank
D-23: Greider, Laurey
D-24: Norman, Scott
D-25: Kay, John
D-26: Resident
D-27: Commissioner Samudzi
D-28: Commissioner Mercado
D-29: Commissioner Previtali
D-30: Commissioner Haveman
D-31: Commissioner Rodby
D-32: Commissioner Saude

3.6 LIST OF LATE COMMENTS ON THE DRAFT EIR

The following organizations submitted comments after the public review period closed on March 5, 2024. These late comments are acknowledged below as part of the public record and, as a courtesy, are responded to in this RTC Document. In addition, due to a clerical error, Comment Letter E-3 was received after the close of the comment period and is therefore included in this section, although it is not considered a late comment.

E-1: Marin County Residents for Responsible Development, represented by Adams, Broadwell, Joseph & Cardozo, Kevin Carmichael, May 23, 2024
E-2: Responsible Growth in Marin, represented by the Law Offices of Gloria D. Smith, Gloria D. Smith, Attachment from Phyllis Fox, May 28, 2024
E-3 Las Gallinas Valley Sanitary District, Michael Cortez, District Engineer, March 5, 2024

4.0 COMMENTS AND RESPONSES

Pursuant to Public Resources Code (PRC) Section 21091(d) and *State CEQA Guidelines* Section 15088, a Lead Agency is required to evaluate comments received during the noticed comment period and prepare a written response for each comment relating to any significant environmental issues raised in the Draft Environmental Impact Report (EIR). Written responses to the comment letters received on the Draft EIR during the public review and comment period are provided in this chapter. All letters received during the public review period on the Draft EIR and the public hearing transcript are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped and coded by the affiliation of the commenting entity as follows: (A) State and local agencies; (B) organizations; (C) individuals; (D) public hearing comments; and (E) comments received after the close of the public comment period.

The written responses presented in this chapter summarize the nature of any significant environmental issues raised and provide a good faith and reasoned analysis in response. The range of responses includes providing clarification on the Draft EIR, making factual corrections, explaining why certain comments may not warrant further response, or simply acknowledging the comment for consideration by the decision-making bodies. The responses in this chapter cover the entirety of the issues raised in the comments. In addition, this chapter begins with Master Responses to address common themes or issues that were raised throughout the comment letters received during public review of the Draft EIR. These Master Responses are commonly referred to throughout the responses to comments received by agencies, organizations, individuals, and at the public hearing.

As described in Chapter 1.0, Introduction, this Response to Comments Document (RTC Document), together with the Draft EIR constitutes the Final EIR. At least 10 days prior to certifying an environmental impact report, the City of San Rafael (City) must provide a written response to a public agency on comments made by that agency that conform with the requirements of the California Environmental Quality Act (CEQA). Responses shall conform with the legal standards established for responses to comments on draft environmental impact reports.

Where comments on the Draft EIR concern issues requiring technical expertise, the responses to comments, like the analysis in the Draft EIR, rely on the knowledge and professional analysis of qualified experts.

Where revisions to the Draft EIR text are called for, the page is identified followed by the appropriate revision. Added text is indicated with double underlines, and deleted text is shown in ~~strikeout~~. Text revisions to the Draft EIR are summarized in Chapter 5.0 of this RTC Document.

MASTER RESPONSES

Many of the comments received on the Draft EIR involve variations of the same key issues. In order to consolidate responses to questions and comments related to these topics, and to address concerns comprehensively, the following Master Responses have been prepared. Master Responses are included below for the following topics and are referenced in certain responses, as appropriate:

- **Master Response 1:** Draft EIR Public Review Period
- **Master Response 2:** Project Merits
- **Master Response 3:** Environmental Baseline
- **Master Response 4:** Transportation Analysis Methodology
- **Master Response 5:** Scope of Alternatives
- **Master Response 6:** Speculation Without Substantial Evidence
- **Master Response 7:** CEQA Mitigation Requirements
- **Master Response 8:** Adequacy of the Draft EIR

Master Response 1: Draft EIR Public Review Period

The Draft EIR and its Notice of Availability (NOA) were circulated on January 5, 2024, for a period of 45 days. The NOA, which included an electronic link to the location of the Draft EIR on the City's website, was mailed to public agencies, neighborhood organizations, and property owners within the same zip code as the project site, as well as individuals likely to be or who had previously expressed an interest in the potential impacts of the project. The NOA was also submitted to the Governor's Office of Planning and Research (OPR), State Clearinghouse division, which is the repository for State review of environmental documents. The NOA was also published in the *Marin Independent Journal*, filed with the Marin County Clerk, and posted on the project site. The comment period was originally identified to close at 5:00 p.m. on February 19, 2024.

The NOA also included notice that a public hearing would be held on February 13, 2024, to receive comments on the Draft EIR. The hearing was held 40 days after publication of the Draft EIR and 5 days before the public review period was originally scheduled to close. Individuals were requested to limit their comments to a duration of 2 minutes to allow all participants the opportunity to speak. Attendees at the meeting were encouraged to submit their comments in writing in addition to any verbal comments provided at the hearing. It should be noted that the *State CEQA Guidelines* do not expressly require that a public hearing be held to receive comments on a Draft EIR; however, it is the City's established practice to do so. No additional meetings were planned to be held during the Draft EIR comment period.

As a general rule, CEQA requires a 45-day public review period for a Draft EIR, although CEQA allows for a shorter review period with prior approval by the State Clearinghouse of the OPR. Although agencies may provide longer review periods if they choose (subject to limits), the Legislature has determined that 45 days is sufficient to fulfill CEQA's goals for public participation and informed decision-making. In addition, *State CEQA Guidelines* Section 15105 states that the public review period for a Draft EIR should not be longer than 60 days, except in unusual circumstances. While failure to circulate a Draft EIR for the required 45-day period is an abuse of discretion, there is no legal requirement to grant a request for an extension (*State CEQA Guidelines* Section 15105).

As discussed in Chapter 1.0 of the Draft EIR, after the initial NOA was circulated, the public review period for the Draft EIR was extended by 15 days to March 5, 2024, for a total of 60 days. This was due to a problem with the City's geographic information system (GIS) that has since been resolved. It was determined that not all the addresses in the project area that the City intended to notify were included in the initial noticing mailer. Once the oversight was discovered, the City re-issued the notices on January 25, 2024 and elected to extend the review period to allow those who did not

receive the notice initially ample time to review. This was a procedural error that did not relate to any specific CEQA distribution or noticing requirements as governed by *State CEQA Guidelines* Sections 15087(a) or 15105.

Commenters allege that the City failed to provide background documents referenced in the Draft EIR quickly enough when requested, and then the City refused to extend the comment period to allow more time to review and comment once those materials were provided (see Comment Letter B-3, Comment B-3-3). The City responded to document requests made pursuant to the Public Records Act (PRA) and furnished all public records within its possession in accordance with PRA requirements, and the City made its best efforts to respond to individual requests in a timely manner by collecting and providing documents (see also Comment Letter B-3, Responses B-3-3 and B-3-15). CEQA does not require a Lead Agency to hold in its possession all the various background, reference, and technical documentation referenced in an EIR or to make it all available at the same time the Draft EIR is released. Some materials requested initially were not in the City's possession, and it took time to assemble them from consultants and other sources. As noted above, the comment period in fact was extended 15 days, and the extension was available to all parties desiring to comment.

Finally, CEQA does not prevent interested parties from sending comments after the official comment period. The City received comments dated May 23, 2004 (Comment Letter E-1) and May 28, 2024 (Comment Letter E-2) , and responses to those comments are included in this document. In fact, the May 23, 2024, commenter had provided earlier complaints about the document delay and failure to extend the comment period (see Comment Letter B-3, Comments B-3-3 and B-3-15), but did not provide comments about the background documents in the May 23, 2024, letter.

Master Response 2: Project Merits

In accordance with Sections 15088 and 15132 of the *State CEQA Guidelines*, a Final EIR must include a response to comments on the Draft EIR pertaining to significant environmental issues analyzed under CEQA. Some comments provided in response to the Draft EIR express an opinion for or against the project, express a preference for inclusion or exclusion of certain types of land uses (e.g., several comments express support for a grocery store or request that potential drive-through restaurants be eliminated), or request other design changes related to the size and scale of the project or location and size of certain land uses or amenities such as open space. These opinions, however, do not pertain to the adequacy of the analysis or conclusions in the Draft EIR. Rather, these opinions relate to the merits of the project and are noted for the record, but are not responded to in this document.

Section 15204 of the *State CEQA Guidelines* provides direction for parties reviewing and providing comments on a Draft EIR, as follows:

> In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.

Section 15204 continues in relation to the role of lead agencies responding to comments:

> When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Consideration of project merits is important, and the decision-makers will consider all comments regarding the project merits as part of deliberations on the application (including revisions to the project proposed by the project sponsor; refer to Chapter 2.0, Revised Project, of this RTC Document), and when making any necessary findings or choosing to prescribe project-specific conditions of approval. The Lead Agency will hold publicly noticed hearings to consider action on the project. Actions related to the approval or denial of the project will occur separately from and after consideration of the Final EIR. The Final EIR must be certified as adequate prior to consideration of the project approvals.

Master Response 3: Environmental Baseline

A number of comments question the appropriateness of the environmental baseline used in the Draft EIR analysis. Specifically, commenters state that "full occupancy" of the Northgate Mall should not be considered as the baseline condition for existing mall operations, and that the environmental baseline should consist instead of the current existing physical, operational, and occupancy conditions of the mall. Under CEQA, the environmental baseline establishes the conditions against which the effects of the project are compared to determine if the impact would exceed an established significance threshold identified in the Draft EIR. The environmental baseline used in the Draft EIR assumes "full occupancy" (i.e., normal operations) of the total available leasable square footage of the Northgate Mall, even though the mall is subject to varying vacancy rates (approximately 12 percent vacant in September 2021, just prior to publication of the Notice of Preparation [NOP] in December 2021). Some commenters assert that the evaluation of environmental effects using a normal operations baseline for comparison understates the potential significant impacts of the proposed project. The commenters assert that based on current vacancy rates, the existing mall does not generate as much activity and use as was assumed in the Draft EIR. As such, commenters are suggesting that existing traffic volumes and congestion on area roadways is less than the baseline conditions utilized in the Draft EIR analysis because the mall is not currently fully occupied. This in turn would demonstrate a greater impact on traffic congestion between existing traffic conditions and project conditions, and similarly greater effects related to mobile source impacts (i.e., air quality and greenhouse gas [GHG]emissions), as well as traffic volume noise impacts. While these assertions are made in relation to a number of environmental effects that relate to proposed project operations, compared to the baseline condition, the majority of these arguments by commenters stem from the information, analysis, and conclusions provided in Section 4.9, Transportation, of the Draft EIR, and subsequent analyses of related effects (e.g., air quality emissions, traffic noise). Such comments appear to be based on the premise that a shopping center cannot be considered to have "full occupancy;" therefore, the Institute of Transportation Engineers (ITE) trip generation rates cannot be applied to all leasable square footage if the shopping center has experienced less than optimal vacancy or financial performance. This premise is not accurate, as further explained below.

As explained on page 4-1 in Chapter 4.0, Setting, Impacts, and Mitigation Measures of the Draft EIR, in determining whether a project's impacts are significant, an 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 most commonly used baseline is based on environmental conditions in existence at the time that the NOP was published, which for the proposed project was December 9, 2021. However, as authorized under CEQA and upheld by the courts (as discussed below),[1,2] the City has determined that the EIR should evaluate the impacts of project operations (as opposed to project construction, which does consider the current physical setting) 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 the Draft EIR assumes full occupancy (i.e., normal operations) 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.

Establishing an appropriate baseline is an essential step in evaluating the potentially significant environmental effects of a proposed project because an inappropriately defined baseline can cause the impacts of the project to be either underestimated (as asserted by many of the Draft EIR commenters) or overestimated. *State CEQA Guidelines* Section 15125(a)(1) expressly authorizes the use of a baseline other than current conditions in appropriate circumstances. The reasoning for deviating from the common approach of using existing physical environmental conditions can be supported when substantial evidence is provided that shows that the deviation from the common approach is factually supported by substantial evidence (as outlined further below). As described further below, recent court decisions have determined the acceptability and adequacy of deviating from a baseline of existing conditions at the time that the NOP is published in a variety of circumstances, including upholding the use of a traffic baseline that assumed full occupancy of a department store that was vacant at the time that the NOP was published, based on historical occupancy information.[3,4]

The Draft EIR's environmental baseline for project operational impacts appropriately considers the ITE trip generation rates (which are based on normal shopping mall operations) when evaluating operational impacts of the proposed project with the support of historical Northgate Mall leasing data for the following reasons:

1. The ITE trip generation rates for shopping malls are based on the square footage of gross leasable area. The ITE *Trip Generation Manual* defines the independent variable for shopping center trip generation as follows: "Gross Leasable Area (GLA) – the total floor area designed for tenant occupancy and exclusive use… In the retail business, GLA lends itself readily to measurement and comparison and it has been adopted by the shopping center industry as its

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1 *North County Advocates v. City of Carlsbad* (2015) 242 Cal. App. 4th 94.

2 Association of Environmental Professionals (AEP). 2016. CEQA Portal: Baseline and Environmental Setting Topic Paper. August 23.

3 *North County Advocates v. City of Carlsbad* (2015) 242 Cal. App. 4th 94.

4 Association of Environmental Professionals (AEP). 2016. CEQA Portal: Baseline and Environmental Setting Topic Paper. August 23.

standard for statistical comparison." Following consultation with and approval by City transportation staff, the experts who prepared the transportation reports for the Draft EIR (Appendices F and H) applied ITE trip generation methodology to existing and with project shopping center gross leasable area (GLA) at Northgate Mall. This methodology, widely used in CEQA documents, is based on actual trip generation data collected by ITE for retail uses across the United States. The average data rate applied implicitly includes an average retail occupancy across all data collected because ITE does not discard data points based on occupancy levels. In other words, ITE's trip generation formulas for shopping centers are based on the experiences of actual shopping centers, where occupancy and performance inherently vary; thus, the rates inherently assume a reasonable amount of rolling vacancy—both unleased space and space that is leased but vacant—as occurs at any operating shopping center.

The technical study preparers have confirmed that ITE does not separately measure retail vacancy or sales performance as variables in their trip generation studies. The technical study preparers have also confirmed that the distribution of daily and peak-hour trip generation for the ITE shopping center land use designation, for centers the size of Northgate Mall and smaller, shows approximately the same number of centers above the ITE fitted trip generation equation line as below it. This suggests that the ITE fitted trip generation curve equation statistically captures variable conditions across all shopping centers studied where approximately the same number of centers could be performing above the average as below it (i.e., variable vacancy and variable sales performance of centers are captured in the ITE fitted trip generation curve). Accordingly, the Transportation Impact Study (TIS) prepared for the proposed project appropriately uses the existing total gross leasable area of the existing Northgate Mall to determine the existing trip generation for the site.

Some comments suggest that the Draft EIR should not have used the ITE methodology for baseline conditions, but instead should have attempted to calculate not only NOP-date unleased space but also leased but vacant space, and even occupied but underperforming space, and then compare trip generation from that scenario to ITE-based trip generation for the proposed project. The ITE's use of gross leasable area in its trip generation formulas, the City's reliance on ITE's expertise, and the City's determination to use the same ITE methodology for both baseline and with project conditions are all supported by substantial evidence as described above.

2. The court in *North Coast Advocates* rejected the argument that NOP-date traffic counts rather than assumed historic trip generation should have been used as a proposed project's baseline. In that case, approximately 150,000 square feet of anchor department store space at a 1.15-million-square-foot regional mall had sat vacant for 3 years before the environmental review began. The court upheld relying on underlying occupancy assumptions on the grounds that: (1) all of the mall's square footage was constructed and entitled to be fully reoccupied at any time; and (2) the full occupancy assumption was not based on hypothetical operation, but instead on actual historic operation of the space at full occupancy for many years.

3. Similar to other situations that have been upheld by the courts, the existing gross leasable square footage of the Northgate Mall (766,507 square feet) has been entitled and may be fully reoccupied for retail use at any time. The experience of the Northgate Mall reflects the normal operations and occupancy history of a Class B Regional Mall. The project sponsor has provided

vacancy data from its internal quarterly reports, beginning with its purchase of the mall in the first quarter of 2017 and extending through the third quarter of 2021, when intersection trip counts were taken near the project site (refer to Table 4.A below).

Table 4.A: Northgate Mall Quarterly Vacancies (2017–2021)

Quarter - Year	Vacancy (square feet)
Q1-2017	24,553 [1]
Q2-2017	31,644
Q3-2017	31,644
Q4-2017	33,361
Q1-2018	171,276 [2]
Q2-2018	20,178 [3]
Q3-2018	23,872
Q4-2018	20,773
Q1-2019	25,281
Q2-2019	21,741
Q3-2019	21,741
Q4-2019	18,648
Q1-2020	19,698
Q2-2020	22,099 [4]
Q3-2020	58,157
Q4-2020	63,379
Q1-2021	77,432
Q2-2021	101,138
Q3-2021	93,366 [5]

Source: Northgate Mall Vacancy Rates (Merlone Geier 2024).

[1] Merlone Geier purchase
[2] Sears vacancy
[3] RH backfill for Sears vacancy
[4] COVID-19 pandemic
[5] Traffic counts conducted when school was in session

The above historical occupancy data demonstrates that the mall maintained consistently strong occupancy during an earlier time than when the traffic counts were collected for the TIS prepared for the proposed project. Specifically, when the current owner purchased the mall in the first quarter of 2017, the total vacancy was at 24,553 square feet, or only 3.2 percent of the total leasable square footage. Except for short periods of turnover and re-occupancy of larger tenant spaces (e.g., the transition between the Sears and RH Outlet in the first half of 2018), the average vacancy was between 18,648 square feet and 33,361 square feet of total leasable square footage between 2017 and the first quarter of 2020. Vacancy rates began to increase in the third quarter of 2020 during the COVID-19 pandemic, when many retailers across the nation were experiencing employment, sales, and related financial difficulties and closing their brick-and-mortar store fronts. When the traffic counts for the proposed project were collected in September 2021, during the COVID-19 pandemic, vacancy was at 93,266 square feet or 12 percent of the total leasable square footage (and 500 percent of its late 2019 level 93,366 square feet vs. 18,648 square feet]). Assertions that the vacancy level at Northgate Mall in

September 2021 was typical of its history and therefore that the Draft EIR's analysis should have been based on mall activity as of that date are not supported by the evidence. Current vacancy rates are also not representative of an appropriate baseline condition given that the site has been under public review for potential redevelopment and some retailers may have chosen to vacate their spaces in the time immediately preceding publication of the NOP and up until publication of the Draft EIR.

4. CEQA does not require that the likelihood of the baseline condition actually recurring in the future must be proven, and court cases have further affirmed this. Specifically, one court upheld a water demand baseline based on decades of past use even though the operation in question had switched to a use that generated much less water demand, and a future return to the use requiring more water was economically unlikely (*Cherry Valley Pass Acres*[5]). Other court decisions have accepted baselines other than then-current conditions, including one that assumed operation of a closed refinery based on its last year of full operation (*Association of Irritated Residents*[6]), and one that approved use of an opening-day baseline rather than an NOP-date baseline for operational impacts (*Neighbors for Smart Rail*). [7] As described below, opening-day baselines (2030 and 2040), are the baselines actually used in the Draft EIR for traffic-related impacts. Finally, although the Northgate Mall is not currently operating at full occupancy, it is possible that if the City does not approve the proposed project, the owner and operator would pursue new retail tenants to restore the mall to pre-pandemic occupancy levels as such uses are permitted to operate by-right consistent with the current developed condition of the site. Said another way, no new approvals would be required to fill vacant spaces. As such, there is no basis to speculate that in the absence of the proposed project, regional retail demand would not ultimately be satisfied by retail land uses for any rolling vacancy at the site.

Given the above, the Draft EIR used appropriate baseline assumptions for evaluation of the environmental effects of operation of the proposed project and does not understate the potential project impacts.

However, the Draft EIR did assume 100 percent occupancy in calculating baseline employment (see Draft EIR, page 3-17), which then was used in analyses related to population/housing (Draft EIR, Section 4.2), public service demand (Draft EIR, Section 4.13), and utility demand (Draft EIR, Section 4.14). Existing and projected employment at buildout was calculated at 2,190 and 621 employees, respectively, for a decrease in employment of 1,569 or by 112 percent with the proposed project. If a conservative 5 percent vacancy rate were applied, it is assumed that baseline employment would be slightly lower at approximately 2,081 employees, or 109 fewer employees than assumed in the Draft EIR analysis.[8] As such, with 621 employees at buildout, employment on the site would only decrease by 1,460, which represents a 108 percent decrease or a 4 percent decrease compared to what was assumed in the Draft EIR. As demonstrated in Chapter 2.0, Revised Project, of this RTC Document, minor fluctuations in the employment data calculated in the Draft EIR would not result in

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5 *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316.

6 *Association of Irritated Residents v. Kern County Board of Supervisors* (2017) 17 Cal.App.5th 708.

7 *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

8 At 5 percent vacancy, the total occupied square footage of the Northgate Mall would be 728,182 square feet. At a ratio of 1 employee per 350 square feet, employment would be calculated at 2,081.

any changes to the impact analyses or conclusions related to population and housing, public service demand, or utility demand.

In addition to the baseline assumptions, Section 15125(a) of the *State CEQA Guidelines* requires EIRs to contain a description of the physical environmental conditions in the vicinity of the project as they exist at the time the NOP is published. Each of the environmental issue topics discussed in Draft EIR Sections 4.1 through 4.15 appropriately include a description of the existing physical environmental setting relative to the issue topic and evaluate potential impacts against these existing physical conditions. Therefore, the Draft EIR and its analysis conform to this requirement of the *State CEQA Guidelines*.

Also refer to Master Response 4 for further discussion related to transportation analysis methodology, including informational items presented in the Draft EIR.

Master Response 4: Transportation Analysis Methodology

A number of comments question the methodology of the transportation analysis as presented in the Transportation Impact Study (TIS) (Draft EIR, Appendix F) and Transportation Operations Study (TOS) (Draft EIR, Appendix H) prepared for the proposed project and relied upon in Section 4.9, Transportation, of the Draft EIR. The TIS was peer reviewed both by the City's on-call transportation consultant and the CEQA consultant retained by the City to prepare the EIR. The TIS was determined to be compliant with the current standards and methodologies required by law, including the City of San Rafael Transportation Analysis Guidelines (TA Guidelines).[9]

The comments on the transportation methodology center around the following key considerations: (1) the trip generation rates used for existing conditions; (2) existing traffic volumes on surrounding roadways; and (3) PM peak-hour traffic counts. These comments primarily relate to the information and analysis provided in the TOS prepared for the project. As described in the Draft EIR, the TOS provides a level of service (LOS) analysis as a non-CEQA informational item, given that LOS is no longer the metric used to evaluate transportation system impacts under CEQA. Many of the comments relate to how the LOS analysis was conducted, and these comments are responded to below for clarification purposes. It is also acknowledged that the TOS informs the evaluation of impacts for related environmental issue topics (e.g., signal warrants, emergency services and access, and traffic noise), and these topics are considered and fully evaluated in the Draft EIR with supporting evidence, as required. As further explained below, the transportation methodology and analysis presented in the Draft EIR is well supported, meets industry standards, and is appropriate for use in the environmental analysis. Each of the three main concerns regarding the transportation methodology as identified by several commenters are addressed below.

First, the methodology for estimating the trip generation for the existing site is described on pages 4.9-16 through 4.9-18 of the Draft EIR. Use of ITE trip rates is an established and widely used method for estimating existing and proposed trip generation rates for a variety of land use projects throughout the State, including urban infill sites such as the project site. Refer to Master Response 3, Point 1 for additional explanation regarding use of the ITE Shopping Center rate (ITE

[9] City of San Rafael. 2021. City of San Rafael Transportation Analysis Guidelines. June.

Code 820), and why full occupancy of the mall, and thus the total leasable square footage, was assumed.

Second, to initially establish existing traffic conditions on area roadways, AM peak-hour intersection and approach counts were taken in September 2021, just prior to publication of the NOP, and during the COVID-19 pandemic, when the Northgate Mall was at approximately 88 percent occupancy. The methodology and results for the existing conditions scenario is fully described on page 16 of the TOS. The use of these existing counts is further supported by comparing them to October 2015 traffic counts conducted for the Northgate Walk Project, which is located at 1005 Northgate Drive, less than 0.1 mile north of the project site, and there are four common intersections that were studied for both projects: (a) Manuel T. Freitas Parkway/Northgate Drive (Intersection #2); (b) Manuel T. Freitas Parkway/Del Presidio Boulevard (Intersection #3); (c) Las Gallinas Avenue/Northgate Drive (Intersection #9); and (d) Las Gallinas Avenue/Del Presidio Boulevard (Intersection #10). Comparison of these traffic counts, as shown in Table 4.B below, indicates that the overall traffic volumes at these intersections are not substantially different; the 2021 counts were 3 percent lower than the 2015 counts. The fact that this difference is minimal lends further support to the use of the 2021 counts to describe existing conditions at selected intersections.

Table 4.B: Vehicle Volume Comparison at Selected Intersections Between 2015 and 2021

Proposed Project Study Scenario	Intersection Vehicle Volumes Based on September 2021 AM Beak-Hour Counts	Intersection Vehicle Volumes Based on October 2015 AM Peak-Hour Counts	Study Scenario Intersection Vehicle Volumes Compared to October 2015 AM Peak-Hour Counts
Existing (2021)	7,557	7,756	-3%
Baseline (2025)	7,953	7,756	+3%
Future (2040)	9,131	7,756	+18%

Source: W-Trans (2023).
Note: Columns 2 and 3 sum the entering volumes of the four subject intersections, and the fourth column provides a division of the two.

Further, and more importantly, the TIS and TOS did not directly apply the 2021 counts to the analysis, but instead compared 2025 baseline conditions to Phase 1 of the project and compared 2040 future counts to project buildout. The 2025 baseline and 2040 future assumptions are higher than the 2021 counts, as shown in Table 4.B, meaning that the analysis is based on higher traffic volumes than the existing 2021 counts. This is the standard scenario as required by the San Rafael Transportation Analysis Guidelines. The methodology for establishing the 2025 baseline conditions (the project horizon year, during which the first phase is assumed to be operational) and the 2040 future conditions (when buildout is anticipated) is more fully described on pages 18 through 21 of the TOS. Even under the most congested 2040 conditions, which are generated by the Transportation Authority of Marin (TAM) Demand Model (TAMDM) and are not based on one-time traffic counts taken in 2015, 2021, or any other year, full buildout of the proposed project would not cause any deficiencies at any of the 17 intersections that were studied in the TOS.

Finally, based on the baseline application of a normally operating mall, the proposed project would result in an overall PM peak-hour trip generation of 345 fewer trips for Phase 1 and 886 fewer trips for Phase 2 (buildout), as shown in Draft EIR Tables 4.9.C and 4.9.D. Even if these trip generation

figures were re-calculated to subtract unleased space at the time the traffic counts were conducted in September 2021 (ignoring that some vacancy is inherent in the ITE trip generation methodology), the trip generation calculation would still show an overall reduction in PM peak-hour trips (159 fewer trips in Phase 1 and 700 fewer trips in Phase 2). Refer to Tables 4.C and 4.D below. This is because residential uses generate fewer daily and PM peak trips than commercial uses. Given that both phases of the project would result in fewer PM peak-hour trips compared to existing conditions, it was not necessary for the TIS and TOS (or the Draft EIR) to evaluate changes in PM peak-hour traffic conditions. Such an analysis would show that no increased congestion would occur.

Table 4.C: Phase 1 Trip Generation Summary with Vacancy Adjustment

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Existing											
Shopping Center	-673,141 ksf	34.82	-23,439	0.79	-531	-329	-202	3.31	-2,227	-1,069	-1,158
Pass-by		-6%	1,406	-4%	21	13	8	-15%	334	160	174
Existing Subtotal			***-22,033***	***--***	***-510***	***-316***	***-194***	***--***	***-1,893***	***-909***	***-984***
Proposed – Phase 1											
Shopping Center	498,661 ksf	37.87	18,884	0.86	428	265	163	3.60	1,795	861	934
Townhouses	92 du	7.20	662	0.48	44	14	30	0.57	52	30	22
Apartments	885 du	4.54	4,018	0.37	327	75	252	0.39	345	211	134
Proposed Subtotal			***23,564***	***--***	***799***	***354***	***445***	***--***	***2,192***	***1,102***	***1,090***
Internal Capture		-5%	-1,178	-5%	-40	-18	-22	-5%	-110	-55	-55
Pass-by		-9%	-1,647	-6%	-24	-15	-9	-20%	-348	-167	-181
Proposed Total			**20,739**	**--**	**735**	**321**	**414**	**--**	**1,734**	**880**	**854**
Net New Total (Phase 1 Proposed Less Existing)			**-1,294**	**--**	**225**	**5**	**220**	**--**	**-159**	**-29**	**-130**

Source: W-Trans (2023).
du = dwelling units
ksf = thousand square feet

Table 4.D: Full Buildout Trip Generation Summary with Vacancy Adjustment

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Existing											
Shopping Center	-673,141 ksf	34.82	-23,439	0.79	-531	-329	-202	3.31	-2,227	-1,069	-1,158
Pass-by		-6%	1,406	-4%	21	13	8	-15%	334	160	174
Existing Subtotal			***-22,033***	***--***	***-510***	***-316***	***-194***	***--***	***-1,893***	***-909***	***-984***
Proposed - Buildout											
Shopping Center	225,100 ksf	52.16	11,741	1.18	266	165	101	4.50	1,012	486	526
Townhouses	92 du	7.20	662	0.48	44	14	30	0.57	52	30	22
Apartments	1,330 du	4.54	6,038	0.37	492	113	379	0.39	519	316	203
Proposed Subtotal			***18,441***	***--***	***802***	***292***	***510***	***--***	***1,583***	***832***	***751***
Internal Capture		-5%	-922	-5%	-40	-15	-25	-5%	-79	-42	-37
Pass-by		-14%	-1,579	-9%	-22	-14	-8	-32%	-311	-149	-162
Proposed Total			**15,940**	**--**	**740**	**263**	**477**	**--**	**1,193**	**641**	**552**
Net New Total (Proposed Buildout Less Existing)			**-6,093**	**--**	**230**	**-50**	**283**	**--**	**-700**	**-268**	**-432**

Source: W-Trans (2023).
du = dwelling unit
ksf = thousand square feet

Also refer to Master Response 3 for additional discussion related to the baseline conditions and historic and current occupancy of the Northgate Mall. Some commenters stated that if the baseline transportation assumptions are modified as requested, additional impacts related to transportation or other environmental issue topics could appear and additional mitigation measures could be required. Commenters cited potential changes in signal warrants at local intersections, thresholds for triggering the additional review under the Congestion Management Program (CMP), trigger of traffic mitigation fees, changes in traffic volumes that result in greater noise levels, and other related environmental impacts. As demonstrated in Master Responses 3 and 4, the baseline assumptions used in the transportation analysis methodology are factually supported by the evidence; therefore, the analysis does not need to be modified. As such, no new impacts would result, and no new mitigation measures would be required. Also refer to Master Response 7, which details the mitigation requirements under CEQA.

Master Response 5: Scope of Alternatives

Some commenters requested consideration of additional alternatives to the proposed project beyond those evaluated in the Draft EIR. This response broadly addresses these comments; where specific alternatives are suggested in the comments, those are also more specifically addressed in the corresponding response as necessary. For a detailed discussion of the alternatives analysis in the Draft EIR, please refer to Draft EIR Chapter 5.0, Alternatives.

PRC Section 21100(b)(4) states that an EIR shall include a detailed statement setting forth alternatives to the project. Under the *State CEQA Guidelines*, the range of alternatives to the proposed project should include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more significant effects. The following alternatives to the project were evaluated in the Draft EIR: (1) No Project Alternative, (2) Reduced Development Alternative, and (3) Reduced Residential Alternative. These alternatives represent a reasonable range of potential alternatives to the proposed project in light of the objective of avoiding or reducing the severity of significant and unavoidable impacts and/or impacts identified as less than significant with mitigation. A few other potential alternatives were also considered; however, none of these alternatives would substantially reduce or avoid the environmental impacts of the proposed project and/or would not meet many of the basic project objectives and therefore were ultimately not selected for further analysis. The Draft EIR compared the potential environmental effects of the proposed project to the potential effects of each alternative in relation to the environmental baseline and existing physical environmental setting.

Under the *State CEQA Guidelines*, the Lead Agency must consider a reasonable range of alternatives that would feasibly attain all or most of the project objectives but would avoid or substantially lessen any of the significant impacts of the proposed project. An EIR need not consider *all* potential alternatives to the project. Rather, CEQA requires that the EIR discuss only a “reasonable range” of alternatives.

CEQA does not require that the EIR study every specific alternative proposed by the public or other agencies. The Lead Agency must make a good faith effort to identify and study a reasonable range of appropriate alternatives to the proposed project.

To summarize, the Draft EIR must include alternatives that are:

1. Potentially feasible,
2. Attain most of the basic objectives of the project, and
3. Avoid or substantially lessen any of the significant effects of the project.

Under CEQA, a Lead Agency may structure its alternatives analysis around a reasonable definition of a fundamental underlying purpose, and need not study alternatives that cannot achieve that basic purpose. An EIR need not consider alternatives that are infeasible (*State CEQA Guidelines* Section 15126.6).

CEQA establishes no legal imperative as to the scope of alternatives to be analyzed in an EIR, and there is no set number of alternatives that must be analyzed to fulfill the requirements of CEQA. Rather, as stated in Section 15126.6 of the *State CEQA Guidelines* and supported by abundant CEQA case law, the range of alternatives required in an EIR is governed by the "rule of reason," which requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.

In summary, the Draft EIR followed the requirements of CEQA in identifying a range of reasonable alternatives to the project, or to the location of the project, that feasibly attain the project's basic objectives while avoiding or substantially lessening significant adverse environmental effects of the project for consideration by City decision-makers.

It is noted that after publication of the Draft EIR for public review, the applicant submitted proposed revisions to the project design and development details. The revisions are addressed in Chapter 2.0 of this RTC Document.

Master Response 6: Speculation Without Substantial Evidence

Some comments assert or request that impacts should be considered significant or that significance conclusions in the Draft EIR should be revised based only on their opinions but without providing substantial evidence in support of the request as required by CEQA. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (*State CEQA Guidelines* Section 15064[b]). Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence (*State CEQA Guidelines* Section 15064[a]). Attempting to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is inappropriate for an evaluation of environmental impacts in an EIR.

Under *State CEQA Guidelines* Section 15145, if, after thorough investigation, a Lead Agency finds that a particular potential impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

Determining whether a project may have a significant effect on the environment is "based on substantial evidence in light of the whole record" (*State CEQA Guidelines* Section 21082.2[a]). Where a commenter provides no facts or other substantial evidence to support an assertion that the

physical environment could ultimately be significantly impacted as a result of the proposed project, the Final EIR is not required to analyze or mitigate for the asserted but unsubstantiated impact. Section 15204(c) of the *State CEQA Guidelines* further advises reviewers that comments should be accompanied by factual support.

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to *State CEQA Guidelines* Section 15064, an effect shall not be considered significant in the absence of substantial evidence. In addition, CEQA permits disagreement of opinion among experts. Specifically, per *State CEQA Guidelines* Section 15151, "[d]isagreement among experts does not make an EIR inadequate, but rather the EIR should summarize the main points of disagreement among experts."

In the interest of working cooperatively through issues that reflect the interests of the public and important planning partners and stakeholders, the City, as Lead Agency under CEQA, has thoroughly responded to all comments received during the public comment period and provided additional information and analysis to clarify the conclusions of the Draft EIR, whether or not the legal standard of substantial evidence has been met in the comments.

Finally, the Draft EIR analysis relies on a number of technical evaluations and reports prepared by the project applicant's consultants, which were submitted with the project application. These reports are provided in the appendices to the Draft EIR, are incorporated by reference, and include the following:

- Archaeological Resources Inventory Report (Appendix B)
- Historical Resources Evaluation (Appendix C)
- Geotechnical Investigation (Appendix D)
- Phase I Environmental Site Assessment (Appendix E)
- Transportation Impact Study (Appendix F)
- Transportation Operations Study (Appendix H)
- Air Quality and Greenhouse Gas Emissions Technical Report (Appendix I)
- Noise and Vibration Technical Report (Appendix J)
- Energy Analysis (Appendix L)

These reports were prepared by qualified technical experts with specific technical knowledge and credentials relative to the applicable subject area. In addition, the City and its qualified technical consultants, including the CEQA consultants, peer reviewed these reports prior to use in the Draft EIR analysis. Although the Draft EIR analysis in some cases relies on technical reports prepared by the project applicant, the analysis in the Draft and Final EIRs reflects the independent judgment and expertise of the City as Lead Agency for environmental review of the proposed project. The analysis in the Final EIR, including the supporting applicant-prepared and peer-reviewed technical studies, provides substantial evidence supporting the analysis and conclusions in the EIR.

Master Response 7: CEQA Mitigation Requirements

Some comments suggest additional mitigation measures to be required of the project in order to either reduce the significance of identified impacts or to address topics that are perceived as impacts but were not identified as such in the Draft EIR. This response addresses the purpose and applicability of mitigation measures under CEQA, the nexus for requiring mitigation, and the specific situations that would constitute deferral of mitigation measures.

Under CEQA, an agency may not approve a project with significant environmental impacts if there are feasible mitigation measures (or alternatives) that would substantially lessen impacts that are deemed significant. Thus, if an impact is considered "significant" under CEQA, the agency must mitigate the impact to the extent necessary to render the impact less than significant, unless the agency finds that doing so is not feasible. If an impact is less than significant, either with or without mitigation, an agency is not required to mitigate the impact further, even though some level of adverse environmental change will occur (*State CEQA Guidelines* Section 15126.4). Stated differently, the goal of mitigation under CEQA is not to eliminate the impact of a proposed project, but to reduce the impact to the greatest degree feasible.

Further, when imposing mitigation, lead agencies must ensure that there is a "nexus" and "rough proportionality" between the required mitigation measure and the significant environmental effect of the project (*State CEQA Guidelines* Section 15126.4(a)(4)(A-B). Mitigation measures cannot be required when a significant impact has not been identified based on the established significance thresholds (refer to page 4-1 of the Draft EIR for a description of the methodology for developing and applying the thresholds of significance for the analysis). Further, impact evaluations assume compliance with regulatory requirements and such requirements are not incorporated as mitigation measures because they are mandatory and are therefore already required as a matter of law. Mitigation measures do not need to repeat the details in these regulations.[10] The City may decide to impose additional conditions of approval separately from the environmental review process (i.e., not required or authorized under CEQA), but the need for these conditions must also be supported by evidence in the record, such as demonstrated requirements for compliance with City standards, policies, and regulations and to support making the findings required by City Code for project approval. The mitigation measures described in the Draft EIR have been recommended in order to reduce the identified potential physical environmental impacts of the project, to the extent feasible and as authorized under CEQA.

CEQA also prohibits the unjustified deferral of mitigation measures. But when it is impractical or infeasible to identify the specific details of mitigation during the EIR review process, the Lead Agency may defer these details so long as the mitigation measure establishes the performance standard that must be met and identifies the types of actions that may be implemented to achieve the performance standard. The Lead Agency commits itself to implement the mitigation, and compliance with the performance standard will assure mitigation of the impact. In no case do the

[10] Association of Environmental Professionals (AEP). 2020. CEQA Portal Topic Paper: Mitigation Measures. February 10. The topic paper states: "Avoid repeating federal, State, or local legal requirements. If there is already a law that addresses the impact, compliance with the law should be discussed in the analysis but does not need to be a mitigation measure."

mitigation measures identified in the Draft EIR constitute impermissible mitigation deferral because the reasons that details cannot currently be specified are provided, all required performance standards for future studies are specifically outlined, and examples of actions that could be implemented to meet those standards are provided. The implementation strategy and timing for all mitigation measures is further presented in the Mitigation Monitoring and Reporting Program (MMRP). In some cases commenters suggest that mitigation is deferred simply because mitigation is not identified for a perceived significant effect of the project; however, as demonstrated in the responses to such individual comments, no additional mitigation measures are warranted to further reduce the impacts of the project, and no new or more severe significant impacts that would require mitigation are identified as part of the Final EIR. Also refer to Master Response 6, which addresses such comments.

Lastly, the purpose of the MMRP is to ensure that the adopted mitigation measures are implemented according to the procedures, timing, and responsibilities identified in the mitigation measures outlined in the Final EIR. The MMRP is required to be adopted and implemented per *State CEQA Guidelines* Section 15097 if the project is approved and identifies: (1) the timing for implementation (e.g., prior to issuance of permits, certain phases of construction, certificate of occupancy), including the applicable project development phase; (2) the responsibility for implementation; and (3) the entity responsible for providing implementation oversight, whether it be the City or another public agency, and how that measure would be monitored and enforced. The MMRP ensures that the mitigation measures identified in the Final EIR are implemented and fully enforced by the applicable oversight agencies through City-issued permit conditions. Other potential responsible agencies such as the California Department of Fish and Wildlife (CDFW), Bay Area Air Quality Management District (BAAQMD), and the Regional Water Quality Control Board (RWQCB) are authorized to enforce compliance with their applicable regulations. It should also be noted that, as part of normal construction practices, a construction manager or construction supervisor is typically responsible for ensuring that a project site is in full compliance with federal, State, and local laws and regulations, as well as implementing all project-associated mitigation measures. These requirements are outlined specifically in a bid package and construction contract prior to the start of the project and are addressed during daily project activities.

Master Response 8: Adequacy of the Draft EIR

A number of comments state that the Draft EIR contains errors or omissions that require revisions and recirculation of the revised Draft EIR to allow a new round of public review. Some of these comments are responded to individually in the responses below where specific assertions are made; however, many of these comments did not provide evidence supporting their claim that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that significant impacts would be substantially more severe than those identified in the Draft EIR. This response provides an overview of the requirements of CEQA when considering recirculation of an EIR.

CEQA requires recirculation of a Draft EIR or components of a Draft EIR only when “significant new information” is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred but before the Final EIR is certified (refer to California PRC Section 21092.1 and *State CEQA Guidelines* Section 15088.5). Section 15088.5 of the *State CEQA Guidelines* specifically states: “New

information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." *State CEQA Guidelines* Section 15088.5 states:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice of its availability… "significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) 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.

(3) 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.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in the adequate EIR.

(c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.

(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.

(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

In this case, there has been no significant new information, changes to the project, or changed circumstances that will result in: (1) new significant impacts; (2) a substantial increase in the severity of an environmental impact; or (3) the availability of new considerably different feasible alternatives or mitigation measures that the project sponsor declines to adopt. As demonstrated by the specific responses to comments in this chapter and the discussion provided in Chapter 2.0, Revised Project, of this RTC Document, information added to the Draft EIR or in this RTC Document clarifies or modifies statements and mitigation measures to further explain the information, analysis, and

conclusions in the Draft EIR and further ensures that, to the extent feasible, all impacts are less than significant. The Draft EIR, with the minor changes identified in this RTC Document, provides an adequate level of information to allow the City decision-makers to consider the significant impacts associated with the project and make a determination regarding project approvals. The changes and clarifying information do not preclude meaningful public review and comment. Thus, the Final EIR can be certified and need not be recirculated.

A. STATE AND REGIONAL AGENCY RESPONSES

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CALIFORNIA
AIR RESOURCES BOARD

Gavin Newsom, Governor
Yana Garcia, CalEPA Secretary
Liane M. Randolph, Chair

March 5, 2024

April Talley, Project Director
City of San Rafael
1400 Fifth Street
San Rafael, CA 94901

Dear Ms. Talley,

On behalf of California Air Resources Board (CARB) staff, I am writing to provide comments on the City of San Rafael's Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project. CARB periodically submits comments on California Environmental Quality Act (CEQA) documents for projects of interest when the project has a connection to CARB's overall mission of protecting air quality and achieving carbon neutrality. The comments in this letter address the DEIR's greenhouse gas emissions analysis and are limited to the residential component of the project. **A-1-1**

Local governments have an essential role to play in advancing state climate goals. As part of the 2022 Scoping Plan for Achieving Carbon Neutrality (Scoping Plan), CARB has included recommendations in Appendix D to help jurisdictions identify attributes for new residential and mixed-use development that can make these projects consistent with applicable greenhouse gas (GHG) goals and requirements. With this in mind, CARB staff submit the following comments regarding the residential portion of this project.

Many aspects of the project currently align with Scoping Plan Appendix D Attributes

The project's GHG analysis uses thresholds of significance adopted by the Bay Area Air Quality Management District (BAAQMD) to determine whether the project will create significant impacts related to climate change. The project incorporates many of the project attributes listed in Appendix D of the Scoping Plan. For example, the project's reuse of an existing developed site is characteristic of mixed-use development that is consistent with State GHG reduction goals. To further reduce vehicle miles traveled (VMT) and GHG, the project can also reduce the amount of parking available for residential development. Table 1 compares the project attributes recommended in the Scoping Plan Appendix D to the design features included in the project. **A-1-2**

Table 1. Appendix D Project Attributes Comparison Table

Project Attributes from Scoping Plan Appendix D, Table 3	Northgate Mall Redevelopment Project
Does not result in loss or conversion of natural or working lands	The project will redevelop an underused site within the city limits. No natural or working lands would be converted as a result of the project.
Electric Vehicle (EV) charging meeting most ambitious voluntary CA Green Building Code standard	EV-ready residential parking spaces and a significant number of EV chargers would be included in the project.
Provision of on-site affordable housing	Approximately 10% of the new residential uses would be affordable housing.
No net loss of existing affordable units	No housing will be removed as a result of the project.
For residential projects, uses all-electric appliances without any natural gas connections and does not use propane or other fossil fuels for space heating, water heating, or indoor cooking	Residential uses will not be constructed with natural gas connections.
Located on infill sites that are surrounded by existing urban uses and reuses or redevelops previously undeveloped or underutilized land that is presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer)	The project will redevelop an underused former shopping mall site within the city limits that is surrounded by existing development.
New mixed-use or residential development includes transit supportive densities, **or**; New mixed-use or residential development is in proximity to existing transit stops, **or**; More stringent criteria as specified in applicable SCS	Transit options exist adjacent to the project site with additional transit within ¼ mile of the project boundary.
Reduced parking requirement	**The project would provide more than two parking spaces per residential unit.**

A-1-2 (cont.)

Below, CARB provides additional details on some of the more notable features of the project identified in Table 1.

The project has a strong infill component

The project will redevelop a site that is currently occupied by commercial buildings, a parking garage, and surface parking. Existing buildings will be demolished and/or renovated and up to 1,422 residential units and approximately 100,000 square feet of commercial space will be constructed. The project site is centrally located within the city and is surrounded by existing development. The project repurposes a site that consists of uses that are currently underutilized and that is already served by utilities such as water and sewer. Consequently, the project models many of the attributes of an infill project as recommended in Appendix D of CARB's Scoping Plan. By directing this residential and commercial development to an underused site, the city is also protecting existing natural and working lands that could be threatened by greenfield development. **A-1-3**

The project makes good use of existing transit options

Appendix D of the Scoping Plan recommends that new residential projects be developed in proximity to existing or planned transit and consist of transit-supportive densities. The project would develop approximately 30 residential units per acre, which exceeds the minimum of 20 residential dwelling units per acre necessary to be considered transit-supportive. Additionally, the project is in proximity to transit. The project will be served by several existing transit lines adjacent to the project site. Several more transit alternatives are within ¼ mile of the project site. The availability of transit for project residents can help to reduce overall VMT, with a corresponding reduction in GHG. **A-1-4**

The project will provide EV charging infrastructure for future residents

Another key project attribute listed in Appendix D of the Scoping Plan for residential and mixed-use development is the inclusion of infrastructure to promote transportation electrification. Appendix D recommends electric vehicle (EV) charging infrastructure that, at a minimum, meets the most ambitious voluntary standard in the California Green Building Standards Code at the time of project approval. The project would provide 763 EV-ready residential parking spaces and 134 EV chargers. This would meet the current most ambitious CalGreen voluntary standard (Tier 2). The project would also provide EV capable commercial parking spaces and charging stations in line with the CalGreen Voluntary Standard. By providing this level of EV infrastructure, the project will be doing its part to support the goal of electrifying the state's light-duty vehicle fleet. **A-1-5**

Opportunities exist to achieve additional GHG reductions

While the project would implement many design features that are recommended in Appendix D of CARB's Scoping Plan, the DEIR still finds that the project's GHG impacts are significant and unavoidable. Consequently, the city is responsible for reducing this impact **A-1-6**

to the extent feasible. Appendix D recommends eliminating minimum parking requirements or establishing maximum allowable parking ratios, or supplying residential parking at a ratio of less than one parking space per dwelling unit as an additional project attribute that can reduce VMT and GHG. For multifamily residential units, Appendix D also suggests that the cost of parking be unbundled from the costs to rent or own a residential unit. The project includes a parking ratio of approximately 2.9 spaces per residential unit, which exceeds the reduced parking recommendations for residential development in Appendix D that are consistent with low VMT and GHG development. This ratio could encourage driving above what would be expected with a lower parking ratio. Consequently, a lower parking ratio could help to limit the project's VMT and GHG emissions. Moreover, research has shown that eliminating parking requirements can reduce development costs and allow space that would be dedicated to car storage to instead be utilized for other uses, including additional housing units, open space, and recreational opportunities.[1] **A-1-6 (cont.)**

Project consistency with Sustainable Communities Strategy

CARB staff reviewed the DEIR's analysis of the project's consistency with the Bay Area's adopted Sustainable Communities Strategy (Plan Bay Area 2050, or "PBA 2050"). Infill development and redevelopment, in areas like the proposed project, are essential to the success of PBA 2050. In general, the project appears likely to contribute towards achieving the region's per capita GHG targets, being located within the established Northgate Priority Development Area (PDA) and overlayed partially in a designated Transit Priority Area (TPA). The proposed land uses, densities, and intensities appear to generally be consistent with what PBA 2050 seeks to encourage in a PDA and capitalizes on opportunities to reduce automotive dependency given the access to transit services in a TPA. With respect to PBA 2050 SCS strategies and supporting policies, the project furthers implementation efforts by locating housing and commercial development in areas served by transit with access to daily services by active modes of transportation. Specifically, for example, it supports PBA 2050 Housing Strategy H.6: Transforming Aging Malls and Office Parks into Neighborhoods and further helps to realize the region's implementation plan goals by timely achieving the SCS's technical assumptions. CARB staff further note the numerous local policies and requirements in the City's Climate Change Action Plan that complement SCS strategy implementation such as incorporating bicycle facilities, parking regulations, electric vehicle charging, and employer trip reduction measures being incorporated into the proposed project. Our comments on SCS consistency and implementation are not intended to express any opinion on the site design or the appropriateness of the proposed project's conditions of approval. **A-1-7**

[1] *How AB 1401May Impact Residential Parking Requirements*, Garcia and Tucker, April 13, 2021.

Conclusion

CARB appreciates the opportunity to review and comment on the DEIR for the Northgate Mall Redevelopment Project. The project includes many characteristics that are consistent with the 2022 Scoping Plan's recommendations for residential and mixed-use development. Additional VMT and GHG reductions could also be realized by limiting parking to a maximum of one space per unit for residential development. The project also appears to incorporate many elements consistent with the goals of the Bay Area's adopted Plan Bay Area 2050. CARB would like to commend the city and the project proponent for repurposing an underused site within the city to create a mixed-use development that allows for growth while being largely consistent with California's climate goals for such projects. If you have any questions, please feel free to contact Pedro Peterson at (279) 208-7367 or by email at pedro.peterson@arb.ca.gov. **A-1-8**

Sincerely,

Annalisa Schilla

Annalisa Schilla, Ph.D., Assistant Chief, Sustainable Transportation and Communities Division

cc: See next page.

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Response to Letter A-1

State of California, California Air Resources Board
Annalissa Shilla, Ph.D., Assistant Chief, Sustainable Transportation Communities Division
March 5, 2024

Response A-1-1

This introductory comment, which states that the comments provided in Letter A-1 are limited to the Draft EIR's greenhouse gas (GHG) emissions analysis and the residential component of the project and references the 2022 Scoping Plan for Achieving Carbon Neutrality (Scoping Plan),[11] is noted. Individual comments provided by the California Air Resources Board (CARB) are further responded to below in Responses A-1-2 through A-1-8.

Response A-1-2

This comment states that many of the proposed project's components are consistent with key attributes from the Scoping Plan, Appendix D, Table 3. This comment also provides a table (Table 1) comparing the project attributes recommended by the Scoping Plan to the design features included as part of the proposed project. An analysis of the project's compliance with the Scoping Plan is also provided on pages 4.11-29 and 4.11-30 in Section 4.11, Greenhouse Gas Emissions, of the Draft EIR.

The comment also suggests that the project could reduce the amount of parking for the residential component of the project to further reduce vehicle miles traveled (VMT) and GHG emissions. Please refer to Response A-1-6, which provides a detailed response to this comment.

Note that although Table 1 of the comment refers to the project site as a "former shopping mall," it is a current shopping mall that is considered to be underutilized compared to its mixed-use potential.

Response A-1-3

This comment acknowledges that the project would be located on an underutilized infill site and that it models many of the attributes of an infill project as recommended in Appendix D of the Scoping Plan. The comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 1, which addresses comments related to the project merits.

Response A-1-4

This comment acknowledges that the project exceeds the minimum density required to be considered transit-supportive, would locate residential uses on a site that is in close proximity to existing transit options, and states that the availability of transit options can help residents reduce overall VMT and the corresponding GHG emissions. The comment, which does not raise concerns

[11] California Air Resources Board (CARB). 2022. *2022 Scoping Plan for Achieving Carbon Neutrality*. November 16. Website: https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf (accessed May 2024).

regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 1, which addresses comments related to the project merits.

Response A-1-5

This comment acknowledges that the project would provide sufficient electric vehicle (EV) charging infrastructure to meet the current California Green Building Standards Code (CALGreen Code) Tier 2 voluntary standard. By providing EV infrastructure, the project will be doing its part in supporting the goal of electrifying the State's light-duty vehicle fleet. The comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 1, which addresses comments related to the project merits.

Response A-1-6

This comment states that eliminating parking requirements, establishing maximum allowable parking ratios, or supplying residential parking at a ratio of less than one parking space per dwelling unit can be an attribute that can reduce VMT and GHG emissions, per the Scoping Plan. For mul. -family residential units, Appendix D of the Scoping Plan also suggests that the cost of parking be unbundled from the costs to rent or own a residential unit. The commenter incorrectly states that the project would include a parking ratio of approximately 2.9 spaces per residential unit and asserts that this would exceed the reduced parking recommendations for residential development in the Scoping Plan, Appendix D.

Unbundled residential parking in a location such as the project site is considered infeasible because it creates an incentive for project residents to take advantage of the retail parking on the project site, thereby undermining the viability of retail and restaurant uses as well as parking opportunities on nearby public streets. Avoidance of overflow parking elsewhere is also the reason the proposed project would include a reduced, but still believed to be adequate, average of 1.7 parking spaces per residential unit.

As shown in Table 3.E on page 3-53 in Chapter 3.0, Project Description, in the Draft EIR, the proposed project would provide 2,524 parking spaces for the proposed 1,422 residential units through project buildout, resulting in an overall ratio of 1.7 parking spaces per residential unit. Per the City's parking requirements for multi-family residential/infill development projects identified in Section 14.18.040 of the City's Municipal Code,[12] typically the City would require the project to provide a ratio of 2 to 2.5 parking spaces per residential unit. Therefore, the project is already below the City's typical parking requirements and would be consistent with the reduced parking attribute included in Appendix D of the Scoping Plan. Furthermore, Assembly Bill [AB] 2097, which was signed into law on September 22, 2022, eliminates most minimum parking requirements for residential, commercial, and other development projects located within 0.5 mile of public transit. Given that the project site is located approximately 0.39 mile from the Sonoma-Marin Area Rail Transit (SMART) Civic Center Station, the project is not subject to any parking requirements.

[12] City of San Rafael. n.d. *Municipal Code Section 14.80.040: Parking Requirements for Multi-Family Residential/ In-fill Development.* Website: https://www.cityofsanrafael.org/parking-requirements-multi-family-residential-development/ (accessed May 2024).

Additionally, as identified in Section 4.11, Greenhouse Gas Emissions, of the Draft EIR (pages 4.11-22 and 4.11-23), for the residential land uses, the proposed project would result in a VMT per capita below the significance threshold that is consistent with the Senate Bill (SB) 743 VMT significance threshold of 11.4 VMT per capita, which reflects a VMT per capita of 15 percent below the nine-county Bay Area regional average of 13.4 VMT per capita. Therefore, the project would not result in a VMT impact, and mitigation measures are not required to further reduce VMT. Further, the project would meet and exceed the CALGreen Code Tier 2 voluntary standards for residential and new commercial EV charging, as recommended by the BAAQMD. Since the project would include EV charging infrastructure, it would also contribute its fair share for reducing vehicle emissions while supporting the transition to cleaner fuels. Lastly, the project's significant and unavoidable impact related to GHG emissions is related to retaining availability of natural gas connections, for restaurants only, during operation of the project. As discussed above, the proposed project would be consistent with the reduced parking attribute compared to the City's Municipal Code, would meet or exceed the CALGreen Code Tier 2 voluntary standards for EV charging, and would have a less than significant impact related to project-generated VMT. Because the potential GHG emissions benefit of reducing parking further would not address the source of the project's significant GHG impact, the City would not require this measure as mitigation for the proposed project. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-1-7

This comment provides a review of and general agreement with the Draft EIR's analysis of project consistency with the applicable Sustainable Communities Strategy (i.e., Plan Bay Area 2050).[13] The comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 1, which addresses comments related to the project merits.

Response A-1-8

This concluding comment restates that many of the proposed project's features are consistent with key attributes from the Scoping Plan and applicable GHG plans adopted for the purpose of reducing GHG emissions, and is noted. The comment further restates the recommendation to reduce the number of parking spaces to one space per residential unit, which is addressed previously in Response A-1-6. CARB's comments are addressed in Responses A-1-2 through A-1-7, and no further response is required.

[13] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2018. Plan Bay Area Projections 2040. Website: http://projections.planbayarea.org/ (accessed May 2024).

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Transportation Authority of Marin

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County of Marin
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Stephanie Moulton-Peters
Dennis Rodoni
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March 5, 2024

April Talley, Project Director
City of San Rafael Planning Division
1400 Fifth Avenue
San Rafael, CA, 94901

Re: Northgate Town Square DEIR Comments

Dear Ms. Talley,

Thank you for the opportunity to comment on the development of the Northgate Mall Redevelopment Draft Environmental Impact Report (DEIR). The Transportation Authority of Marin (TAM) serves as the Transportation Sales Tax Authority, providing a local funding source to support local transportation needs, and as the Congestion Management Agency (CMA) for Marin County, representing Marin's cities, towns and unincorporated county in regional transportation planning. **A-2-1**

TAM staff have reviewed the relevant DEIR sections based on our Transportation Sales Tax Authority and CMA responsibilities for Marin County and would like to offer the following comments for consideration.

Overall Comments – The transportation analysis included in the plan uses the appropriate Vehicle Miles Traveled (VMT) standards for determining impacts under CEQA. San Rafael's thresholds for determining significance of transportation impacts are also appropriate. TAM appreciates the use of TAM's Demand Model (TAMDM) to estimate and forecast VMT for the project. The TAMDM tool is the most suitable tool for this type of analysis and provides localized data to generate the transportation data used in the findings outlined in the DEIR. We appreciate the City of San Rafael's and the project applicant's coordination with TAM on the use of the travel model for this project analysis. **A-2-2**

Thresholds of Significance – The city's decision to use a regional average as a baseline for VMT is the most stringent standard for VMT available to the City of San Rafael, setting a high bar to achieve for the project. SB 743 implementation guidance by the Governor's Office of Planning and Research (OPR) suggests a threshold of significance of 15% below baseline. A citywide VMT average or countywide VMT average (in use by other local jurisdictions) would result in a higher baseline, and not result in new impacts identified. **A-2-3**

Coordination of access improvements – Much of the ability for the project to achieve the low levels of VMT outlined in the report is due to the availability of transit and active transportation facilities current and planned in the area. TAM is pleased to see planned offsite active transportation facilities included in the DEIR, specifically the long planned Merrydale improvements to improve access and connectivity from the Northgate Mall to the SMART Civic Center Station (identified in 2012's Civic Center Station Area Plan funded and developed in coordination with TAM). **A-2-4**

However, the project does not consider the same improvements for local bus services or an orientation of land uses *on site* to serve transit, an issue raised by TAM and Marin Transit (MCTD) in prior meetings. The project as planned relies on offsite access to SMART to meet policy general plan M-3.7 consistency. TAM requests the City to work with TAM and transit operators to improve transit connectivity *on site or directly adjacent*, specifically for local bus operations. The project should consider an orientation of land uses around transit facilities to ensure convenient and direct access to transit services. An example of this would be locating the affordable housing component of this project adjacent to transit facilities to support transit dependent or mobility impaired populations. Additionally, regional transit services on US 101 bus pads at the Manuel T. Frietas interchanges should also be considered for offsite connections. TAM has advanced plans for the US 101 Part Time Transit Lane (PTTL) facility located on Highway 101 between Novato and San Rafael and opportunities to further support this project. For example, TAM, the City, and transit operators can consider coordinated grant applications to support affordable housing planned for this project and the US 101 PTTL facility. TAM requests an opportunity to further discuss these issues with the City and transit partners and explore improving transit access and land use orientation of the project. **A-2-5**

Priority Development Area (PDA) Plans – This proposed project supports the PDA designated by the City. TAM supported this designation with a recommendation from the TAM Board for grant funding from the One Bay Area Grant program (OBAG 3) for the Northgate PDA Plan to further integrate mobility improvements for the area around this project. Through TAM's support, this plan was fully funded by MTC as part of the OBAG 3 process. We look forward to working with the City to advance this plan and recognize that subsequent planning will need to consider any project approvals in the area. At a minimum, planning for mobility improvements on site should be considered as part of the Northgate DEIR approvals, to limit future conflicts between uses such as utility features and bus stops. **A-2-6**

TAM is also including additional, technical/detail-oriented comments on subsequent pages for consideration.

TAM looks forward to working with the City on this development and appreciates the opportunity to comment on the DEIR. TAM's Director of Planning, Derek McGill, dmcgill@tam.ca.gov can assist with any clarifications or subsequent follow up. **A-2-7**

Sincerely,

Anne Richman
Executive Director

Additional comments on the DEIR from TAM:

- The project analysis trip generation rates also seem appropriate for the project for use in VMT in CEQA analysis and for cumulative impact analysis. The City's decision to use pandemic era traffic counts and the use of full occupancy trip generation rates for baseline Level of Service (LOS) analysis reflects the City's approach for General Plan consistency and TAM has no comments on the City's review of the project's impacts on General Plan consistency or analysis. However, TAM would request that the City coordinate with TAM on future traffic analysis efforts related to PDA plans, highway interchange improvements or other future planning efforts in the area to better understand infrastructure planning needs. Overall, the proposed project's lower rates of residential trip making is also indicative of lower trip intensity land use, and the VMT results seem within reason. **A-2-8**
- The DEIR identifies a threshold of significance for potential conflicts with applicable plans, ordinances or policies including TAM's Congestion Management Program (CMP) program. However, the CMP program is no longer in effect as of Summer 2022, as the majority of local jurisdictions representing the majority of the population have opted out of the process as allowed by State law. Additionally, the LOS based analysis in the CMP conflicts with OPR guidance excluding vehicle delay from CEQA impact analysis. For these two reasons, the CMP should be removed in table 4.9.E on Page 4.9-21. **A-2-9**
- On page 4.9-10 under Plan Bay Area 2050, this section should note that the City designated the Northgate Mall Priority Development Area (PDA) and this was included in Plan Bay Area 2050 as part of the Plan Growth Geographies. Due to the PDA designation, the proposed project is consistent with PBA 2050. The Equity Priority Community (EPC) designation is not the determining factor for consistency, and the description in table 4.9.E on page 4.9-21 should be updated to reflect the PDA, not EPC designation. **A-2-10**
- The Non-CEQA analysis included in the DEIR includes Vehicle Delay for intersections. It is helpful to include to see potential impacts to this local concern, however OPR guidance notes that vehicle delay is not a consideration under CEQA for any project approvals. **A-2-11**
- Population and Housing – the regulatory framework identified on page 4.2.8 identifies Plan Bay Area 2050 as a regulatory document. PBA 2050 is not a regulatory document guiding local development, but a long-range policy document. **A-2-12**

  (See here for a further description of RTP/SCS discussion: https://catc.ca.gov/-/media/ctc-media/documents/ctc-meetings/2023/2023-05/93-4-10-a11y). Additionally, the jobs-housing connection strategy described on this page has been updated and revised in subsequent updates to Plan Bay Area, including the current PBA 2050, and this strategy and its description are no longer relevant. **A-2-13**

Response to Letter A-2

Transportation Authority of Marin
Anne Richman, Executive Director
March 5, 2024

Response A-2-1

This introductory comment, which states that the Transportation Authority of Marin (TAM) serves as the local Transportation Sales Tax Authority and the Congestion Management Agency for Marin County, is noted. Individual comments provided by TAM are further responded to below in Responses A-2-2 through A-2-13.

Response A-2-2

This comment, which acknowledges that the transportation analysis provided in the Traffic Impact Analysis (TIA) prepared for the proposed project (Appendix F of the Draft EIR) and Section 4.9, Transportation of the Draft EIR apply the appropriate approach and methods of evaluation for determining potential impacts under CEQA, is noted. The comment also concurs with application of the TAM Demand Model (TAMDM) to perform the vehicle miles traveled (VMT) analysis. Refer to Section 4.9, Transportation, of the Draft EIR for a complete description of the transportation analysis methodology. No further response is required.

Response A-2-3

This comment, which acknowledges that the threshold of significance applied to the VMT analysis in the Draft EIR—the regional average—is the correct and most conservative threshold to use, is noted. The commenter goes on to state that use of a citywide or countywide average would represent a less stringent threshold and would result in a higher baseline (i.e., a lower bar to achieve) and would not result in the identification of new impacts. Refer to pages 4.9-14 and 4.9-15 in Section 4.9, Transportation, of the Draft EIR for a discussion of the VMT threshold applied to the project analysis, which is consistent with the City Transportation Analysis Guidelines. No further response is required.

Response A-2-4

This comment, which expresses support for project coordination with planned off-site, transportation-related infrastructure and access improvements, particularly the Merrydale Road connection to the nearby Sonoma-Marin Area Rail Transit (SMART) Civic Center Station, is noted. Although it is not a component of the proposed project, the project sponsor will contribute its fair share towards these improvements; this is included in the conditions of approval for the proposed project. It is also noted that the proximity of these facilities contributes to the lower vehicle miles traveled (VMT) for the project. No further response is required.

Response A-2-5

This comment requests on- and off-site project design changes to better optimize access to and infrastructure for local bus services. Regarding on-site design changes, such as the suggestion to reorient the affordable housing components of the project closer to off-site transit facilities, this

comment relates to the merits of the project; please refer to Master Response 2. Regarding improved connections to existing and planned transit infrastructure, these comments are noted. The City will continue to work with TAM, transit operators, and the project sponsor to explore continued transit improvement funding and design solutions that benefit access to transit for future project residents, employees, and patrons. Further, this comment will be taken into consideration as part of the overall review of the project application by City staff and decision-makers. Also refer to Chapter 2.0, Revised Project in this RTC Document, for revisions to the number and distribution of affordable housing units.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-2-6

This comment discusses the Priority Development Area (PDA) designation and related plans and funding mechanisms for mobility improvements around the project site. This comment further notes that TAM and the City should work together on subsequent related planning activities for the Northgate PDA. Page 4.9-19 of the Draft EIR includes a discussion of project impacts related to the existing transit system, and these impacts were determined to be less than significant. This comment will be taken into consideration as part of the overall review of the project by City staff and decision-makers.

Response A-2-7

This concluding comment introduces additional comments on the Draft EIR that are addressed in Responses A-2-8 through A-2-13. No further response is required.

Response A-2-8

This comment affirms the trip generation methodology and baseline environmental assumptions utilized in the Draft EIR for discussion of General Plan consistency, as further detailed in the Transportation Operations Study (TOS) prepared for the project (Draft EIR, Appendix H). The comment also notes that the VMT analysis and results are reasonable. Refer to Master Responses 3 and 4 regarding the environmental baseline established in the Draft EIR, and the related methodology for the evaluation of transportation impacts.

The comment also requests that the City coordinate with TAM on future traffic analysis efforts that are beyond the scope of the proposed project. The City is committed to continued coordination with TAM on subsequent traffic analyses and other planning efforts to further transportation infrastructure planning needs. This comment will be taken into consideration as part of the overall review of the project by City staff and decision-makers. No further response is required.

Response A-2-9

This comment identifies that the TAM Congestion Management Program (CMP) is no longer in effect as of Summer 2022, and that the Draft EIR's evaluation of the project for conformance to the CMP is not necessary and should be removed from the Draft EIR. This comment is noted. However, as

further stated throughout Section 4.9, Transportation, of the Draft EIR, because the proposed project would not generate more than 100 peak-hour trips, the CMP is not applicable. Nevertheless, all environmental review documents of countywide concern are transmitted by the City to TAM for review. No revisions to the Draft EIR are required, and the commenter's request to remove the discussion related to the now-outdated CMP would not change the conclusions in the Draft EIR. The City will discontinue references to the CMP in subsequent transportation analyses for future projects.

Response A-2-10

This comment correctly notes that the project site is within the Northgate PDA, as identified in Plan Bay Area 2050. Refer to page 4.1-5 in Section 4.1, Land Use and Planning, of the Draft EIR for further discussion. Also refer to page 4.1-9 for an evaluation of the project's consistency with the Northgate PDA.

Refer to pages 4.9-9 and 4.9-10 in Section 4.9, Transportation, of the Draft EIR, which describe the applicability of the Equity Priority Communities Program established by the Metropolitan Transportation Commission (MTC). The project site is also located within an Equity Priority Community, indicating that the project area experiences existing transportation challenges and disparities. Therefore, an evaluation of the project's consistency with this designation is also appropriately included in Table 4.9.E of the Draft EIR.

In response to this comment, Table 4.9.E on page 4.9-21 of the Draft EIR is revised as follows:

Plan/Ordinance/Policy	Project Consistency
Plan Bay Area 2050	***Consistent.*** The proposed project would be consistent with the Plan Bay Area 2050 goals and performance targets for transportation system effectiveness, <u>particularly those related to the project site's location within a Priority Development Area (PDA)</u>. The proposed project would develop new housing units that would locate residents near existing residential, office, and commercial uses, reducing the demand for travel by single-occupancy vehicles. In addition, the project area is served by public transit facilities and would provide enhanced internal bicycle and pedestrian facilities, which would also help to reduce the demand for travel by single-occupancy vehicles. According to the PDA and Equity Priority Community designations, the project would align with regional growth strategies and equity priority zones.

These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response A-2-11

This comment correctly notes that Section 4.9.3 of the Draft EIR includes a discussion of vehicle delay (i.e., level of service [LOS]) for the purposes of General Plan consistency, but that LOS is not the appropriate metric to evaluate transportation impacts under CEQA. As discussed in this section of the Draft EIR, findings of the intersection LOS compliance analysis, which are also further detailed in the TOS prepared for the proposed project (Draft EIR, Appendix H) are presented in the Draft EIR for informational purposes only. Further, this evaluation informs related analyses regarding emergency access and evacuation, as presented in the Draft EIR.

Response A-2-12

This comment notes that the regulatory framework identified on page 4.2.8 of the Draft EIR identifies Plan Bay Area 2050 as a regulatory document but notes that it is a long-range policy document and not a regulatory document. The City notes that there is a relationship between regulations and policies, but there is a difference in how they are defined and why they are created. The use of the regulatory framework term, in this context of the Draft EIR, includes all federal, State, and local government regulations, policies, and plans that are applicable to the project site and the proposed project. It should also be noted that some planning and policy documents do include tools that apply regulations that are evaluated in environmental documents for consistency and compliance. Page 4.2-8 of the Draft EIR, in the first sentence, Plan Bay Area 2050 is identified specifically as a long-range transportation and land use plan. No further response is required.

Response A-2-13

The comment provides a link to a California Transportation Commission (CTC) memorandum with the subject: Draft 2023 Regional Transportation Plan Guidelines for Metropolitan Planning Organizations.[14] This document, and the description of the Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) referenced by the commenter, is noted.

This comment also provides updated information regarding the Jobs-Housing Connection Strategy as identified on page 4.2-8 of the Draft EIR, and is noted. It is also noted that the description of the housing connection strategy described in the RTP/SCS has been updated and revised in a subsequent update to the Plan Bay Area 2050 and that the description of the Jobs-Housing Connection Strategy is no longer relevant. Given that the Draft EIR analysis relies on Plan Bay Area 2050, no further changes are required to address this comment.

In response to this comment, page 4.2-8 of the Draft EIR is revised as follows:

> ~~***Jobs-Housing Connection Strategy.*** The Jobs Housing Connection Strategy was adopted by ABAG and MTC as part of Plan Bay Area in July 2013. The Jobs Housing Connection Strategy reflects the preferred land use pattern, which was selected from a series of land use alternatives and based on input from the public, cities and counties, and transportation agencies. The preferred scenario aims to concentrate growth near transit-served employ¬ment centers in the inner Bay Area. For the SCS, the methodology used for assigning household growth to local jurisdictions incorporates multiple factors, including housing development capacity, base housing unit growth, vehicle miles traveled/transit service adjustment, and additional growth factors.~~

[14] California Transportation Commission (CTC). 2023. Memorandum to Chair and Commissioners for May 17-18, 2023 CTC Meeting, Subject: Draft 2023 Regional Transportation Plan Guidelines for Metropolitan Planning Organizations. Website: https://catc.ca.gov/-/media/ctc-media/documents/ctc-meetings/2023/2023-05/93-4-10-a11y (accessed May 8, 2023). May 5.

These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Miller Creek School District
Office of the Superintendent
380 Nova Albion Way
San Rafael, CA 94903

March 1, 2024

City of San Rafael Planning Division
Attn: April Talley, Project Director
1400 Fifth Street
San Rafael, California 94901
April.Talley@cityofsanrafael.org

Re: Northgate Mall Redevelopment Project (SCH# 2021120187)
Comments on Draft Environmental Impact Report

Dear Ms. Talley:

This letter is submitted to the City of San Rafael ("City") on behalf of the Miller Creek School District ("District"), a California public school district, and its governing board ("School Board") in response to the City's Draft Environmental Impact Report ("DEIR") for the proposed Northgate Town Square Project ("Project") – also referred to in the DEIR as the Northgate Mall Redevelopment Project. As a California public school district serving children who reside and attend school within the City, and as an owner of property within close proximity of the Project site, the proposed Project affects resources within the District's expertise. **A-3-1**

The District's goal is to ensure our schools are well prepared to welcome new students as the City works to build more housing. Given the particular magnitude of the proposed Project, the District is especially keen to work with the City to ensure the growth in student enrollment for our District is well planned for and any major impacts are well considered.

The District values the public process in which we are engaged and is committed to continued collaboration with the City in its efforts to bring much needed housing to our community. The District also appreciates that the City considered the student enrollment and school capacity information previously submitted to the City for consideration.

As you know, the Project will include up to 1,422 new residential units and falls within the Miller Creek School District. The District will need to prepare to welcome approximately 338 additional elementary and middle school students.

As the DEIR states, "Based on the capacity status of the schools serving the project identified in Table 4.13.C, enrollment within both the MCSD and SRCS would exceed capacity with development of the proposed project; therefore, the MCSD and SRCS would need to either expand their existing facilities or construct new schools." Yet the DEIR goes on to conclude that the Project will only have a "less than significant" impact on school facilities. (DEIR, Section 14.3, p. 15.) How can this be? How will the District be able to "either expand their existing facilities or construct new schools"? What portion of the DEIR mitigates the impact of student enrollment growth that will exceed the capacity of our current facilities such that the impact becomes "less than significant" to the District and the San Rafael community? **A-3-2**

The DEIR states that the Project's impacts on school facilities will be fully mitigated through the payment of statutory school impact fees. (DEIR, Section 14.3, p. 14-15.) However, as the District has consistently maintained, payment of such fees come nowhere close to providing the funds necessary to expand our facilities or construct new schools in order to welcome the new students generated from this Development. This is particularly true here where the District, as an elementary school district (versus a unified district), only receives a portion of the assed developer fees, sharing the balance with the high school district. Therefore, as a foundational matter, the District again urges the City to step forward as a partner to collaborate with the District to address these unmitigated impacts. **A-3-2 (cont.)**

Notwithstanding the DEIR findings regarding impacts to school facilities, we submit these comments to the City to register the District's serious concerns that the DEIR, as drafted, is insufficient to comply with the legal requirements of the California Environmental Quality Act (Pub. Res. Code, § 21000, *et seq.*, hereinafter "CEQA") and its interpreting regulations (Cal. Code Regs., tit. 14, § 15000, hereinafter "Guidelines."). Under CEQA and its Guidelines, an environmental impact report ("EIR") must set forth all significant effects on the environment of the proposed project, as well as mitigation measures proposed to minimize significant effects on the environment, and alternatives to the proposed project. An EIR must "present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450.) **A-3-3**

It is the District's position that the DEIR contains conclusory statements unsupported by factual information or data, inconsistent and conflicting information, and analytical gaps in its analysis which render the DEIR insufficient with respect to identifying and analyzing the possible impacts on the environment, and precludes meaningful public review and comment. Likewise, the DEIR includes certain mitigation measures that are deferred or undefined, rendering it impossible to gauge their effectiveness. Specifically, further analysis and/or mitigation is needed in the areas of Air Quality and Odors, Noise, Transportation and Circulation and Public Services, among others. Therefore, it is imperative that the DEIR be revised and recirculated to address its deficiencies and disclose the significant new information to the public for review and comment before the proposed Project can be approved. Unless and until the City addresses all of the shortcomings of the DEIR and adequately mitigates the proposed Project's environmental impacts, the District will remain opposed to the planning decisions regarding this Project. It is our great desire to partner with the City of San Rafael to secure additional developer fees to truly mitigate a sizable portion of the cost to expand or construct new school facilities and collaborate to establish a fully plan to fund the exciting growth this Project will bring to our District to be prepared to welcome new students to our schools.

In addition to our concerns with respect to the overall environmental impacts of the proposed Project, the public has entrusted the District with providing its students with a high-quality education, which includes ensuring the health and safety of our students and staff and the integrity of their learning environment. The proposed Project will increase local air pollution, truck traffic, pedestrian safety risks, noise, and odors, among other environmental impacts, which will likely impact the health and safety of our students and staff. As discussed herein, the proposed Project's impacts must be adequately evaluated and mitigated to prevent an undue burden on our students, parents, faculty, staff, and community as a whole.

Accordingly, the District offers the following, more specific, additional comments to the Project:

General Comments

We note at the outset that following circulation of the Notice of Preparation ("NOP") for the proposed Project, the District submitted several letters to the City seeking to collaborate regarding the impact of development in the City on District facilities and students and families. The District expressed that it intended to stay closely involved in the environmental review of the Project and invited the City to continue communications. We again express disappointment that the City did not honor the District's request(s) for collaboration, and instead only reached out to the District once the DEIR was published for public comment. A-3-4

We are also concerned that the DEIR failed to evaluate other Project-related impacts on District resources. As stated in the DEIR, the District owns and operates Vallecito Elementary School located at 50 Nova Albion Way, San Rafael, CA 94903, just over 0.25 miles from the Project area. However, we note that impacts to this site and the students it serves were not evaluated. Instead, the DEIR relies on only a few data points related primarily to District enrollment and facilities capacity. While we thank and appreciate the City's effort to incorporate this information provided by the District, we note that enrollment and school capacity comprise just a fraction of the relevant information we believe is necessary to evaluate impacts on District resources. As a neighboring property owner operating an elementary school that is within walking distance to the proposed Project site, it goes without saying that the Project will have impacts on the school's operations. Unfortunately, the District was not invited to provide critical information regarding those operations. As such, and as explained more fully below, the DEIR contains insufficient information to adequately assess impacts to our adjacent school and programs.

Transportation and Circulation

- We believe Section 4.9 of the DEIR fails to consider the traffic impacts associated with school drop-off and pick-up peak hours, which are different from the typical peak hours studied in the DEIR. Specifically, the DEIR concedes that hundreds of students will be generated from the Project. However, it fails to analyze the traffic impacts associated with transporting those students to and from the Project area during "school peak hours." As such, the DEIR fails to assess the full scope of vehicular traffic impacts associated with the Project. A-3-5

- Similarly, Section 4.9 does not address the lack of alternative routes students may travel to and from District schools, including buses, bikes, and pedestrian pathways. We note that the District historically offered busing to students in the District. However, due to a lack of funding and a consistent bus driver shortage, the District has significantly reduced its busing operations. This has left many families with no choice but to find alternate routes to school. Thus, any reliance in the DEIR on District busing to offset traffic impact is misplaced. Nor does the DEIR adequately outline other safe routes to schools for District students, such as dedicated bike lanes. Instead, by failing to address this impact, the DEIR improperly defers and shifts this mitigation of this Project-related impact to the District all while it struggles to A-3-6

determine how students generated from the Project area will be appropriately accommodated at District schools. **A-3-6 (cont.)**

Air Quality and Odors

- Section 4.10. does not appear to analyze the impact of the Project on air quality associated with the nearby school drop-off and pick-up peak hours. As noted above, school peak hours are generally distinct from working peak hours, which was the baseline used in the DEIR. Without a more complete analysis of all vehicular trips to be generated to and from the Project site, it is unclear whether these additional trips increase the level of environmental significance. As such, the DEIR should be amended to address these additional potential impacts. **A-3-7**

- Section 4.10 likewise excludes an analysis of air quality and odor impacts on students and faculty located at Vallecito Elementary School. This is particularly important given that school-age children are typically considered "sensitive receptors." Given the scope of the Project and the sheer volume of construction trucks and other equipment that will be necessary to construct the Project, it is hard to fathom a scenario in which students of the District will not be impacted by hazardous air and odors – both as they walk and bike to and from school <u>and</u> as they recess in the outdoor play space on the nearby school site. The DEIR itself concedes that truck traffic, construction equipment and construction activities will release hazards into the air such that mitigation is required. However, the DEIR is silent as to the impacts that will have on this special population. Thus, as noted above, the DEIR should be amended to specifically address these Project-related impacts.

Noise

- The Noise analysis of the DEIR (Section 4.12) does not take into consideration noise impacts related to overcrowded District schools (as conceded in Section 4.13 of the DEIR). Overcrowding the District's school(s) as a result of the Project will undoubtedly lead to increased noise for which no analysis was completed in the DEIR. Instead, the DEIR attempts to shift responsibility and mitigation of this Project-related impact to the District to be addressed at a later time. CEQA requires that lead agency to address the impacts of its Project. It may not defer consideration of those impacts or identification of mitigation measures to address those impacts. In this way, the DEIR has failed to comply with these basic CEQA mandates. **A-3-8**

- Section 4.12 is also silent as to noise impacts on students who attend Vallecito. Although the DEIR correctly identifies educational facilities as a type of land use that is "considered more sensitive to noise than others," it failed to identify Vallecito as one such impacted land use – despite its close proximity to the Project site and the surrounding streets that will be utilized by construction trucks and equipment. (DEIR., Section 4.12, p. 6.) Rather, there is no assessment of whether noise associated with traveling construction trucks and equipment and/or construction-related noise will **A-3-9**

impact students during the school day. Excessive external noise surrounding the campus can negatively impact students during daily learning, as well as during testing periods. The District believes these impacts must be assessed and mitigated, and the DEIR, as drafted, fails to do so. **A-3-9 (cont.)**

Public Services and Recreation

School Facilities

- We again lodge a specific objection to the DEIR findings regarding impacts to school facilities, as discussed in Section 4.13. The DEIR includes a brief discussion of schools located in the vicinity of the project site. More specifically, however, the DEIR concedes that the Project will generate more students than the District can accommodate at its existing facilities. (DEIR, Section 4.13, p.14-15.) The DEIR goes on to assert that due to SB 50, the only mitigation available to the District is payment of school impact fees. As a result, the DEIR concludes that impacts to schools associated with the Project are less than significant. (DEIR, Section 4.13, p.15.) The District wholeheartedly disagrees with this impact finding as the District has established that payment of developer fees **do not fully mitigate the impacts of the Project on District facilities, students, parents and staff.** As such, we urge the City to revise the impact finding for impacts on school facilities to accurately reflect the reality that the District's facilities cannot accommodate students generated from the Project. Even if the City fails to take action to address these impacts, the public at large and the community that will be impacted by the Project should be made aware of the actual impacts. **A-3-10**

Parks

- In discussing the impact of the Project on parks and recreation resources, Section 4.13 mischaracterizes the District as one of the "park service providers" operating facilities that are part of the inventory of "public open space" located in San Rafael. (DEIR, Section 4.5.) Notably, while the DEIR describes all of the District's school campuses as a "compliment" to the City's other recreational space, (DEIR, Section 4.13, p.7), it later expressly relies on these same facilities to conclude that the Project will have a less than significant impact on park resources. (DEIR, Section 4.13, p.15.) More specifically, the DEIR finds that the required ratio of parkland per every 1,000 residents would not be exceeded by the Project; but it only reaches this conclusion by "counting school open space at 50 percent" as part of the total improved parkland acreage in the San Rafael Planning Area. (DEIR, Section 4.13, p.15.) School open spaces in this context appears to refer to all public school campuses, without regard to whether these spaces are actually open and available for public use. As the DEIR concedes, and for obvious safety reasons, access to recreational space on school campuses comes with various limitations, especially during the school day. Moreover, any use of school facilities must comply with specific provisions in the Education Code which **A-3-11**

govern such uses. Further, no information was obtained from the District or included in the DEIR regarding the current uses of existing District recreational space. Therefore, the assumption in the DEIR that even 50% of the District's open space on its campuses is available for use by the public on an at-will basis is unfounded and renders the impact finding upon which it is based unreliable. **A-3-11 (cont.)**

CONCLUSION

The District requests that the proposed Project's unstudied potential significant and cumulative impacts to our students, parents, faculty, staff, and community be fully analyzed and mitigated. Given the lack of required analyses in the DEIR, and because informed decision making and public participation are fundamental purposes of the CEQA process, the District respectfully requests that the City: **A-3-12**

1. Revise the DEIR to include the required analyses and mitigation measures as set forth herein;

2. Recirculate the revised DEIR for an additional 45-day review and public comment period per the requirements of CEQA;

3. Work with the District to address the unmitigated impacts the Project will have on school facilities, both by negotiating the developer fees for this project and collaborating to identify other sources of funding beyond; and

4. Collaborate with the District to identify tangible opportunities to offset the cumulative impacts of growth generated not only by this Project, but also by the increased development that will occur within the City over the coming decade. To this end, the District looks forward to the City's cooperation in addressing these deficiencies to ensure the continued high quality of life in the City and education provided in its schools.

In accordance with CEQA Guidelines, section 15204(d), please be advised that I, Brad Honsberger, am the contact person for the District who is available for consultation on the District's behalf. My contact information is provided below.

Very truly yours,

Brad Honsberger, Board President
Miller Creek School District

Phone: (415)637-3623
Email: bhonsberger@millercreeksd.org

cc: Members, Miller Creek School District Board of Trustees

Response to Letter A-3

Miller Creek School District
Brad Honsberger, Board President
March 1, 2024

Response A-3-1

This introductory comment, which describes the Miller Creek School District's (MCSD) role in providing public education services within San Rafael and acknowledges the size and scope of the project and resulting projected future enrollment as described in the Draft EIR, is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and no further response is required.

Response A-3-2

This comment disagrees with the Draft EIR's conclusions that impacts related to school facilities would be less than significant and states that mitigation measures are necessary to provide for the expansion of existing or construction of new schools within the MCSD to serve project residents. The commenter goes on to state that payment of development impact fees is not sufficient to fund needed facilities because the MCSD does not receive the entirety of the impact fee.

As discussed on pages 4.13-14 and 4.13-15 of the Draft EIR, new students generated by the proposed project within the MCSD and other school districts serving the project site could result in the need to expand school facilities. As shown in Table 4.13.B in the Draft EIR, MCSD currently has available capacity, including 276 spaces in the three elementary schools and 117 spaces in the middle school. It is estimated that the proposed project would generate a total of 333 elementary and middle school students between 2025 and 2040, when the project is anticipated to be complete.[15] The increase in Phase 1 (133 students) represents approximately 6 percent of the total elementary and middle school capacity, and the increase in Phase 2 (200 students) represents approximately 9 percent of the total elementary and middle school capacity. The time frame for full buildout of the project would allow MCSD the opportunity to plan for student enrollment increases in schools serving the project site. Further, the proposed project's contribution to the increased enrollment within MCSD is consistent with the student enrollment and population projections considered and evaluated in the certified 2040 General Plan Final EIR (refer to Section 4.2, Population and Housing, in the Draft EIR).

In addition, development within San Rafael is subject to the Mitigation Fee Act per California Government Code Section 65995, which is described on page 4.13-9 of the Draft EIR. In 1986, the California Legislature authorized school districts and other agencies to levy school impact or developer fees to fund school facilities and be subject to inflationary increases authorized by the State Allocation Board every year. Each school district that serves San Rafael assesses its needs individually based on student generation rates from development, and charges development impact fees accordingly. Commercial and residential development in San Rafael is required to pay development impact fees to corresponding school districts, which would go towards the expansion

[15] MCSD's student generation rates do not differentiate between elementary and middle school students.

and construction of new facilities when and if they are needed. School districts determine their own development impact fees, often dependent on student generation rates for that district. These payments accommodate the need for new facilities based on the increase in student population in each district.

The Draft EIR's finding that impacts to school facilities would be less than significant are valid. Specifically, the California State Legislature, under Senate Bill (SB) 50, has determined that payment of school impact fees shall be deemed to provide full and complete school facilities mitigation. The proposed project will be required to pay the school impact fees adopted by each school district within the project site's enrollment area, including the MCSD. According to California Government Code Section 65995(3)(h), the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities."

In July 2022, the MCSD was approved to increase the development impact fees to $4.83 per square foot for residential uses and $0.79 per square foot for commercial uses, with 70 percent of fees collected to benefit the MCSD.[16] These fees are intended to provide MCSD with the funds to plan for and accommodate expanding enrollment within their service area that is associated with and in line with the pace of new development and are considered full and complete mitigation for potential impacts to school services that could occur as a result of new development, such as the proposed project.

Furthermore, the MCSD's Facility Master Plan[17,18] identifies current and future facility needs and notes that MCSD will need to pursue several different funding strategies, including developer fees, general obligation bonds, joint use projects, and State funding. The MCSD does not rely on development fees alone to fund its service and facility needs. It is also acknowledged that increases in student enrollment do not always directly correlate to new construction activity. As stated in the Community Services Background Report[19] prepared for the San Rafael General Plan 2040, the actual cost of constructing facilities to serve new students exceeds the amount that would be generated by development impact fees and other funding sources, such as local bond measures and State grants, are essential to cover capital costs. The report notes specifically that enrollment within San Rafael has increased since 2010, largely due to an increase in household sizes and not because of new construction.

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16 Miller Creek School District (MCSD). 2022. Miller Creek School District: Developer Fees. Website: https://www.millercreeksd.org/departments/business-services/developer-fees#:~:text=The%20District%20fees%20beginning%20on,San%20Rafael%20High%20School%20District (accessed May 20, 2024).

17 Dixie School District. 2014. Facility Master Plan for Dixie School District. February 7. Website: https://www.millercreeksd.org/about/files/documents/Facility%20Master%20Plan.pdf (accessed May 2024).

18 Note that the Miller Creek School District was formerly known as the Dixie School District.

19 San Rafael, City of. 2020. Community Services Background Report, San Rafael General Plan 2040. February. Website: https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2020/04/CommunityServicesReport.pdf (accessed May 2024).

Lastly, under CEQA, the City and the project sponsor are not required to address any supposed inadequacy in school funding or speculatively possible scenarios arising under the presumption that such inadequacy does or will continue to exist.[20] Court cases have held that an EIR need not analyze or mitigate projected minor increases to a local school district student population resulting from the proposed project because the project proponent had no responsibility to dictate how the school district chooses to address capacity issues.

Payment of impact fees in compliance with the MCSD's own developer fee schedule is deemed by State law to ensure that impacts to school facilities would be less than significant, and the Draft EIR's less than significant impact conclusion remains valid. Furthermore, as discussed in Section 4.2, Population and Housing, in the Draft EIR, the proposed project would be consistent with the development assumed for the project site in the 2040 General Plan, certified 2040 General Plan Final EIR, and 2023-2031 Housing Element. No impacts to school facilities were identified at the time that these planning and policy documents were adopted.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-3-3

This comment summarizes the MCSD's general opinion that the Draft EIR is insufficient to comply with the legal requirements of CEQA. The comment goes on to state that additional analysis and/or mitigation is required to address the topics of air quality and odors, noise, transportation and circulation, and public services, among others, but does not identify any specific deficiencies related to these analyses. The comment states that the proposed project would increase local air pollution, truck traffic, pedestrian safety risks, noise, and odors, and that these effects, among other impacts, would impact the health and safety of MCSD students. The construction and operational effects of the proposed project are thoroughly evaluated in the Draft EIR, and mitigation measures are identified to reduced significant impacts. More specific and substantive comments related to these topics are provided later in Letter A-3 and are responded to below in Responses A-3-5 through A-3-12. The comment that the MCSD will remain opposed to approval of the project unless these items are addressed is noted. Please refer to Master Response 6 regarding the substantial evidence standard pursuant to CEQA and Master Response 7 regarding CEQA mitigation requirements. Master Response 8 addresses the request to recirculate the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR. Further, this comment will be taken into consideration as part of the overall review of the project application by City staff and decision-makers.

[20] *Goleta Union School District v. Regents of University of California* (1995) 37 Cal.App.4th 1025 and *Chawanakee Unified School District v. County of Madera* (2011) 196 Cal.App.4th 1016.

Response A-3-4

This comment, which states that the MCSD wishes to closely collaborate with the City on review of the proposed project, is noted. The comment also provides a general introduction related to the MCSD's concern that the Draft EIR did not evaluate other project-related impacts on the operation of MCSD facilities within proximity to the site, namely Vallecito Elementary School, located at 50 Nova Albion Way, just over 0.25 mile from the project site.

Schools are considered sensitive receptors for the purposes of CEQA, and nearby sensitive receptors are considered in the impact evaluations in the appropriate topics of the Draft EIR (i.e., Sections 4.9, Transportation; 4.10, Air Quality; and 4.12, Noise). More specific comments related to these topics are provided later in Letter A-3 and are responded to below in Responses A-3-5 through A-3-11.

Response A-3-5

This comment states that Section 4.9, Transportation, of the Draft EIR did not evaluate impacts associated with the peak pick-up and drop-off hours at Vallecito Elementary School, and that transportation of students generated by the project to and from this nearby school was not considered. As discussed in Section 4.9, Transportation, of the Draft EIR, all impacts related to transportation and circulation would be less than significant, including with implementation of Mitigation Measure TRA-1, which requires site-specific measures to ensure that sufficient sight distance is maintained. Specifically, as it relates to proximity of Vallecito Elementary School, the proposed project would not conflict with any applicable plans, ordinances, or policies addressing components of the circulation system (pages 4.9-18 through 4.9-22 of the Draft EIR) and would not substantially increase design hazards on surrounding roadways (pages 4.9-24 through 4.9-27 of the Draft EIR). Further, as described throughout Section 4.9, traffic on surrounding roadways would be reduced compared to baseline conditions for both average daily and PM peak-hour trips, and would increase slightly for AM peak-hour trips; these calculations would include the transport of new students generated by the proposed project. Lastly, congestion on surrounding roadways is no longer considered an impact under CEQA, although secondary effects of such congestion are required to be evaluated and are fully addressed in the Draft EIR. There is no need to conduct an evaluation of traffic congestion on area roadways during periods that do not fully coincide with the typical AM and PM peak-hour traffic periods that are evaluated in transportation operations analyses, which are provided for informational purposes only. Furthermore, as noted on page 4.9-19 of the Draft EIR, the multi-use trail along the Las Gallinas Avenue frontage would be extended south to Northgate Drive as part of the project, thereby improving access for alternative modes of transportation between the project site and Vallecito Elementary School.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-3-6

This comment expands upon the transportation-related concerns stated previously in Letter A-3 and addressed in Response A-3-5. The comment further states that due to lack of funding and staffing shortages, the MCSD is unable to bus students to school and that the Draft EIR should not rely on

busing to offset traffic impacts. The Draft EIR makes no assumptions regarding busing of students within the MCSD service area and the analysis and conclusions of the Draft EIR determined that transportation-related impacts would be less than significant. Therefore, mitigation measures related to busing of students is neither identified nor required. Refer to Master Response 7 regarding CEQA mitigation requirements and mitigation deferral.

This comment also states that the Draft EIR does not discuss alternative modes of transportation. Page 4.9-6 of the Draft EIR indicates that the San Rafael Bicycle & Pedestrian Master Plan identifies the segment of Las Gallinas Avenue between Manuel T. Freitas Parkway and Northgate Drive as a planned Class IV bicycle facility, which would serve as a potential path for bicyclists to travel between the project site and Vallecito Elementary School. The project's plans would provide for connection to this future facility (refer to page 4.9-19 of the Draft EIR). Additionally, it is noted that this length of travel includes a contiguous sidewalk for pedestrian travel.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-3-7

This comment states that Section 4.10, Air Quality, of the Draft EIR did not adequately analyze the impact of the project on air quality, including construction and operation period emissions and odors, as these relate to the nearby Vallecito Elementary School. Please note that this school is considered a sensitive receptor for the purposes of the air quality analysis in the Draft EIR and was therefore considered in the analysis, as further described below.

As described on page 4.10-34 of the Draft EIR, the air quality analysis uses the estimated vehicle trips generated by the project, as described in Section 4.9, Transportation, of the Draft EIR to analyze air quality and health risk impacts during project construction and operation. Implementation of the project would result in net operational emissions that are well below the Bay Area Air Quality Management District (BAAQMD) established criteria pollutant thresholds as shown in Tables 4.10.G and 4.10.H of the air quality analysis on page 4.10-35. The construction Health Risk Assessment (HRA) prepared for the proposed project analyzes potential impacts to the sensitive receptors that are closest to the project site, ranging from approximately 95 to 310 feet from the project site. As further described in Section 4.10 (page 4.10-38) of the Draft EIR, Mitigation Measures AIR-3a and AIR-4 (as modified [refer to Responses B-8B-26 and B-8B-42]) require that the proposed project use Tier 4 Final engines for all diesel construction equipment 50 horsepower and above so that sensitive receptors near the project site would have a less than significant health risk, including from chronic and acute exposure risks and cancer (Table 4.10.J). Vallecito Elementary School is located approximately 500 feet west of the site; therefore, the less than significant emissions that contribute to health risks would be further dispersed and reduced at this location. Also refer to Response B-8B-39 for additional information.

Proposed project operations would not include new emergency generators or other stationary sources of toxic air contaminants (TACs). However, the Draft EIR did analyze the potential cumulative health impacts on new project residents of TAC sources in the local community

combined with the proposed project's Phase 2 construction emissions (before mitigation) (Draft EIR, page 4.10-40 and 4.10-41). The cumulative HRA summarized in the Draft EIR analyzed the potential impact of sources within 1,000 feet of the project site to potential sensitive receptors on the project site. As detailed in Table 4.10.K, the potential total cumulative health risk from exposure to existing sources, including major roadways, was less than significant (also refer to Response B-8B-40 for updated calculations). It should also be noted that children are typically present at school drop-off and pick-up sites for short periods of time, and would be exposed to a limited amount of pollution during that time, whereas the health risk analysis conducted for the proposed project assumes that sensitive receptors are exposed to the potential emissions for multiple hours per day for years. Because the results of the HRA conclude that the potential health risks resulting from the proposed project are less than significant to the maximally impacted receptor near the project site, it follows that the potential health risk to children at the school drop-off and pick-up sites, as well as associated play areas, would also be less than significant.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-3-8

This comment suggests that the noise analysis provided in Section 4.13, Noise, of the Draft EIR did not consider overcrowding at MCSD schools to be a source of project-related noise. It appears that the commenter is attempting to make a connection between project-generated student enrollment, existing capacity at nearby schools, and resulting noisy classrooms associated with the assumed overcrowding that would occur. CEQA does not require the evaluation of such conditions, including whether or not noise would be generated by off-site uses that are not associated with the proposed project. Please refer to Master Responses 6 and 7 regarding speculation without substantial evidence and CEQA mitigation requirements, respectively. Also refer to Response A-3-2, which states that the MCSD has the opportunity to adequately plan for and fund expansion of existing or construction of new school facilities over the buildout horizon of the proposed project and that payment of development impact fees constitute full and complete mitigation to address potential capacity issues. The analysis in the Draft EIR does not assume that nearby schools would be subject to overcrowding due to the proposed project.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-3-9

This comment suggests that the noise analysis provided in Section 4.13, Noise, of the Draft EIR did not consider noise impacts of construction on students who attend Vallecito Elementary School, which is considered a sensitive receptor for the purposes of the Draft EIR noise analysis. Vallecito Elementary School is located just over 0.25 mile west of the project site, and is not adjacent to any roadways that would be utilized by construction trucks or equipment. In addition, construction traffic haul routes are required to be approved in advance of building permit issuance.

Further, construction noise level exposure was considered at seven studied receptors, all of which are closer to the project site than Vallecito Elementary School (ranging from between approximately 100 and 360 feet from the proposed construction areas on the southern edges of the site). Impacts to some of these receptors were determined to be potentially significant, and Mitigation Measure NOI-1 was required to install temporary construction-period sound barriers to ensure that noise levels at those receptors from construction would be reduced to a less than significant level. The sound barriers are required to be placed near operating equipment such that the sound path between the equipment and adjacent sensitive receptors would be reduced. Because these measures would reduce the impact to sensitive receptors that are between the site and Vallecito Elementary School, as well as much nearer, it follows that construction noise, which would attenuate as the distance from the source increases, would also be less than significant at the location of the elementary school.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-3-10

This comment repeats previous claims that the Draft EIR does not adequately address potential impacts to school facilities. Please refer to Responses A-3-2, which fully addresses this comment, as well as Responses A-3-3 through A-3-8, which demonstrate that the proposed project would not result in any secondary impacts to school facilities. Also refer to Master Responses 6 and 7 regarding speculation without substantial evidence and CEQA mitigation requirements, respectively.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-3-11

This comment states that the Draft EIR incorrectly relies upon school facilities in the inventory of parkland detailed in Section 4.13, Public Services and Recreation; consequently, the parkland-to-resident ratio determination for the proposed project is incorrect. The Draft EIR analysis includes school campuses in this inventory because, as stated on page 4.13-7, these facilities also provide sports fields, hard court areas, and playgrounds that are used by students and the community (i.e., the public) during non-school hours. Further, school open space is counted at only 50 percent, or a total of less than 50 acres of the total 314 acres of the parkland area within the San Rafael Planning Area. This assumption is consistent with the assumptions provided in the certified 2040 General Plan Final EIR and it is therefore appropriate to include the reduced school open space acreage in the parkland total. It should also be noted that all public open spaces within San Rafael are subject to certain limitations on their use (e.g., operating hours, various closures, varied and limited types of passive and active uses), and use of school open space facilities is no different.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response A-3-12

This concluding comment summarizes the previous comments provided in Letter A-3, which are addressed in Responses A-3-2 through A-3-11. Please refer to Master Responses 6 and 7 regarding speculation without substantial evidence and CEQA mitigation requirements, respectively. Also refer to Master Response 8, which addresses the adequacy of the EIR and that no arguments have been made and factually supported in the comment letters received, including in Letter A-3, that would require recirculation of the Draft EIR prior to certification of the Final EIR.

In addition, the comment requests that the City collaborate with MCSD to offset the cumulative impacts of growth generated not only by the proposed project but also by increased development that will occur over the next 10-year period. This comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted and will be considered by City decision-makers.

B. ORGANIZATIONS

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From: Susan Kirsch <susan@susankirsch.com>
Subject: Subject Line: For Public Comment re: the Northgate DEIR
Date: February 22, 2024 at 8:38:28 PM PST
To: April.Talley@cityofsanrafael.org

POB 1703, Mill Valley, CA 94942
CatalystsCA.org 415-686-4375

To: April.Talley@cityofsanrafael.org

Subject Line: For Public Comment re: the Northgate DEIR

Responsible Growth in Marin (RGM) and other neighborhood groups across the county and around the state are standing up to flawed Draft Environmental Impact Reports (DEIR), and this is honorable, necessary, and beneficial. B-1-1

The flawed DEIR studies that pretend a massive project won't have detrimental impacts on air quality and greenhouse gasses, noise, traffic, evacuation routes and safety, public open space, and building heights are examples of a loss of common sense—or some would say, an example of public insanity. B-1-2

The flawed thinking of DEIR is bad enough, but San Rafael and other jurisdictions face an even bigger problem: inflated, unreliable, and invalid Regional Housing Need Allocations (RHNA) numbers.

Elected officials and community leaders from around the state are waking up to the state's lack of reliable housing policy and demanding accountability.

The evidence is piling up. The **CA state audit** said the RHNA process was flawed. The HCD response admitted RHNA methodology was an "ad hoc" process. **Citizen Marin president Amy Kalish** describes the multiplier effect of misguided RHNA policy. Going further back, former **Albany City Council member Michael Barnes** documented how RHNA is rigged. The **Embarcadero Institute** provided evidence the RHNA numbers were inflated. B-1-3

Former Palo Alto City Council member and mayor Eric Filseth calls on the state to be accountable. He points out that by some estimates, jurisdictional statewide spending on RHNA tops $3B of public funds to work on complicated Housing Elements that are riddled with state-induced errors. What do they have to show for it?

Since 2017, instead of providing housing that is affordable to wage-earners, homelessness has increased by 31% and the median rent has increased by 38%. Housing production rates are flat, despite the flurry of over 150 housing bills. Meanwhile, the Dept. of Finance says CA's population is flat and is forecast to stay flat through 2060. Where's the evidence of the need for these excessive housing numbers? It doesn't exist. **B-1-3 (cont.)**

You can, in fact, it's your responsibility, to demand accountability. Stand in support of San Rafael and Marin County residents. Act in support of returning planning, land use, and zoning to local elected officials with common sense, not well-intentioned bureaucrats working as mouthpieces for the state.

3Susan Kirsch, President
Catalysts for Local Control
www.catalystsca.org
415-686-4375

Response to Letter B-1

Catalysts for Local Control
Susan Kisch, President
February 22, 2024

Response B-1-1

This introductory comment, which generally states that the adequacy of environmental documents is evaluated by local neighborhood groups around the country and the State, is noted. This comment does not specifically address the adequacy of the information or analysis provided in the Draft EIR for the proposed project; therefore, no further response is required.

Response B-1-2

This comment, which generally asserts that the Draft EIR provides a flawed analysis related to air quality, greenhouse gas (GHG) emissions, noise, traffic, evacuation routes and safety, public open space, and building heights and related impacts, is noted. The comment does not provide any specific examples of where the Draft EIR is deficient in the analysis of these topics. Please refer to Master Response 2 regarding the project merits and Master Response 6 regarding unsubstantiated opinions related to the adequacy of the information and analysis provided in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-1-3

This comment, which relates to the process for determining the Regional Housing Needs Assessment (RHNA) numbers for San Rafael and their subsequent use and reference in the Draft EIR analysis, is noted. The comment also provides weblinks to a number of webpages for various organizations and opinion articles, including the following, which are presented in the order referenced in the comment:

- **"Misguided RHNA Policy":** Webpage for Catalysts for Local Control and content created for a meeting held by the organization and entitled: How Housing Laws Sabotage Affordable Unit Production.

- **"RHNA is rigged":** Webpage for Livable California and content created for a teleconference held by the organization and entitled: Playing the Housing Numbers Game.[21]

[21] Livable California. 2022. Playing the Housing Numbers Game. October 28. Website: https://www.livablecalifornia.org/playing-the-housing-numbers-game-how-californias-sixth-cycle-rhna-was-rigged-presented-by-michael-barnes-at-a-livable-california-teleconference-10-29-22/ (accessed May 10, 2024).

- **"Embarcadero Institute":** Webpage for Embarcadero Institute and an introductory opinion article and report entitled: Double Counting in the Latest Housing Needs Assessment.[22]

- **"Calls on the State to be accountable":** Webpage for Catalysts for Local Control. The weblink: https://catalystsca.org/rhna-allocations/#town-hall-on-housing provided an error message. The comment and link appear to reference a meeting held by the organization. The specific webpage that the commenter intended to cite could not be confirmed.

The above-referenced documents are noted. The commenter does not make any further reference related to the adequacy or conclusions presented in the Draft EIR or the project evaluated in the Draft EIR. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Please note that RHNA is determined on a regional basis for each jurisdiction and, in the Bay Area, this determination is made by the Association of Bay Area Governments (ABAG) and the RHNA is then allocated by the State Department of Housing and Community Development (HCD). As described on page 4.2-6 of the Draft EIR, ABAG identified 3,220 units (defined by income category) as the City's fair share of the regional housing need for the 2023 to 2031 period. The City did not dispute this allocation and is implementing the allocated housing need through planning and policy processes outlined in the 2023-2031 Housing Element, which was certified by HCD on June 22, 2023. The RHNA numbers for San Rafael are considered final and are appropriate for use in the Draft EIR analysis.

[22] Embarcadero Institute. 2020. Double Counting in the Latest Housing Needs Assessment. September 2020. Webpage: https://embarcaderoinstitute.com/portfolio-items/double-counting-in-the-latest-housing-needs-assessment/ (accessed May 10, 2024).

March 5th, 2024

April Tulley, Project Manager
Department of Community Development
City of San Rafael
1400 5th Avenue
San Rafael, CA 94903

Email: AprilT@cityofsanrafael.org

SUBJECT: PUBLIC COMMENTS ON NORTHGATE TOWN SQUARE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR); SCH# 2021120187

Dear Ms. Tulley:

Marin Conservation League (MCL) would like to thank the City of San Rafael for the opportunity to review and submit comments on the Draft Environmental Impact Report (DEIR) prepared for the Northgate Town Square (Northgate) development project.

MCL has reviewed the DEIR for alignment with its longstanding mission, which is, *"To preserve, protect and enhance the natural assets of Marin in a changing environment."* Further, the DEIR has been reviewed taking into consideration its adopted policy positions on, among others, housing, flooding/sea level rise, and greenhouse gas emissions (including the endorsement of "full electrification"). With this, MCL respectfully submits the following DEIR comments, requests, and suggestions: **B-2-1**

1. General Comment. MCL acknowledges that some of the DEIR information and impact findings "tier" off the San Rafael General Plan 2040 Final EIR, which was certified by the City in 2022. The San Rafael General Plan 2040 acknowledged and planned for redevelopment of the Northgate site. **B-2-2**

2. Visual Resources. DEIR Section 4.3 assesses impacts on visual resources. A number of computer-generated visual simulations were prepared. However, the vantage points selected for the simulations are limited to local intersections and public streets. Because of the natural landforms and existing development, much of the project site and existing landmark buildings on the site are minimally visible or not visible from major public viewpoints. Nonetheless, there are several significant vantage points that were not considered or included in the analysis, which are critical to assessing visual impacts and General Plan 2040 policy consistency. Simulations should be prepared for the following critical vantage points: **B-2-3**

   a. *Northbound Los Ranchitos Road/Las Gallinas Avenue at Northgate Drive*. The project proposes the most dense and tallest buildings at the southeast portion of the mall site,

which will result in a significant visual change from this public intersection. This location is likely the single most view of the project site where the change in character and scale will be most apparent and significant.

b. *Northbound US 101 @ N San Pedro Road near Civic Center*. This vantage point is a significant, countywide scenic vista (Calif State Scenic Highways Program). Some landmark building elements of the existing mall are visible (Sears). The new, seven-story buildings will likely be visible. **B-2-3 (cont.)**

c. *Marin County Public Open Space – Ridgewood/Terra Linda/Sleepy Hollow Divide*. The Marin County public open space accessible from Ridgewood Drive, San Rafael is scenic resource and widely used by the public. This vantage point has a clear view of the Northgate site and the existing landmark buildings (Sears, Macy's).

Regarding shade and shadowing, the DEIR concludes that, while the project will introduce a number of taller buildings, the siting of these buildings and distance from existing, neighboring development and open space would not shade or cast a shadow on those uses. However, the DEIR does not address how or if new, future residents within the development would be impacted by shading or shadowing. Please address. **B-2-4**

This DEIR topic section presents a limited assessment of nighttime light and glare associated with the proposed onsite, exterior lighting. The DEIR acknowledges and cites San Rafael Municipal Code Section 14.16.227, which requires that new or amended lighting comply with specific standards, subject to review and recommendation by the police department, public works department, and community development department. Further, the DEIR concludes that as the project is required to comply with this municipal code section, compliance review is underway independent of the environmental review process. The DEIR concludes that based on a review of the lighting plan submitted by the applicant, the plan generally complies with the City standards, and that the light and glare impacts would be at a less-than-significant level. The Final EIR should include more details on the City's established lighting standards and how the final lighting plan will comply with these standards through permit condition compliance. On other development projects, the City has typically required the following standards and measures, which should be noted in the Final EIR: **B-2-5**

- Lighting fixtures/standards that include shields to direct the downward and to limit casting light and glare on adjacent properties.
- Complying with a "foot-candle" limit to ensure that elimination provides maximum safety while minimizing excessive glare.
- A photometric plan to ensure that excessive glare and "hot spots" of illumination are identified and minimized.
- Conducting a post installation inspection of exterior lighting to confirm compliance with standards and allowing for adjustments in the intensity, direction, or amount of lighting to minimize glare.

3. Geology/Soils. DEIR Section 4.6 (Geology/Soils) assesses impacts on geology and soils. This section is well documented by current and past geotechnical investigations, which confirm that bedrock is present as close as one foot from the ground surface in one boring location with groundwater was encountered at various levels (15-33 feet below ground surface). The geotechnical investigation recommends the use of "augured cast-in-place piles" for deep foundation design. However, it is unclear if this type of foundation design necessitates "pile driving" which results in significant noise and vibration impacts during construction. While the investigation notes that jack hammering and use of hoe-rams will be necessary when encountering localized bedrock, it is unclear if "pile driving" will be required. Please clarify. **B-2-6**

4. Hydrology and Water Quality. Comments on DEIR Section 4.7 (Hydrology and Water Quality) are as follows:

   a. This section includes a detailed and comprehensive discussion of water supply, which is further discussed in the Utilities and Utilities Services section of the DEIR. Given the project size, an individual Water Supply Assessment (WSA) is required by the State, which was commissioned by MMWD (Marin Water). The WSA concludes the project would significantly increase potable water and reclaimed water demand to 228- and 51-acre feet/year, respectively. Marin Water has concluded that there is adequate supply to meet the demand of the project during normal years, but that other sources (e.g., groundwater from Sonoma Water) will need to be secured during drought years. DEIR Mitigation Measure HYD-2 recommends that the WSA be provided to Sonoma Water so that this agency can account for this additional water demand in its management of groundwater use. MCL closely monitors Marin Water activities and actions relative to supply and water management. Marin Water is assessing and considering other supply sources to address drought year conditions; however, these other sources have not been mentioned in the DEIR. These other sources should be noted in the Final EIR. Further, the WSA should be provided to Sonoma Water now and a documented response from this agency should be included in the Final EIR. **B-2-7**

   b. This section includes an assessment of stormwater runoff and the capacity of the downstream infrastructure. The DEIR concludes that the project runoff has the potential to exceed the capacity of the infrastructure during a 100-year storm event. DEIR Mitigation Measure HYD-3 recommends that a hydrologic modeling analysis be completed to confirm this conclusion, and that it may ultimately require that additional, on-site stormwater detention be incorporated into the project. While deferring the completion of a modeling analysis is acceptable mitigation for an EIR, what is uncertain are the options and opportunities for on-site stormwater detention, if it is deemed necessary. The project site is 44 acres in size, so there are ample opportunities to provide on-site stormwater detention, if the future analysis determines that it is necessary. Mitigation Measure HYD-3 should include the potential type of stormwater detention options that could be considered, as well as possible on-site locations for siting such options. **B-2-8**

c. In addition to determining the need and potential location of on-site detention, the FEIR should be specific as to how the project will mitigate or eliminate the discharge of harmful pollutants into the stormwater system during site clearing and construction, and whether new stormwater drainage and conveyance facilities will be required. In the creation of a stormwater site specific pollution prevention plan, establish a baseline of stormwater water quality, a monitoring program and testing of receiving waters to protect the downstream watershed from pollutants. **B-2-9**

   In the event that mitigation is needed, a mitigation bank could be set up for the city to collect funds to support development of a Gallinas Creek Master Plan and/or implementation of future creek restoration projects in the Gallinas Creek watershed should this project (and/or future projects) require mitigation that cannot be done on the project site. Gallinas Creek and its tributaries would be the nearest possible mitigation location, which is the preference of regulatory agencies.

5. Transportation. DEIR Section 4.9 (Transportation) is comprehensive and is consistent with the scope, and technical studies recommended by the *City of San Rafael Transportation Analysis Guidelines*. The DEIR transportation analysis includes both CEQA-required (Vehicle Miles Traveled [VMT] analysis) and non-CEQA (Level of Service [LOS], parking, sight distance, queuing) analyses and assessments. Comments on this section are as follows:

   a. *Level of Service (LOS) Analysis*. While LOS review is no longer a methodology utilized for CEQA review, the City continues to assess LOS for local intersection operations. MCL is grateful that the LOS analysis has been included in the DEIR for public review and comment. While the LOS analysis is thorough, the one major concern is the methodology that was used to assess existing traffic generation with the estimated traffic that would be generated by the project. For documenting existing traffic conditions, the DEIR and the technical traffic analysis merely cite and utilize textbook trip generation rates (Institute of Transportation Engineers Manual) that are applicable for a regional shopping center. The textbook trip generation rate is based on field studies of vibrant, active regional shopping centers. MCL believes that this establishes inflated trip generation assumptions under current conditions ("baseline"), which ultimately influences the LOS impact conclusions of the project. **B-2-10**

   Under CEQA, the LOS analysis historically relied on the foundation of establishing the "environmental setting" (CEQA Guidelines 15125) to confirm "baseline" conditions which consider: 1) the physical environmental conditions as they exist at the time the notice to prepare an EIR is published; 2) where physical conditions change or fluctuate over time, existing conditions may be defined by referencing historic conditions supported by substantial evidence; and 3) existing conditions shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline. This CEQA provision is largely based on case law that acknowledges and accounts for the fact that the intensity and

operations of existing uses can (and do) change over time under the umbrella of authorized permits and land use approvals. These fluctuations result in, among others, significant increases and decreases in traffic and trip generation. **B-2-10 (cont.)**

The Northgate Mall has not been a vibrant, fully operating and occupied regional shopping center in decades, and existing trip generation at the mall during these years was and has been a fraction of the textbook rate utilized in the LOS analysis. Further, while authorized permits and land use approvals allow for a fully operating and occupied shopping center, in reality, this is not likely to ever be realized in the future should the center not be redeveloped. The nature of and draw to large, regional shopping centers has substantially and permanently changed. Consumers are purchasing goods online or are drawn to other types of brick-and-mortar commercial uses not always found in a regional shopping center.

At minimum, the DEIR should have included a full discussion of and justification as to why the textbook trip generation rate was used and the factors that led to its utilization. If left unexplained, a baseline utilizing existing trip generation rather than an unrealized textbook trip generation rate would be more realistic, logical, and credible. The Final EIR should include a discussion justifying why: 1) the LOS analysis solely relies on the textbook trip generation rate, and why it is reasonable and logical; and 2) existing traffic generation at the time of the publication of the Notice of Preparation was not considered or used.

A clearly documented baseline with credible traffic and trip generation assumptions is critical as it has an impact on the following DEIR topic area findings:

- Assessing signal warrants at local intersections.
- The threshold for triggering a Congestion Management Authority (Transportation Authority of Marin) arterial analysis = not required; based on trip generation.
- Triggering traffic mitigation fees.
- Assessing emergency access and impact on response time for first responders based on trip generation.
- Assessing roadway traffic noise is likely based on the LOS study and trip generation.

b. *Signal Warrant Analysis*. A signal warrant analysis was performed on most, but not all local, unsignalized intersections surrounding and abutting the project site. One critical intersection, the unsignalized is Northbound Freitas Parkway/Redwood Hwy-Civic Center Drive "approach" was not included in the signal warrant analysis. It is MCL's understanding that Caltrans is studying the possibility of redesigning this unsignalized intersection with a "roundabout." It is possible that this unsignalized intersection was not included in the signal warrant analysis as it is an intersection that is on land owned and managed by Caltrans. Regardless, the potential for a roundabout should be discussed in the Final EIR, along with discussion of a similar "roundabout" study that Caltrans is performing on the Southbound US101 off-ramp/Freitas Parkway signalized intersection. **B-2-11**

Given that this environmental document is intended to cover and serve the project approvals through the duration of project build-out (2040 through the approval of a Development Agreement), the projected and resulting traffic conditions and vehicle movement resulting from these roundabouts should be included in the Final EIR. **B-2-11 (cont.)**

c. *Pedestrian/Bicycle Connection to Civic Center SMART Station.* The DEIR provides an assessment of on-site and immediate off-site pedestrian and bicycle circulation. However, there is no discussion or assessment of off-site connectivity. As a transit-oriented development (within the designated North San Rafael Priority Development Area [PDA] and Transit Priority Area) with direct connectivity to the Civic Center SMART station, the DEIR should discuss and assess this connection along neighboring Merrydale Road. The City of San Rafael created the North San Rafael PDA with the purposeful intent of fostering transient-oriented development and connectivity between the Northgate site (as well as other sites within the PDA) and the SMART station. The City Department of Public Works has developed several plans and alternatives to develop an improved pedestrian/bicycle connection between the SMART station and the Northgate Mall site, which should be discussed in the Final EIR. **B-2-12**

d. *Planning for Local Public Transit - Marin Transit*. The DEIR states that the proposed project "would not interfere with existing transit facilities and would not preclude the construction of planned transit facilities … Existing transit routes are adequate to accommodate project-generated trips, and existing transit stops are within an acceptable walking distance of the site. Consequently, the proposed project would have a less than significant impact on the transit system."

As a project in a regionally designated Priority Development Area, it's a responsibility of the project to not only "not interfere with existing transit facilities" but to meet the goals of either "integrating high-quality public transportation infrastructure already in place or offer transit services and commit to supporting increased mobility options and reduced automobile travel." There is a clear role for a project of this size, located in a PDA, to include design elements and programs that support public transportation and actively support an integrated transit network. **B-2-13**

To decrease Vehicle Miles Traveled (VMT) generated by the development as well as increased congestion (LOS) on local roads, transportation demand management measures could include making transit prominent throughout the site through good signage, and go so far as providing free bus passes to each new resident upon move-in to establish transit use familiarity and pattern as one possible mitigation for the significant and unavoidable impacts from GHG emissions generated by the project.

The FEIR should provide information on how the "project-generated" transit trips were calculated in the DEIR. It should also offer ways the project can support and better integrate bus transit in the project.

6. Greenhouse Gas (GHG) Emissions. Comments on DEIR Section 4.11 (Greenhouse Gas Emissions) are as follows:

   a. This section includes a discussion of regional, state, and federal GHG laws and regulations particularly with reference to AB32 and SB375 (Plan Bay Area 2050, the Bay Area Region's Sustainable Communities Strategy). There is some reference to but no discussion of the North San Rafael Priority Development Area (PDA). The PDA is a Plan Bay Area 2050 implementation strategy intended to promote concentrated, higher density/intensity mixed-use development around public transit (e.g., SMART and US101) to facilitate a reduction in home-to-work travel and GHG emissions. **B-2-14**

   b. While DEIR includes a long list of San Rafael General Plan 2040 policies and programs related to GHG emissions impacts, absent from this list are Neighborhood Element policies and programs that are specific to the project site and the North San Rafael PDA. These policies and programs should be included as part of the strategy of the North San Rafael PDA is to reduce GHG emissions. **B-2-15**

   Regarding "operational" impacts from the project, the DEIR concludes that the proposed project would result in a net decrease in GHG emissions as compared to the existing conditions/uses. This conclusion is supported by the fact that the project: 1) is urban infill located near transit; and 2) includes many good sustainable design features (including full electrification of the residential buildings/improvements). Nonetheless, the DEIR finds that the proposed project would not meet the project design thresholds recommended by the Bay Area Air Quality Management District (BAAQMD) and would therefore be considered inconsistent with the long-term State GHG reduction goals and emission targets. The primary trigger for this finding appears to be that commercial components of the project would include the use of natural gas to service the proposed commercial kitchens. For this reason, the proposed project would conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Because of this conflict, the DEIR concludes that this impact would be significant and unavoidable, under both project and cumulative conditions. With a significant and avoidable impact finding, the City would be required to make "findings of overriding consideration" in order to approve the Northgate development project. **B-2-16**

   MCL believes that more could be done to reduce this significant and unavoidable impact to presumably a "less-than-significant" level by including a mitigation measure that that would require full electrification of the entire Northgate development project. Such an action and requirement would set a good example for other future development projects in San Rafael. In addition, it would foster the Countywide effort to promote full electrification through the Marin Building Electrification Plan. This issue was very poignantly addressed in the February 9, 2024, DEIR comment letter submitted to the City by Sustainable San Rafael. MCL wholeheartedly concurs with the comments and recommendations presented by Sustainable San Rafael and encourages that the City strongly consider its recommendations.

The developer asserts that it is not feasible to limit kitchens for commercial tenants to all electric appliances and induction cooktops. Nonetheless, technology continues to change over time, and it is prudent to plan ahead. Since the developer is seeking the approval of a Development Agreement to vest this project through 2040, much will change in this time. Therefore, negotiating full electrification for build-out of the Northgate development through the Development Agreement process would responsibly address long-term GHG emissions. **B-2-16 (cont.)**

c. Regarding solar panels and battery storage, the DEIR, throughout chapters 3 and 4, has a discrepancy in language in identifying which residential buildings will include solar panels and battery storage. Examples of this are:
    1) Table 4.1.A, page 4.1-22, Policy C-4.2 "solar panels and battery storage for *residential buildings*;"
    2) 4.11.E "Battery storage would be provided in the *apartment-style residential buildings*"

    This information should be stated consistently in the FEIR. Please clarify in the FEIR, if the new townhomes and Residential 1, the EAH building, will include battery storage. If that is not the case, please explain why not.

    The DEIR fails to provide the location of the solar panels and battery storage and fails to identify their rated capacity. This information should be provided in the FEIR. Because the DEIR does not include the location of the solar panels and batteries, it is not possible to determine whether they were taken into consideration in the shadow studies. This information is necessary to determine if other residences will have adequate solar access for current or future clean energy infrastructure. **B-2-17**

    The DEIR does not include information about who—whether tenants, owners, or landlords—will be able to take advantage of battery backup during a power outage and how much each unit or public space will have access to backup and for how long. In the FEIR, please provide which of the residential units will be individually metered. The DEIR does not address who will benefit from the savings of avoiding peak/high-cost energy rates due to the use of battery interconnectedness. This information should be provided in the FEIR.

7. <u>Noise</u>. Comments on DEIR Section 4.12 (Noise) are as follows:

    a. As discussed in the DEIR, the City Noise Ordinance sets construction noise limits, with 90 dBA being a significant impact; the maximum construction vibration limit is 72 VdB. The noise analysis concludes that neighboring properties would experience increased noise during the 28-month anticipated construction period, but that the projected impacts are either: 1) below the significance thresholds (vibration limit); or 2) reduced through implementation of mitigation (DEIR Mitigation Measure NOI-1 for construction noise). As noted in the Geology and Soils topic section, the geotechnical investigation recommends "augured cast-in-place piles" for deep foundation design. It is unclear if this **B-2-18**

foundation design requires "pile driving" which significantly increases noise and vibration during construction. The noise analysis does not assess pile driving impacts. Please confirm that no pile driving is required. **B-2-18 (cont.)**

b. One of the potential impacts assessed is the increase in roadway noise with the addition of the project. This impact was determined to be less-than-significant. It appears that this conclusion is based on the resulting vehicle trip generation (traffic analysis, W-Trans). As noted in comments above under the Transportation section, the trip generation information under "baseline" conditions assume a fully-operating, occupied and vibrant regional shopping center. As the shopping center has been underperforming for over a decade, the trip generation assumed for the existing use seems to be inflated. Should adjustments be made in the trip generation assumptions to reflect current shopping center conditions, roadway noise impacts will need to be reassessed. **B-2-19**

8. Cumulative impacts. Comments on DEIR page 4-2 (Cumulative Analysis Context) are as follows:

   Section 15130 of the CEQA Guidelines requires that an EIR consider environmental effects of a proposed project as well as cumulative impacts. As defined in Section 15355 of the CEQA Guidelines, cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Pursuant to CEQA Guidelines Section 15130(b)(1)(A), cumulative impacts may be analyzed by considering a list of past, present, and probable future projects producing related or cumulative impacts.

   While the DEIR noted consistency with anticipated growth by the General Plan 2040 citywide, it failed to consider the potential cumulative impacts of planned developments in the project's area. The DEIR page 4-3 stated "There are no applications for potential projects within the project area currently on file with the City. It is also therefore assumed that there would not be any projects with the vicinity of the site that would be under construction at the same time as Phase 1." However, there are "past, present, and probable future projects" that may produce related or cumulative impacts in Terra Linda that are in various stages of planning and approvals. Though they may or may not be under construction at the same time as Phase 1 of the Northgate project, there will likely be cumulative impacts to the area that the FEIR should analyze. The list of projects should include Northgate Walk, Los Gamos Apartments, 50 Merrydale Apartments, 350 Merrydale Town Home Development, and Terra Linda Big School Capital Improvements Project and any other projects proposed before the FEIR is finalized. Please include an analysis of the cumulative impacts of these projects in the project area in the FEIR. **B-2-20**

In closing, MCL acknowledges that there will be future public hearings to consider the merits of and action on the many planning applications for the Northgate development project. While MCL reserves this future opportunity to comment on the merits of the project and the land use/planning applications, we would like to note that the Northgate project site presents a rare **B-2-21**

opportunity to repurpose and redevelop a declining, regional shopping center with needed housing, as well as vibrant commercial uses and attractive, publicly accessible outdoor amenities. In late 2023, MCL adopted an updated housing policy position, which contains over 50 policies. Our future comments on the merits of the project and the land use/planning applications will focus on consistency and alignment with this updated housing policy position. Again, thank you for the opportunity to comment on the Northgate Town Square DEIR. MCL looks forward to the City responding to our comments and reviewing the Final EIR. **B-2-21 (cont.)**

Sincerely,

Terri Thomas
President

Response to Letter B-2

Marin Conservation League
Terri Thomas, President
March 5, 2024

Response B-2-1

This introductory comment, which states that the Marin Conservation League (MCL) has reviewed the Draft EIR in the context of MCL's stated mission and policy positions related to housing, flooding/sea level rise, and greenhouse gas (GHG) emissions, is noted. Individual comments provided by MCL are further responded to below in Responses B-2-1 through B-2-21.

Response B-2-2

This comment, which generally acknowledges that the Draft EIR refers to and utilizes the information and impact findings identified in the San Rafael General Plan 2040 Final EIR (General Plan Final EIR), where applicable, and that the General Plan Final EIR planned for redevelopment of the Northgate Mall site, is noted. It should be further clarified that the Draft EIR prepared for the proposed project is a project-specific evaluation of the potential effects of the construction and operation of the proposed project, and each resource topic is individually examined. Section 15152 of the *State CEQA Guidelines* allows tiering using the analysis of general matters contained in a broader EIR with later EIRs on narrower projects, incorporating by reference the general discussions of the broader EIR, and concentrating the later EIR on the issues specific to the project. The Draft EIR appropriately tiers off of the certified General Plan Final EIR where applicable, including referencing information and findings that are applicable to development of the site in its project-specific evaluation, including the assumption that the population projections, and other related resource topics (e.g., public services and infrastructure capacity) for the proposed project are consistent with the projections identified and fully evaluated in the General Plan Final EIR.

Response B-2-3

This comment states that the viewpoint simulations provided in Section 4.3, Visual Resources, of the Draft EIR are limited and that other significant vantage points were not considered or included in the analysis. The comment further states that additional viewpoint simulations are necessary to properly assess visual impacts and General Plan consistency and recommends three additional viewpoint locations for preparation of visual simulations.

The vantage points and viewpoint simulations provided in the Draft EIR were selected by the City, in consultation with its consultants, and were determined to be adequate for use in the Draft EIR analysis. The simulations were also peer reviewed to ensure that they were prepared according to industry standards and were representative of the views that would actually be experienced on the ground by a pedestrian or motorist. Several other vantage points were considered, but the six viewpoints included in the Draft EIR were ultimately chosen as the most representative sample of public vantage points that could be subject to a substantial change in existing visual conditions with development of the proposed project. Viewpoints were selected based on several factors, which include, but are not limited to, expansiveness of the view and site visibility in both the before and after condition from the selected vantage point, as well as potential to result in a significant impact

per the established significance thresholds. For this reason, vantage points from immediately surrounding roadways such as Northgate Drive and Las Gallinas Avenue were not generally included because these vantage points are too close to the site to provide a full range of view in the simulation and, given the flat topography and existing intervening development and vegetation, these locations do not offer significant public views of scenic areas.

The viewpoints and simulations in the Draft EIR provide a visual aid to the reader and context for the evaluation of potential impacts to scenic resources, which are defined in Section 4.3.2.1, Significance Criteria of the Draft EIR, as impacts that would "substantially or completely block public views of identified resources" (Threshold 4.3.1). Note that changes to visual characteristics of the site and surroundings are not a threshold of significance that is applicable for this urban infill site.

The comment recommends the following additional vantage points for visual simulations:

- **Northbound Los Ranchitos Road/Las Gallinas Avenue at Northgate Drive:** The commenter suggests this location because the densest portions of the proposed project would be located at this intersection (at the southeast corner of the site) and because the commenter believes that the most significant visual changes to the site would be in this location. This location was considered but ultimately rejected for development of a visual simulation because it is too close to the site to provide a meaningful comparison of before and after conditions. In order for the site to actually be visible, the viewpoint photo would have to be taken at the immediate intersection; however, because of the scale of the proposed buildings (Residential Parcel 3) at the southeast corner of the site, the entire view would be blocked by the proposed building. Additionally, the existing building at this corner of the site, even though shorter than the proposed buildings, currently effectively blocks current views, meaning the new building would not create a new obstacle to views of more distant scenic areas. Other surrounding vantage points used for the visual simulations provide much better representative examples of how the view would change in this general location. Refer to Viewpoint 6 (Views from the South, Nova Albion Way, Figure 4.3-10, page 4.3-39 of the Draft EIR).

- **Northbound US-101/North San Pedro Road Near Civic Center:** The commenter suggests this location because it is considered a significant countywide vista. The commenter incorrectly states that this roadway segment/location is designated under the California State Scenic Highways Program, administered by the State of California Department of Transportation (Caltrans). This roadway segment is not part of the State's Scenic Highway System, nor is it designated as a scenic corridor in the Marin County General Plan, although views of ridges and upland greenbelts are available from this location, as identified in General Plan Map 3-4, Ridge and Upland Greenbelt Areas. In any case, while the proposed project would be visible from this distant vantage point, generally the proposed development, as with the existing development, would blend with surrounding urban uses. Due to the surrounding existing development and the site and surrounding topography, no existing scenic vantage points or vistas would be fully or even partially blocked by the proposed project. In addition, other surrounding and closer vantage points provide a representative example of how the view would change from portions of United States Route 101 (US-101) that are elevated above the project site. Refer to Viewpoint

2 (Views from the North, Manuel T. Freitas Parkway Overpass, Figure 4.3-6, page 4.3-31 of the Draft EIR).

- **Marin County Public Open Space – Ridgewood/Terra Linda/Sleepy Hollow Divide:** The commenter suggests this location because it is part of Marin County public open space and the site and proposed project would be visible from this location. Similar to the above, while the project site and proposed buildings would be visible from this elevated location, due to the distance and site topography, as well as existing developed uses that surround the site, no existing scenic vantage points or vistas would be fully or even partially blocked by the proposed project. In addition, other surrounding and closer vantage points provide a representative example of how the view would change from nearby public open spaces. Refer to Viewpoint 5 (Views from the South, Hartzell Park, Figure 4.3-9, page 4.3-37 of the Draft EIR).

The established significance criteria and methodology for the evaluation of potential impacts to visual resources are detailed on pages 4.3-19 through 4.3-21 of the Draft EIR. The visual simulations provided in the Draft EIR were provided to aid in this evaluation and, as detailed above, additional simulations are not necessary to supplement or expand the analysis in the Draft EIR. The analysis and conclusions of the Draft EIR regarding evaluation of visual resource impacts remain valid. Also refer to Response B-6-6, which also addresses the viewpoint simulations.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-4

This comment states that the evaluation of impacts related to shade and shadow should also analyze the potential new shadows that would be cast on future residents on the project site. CEQA does not generally require the evaluation of shadow impacts at all, much less shadow impacts of a project on itself. This is a comment related to the design of the proposed project, which will be evaluated as part of the project design review. Further, the City's project-specific threshold of significance for evaluation of shadow impacts is whether the proposed project would "create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces" (Threshold 4.3.5). Shade and shadow cast on existing or future private residences is not part of this significance criterion. Also refer to Response B-2-17.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-5

This comment requests more information and specific detail regarding the proposed project lighting plan. The commenter goes on to cite several required performance standards and measures that were applied to other development projects in San Rafael, but does not cite these specific projects. The cited measures include: (1) requiring shields to direct light downward and limit casting light and glare into adjacent properties; (2) complying with foot-candle limits; (3) requiring a photometric

plan to ensure excess light and glare are minimized; and (4) conducting a post-installation inspection to ensure all exterior lighting complies with established lighting standards. The commenter requests that these measures be applied to the proposed project. A thorough discussion of the applicable regulations and policies that govern new sources of light and glare in San Rafael, in particular Municipal Code Section 14.16.227, Light and Glare, and how the project would comply, is provided on pages 4.3-43 and 4.3-44 of the Draft EIR. Municipal Code Section 14.16.227 specifies each of the requirements noted by the commenter, and the final lighting plans are subject to evaluation through the design review process by the Planning Commission. This process would ensure that the applicable performance standards that govern new sources of light and glare, as established by the City, are met.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-6

The comment requests more information on the type of foundation design proposed for the project; specifically, if the use of augured cast-in-place piles for deep foundations necessitate pile driving. Augured cast-in-place piles are installed using an auger drill to create a boring, and then the pile is constructed using cast-in-place concrete within the boring. Pile driving is not performed for construction of augured cast-in-place piles. The analysis in the Draft EIR, including the evaluation of noise and vibration as presented in Section 4.12, Noise, did not assume the use of driven piles because none are proposed.

Response B-2-7

This comment refers to the analysis and conclusions in the Draft EIR that are related to water supply, as presented in Section 4.14, Utilities and Service Systems, as well as Section 4.7, Hydrology and Water Quality, as related to groundwater. The comment also references the Water Supply Assessment (WSA) prepared for and approved by Marin Water. The comment incorrectly states that Marin Water concludes there is adequate water supply to meet the demand of the project during normal years but that other sources (e.g., groundwater from Sonoma Water) would need to be secured during drought years. As stated on page 4.14-19 of the Draft EIR, notwithstanding supply reductions and considering the proposed project demands, no supply shortfalls are projected for Marin Water in the single and multiple dry year scenarios. It is only under the *third year of extreme drought* (worst-case) conditions that additional sources would be sought (also refer to pages 26 and 27 of the WSA). Finally, this comment requests that the WSA prepared for the project be provided to Sonoma Water now so that it can account for the additional water demand in its management of groundwater, and that Sonoma Water's response be documented in the Final EIR. (Note that submittal of the WSA to Sonoma Water is required in Draft EIR Mitigation Measure HYD-2.)

The Draft EIR describes how Marin Water's 2040 Water Resources Plan recommended that Marin Water explore groundwater partnering opportunities with a Sonoma Water customer that also uses groundwater supplies to implement an in-lieu groundwater recharge program in order to improve water supply resiliency, as discussed on pages 4.7-22 and 4.7-23 of the Draft EIR. The Draft EIR also describes that Marin Water is currently preparing a Strategic WSA that will identify ways in which its

water supply portfolio can be augmented during an extreme drought scenario, as discussed on page 4.7-23 of the Draft EIR. The Strategic WSA has not yet been finalized by Marin Water. Because the possible additional water supply sources that are currently under consideration as part of the Strategic WSA are not confirmed at this time, it would be speculative to include a discussion of these potential sources.

As discussed on pages 4.7-22 and 4.7-23 of the Draft EIR, only a small portion of Sonoma Water's potable water supply (up to 3 percent in normal years) includes groundwater from the Santa Rosa Plain Subbasin, and the WSA concluded that Marin Water expects to be able to meet all future demands within its existing service area, inclusive of the project, in normal, dry, and multiple dry hydrologic years; and that the shortfalls that are currently projected during an extreme drought scenario are not materially different from the shortfalls that would be experienced without the project and would be addressed through planned implementation of Marin Water's Water Shortage Contingency Plan. Based on these findings from the WSA, the project would not be dependent on a substantial and imminent increase in the use of groundwater supplies from Sonoma Water; therefore, the WSA should only need to be provided to Sonoma Water if the project is approved. Finally, Sonoma Water received the Notice of Availability (NOA) of the Draft EIR, and the WSA is provided as Appendix K to the Draft EIR. The City will again share this information with Sonoma Water after project approvals, and through implementation of the Mitigation Monitoring and Reporting Program (MMRP). Refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-8

This comment refers to Mitigation Measure HYD-3, which requires that a hydrologic modeling analysis be completed to confirm that project runoff would not exceed the capacity of the infrastructure during a 100-year storm event or, if it would exceed this criterion, that additional, on-site stormwater detention be incorporated into the project. The comment also indicates that there should be sufficient space on the project site to accommodate on-site stormwater detention if the future analysis determines that it is necessary; however, it also indicates that the options and opportunities for on-site stormwater detention are uncertain, and that Mitigation Measure HYD-3 should include the potential type of stormwater detention options that could be considered, as well as possible on-site locations for siting such options.

Mitigation Measure HYD-3 does identify potential types of additional stormwater retention systems that could be utilized, including swales, retention ponds, or cisterns with metered outlets, as discussed on page 4.7-26 of the Draft EIR. Providing possible locations where such improvements would occur, if needed, is not necessary because it is not known whether such improvements would be required, and there is availability on the project site for such improvements, if required, as indicated in the comment. The location for required improvements would be determined during final site design, and after the hydraulic modeling is completed and identifies the necessary improvements. Additional impacts associated with such improvements are not anticipated, and any new infrastructure would be installed, operated, and maintained according to applicable regulatory

requirements. The Draft EIR provides the necessary performance standards to ensure that this impact is adequately addressed and reduced to a level of less than significance under CEQA.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-9

This comment requests more specificity and additional information related to how the project would mitigate or eliminate the discharge of harmful pollutants into the stormwater system during site clearing and construction, and whether new stormwater drainage and conveyance facilities would be required. The comment also suggests mitigation banking and use of Gallinas Creek as a potential mitigation location.

The Draft EIR evaluated potential impacts to water quality associated with stormwater runoff during construction, and concluded that required compliance with the Construction General Permit, which requires preparation and implementation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) would ensure that stormwater runoff from the project site during construction would not result in erosion/siltation or create other sources of polluted runoff that could degrade receiving water quality, as discussed on page 4.7-16 of the Draft EIR. As discussed on page 4.7-8 of the Draft EIR, the SWPPP must identify the sources of sediment and other pollutants that could affect the quality of stormwater discharges; describe and ensure the implementation of Best Management Practices (BMPs) to reduce or eliminate sediment and other pollutants in stormwater as well as non-stormwater discharges resulting from construction activity; and include a construction site monitoring program. As discussed on page 4.7-8 of the Draft EIR, the project would include installation of new stormwater infrastructure on the project site, including stormwater treatment and drainage facilities. The Draft EIR has not identified any need for off-site mitigation activities to address hydrology and water quality impacts. As discussed under Response B-2-8, there is sufficient space on the project site to include additional stormwater detention systems, if necessary. There is nothing unique or challenging about the site or project (e.g., steep slopes) to suggest that commonly recognized control and treatment regulations and measures are insufficient to prevent impacts.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-10

This comment states that the Draft EIR's analysis of transportation impacts is comprehensive and consistent with the requirements of the San Rafael Transportation Guidelines. The comment further addresses the level of service (LOS) evaluation provided as an informational item in Section 4.9, Transportation, of the Draft EIR and requests additional clarifications and information related to the baseline assumptions and methodology presented in the Draft EIR. Comments related to the baseline assumptions are addressed in Master Response 3, and comments related to the LOS analysis are addressed in Master Response 4. Suggestions for additional mitigations are also

addressed in these responses; also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-11

This comment notes that the Draft EIR does not include a signal warrant analysis of the intersection of Manuel T. Freitas Parkway/Redwood Highway-Civic Center Drive and suggests that this may be because this intersection is managed by Caltrans. The commenter also notes that in their understanding, Caltrans is studying the possibility of a potential intersection redesign to include a roundabout at this location and at the southbound US-101 off-ramp/Manuel T. Freitas Parkway signalized intersection, and suggests that these potential intersection alterations should be addressed in the Draft EIR as well as traffic volumes forecasted to account for these potential changes.

The Draft EIR evaluated unsignalized intersections in the study area that are under the City's jurisdiction; as such, the intersection at Manuel T. Freitas Parkway/Redwood Highway-Civic Center Drive was not included in this analysis. It is acknowledged that Caltrans has undertaken an investigation of the redesign of this intersection, including evaluation of several signalized and unsignalized intersection designs, and a roundabout alternative was selected to reduce congestion and improve safety. As part of this study, Caltrans conducted traffic counts in 2019 and estimated forecasted traffic volumes that take into account anticipated growth shown in the San Rafael 2040 General Plan, which assumed redevelopment of the project site. Information including the Caltrans presentation of this project to the San Rafael City Council in November 2021 can be accessed at the following link: https://www.cityofsanrafael.org/ada-mtf-101/. Given that the potential roundabout will be separately studied by Caltrans and will include traffic generated by the proposed project, and that the roundabouts were not approved or planned at the time that the Notice of Preparation (NOP) was released for the Draft EIR, traffic volumes forecasts do not include and are not required to include these potential improvements. It is noted, however, that changes in right-of-way control would not typically result in changes to projected volumes as this level of specificity is not captured in traffic modeling. No additional analysis is required.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-12

This comment notes that the North San Rafael Priority Development Area (PDA) was created with the purposeful intent of increasing transit access and connectivity between the project site and the Sonoma-Marin Area Rail Transit (SMART) Civic Center Station. The comment also suggests that the Draft EIR does not include evaluation of the planning documents that describe future improvements between the project site and the SMART Civic Center Station, including the connection along Merrydale Road.

Page 4.9-22 of the Draft EIR describes the project as being consistent with applicable planning documents such as the Civic Center Station Plan to enhance bicycle and pedestrian connection between the project site and the SMART Civic Center Station, in particular by providing an improved crossing at the intersection of Merrydale Road and Las Gallinas Avenue. Page 4.9-20 of the Draft EIR states that "the proposed project would connect to existing and planned pedestrian facilities, including the planned but currently unfunded multi-modal path along Merrydale Road to the Marin Civic Center SMART station." No additional analysis is required. Additionally, although it is not a component of the proposed project, the project sponsor will contribute its fair share towards these improvements; this is included in the conditions of approval for the proposed project.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-13

This comment addresses the ability of the project to integrate with existing transit routes and bus service and to include aspects that actively support access to and use of the transit network, especially given its location in the North San Rafael PDA. The comment suggests that the level of transit evaluation in the Draft EIR is not sufficient and offers ideas to encourage future transit use.

It is reiterated that the project evaluated potential impacts on the transit system against the threshold of significance included in the San Rafael Transportation Analysis Guidelines, which state that a project would create a significant impact related to transit service if "[t]he project interferes with existing transit facilities or precludes the construction of planned transit facilities." (page 38).

As mentioned on page 4.9-6 and 4.9-7 of the Draft EIR, existing bus routes are adjacent to the project site and within acceptable walking distance (0.25 mile) of all the planned residential and commercial project units. Because there are a variety of options for transit in the project area, existing transit routes generally have available capacity, and the project is designed and intended to encourage transit use, projected-generated trips were not specifically calculated. Outside the CEQA process, the project sponsor and the City will continue to explore additional approaches to encourage non-vehicle forms of transportation for future project residents, employees, and patrons. Also refer to Response A-2-5 regarding bus services.

While the comment also suggests that the project would result in identified GHG impacts, it is emphasized that the Draft EIR did not identify any GHG impacts associated with transportation, as described in the Draft EIR (pages 4.11-23 and 4.11-24).

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-14

This comment states that Section 4.11, Greenhouse Gas Emissions, of the Draft EIR did not address the North San Rafael PDA, which is a Plan Bay Area 2050 implementation strategy intended to

promote concentrated, higher density/intensity mixed-use development around public transit to facilitate a reduction in home-to-work travel and GHG emissions.

PDAs are just one part of the overall set of strategies that make up the Bay Area's long-range regional plan. The project is evaluated for consistency with the Plan Bay Area 2050, including consistency with the site's designation as a PDA and Transit Priority Area (TPA) and is discussed on page 4.11-30 of the Draft EIR. As described on page 4.11-30, the proposed project would not conflict with the applicable goals and strategies set forth in Plan Bay Area 2050.

As detailed on page 4.11-30 of the Draft EIR, the project would support the overarching intent of Plan Bay Area 2050 by reducing GHG emissions within San Rafael from both residential and non-residential development. The project specifically includes transportation/land use-related GHG reduction strategies that either reduce VMT (e.g., supporting alternative modes of transportation, including bicycles and transit) or reduce emissions associated with vehicle travel on the technology side (e.g., electrification of vehicles by providing electric vehicle [EV] chargers). The project would also bring multifamily housing to a site that is both a PDA under Plan Bay Area 2050 and, except for its northwesternmost corner, a TPA. In addition, the project would comply with regulations such as the City's Employer Trip Reduction requirements and the City's clean-air vehicle parking regulations. Since the project is consistent with the overarching goals of Plan Bay Area 2050, it would also be consistent with goals established in the North San Rafael PDA.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-15

This commenter states that the Draft EIR did not include the Neighborhood Element policies and programs specific to the project site and the North San Rafael PDA, and claims these policies should be included as part of the strategy of the North San Rafael PDA to reduce GHG emissions.

The North San Rafael PDA is just one part of the overall set of strategies that make up the Bay Area's long-range regional plan. The project is evaluated for consistency with the Plan Bay Area 2050, as detailed on page 4.11-30 of the Draft EIR. Since the project is consistent with the overarching goals of the Plan Bay Area 2050, it would also be consistent with goals established in the North San Rafael PDA. Moreover, San Rafael General Plan 2040 includes policies pertaining to climate change in multiple chapters. However, the Conservation and Climate Change Element is the most applicable chapter of the General Plan 2040 that includes specific goals and policies that would reduce GHG emissions. Additional goals and policies contained in the Land Use Element and the Mobility Element were included as well on pages 4.11-17 and 4.11-18 of the Draft EIR. The Neighborhood Element includes land use policies specific to the planning areas within San Rafael, including North San Rafael. However, as mentioned above, the North San Rafael PDA is included in Plan Bay Area 2050, and because the project is consistent with the overarching goals of Plan Bay Area 2050, it would also be consistent with the applicable goals and policies included in the Neighborhood Element for North San Rafael.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-16

This comment summarizes the operational GHG impact findings for the project, which were significant and unavoidable, and further requests that the project be required to eliminate natural gas use and be all electric in order to reduce GHG impacts to a less than significant level. The comment suggests that this can be negotiated through the Development Agreement process; please note that the Development Agreement has been withdrawn (refer to Chapter 2.0, Revised Project, of this RTC Document). This comment primarily relates to the design and merits of the proposed project and will be considered by City decision-makers in their review of the proposed project and the CEQA-related findings. Also refer to Master Response 2 regarding the project merits. The comment also refers to separate comments provided by Sustainable San Rafael, which are included and responded to in this document in Letter B-13. Refer to Response B-3-12, which fully addresses the topic of natural gas use.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-17

This comment requests more specifics related to where solar panels and backup battery storage improvements would be located on the project site and the capacity of these systems. As noted in the Draft EIR, solar panels would be located on the roofs of residential buildings. Multi-family apartment buildings would include space for backup battery storage for emergency electrical backup. To clarify, backup battery storage would not be installed in the townhome buildings. The exact specifications of solar and battery backup improvements and systems, and the operation and use of those systems, is not available at this stage of the project's conceptual design; therefore, the capacity is unknown. As noted in the Draft EIR, future residents and tenants can subscribe to the Marin County Deep Green Program, the Pacific Gas & Electric Company (PG&E) Solar Choice 100 percent renewable electricity option, or they can opt out of participating in any program.

Regarding shadows cast by proposed buildings onto other proposed buildings on site that may include solar panels, shadows cast on private residences are not potential impacts under CEQA. Although the State's Solar Shade Control Act provides some limited protections for solar access, it does not protect solar collectors from shadows cast by new buildings (it primarily governs landscaping). Other potential protections for solar access include access permits, easements, restrictive covenants, and zoning laws. However, San Rafael does not currently have any codes or ordinances applicable to solar access. Furthermore, as explained above, the project is at the conceptual design stage; the size and location of rooftop solar panels has not yet been determined. To maximize the efficiency and use of the solar panel systems that are installed, shading from existing and proposed buildings would be considered. Also refer to Response B-2-4.

The comment is acknowledged yet is not applicable as it does not address the analyses or contents provided in the Draft EIR. Therefore, no response is required. However, the comment will be taken into consideration as part of the overall review of the project by City staff and decision-makers.

Response B-2-18

This comment restates the Draft EIR conclusions related to construction-period noise and vibration impacts and mitigations. The comment also requests more information related to the foundation system installation method, specifically if pile driving would occur and if this should be considered in the noise analysis. Please refer to Responses B-2-6 and B-8B-48.

Response B-2-19

This comment suggests that if the baseline trip generation assumption for the traffic analysis is revised as requested in previous comments, then increases in roadway noise, which were determined to be less than significant in the Draft EIR, would need to be re-evaluated. Please refer to Master Responses 3 and 4.

Response B-2-20

This comment disagrees with the cumulative project assumptions provided in the Draft EIR. The cumulative analysis context is described on pages 4-2 and 4-3 of the Draft EIR and, as noted by the comment, no known cumulative projects were identified within the immediate vicinity of the project site. Therefore, the cumulative context for each issue topic relies solely on the projections-based approach, which is an acceptable methodology as outlined in *State CEQA Guidelines* Section 15130(b)(1)(B), and considers the growth projected in the recently adopted San Rafael 2040 General Plan. The comment states that planned or foreseeable projects should however be included in the cumulative analysis (i.e., Northgate Walk, Los Gamos Apartments, 50 Merrydale Apartments, 350 Merrydale Town Home Development, and Terra Linda High School Capital Improvements) as well as any other projects that are proposed before the Final EIR is completed.

The approach to the cumulative analysis in an EIR, including whether to use a list-based or projection-based approach, is determined at the time that the Notice of Preparation (NOP) is issued, which in this case occurred in December 2021. This is also the point in time that the cumulative projects list is established, if applicable. If the cumulative projects list is used, it does not change over the course of the environmental review because the cumulative assumptions must remain stable and reliable for use in the supporting technical analyses.

At the time that the NOP was published, there were no known cumulative projects in the vicinity of the site, which is defined as approximately 0.25 mile, that were not already considered in the San Rafael General Plan 2040. For example, the Northgate Walk Project (located at 1005 Northgate Drive and less than 0.1 mile north of the project site) and the 350 Merrydale Town Home Development Project (located at 350 Merrydale Road and approximately 0.32 mile southeast of the project site) were both approved in 2019 and were considered in the General Plan 2040 growth projections, and therefore are accounted for in the cumulative analysis using the projection-based approach.

Further, the Los Gamos Apartments and 50 Merrydale Road project sites are located approximately 0.38 mile north and southeast of the project site, respectively, and are too far from the project site to be considered as cumulative development projects in terms of cumulative construction impacts. For construction-related cumulative impacts, the geographic scope for cumulative projects is generally limited to a 0.25-mile radius in dense urban environments such as the project site. In addition, these developments also are anticipated in the General Plan 2040 and are therefore included in the projection-based approach.

Lastly, the proposed project is anticipated to be developed over an approximately 15-year period. The pace of development may occur as presented in the phasing plans or could occur sooner or later. Therefore, related plans and programs with a potential to contribute to cumulative impacts were appropriately analyzed using the "projections" methodology. Therefore, the cumulative impacts analysis for each resource area considers impacts related to general growth projected for the area, as well as policies and programs that are in place (i.e., adopted) to protect and conserve environmental resources.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-2-21

This concluding comment addresses the merits of the proposed project, which will be considered at future public hearings. The commenter further states that future comments will focus on consistency with the commenter's updated housing policy positions and this is noted. Refer to Master Response 2 regarding the project merits.

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March 5, 2024

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Re: Comments on the Draft Environmental Impact Report - Northgate Mall Redevelopment Project (SCH No. 2021120187)

Dear Ms. Talley, Ms. Hines:

This letter is submitted on behalf of Marin County Residents for Responsible Development ("Residents") to provide comments on the Draft Environmental Impact Report ("DEIR") for the Northgate Mall Redevelopment Project[1] (SCH No. 2021120187) ("Project") prepared by the City of San Rafael ("City") pursuant to the California Environmental Quality Act ("CEQA").[2] The Project is proposed by Merlone Geier Partners, LLC ("Applicant").

B-3-1

I. INTRODUCTION

The Project proposes the partial demolition and redevelopment of the Northgate Mall in the City of San Rafael. The Project would be developed in two phases. Phase 1 (also referred to as the 2025 Master Plan) would generally include the demolition of the RH Outlet building, the HomeGoods building, and the Mall

[1] City of San Rafael, Draft Environmental Impact Report for the Northgate Mall Redevelopment Project (SCH No. 2021120187) (hereinafter "DEIR") available at https://ceqanet.opr.ca.gov/2021120187/2.
[2] Pub. Resources Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs ("CCR") §§ 15000 et seq.

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Shops East, which is approximately 144,432 square feet of the main building, and construction of approximately 44,380 square feet of new commercial space and up to 922 residential units. Phase 2 (also referred to as the 2040 Vision Plan) would generally include the demolition of the 254,015 square-foot Macy's building and 79,051 square-foot Kohl's building, and the construction of up to 55,440 square-feet of new commercial space and up to 500 additional residential units.[3] At full buildout, the Project would include a total of up to approximately 217,520 square feet of commercial space and up to 1,422 residential units in six areas of the project site (1,746,936 square-feet of residential area), 147 of which would be affordable units.[4] **B-3-1 (cont.)**

The 44.76-acre Project site is located in the northern area of San Rafael, within the San Rafael Town Center west of US-101 and bounded by Las Gallinas Avenue to the north and east and Northgate Drive to the south and west on Assessor Parcel Numbers 175-060-12, -40, -59, -61, -66, and -67.[5] The project site is surrounded by a mix of uses, including commercial, residential, open space, and institutional.[6]

Discretionary actions by the City that would be necessary for development of the proposed project include environmental review, rezoning, an Environmental and Design Review Permit, a Development Agreement, a tentative subdivision map, and a Master Sign Program.[7]

Residents' review of the DEIR demonstrates that the DEIR fails to comply with CEQA's basic requirement to act as an "informational document." It is devoid of meaningful details about the Project's impacts, including air quality, GHG emissions, hazardous materials, and health risk impacts, without which the public and decisionmakers cannot adequately assess the severity of potentially significant impacts and the adequacy of DEIR's proposed mitigation. The DEIR also lacks substantial evidence to support the City's conclusions regarding the Project's impacts and proposed mitigation. Finally, the City failed to comply with CEQA's procedural requirements for public comment by denying Residents' requests for an extension of the public comment period due to the City's failure to provide timely access to the documents referenced and relied upon in the DEIR during the comment period. These deficiencies render the document inadequate for purposes of compliance with CEQA. **B-3-2** **B-3-3**

[3] DEIR, p. 1-1.
[4] DEIR, p. 1-1.
[5] DEIR, p. 3-1.
[6] DEIR, p. 3-18.
[7] DEIR, p. 3-54.

Residents reviewed the DEIR, its technical appendices, and reference documents, with the assistance from environmental health, air quality and GHG expert Paul E. Rosenfield, PhD. and hazardous materials expert Matt Hagemann, P.G., C.Hg. of Soil Water Air Protection Enterprise ("SWAPE") whose comments and qualifications are included as Attachment A.[8] SWAPE provides substantial evidence of potentially significant impacts that have not been adequately disclosed, analyzed, or mitigated. The City must address and respond to their comments separately and fully.[9] B-3-4

I. STATEMENT OF INTEREST

Marin County Residents is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential impacts associated with Project development. Marin County Residents includes San Rafael residents Andrew Erickson, Andreas Fourakis, Jeremiah Riordan, and Daniel Roche III, along with the International Brotherhood of Electrical Workers Local 551, Plumbers, Steamfitters & HVAC/R Union Local 38, Sprinkler Fitters Local 483, Sheet Metal Workers Local 104, their members and families, and other individuals that live and/or work in the City of San Rafael and Marin County. Marin County Residents have a strong interest in enforcing the state's environmental laws that encourage sustainable development and ensure a safe working environment for its members. B-3-5

Individual members of Residents live, work, recreate, and raise their families in the City, in Marin County, and in the surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

In addition, Residents have an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for businesses and industries to expand in the region, and by making the area less desirable for new businesses and

[8] Attachment A: Letter from Matt Hagemann, P.G., C.Hg. and Paul E. Rosenfield, PhD., SWAPE to Kevin T. Carmichael, Adams, Broadwell, Joseph & Cardozo.
[9] 14 Cal. Code Regs. ("CEQA Guidelines) §§ 15088(a), (c).

new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities. B-3-5 (cont.)

II. LEGAL BACKGROUND

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR.[10] "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[11]

CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential significant environmental effects of a project.[12] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[13] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[14] The CEQA Guidelines explain, "[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected."[15] B-3-6

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[16] The EIR serves to provide agencies and the public with information about the environmental impacts

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[10] PRC § 21100.
[11] *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal ("Laurel Heights I")* (1988) 47 Cal.3d 376, 390 (internal quotations omitted).
[12] Pub. Resources Code § 21061; CEQA Guidelines §§ 15002(a)(1); 15003(b)-(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 ("[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.").
[13] *Citizens of Goleta Valley,* 52 Cal.3d at p. 564 (quoting *Laurel Heights I*, 47 Cal.3d at 392).
[14] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; *see also Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs*. (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*") (purpose of EIR is to inform the public and officials of environmental consequences of their decisions *before* they are made).
[15] CEQA Guidelines § 15003(b).
[16] CEQA Guidelines § 15002(a)(2), (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at p. 564.

of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[17] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[18]

While courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[19] As the courts have explained, a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process."[20] "The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"[21] **B-3-6 (cont.)**

The DEIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project. It fails to perform its requisite function as an informational document that is meant "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment" and "to list ways in which the significant effects of such a project might be minimized."[22] The use of inaccurate and flawed information on which the DEIR bases its conclusions results in underestimated Project impacts. This, in turn, leads to a failure to comply with CEQA's requirement that an agency "eliminated or substantially lessened all **B-3-7**

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[17] CEQA Guidelines § 15002(a)(2).
[18] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.
[19] *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (emphasis added) (quoting *Laurel Heights I*, 47 Cal.3d at 391, 409, fn. 12).
[20] *Berkeley Jets*, 91 Cal.App.4th at p. 1355; *see also San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards*, 60 Cal.App.4th at p. 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).
[21] *Sierra Club,* 6 Cal.5th at p. 516 (quoting *Laurel Heights I*, 47 Cal.3d at 405).
[22] *Laurel Heights I, supra,* 47 Cal.3d at p. 391.

significant effects on the environment" to the greatest extent feasible and that any significant and unavoidable impacts on the environment are "acceptable due to overriding concerns."[23] Mitigation of impacts to the fullest extent feasible requires an agency to accurately quantify the severity of Project impacts, and because the DEIR's inadequate analyses underestimate the severity of the Project's impacts, the City has failed to comply with CEQA and cannot approve the Project based upon the DEIR's analyses and conclusions. **B-3-7 (cont.)**

III. THE DEIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT

The DEIR does not meet CEQA's requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[24] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[25] Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[26] Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.[27] **B-3-8**

CEQA Guidelines section 15378 defines "project" to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[28] "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval."[29] Courts have explained that a complete description of a project must "address not only the immediate environmental consequences of going forward with the project, but also all "*reasonably foreseeable* consequence[s] of the initial project."[30] "If

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[23] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.
[24] *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* ("*CBE v. Richmond*") (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.
[25] 14 CCR § 15124; *see, Laurel Heights I, supra,* 47 Cal.3d 376, 192-193.
[26] *Id.*
[27] *Sundstrom v. County of Mendocino* ("*Sundstrom*") (1988) 202 Cal.App.3d 296, 311.
[28] CEQA Guidelines § 15378.
[29] *Id.*, § 15378(c).
[30] *Laurel Heights I,* 47 Cal. 3d 376, 398 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.

a[n]…EIR…does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law."[31]

B-3-8 (cont.)

A. The DEIR Fails to Describe the Development Agreement

The DEIR states that approval of a development agreement between the City and the Applicant would be one of the Project's required approvals.[32] However, the DEIR lacks any information about the proposed terms of the proposed development agreement, fails to include analysis of the potential environmental impacts that may be caused by implementation of the development agreement, and does not attach the proposed Agreement as an appendix. The DEIR's failure to disclose details related to this critical component of the Project, and failure to analyze its impacts, as required by CEQA, results in the publics and decisionmakers' inability to analyze the potential environmental impacts of the Project.

A development agreement is a contract between an agency and a developer establishing certain development rights with any person having a legal or equitable interest in the property at issue. The purpose of a development agreement is generally to extend the life of the entitlements in exchange for the provision of public benefits and to reduce the economic risk of development.[33] While a development agreement must advance an agency's local planning policies, it may also contain provisions that vary from otherwise applicable zoning standards and land use requirements as long as the project is consistent with the general plan and any applicable specific plan.[34] For this reason, it is critical that the terms of a proposed development agreement be disclosed to the public and analyzed during the Project's CEQA review in order to determine whether the development agreement may have potentially significant impacts that are not otherwise inherent in the project.

When a development agreement is required to implement a project, it is considered part of the project under CEQA.[35] Development agreements must be enacted in accordance with the Government Code and applicable local planning codes, and must undergo environmental review at the time of adoption. Therefore,

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[31] *Riverwatch v. Olivenhain Municipal Water Dist*. (2009) 170 Cal. App. 4th 1186, 1201.
[32] DEIR, p. 1-2.
[33] Gov. Code §§ 65864-65869.5.
[34] *Id*.
[35] See Gov. Code § 65864; 14 CCR §§15352(a), (b), 15378; *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116.

any development agreement for the Project must be described in the EIR and considered by the City's decision makers at the same time as the rest of the Project approvals.

B-3-8 (cont.)

The DEIR fails to disclose any of the terms being considered for inclusion in the Project's development agreement, including the length of time the development agreement will be in effect. The DEIR must be revised to correct this omission. In particular, the public must be allowed to consider whether the proposed development agreement may have significant impacts in addition to the impacts disclosed in the DEIR *before* the City enters into a contract with the Applicant which could guarantee the long-term existence of those impacts during the life of the contract. It also is conceivable that, by extending the Project's land use entitlements, mitigation measures implemented for the Project may become less effective over the term of the development agreement, resulting in new significant environmental impacts from the Project. In addition, it is possible that implementation of the development agreement could result in further significant environmental impacts not analyzed in the DEIR. The DEIR must be revised and recirculated to give the public an opportunity to comment on the impacts or mitigation measures that may be exacerbated or affected by the terms of the proposed agreement.[36]

The public and City decision makers must also have an opportunity to evaluate the specific public benefits conferred by the proposed Development Agreement. The City has great discretion in determining what constitutes a public benefit and what public benefits should be included in a proposed development agreement.[37] The City and the public must therefore consider what public benefits would warrant providing the Applicant an extension of the Project's entitlements. Examples of public benefits could include community workforce or skilled and trained workforce requirements, funds or community services provided to the City to offset air quality, traffic, GHG, noise, and biological impacts associated with the Project. City residents and other members of the public must be given a meaningful opportunity to provide input to the City on what public benefits the City should require.

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[36] 14 CCR §15088.5(a); *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal*. (1993) 6 Cal.4th 1112.

[37] *Hermosa Beach Stop Oil Coalition v City of Hermosa Beach* (2001) 86 Cal. App. 4th 534 (development agreements are not subject to Mitigation Fee Act [Govt Code. §§66000-66025] or takings law); *Leroy Land Dev. Corp. v Tahoe Reg'l Planning Agency* (9th Cir 1991) 939 F.2d 696, 697.

The City must evaluate the environmental impacts of the Project in light of the proposed development agreement prior to approval of the Project. The City must also recirculate the EIR to include analysis of the proposed public benefits that would be conferred upon City residents if a development agreement is adopted for the Project. B-3-8 (cont.)

IV. THE DEIR FAILS TO ADEQUATELY ESTABLISH THE EXISTING BASELINE

The DEIR fails to accurately disclose the baseline environmental conditions related to the Project's hazardous materials and health risk impacts. As a result, the DEIR lacks the necessary information against which to measure the Project's environmental impacts resulting from hazardous materials transport and disposal, and with regard to impacts on sensitive receptors from construction.

The existing environmental setting is the starting point from which the lead agency must measure whether a proposed project may cause a significant environmental impact.[38] CEQA defines the environmental setting as the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, from both a local and regional perspective.[39] Describing the environmental setting accurately and completely for each environmental condition in the vicinity of the Project is critical to an accurate, meaningful evaluation of environmental impacts. The courts have clearly stated that,"[b]efore the impacts of a project can be assessed and mitigation measures considered, an [environmental review document] must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined."[40] B-3-9

A. The DEIR Fails to Establish the Existing Baseline with Respect to Asbestos Containing Materials

Phase 1 of the Project will result in the demolition of approximately 308,946 square feet of building space and approximately 15.66 acres of asphalt, resulting in the generation of approximately 26,048 tons of demolition waste; of which 7,189 tons of demolished building material would be reused on site while 18,859 tons

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[38] *See, e.g.*, *Communities for a Better Env't v. S. Coast Air Quality Mgmt. Dist.* (March 15, 2010) 48 Cal.4th 310, 316.
[39] CEQA Guidelines §15125(a) (emphasis added); *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1453 ("*Riverwatch*").
[40] *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.

would be exported off site.[41] Phase 2 will result in demolition of approximately 339,861 square feet of building space and 5.08 acres of asphalt pavement resulting in a total of approximately 20,551 tons of demolition waste generated by Phase 2.[42] Many of the structures that are destined to be demolished were originally constructed between 1964 and 1987, when asbestos containing materials ("ACMs") were regularly used in construction.[43]

Given the age of the buildings to be demolished, it is likely that the waste generated from demolition will contain ACMs. The DEIR conclusively states that compliance with existing regulations will ensure that hazardous building materials, such as ACMs, "would be identified through a comprehensive hazardous building materials survey and removed/stabilized as necessary prior to building demolition or renovation activities."[44] However, the DEIR fails to make an effort to quantify or disclose the amount of ACMs existing at the Project site which may require specialized hazardous materials detection and removal. In addition to potential releases during removal operations, asbestos requires disposal at licensed hazardous waste facilities, which are located farther from the Project site than standard construction debris disposal sites. Because the DEIR fails to disclose current ACM conditions at the Project site, it also fails to analyze the potential health risk, air quality, and transportation impacts associated with removal of ACM debris during the Project's Phase 1 and Phase 2 demolition activities. **B-3-9 (cont.)**

The City must prepare a revised EIR for the Project which analyzes the public health, air quality, and transportation impacts resulting from remediation of ACMs at the Project site.

V. THE DEIR FAILS TO DISCLOSE, ANALYZE AND MITIGATE POTENTIALLY SIGNIFICANT IMPACTS

B-3-10

An EIR must fully disclose all potentially significant impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance determination with regard to each impact

[41] DEIR, p. 3-43.
[42] DEIR, p. 3-53.
[43] DEIR, p. 4.3-1; see also California Department of Public Health, FAQs About Asbestos in the Home and Workplace (November 2017) available at https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/CDPH%20Document%20Library/AsbestosFactSheet_201711_final-ADA.pdf
[44] DEIR, p. 4.8-21.

must be supported by accurate scientific and factual data.[45] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[46]

Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.[47] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[48] In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will 'determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements.'[49] **B-3-10 (cont.)**

Additionally, CEQA requires agencies to commit to all feasible mitigation measures to reduce significant environmental impacts.[50] In particular, the lead agency may not make required CEQA findings, including finding that a project impact is significant and unavoidable, unless the administrative record demonstrates that it has adopted all feasible mitigation to reduce significant environmental impacts to the greatest extent feasible.[51]

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.'"[52]

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[45] CEQA Guidelines § 15064(b).
[46] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.
[47] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.
[48] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[49] *Id., Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.
[50] CEQA Guidelines § 15002(a)(2).
[51] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090, 15091; *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.
[52] *Berkeley Jets*, 91 Cal.App.4th at 1355.

A. The DEIR Underestimates Construction Emissions Due to Unsubstantiated Hauling Trip Lengths During Demolition

The DEIR estimates that the Project will result in demolition of approximately 677,327 square-feet of existing commercial space.[53] Phase 1 of the Project will result in an estimated 26,048 tons of demolition material from 308,946 square feet of buildings and 15.66 acres of asphalt pavement resulting in a total of 3,236 one-way truck trips.[54] Phase 2 of the Project will result in the export of approximately 20,551 tons of demolition material from 339,861 square feet of buildings and 5.08 acres of asphalt pavement and will require 1,966 one-way haul truck trips.[55]

The DEIR relies on a default trip length of 20 miles for the removal of materials from the Project site during demolition.[56] However, as explained above, the site is likely to contain ACMs which can only be disposed of at five facilities in California, with the closest landfill capable of receiving ACMs approximately 54 miles away in Solano County.[57] B-3-11

Project demolition activities will include removal of asbestos-containing materials. Those materials must be hauled to a permitted landfill, yet the DEIR is silent as to which of the five permitted landfills will be used. Because even the nearest asbestos landfill is 54 miles from the Project site, hauling trips carrying ACMs will be at least 54 miles, a 170 percent increase over the trip length analyzed in the DEIR, resulting in additional air quality and transportation impacts from haul truck trips. Since the DEIR's emissions analysis relies on the unsubstantiated assumption that hauling trips will not exceed 20 miles, it underestimates impacts associated with construction truck trips.

In order to accurately analyze the Project's haul truck trip lengths, the City must calculate the amount of ACMs to be removed from the Project site in order to assess the number and length of truck trips required to dispose of the hazardous materials, and their resulting air emissions. Absent this analysis, the DEIR's constriction emissions modeling does not provide substantial evidence to support the DEIR's conclusion that the Project's construction emissions are less than significant.

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[53] DEIR, Appendix I, pdf. p. 22.
[54] DEIR, Appendix I, pdf. p. 48.
[55] DEIR, Appendix I, pdf. p. 57.
[56] DEIR, Appendix I, pdf. p. 48.
[57] CalRecycle, Solid Waste Information System, Recology Hay Road (48-AA-0002) available at https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1185?siteID=3582

B. The DEIR Fails to Consider All Feasible Mitigation to Reduce the Project's Significant GHG Emissions Impacts

Before an impact can be declared significant and unavoidable, the lead agency must first adopt all feasible mitigation to reduce the impact to the greatest extent feasible, and must consider feasible mitigation recommended by commenters, when such measures would substantially lessen a significant environmental effect.[58] The DEIR concludes that the Project's GHG emissions impacts are significant and unavoidable despite the implementation of all feasible mitigation measures.[59] However, the DEIR rejects potentially feasible GHG mitigation and fails to consider other available measures to reduce GHG impacts during Project operation. B-3-12

First, the DEIR rejects as infeasible mitigation which would prohibit the use of natural gas in the Project's proposed restaurants and fire pits based on the Project Applicant's determination that eliminating natural gas from the restaurant spaces and community firepits is not feasible.[60] The DEIR fails to substantiate this conclusion with any evidence or analysis, and its reliance on the Applicant's decision not to eliminate natural gas from the restaurant or fire pit design is equally unsupported. Instead, the DEIR simply concludes that the Project would not comply with CALGreen Tier 2 EV requirements.[61]

With regard to restaurants, the DEIR fails to explain why natural gas is necessary for restaurant operations. On the other hand, there is substantial evidence that natural gas is not required for commercial restaurant operations. For example, a report prepared by Redwood Energy, for Menlo Spark[62], details several examples of fully functional commercial kitchens that rely solely on electric appliances including Alinea in Chicago, a three Michelin Star restaurant which converted its kitchen to full electric.[63]

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[58] *Covington v Great Basin Unif. Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 879-883.
[59] DEIR, 4.11-31.
[60] DEIR, Appendix I, pdf. pp. 16, 129.
[61] *Id*. at pdf p. 129.
[62] Redwood Energy, A Pocket Guide to All-Electric Retrofits of Commercial Buildings (June 2022) available at https://assets-global.website-files.com/62b110a14473cb7777a50d28/6377e7c7fd6f8cc30f88afa7_Redwood%20Energy-s%20Pocket%20Guide%20to%20All-Electric%20Commercial%20Retrofits.pdf
[63] Redwood Energy, p. 4.

With regard to community fire pits, the DEIR states that "the Project would consider electric fire pits/warmers, if energy efficiency does not negatively impact overall energy use."[64] However, the DEIR lacks any such analysis, and instead simply includes natural gas fire as the baseline energy source used for the Project's 10+ fire pits.[65] Electric firepits are feasible mitigation which is commercially available, and must be considered for the Project,[66] as promised in the DEIR. B-3-12

Second, in their review, SWAPE found that there are several feasible GHG mitigation measures that could be implemented to offset the GHG emissions impacts from Project construction and operation that the DEIR fails to consider. In particular, SWAPE recommends that the City consider implementation of the Project Level GHG emission mitigation measures contained in the Southern California Association of Government's ("SCAG") Southern California's Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS").[67] B-3-13

Because the Project will result in significant and unavoidable GHG emissions impacts, the City must consider implementation of these and all other feasible GHG mitigation measures in a revised and recirculated DEIR for the Project.

VI. THE STATEMENT OF OVERRIDING CONSIDERATION MUST CONSIDER WHETHER THE PROJECT PROVIDES EMPLOYMENT OPPORTUNITIES FOR HIGHLY TRAINED WORKERS

B-3-14

The DEIR concludes that the Project will have significant and unavoidable environmental impacts related to GHG emissions and noise impacts.[68] In order to approve the Project, CEQA requires the City to adopt a statement of overriding considerations, providing that the Project's overriding benefits outweigh its

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[64] DEIR, Appendix I, p. 102.
[65] *Id.*
[66] See e.g. op 5 Outdoor-Rated Electric Fireplaces , available at https://www.woodlanddirect.com/the-top-5-outdoor-rated-electric-fireplaces.html?st-t=text&gad_source=1&gclid=CjwKCAiAopuvBhBCEiwAm8jaMRbi3K2o22oy1t1WeANCDh4nOhVYyh8q5bb-TTrwKWUWlgO4Va50vhoCyQAQAvD_BwE (last visited 3/5/24); Electric Fireplaces Direct, Outdoor Hearing, available at https://www.electricfireplacesdirect.com/collections/outdoor-heating and https://www.electricfireplacesdirect.com/blogs/fireside-blog/how-electric-fireplaces-work (last visited 3/5/24).
[67] SWAPE, p. 4.
[68] DEIR, pp. 2-18 – 2-19.

environmental harm.[69] An agency's determination that a project's benefits outweigh its significant, unavoidable impacts "lies at the core of the lead agency's discretionary responsibility under CEQA."[70]

The City must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record.[71] This requirement reflects the policy that public agencies must weigh a project's benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts.[72] Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project.[73] **B-3-14 (cont.)**

In this case, the City must find that the Project's significant, unavoidable impacts are outweighed by the Project's benefits to the community. CEQA specifically references employment opportunities for highly trained workers as a factor to be considered in making the determination of overriding benefits.[74] Currently, there is not substantial evidence in the record showing that the Project's significant, unavoidable impacts are outweighed by benefits to the community. For example, the Applicant has not made any commitments to employ graduates of state approved apprenticeship programs or taken other steps to ensure employment of highly trained and skilled craft workers on Project construction.

We urge the City to prepare and circulate a revised EIR which identifies the Project's potentially significant impacts, requires all feasible mitigation measures and analyzes all feasible alternatives to reduce impacts to a less than significant level. If a Statement of Overriding Considerations is adopted for the Project, we urge the City to consider whether the Project will result in employment opportunities for highly trained workers.

VII. THE CITY FAILED TO PROVIDE ADEQUATE TIME FOR PUBLIC COMMENT

B-3-15

CEQA requires that "all documents referenced in the draft environmental impact report" be available for review and "readily accessible" during the entire

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[69] CEQA Guidelines, § 15043.
[70] *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.
[71] Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093, subds. (a) and (b); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357.
[72] Pub. Resources Code, § 21081(b); CEQA Guidelines, § 15093, subds. (a) and (b)
[73] *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.
[74] Pub. Resources Code, § 21081, subds. (a)(3) and (b).

public comment period.[75] The courts have held that the failure to provide even a few pages of a CEQA document for a portion of the CEQA review period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment.[76] It is also well settled that an EIR may not rely on hidden studies or documents that are not provided to the public.[77]

On January 12, 2024, Residents submitted a letter to the City pursuant to CEQA Section 21092(b)(1) requesting access to "any and all documents referenced or relied upon" in the DEIR ("DEIR Request"). On January 30, 2024, after receiving no records, Residents submitted a request to extend the DEIR public comment period by 45 days from the date the DEIR reference documents were released – the statutory time period for public comment and access to the DEIR and all reference documents.[78] The City responded that the DEIR public comment had been extended for by 15 days, but failed to provide Residents with access to *any* of the requested records.

B-3-15 (cont.)

On February 13, 2024, the City uploaded the previously unreleased DEIR reference documents to its website,[79] but failed to further extend the public comment period to facilitate public review.

On February 23, 2024, Residents submitted a letter to the City requesting an extension of the public review and comment period on the DEIR by 45 days from February 13, 2024, based on the fact that, by failing to make all documents referenced in the DEIR "readily available" during the entire CEQA comment period, the City was in violation of CEQA's procedural mandates, to the detriment of Residents and other members of the public who wished to meaningfully review and comment on the DEIR during the time authorized by CEQA. The City did not respond to Residents' letter, and has not extended the public comment period despite its late release of DEIR reference documents. Residents' review of the DEIR

[75] PRC § 21092(b)(1); CEQA Guidelines § 15087(c)(5).
[76] *Ultramar v. South Coast Air Quality Man. Dist*. (1993) 17 Cal.App.4th 689, 699.
[77] *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.").
[78] PRC §§ 21091(a); 21092(b)(1).
[79] City of San Rafael, Northgate Town Square Environmental Review, available at https://www.cityofsanrafael.org/northgate-town-square-environmental-review/

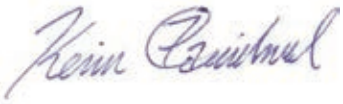
reference documents are ongoing. Residents therefore reserves the right to supplement these comments following review of the recently posted records, and at any later hearings and proceedings related to the Project.[80] **B-3-15 (cont.)**

VIII. CONCLUSION

For the foregoing reasons, Residents urges the City to fulfill its responsibilities under CEQA by preparing a legally adequate EIR that sufficiently addresses the potentially significant impacts described in this comment letter and the attached expert comments. A revised EIR is necessary to ensure that the Project's significant environmental impacts are mitigated to less than significant levels. **B-3-16**

Thank you for your attention to these comments. Please place them in the record of proceedings for the Project.

Sincerely,



Kevin Carmichael

KTC:ljl

[80] Gov. Code § 65009(b); Pub. Resources Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

ATTACHMENT A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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March 5, 2024

Kevin Carmicheal
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd #1000
South San Francisco, CA 94080

Subject: Comments on the Northgate Mall Redevelopment Project (SCH No. 2021120187)

Dear Mr. Carmicheal,

We have reviewed the 2024 Draft Environmental Impact Report ("DEIR") and associated documents for the Northgate Mall Redevelopment Project ("Project") located in the City of San Rafael ("City"). The Project proposes to construct 217,520-square-feet ("SF") of commercial space, 1,422 residential units, and a 176,090-SF parking garage on the 44.76-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's hazards, hazardous materials, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential hazards, hazardous materials, greenhouse gas impacts that the project may have on the environment. **B-3-17**

Hazards and Hazardous Materials

Inadequate Disclosure and Analysis of Impacts

Mitigation Measure HAZ-1 should be revised to expressly state that a thorough survey for the presence of asbestos-containing materials (ACMs) will be conducted consistent with BAAQMD Regulation 11-2[1] prior to any demolition. The survey is especially important given the Phase I Environmental Assessment (Appendix E) reported the disposal of ACMs generated from the Northgate Mall, among other hazardous **B-3-18**

[1] https://www.baaqmd.gov/~/media/files/compliance-and-enforcement/policies-and-procedures/asbestos-demolition-renovation-waste-disposal-pp_050719-pdf.pdf?rev=43bbb7b208fd4b4eaecc675502e4f21d&sc_lang=en

materials, between 1990 and 2015.[2] The documentation in the Phase I ESA shows that asbestos was present during that time period, necessitating disposal; similar conditions may therefore still exist. **B-3-18 (cont.)**

A revised Mitigation Measure HAZ-1 should also include language to address sampling and the reporting of results of laboratory analysis of the survey to the BAAQMD Air Pollution Control Officer, prior to any demolition. Mitigation Measure HAZ-1 should also state that if ACMs are identified, the removal and management of ACMs must be performed in accordance with BAAQMD Regulations under Rule 11-2 to ensure that asbestos would not be released into the environment.

Additionally, the closest disposal sites permitted to accept ACM are located in Vacaville (54 miles away) and the Altamont Pass area (64 miles away). Impacts resulting from trucking for disposal of ACM on air quality and greenhouse gas emissions should be included in the appropriate sections of a revised DEIR. **B-3-19**

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The AQ & GHG Report estimates that the Project would result in negative net annual greenhouse gas ("GHG") emissions of 2,849-metric tons and 8,061-metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") under the 2025 Master Plan and 2040 Vision Plan, respectively (see excerpt below) (Appendix I, p. 110, Table 29). **B-3-20**

[2] Appendix E, Phase I Environmental Assessment, Northgate Mall, November 8, 2021, p. 18

Table 29. Estimated Annual Operational Greenhouse Gas Emissions

Source	CO_2	CH_4	N_2O	R	CO_2e
		Metric Tons per Year			
Water supply and wastewater	59.30	2.10	0.05		126.79
Refrigerants				9.08	9.08
				Total	22,673.42
2025 Master Plan					
Area	30.23	0.00	0.00		30.34
Energy	1,316.34	0.20	0.02		1,327.86
Mobile	17,384.87	1.02	0.79	30.91	17,675.27
Solid waste	138.24	13.82	0.00		483.64
Water supply and wastewater	69.97	2.35	0.06		145.66
Refrigerants				9.46	9.46
Subtotal	*18,939.66*	*17.39*	*0.86*	*40.37*	*19,672.23*
Amortized construction emissions (2025 Master Plan only)					107.19
				Total	19,779.42
2040 Vision Plan					
Area	35.24	0.00	0.00		35.37
Energy	1,432.09	0.21	0.02		1,444.00
Mobile	12,052.61	0.67	0.53	21.49	12,249.09
Solid waste	160.37	16.03	0.00		561.09
Water supply and wastewater	68.02	2.28	0.05		141.22
Refrigerants				13.86	13.86
Subtotal	*13,748.34*	*19.19*	*0.61*	*35.35*	*14,444.63*
Amortized construction emissions (2025 Master Plan and 2040 Vision Plan)					167.39
				Total	14,612.02
	Net Change				
2025 Master Plan net change (2025 Master Plan – Existing)					(2,894.00)
2040 Vision Plan net change (2040 Vision Plan – Existing)					(8,061.40)

Notes: GHG = greenhouse gas; CO_2 = carbon dioxide; CH_4 = methane; N_2O = nitrous oxide; R= refrigerant; CO_2e = carbon dioxide equivalent.
Existing Scenario emissions reflects operational year 2023, 2025 Master Plan emissions reflect operational year 2025, and 2040 Vision Plan emissions reflect operational year 2040.
Numbers in parentheses represent negative numbers.
Totals may not sum due to rounding.
See Appendix A for complete results.

Because no numeric threshold is applied to the estimated Project-generated emissions to evaluate potential GHG emissions impact under CEQA, the Project relies on a qualitative GHG approach (p. 111).

Quantitatively, the AQ & GHG Report concludes that the Project would result in a significant-and-unavoidable GHG impact, stating:

> "Per the BAAQMD, no mitigation measures are available to achieve Threshold "A" design elements other than including the design elements. Because the Project applicant determined that eliminating natural gas from the restaurant spaces is not feasible for Project success and because CALGreen Tier 2 non-residential requirements are also not feasible for the Project design, no mitigation measures have been identified to be feasible. Nonetheless, the lead

B-3-20 (cont.)

> agency may identify mitigation measures at their discretion if determined to meet the requirements of CEQA" (p. 113).

The AQ & GHG Report concludes that the Project would result in a significant-and-unavoidable GHG impact due to its implementation of all feasible mitigation measures. However, while we agree that the Project would result in a significant GHG impact, the AQ & GHG's assertion that no additional mitigation measures are feasible is incorrect. According to CEQA guidelines, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered. While the AQ & GHG Report states it is not feasible for the Project to eliminate natural gas or to implement CALGreen Tier 2 non-residential requirements, the Project fails to consider *all* feasible mitigation. Here, the AQ & GHG Report fails to substantiate their claim that no feasible mitigation measures can be implemented. **B-3-20 (cont.)**

Additionally, as previously stated, the Project claims to rely on CalGreen Tier 2 non-residential requirements. Specifically, the Project claims to be consistent with CalGreen Tier 2 Voluntary Standards, stating:

> "The most recently adopted version of CALGreen Tier 2 Voluntary Standards require that a project with 201 or more parking spaces provide 45 percent of total parking spaces as EV-capable spaces, and 33 percent of the EV-capable spaces (meaning 15 percent of total parking spaces) as EV charging stations. As described in Section 4.11, Greenhouse Gas Emissions, for the residential development, the proposed project would provide 763 EVready residential parking spaces, which exceeds the CALGreen Tier 2 requirement of 359 spaces, and 134 chargers, which achieves the Tier 2 requirement. Regarding the non-residential (commercial) requirement, in Phase 1, the proposed project would include a total of 465 spaces, and would provide 210 spaces as EV capable, with 70 of those spaces as active charging stations, meeting the Tier 2 Voluntary Standards requirements. For Phase 2, the proposed project would include a total of 171 commercial parking spaces, and would provide an additional 77 spaces as EV capable, with 26 of those EV charging stations in line with the CalGreen Tier 2 Voluntary Standards" (p. 4.1-30). **B-3-21**

However, the DEIR's claim that the Project is consistent with the CalGreen Tier 2 Voluntary Standards, and the subsequent less-than-significant impact conclusion, is unsupported, as the DEIR fails to implement the above-mentioned reduction measures as formal mitigation measures. According to the AEP *CEQA Portal Topic Paper* on Mitigation Measures:

> "While not "mitigation", a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a

change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact."[3]

As demonstrated above, measures that are not formally included as mitigation measures may be eliminated from the Project's design altogether. We cannot guarantee that the above-mentioned reduction strategies would be implemented, monitored, and enforced on the Project site. As such, the DEIR fails to demonstrate consistency with the CalGreen Tier 2 Voluntary Standards. Until an updated EIR is prepared to include the applicable strategies from the CalGreen Tier 2 Voluntary Standards as formal mitigation measures, the Project's GHG analysis is insufficient and should not be relied upon to determine Project significance. **B-3-21 (cont.)**

To reduce the Project's GHG impacts to the maximum extent possible, additional feasible mitigation measures should be considered, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in potentially significant GHG impact that should be mitigated further. In an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. We recognize that the Project has considered the elimination of natural gas and the implementation of CALGreen Tier 2 non-residential requirements. However, we found that there are additional feasible mitigation measures the Project failed to consider.

To reduce the Project's emissions, we recommend consideration of SCAG's 2020 *RTP/SCS* PEIR's Greenhouse Gas Project Level Mitigation Measures ("PMM-GHG-1"), as described below:[4] **B-3-22**

SCAG RTP/SCS 2020-2045
Greenhouse Gas Project Level Mitigation Measures – PMM-GHG-1 In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:

[3] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

[4] "4.0 Mitigation Measures." Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocal_addendum_4_mitigationmeasures.pdf?1606004420, p. 4.0-2 – 4.0-10; 4.0-19 – 4.0-23; See also: "Certified Final Connect SoCal Program Environmental Impact Report." Southern California Association of Governments (SCAG), May 2020, *available at:* https://scag.ca.gov/peir.

b) Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines.

c) Include off-site measures to mitigate a project's emissions.

d) Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:

i. Use energy and fuel-efficient vehicles and equipment;
ii. Deployment of zero- and/or near zero emission technologies;
iii. Use lighter-colored pavement where feasible;
iv. Plant shade trees in or near construction projects where feasible; and
v. Solicit bids that include concepts listed above.

e) Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following:

i. Promote transit-active transportation coordinated strategies;
ii. Increase bicycle carrying capacity on transit and rail vehicles;
iii. Improve or increase access to transit;
iv. Increase access to common goods and services, such as groceries, schools, and day care;
v. Incorporate affordable housing into the project;
vi. Incorporate the neighborhood electric vehicle network;
vii. Orient the project toward transit, bicycle and pedestrian facilities;
viii. Improve pedestrian or bicycle networks, or transit service;
ix. Provide traffic calming measures;
x. Limit or eliminate park supply;
xi. Unbundle parking costs;
xii. Provide parking cash-out programs;
xiii. Implement or provide access to commute reduction program;

B-3-22 (cont.)

g) Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations; and

h) Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that:

i. Provide car-sharing, bike sharing, and ride-sharing programs;
ii. Provide transit passes;
iii. Shift single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services;
iv. Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle;
v. Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, and showers and locker rooms;
vi. Provide employee transportation coordinators at employment sites;
vii. Provide a guaranteed ride home service to users of non-auto modes.

i) Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;

j) Land use siting and design measures that reduce GHG emissions, including:

i. Developing on infill and brownfields sites;
ii. Building compact and mixed-use developments near transit;
iii. Retaining on-site mature trees and vegetation, and planting new canopy trees;

iv. Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.
k) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities. The measures provided above are also intended to be applied in low income and minority communities as applicable and feasible.
m) Encourage telecommuting and alternative work schedules, such as: i. Staggered starting times ii. Flexible schedules iii. Compressed work weeks
n) Implement commute trip reduction marketing, such as: i. New employee orientation of trip reduction and alternative mode options ii. Event promotions iii. Publications
o) Implement preferential parking permit program
p) Implement school pool and bus programs
q) Price workplace parking, such as: i. Explicitly charging for parking for its employees; ii. Implementing above market rate pricing; iii. Validating parking only for invited guests; iv. Not providing employee parking and transportation allowances; and v. Educating employees about available alternatives.

B-3-22 (cont.)

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation.

B-3-23

As it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045, we emphasize that the energy mix that will charge the batteries and power electrical equipment must be 100% renewable energy resources. Until the feasibility of charging the batteries with renewable energy resources only is evaluated, the Project should not be approved.

B-3-24

A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated GHG analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional

information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties. **B-3-24 (cont.)**

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

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Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

B-3-25

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination. **B-3-25 (cont.)**
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows: **B-3-25 (cont.)**

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

B-3-25 (cont.)

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching: B-3-25 (cont.)

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

B-3-25 (cont.)

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada. **B-3-25 (cont.)**

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

B-3-25 (cont.)

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

B-3-25 (cont.)

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

B-3-25 (cont.)

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

B-3-25 (cont.)

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

B-3-25 (cont.)

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International*

Conferences on Soils Sediment and Water. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

B-3-25 (cont.)

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain. **B-3-25 (cont.)**

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

B-3-25 (cont.)

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 5-14-2021
Trial, October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty, Plaintiff vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No.: No. 18-L-6845
Rosenfeld Deposition, 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe, Plaintiff vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail, Defendants
Case No.: No. 17-cv-8517
Rosenfeld Deposition, 5-25-2021

B-3-25 (cont.)

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al., Plaintiff vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case Number CV20127-094749
Rosenfeld Deposition: 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al *Plaintiffs*, vs. CNA Insurance Company et al.
Case Number 1:17-cv-000508
Rosenfeld Deposition: 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, *Plaintiff,* vs. Marathon Petroleum, LP, *Defendant.*
Case No.: 1716-CV10006
Rosenfeld Deposition. 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case No.: 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No.: 1923
Rosenfeld Deposition, 11-17-2017

B-3-25 (cont.)

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case: No 1:19-cv-00315-RHW
Rosenfeld Deposition, 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

B-3-25 (cont.)

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.
Civil Action Number 2:09-cv-232-WHA-TFM
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil Action No. CV 2008-2076
Rosenfeld Deposition: September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 2:07CV1052
Rosenfeld Deposition: July 2009

Response to Letter B-3

Marin County Residents for Responsible Development
Represented by Adams, Broadwell, Joseph, & Cardozo
Kevin Carmichael
March 5, 2024

Response B-3-1

This introductory comment, which states that the comments in Letter B-3 are submitted on behalf of the Marin County Residents for Responsible Development and summarizes the proposed project as described in Chapter 3.0, Project Description of the Draft EIR, is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR; therefore, no response is required.

Response B-3-2

This comment generally states that the Draft EIR fails to serve as an informational document and does not adequately analyze impacts related to air quality, greenhouse gas (GHG) emissions, hazardous materials, and health risk impacts. Due to this perceived deficiency, the comment goes on to state that the Draft EIR lacks substantial evidence to support the impact and mitigation findings. The comment does not provide specific examples of such deficiencies to support these assertions. More specific comments provided later in Letter B-3 are responded to in subsequent responses. Refer to Responses B-3-9 through B-3-13 and B-3-18 through B-3-24. Also refer to Master Response 6 regarding unsubstantiated opinions related to the adequacy of the information and analysis provided in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-3

This general comment, which states the opinion that the City failed to comply with CEQA procedural requirements for adequate public review because the public review period was not extended, is noted. The comment does not identify any specific failure of the City in connection with the supporting documentation for the Draft EIR. The City furnished all public records within its possession according to the Public Records Act (PRA) and as individual requests were received. Also refer to Master Response 1.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-4

This comment, which references the technical experts who have contributed comments as part of Attachment A to Letter B-3 and their qualifications, is noted. As discussed in Responses B-3-7

through B-3-25, the comments in Letter B-3 do not provide any substantial evidence that the Draft EIR has not adequately disclosed, analyzed, and mitigated significant impacts of the proposed project. Please also refer to Master Responses 6 and 8 regarding substantial evidence findings and the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-5

This comment, which provides an introduction to Marin County Residents for Responsible Development and their interest in the proposed project and the environmental review process and outcome, is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and no response is required.

Response B-3-6

This comment, which provides a summary of legal requirements and case law applicable to CEQA review and the obligations of the Lead Agency to carry out environmental review pursuant to the stated requirements, is noted. The commenter cites several sections of the Public Resources Code (PRC), the *State CEQA Guidelines*, and court cases in the footnotes to the summary, and this is also noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and no response is required.

Response B-3-7

This comment, which generally states the opinion that the Draft EIR fails to comply with CEQA on several counts, is noted. The comment does not provide specific examples to support this assertion. More specific comments provided later in Letter B-3 are responded to in subsequent responses. Refer to Responses B-3-8 through B-3-25. Also refer to Master Response 6 regarding unsubstantiated opinions related to the adequacy of the information and analysis provided in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-8

This comment, which generally expresses an opinion that the Draft EIR fails to include an accurate and complete project description and goes on to identify and cite the legal requirements and applicable court cases that address the definition and description of a “project” pursuant to CEQA, is noted. The comment also states more specifically that the description of the project as set forth in Chapter 3.0, Project Description is inadequate because it fails to fully describe the Development Agreement between the City and the project sponsor that would be one of the required project approvals.

A Development Agreement is a legislatively defined contract between a public agency (in this case the City of San Rafael) and an applicant for a development project in compliance with State law (Government Code Section 65864-65869.5). A Development Agreement is a planning tool that allows public agencies greater latitude to advance local planning policies in ways that may be particular to a project site location or to the scope of the project, and may allow development provisions that differ from applicable zoning standards and land use controls. A Development Agreement is intended to provide assurance to the project sponsor that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any future changes to such policies, rules, or regulations that could occur after project approval. In return, the City is provided assurance of benefits that it might not be able to require in the absence of a Development Agreement. Development Agreements are subject to the requirements of CEQA, and adoption of such agreements may be considered with or separate from the development project approvals.

The Development Agreement for the proposed project was in draft form at the time that the Draft EIR was published for review. Nevertheless, any anticipated physical improvements related to the zoning and land use controls for the site or public infrastructure to be included in the Development Agreement were fully described as part of the proposed project in Chapter 3.0, Project Description, and fully evaluated in the appropriate topical sections of Chapter 4.0, Setting, Impacts, and Mitigation Measures of the Draft EIR. However, since publication of the Draft EIR, the draft Development Agreement has been withdrawn and is no longer a requested project approval (refer to Chapter 2.0, Revised Project, of this RTC Document). Withdrawal of the request for a Development Agreement does not change any component of the project described in the Draft EIR nor any of the analysis or conclusions regarding project impacts.

In any event, if the Development Agreement is re-initiated and negotiated prior to or after certification of the Final EIR and deviates from the project elements described and evaluated in the Draft EIR, the Development Agreement may be subject to further environmental review prior to its adoption to ensure that it is consistent with the scope of the project, information, analysis, and conclusions presented in the Draft EIR. Consistent with *State CEQA Guidelines* Section 15164, any minor changes to the project proposed by the Development Agreement that would not result in new or more severe significant environmental impacts could be documented and analyzed in the form of an Addendum to the Final EIR. Alternatively, if changes to the project proposed by the Development Agreement have the potential to result in new or more severe significant environmental impacts, supplemental CEQA study and processing may be warranted depending on terms in the Development Agreement; such determinations and actions would occur if the Development Agreement is finalized and is considered by the City before its approval. Note that certification of the Final EIR and consideration of project approvals are separate actions. Please also note that while the Development Agreement was identified as an anticipated project approval, the project may be considered by City decision-makers without the agreement since it has been withdrawn.

The comment also requests additional information related to the contract duration and community benefits outlined in the Development Agreement. This information was not pertinent to the analysis of environmental impacts, and the Development Agreement has been withdrawn. As fully described above, the Draft EIR project description and analysis of potential impacts already include and

consider all relevant physical improvements identified in the Development Agreement. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-9

This comment states that the Draft EIR fails to adequately establish the baseline environmental conditions related to hazardous materials, and more specifically, conditions related to asbestos containing materials (ACMs). The existing setting related to hazardous materials is, however, thoroughly described in Section 4.8, Hazards and Hazardous Materials, of the Draft EIR and in the Phase I Environmental Site Assessment (ESA) (Draft EIR, Appendix E), upon which the Draft EIR analysis relies. This response also addresses comments raised later in Letter B-3, which are further responded to in Response B-3-11.

As discussed on pages 4.8-19 and 4.8-20 of the Draft EIR, the Draft EIR acknowledges that there could be asbestos in the buildings that are proposed to be demolished, and the Draft EIR describes existing regulations that would be followed (including Section 19827.5 of the California Health and Safety Code and Bay Area Air Quality Management District [BAAQMD] Regulation 11, Rule 2) to ensure that ACMs would be surveyed, identified, and properly removed and managed such that asbestos would not be released into the environment. Specifically, as described in Section 4.8, Hazards and Hazardous Materials, of the Draft EIR, BAAQMD Regulation 11, Rule 2 requires that the owner or operator must thoroughly survey the affected structure or portion thereof for the presence of ACMs prior to commencement of any demolition or renovation. The survey must be performed by a person who is certified by the Division of Occupational Safety and Health, who has taken and passed a United States Environmental Protection Agency (EPA) approved Building Inspector course, and who conforms to the procedures outlined in the course. The survey must include sampling and the reporting of results of laboratory analysis of the asbestos content of all suspected ACMs. This survey must be made available, upon request by the Air Pollution Control Officer, prior to the commencement of any regulated ACM removal or any demolition. If ACMs are identified, the disturbance/removal and management of ACMs must be performed in accordance with BAAQMD Regulation 11, Rule 2 to ensure that asbestos would not be released into the environment. With compliance of BAAQMD Regulation 11, Rule 2, the potential risk for ACMs to be released into the environment during construction is small and would not be significant.

Further, it is not necessary nor is it common practice to quantify or disclose the full extent of ACMs present within existing buildings at this stage in the development review process. Performing comprehensive hazardous building materials surveys requires damaging building floors, walls, and roofs, and therefore such surveys are typically performed right before a building is demolished. The quantities of ACMs to be removed from the project site cannot be known until after hazardous building materials surveys are performed.

The comment incorrectly states that ACMs need to be disposed of at licensed hazardous waste facilities. There are multiple landfills in the Bay Area that are permitted to accept asbestos, including

the Redwood Landfill in Novato, which accepts non-friable asbestos (13 miles from the project site), and the Recology Hay Road Landfill in Vacaville and the Altamont Landfill in Livermore, which accept both friable and non-friable asbestos.[23] The analysis of transportation and air quality impacts as provided in Sections 4.9, Transportation, and 4.10, Air Quality, in the Draft EIR accounted for trucking and disposal of demolition waste, which would include ACMs and other hazardous building materials requiring disposal at appropriately permitted facilities. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-10

This comment, which generally expresses the opinion that the Draft EIR fails to disclose and mitigate potentially significant project impacts, is noted. This comment does not identify any specific deficiencies in the Draft EIR but is an introduction to later, more specific comments that are addressed in Responses B-3-11 and B-3-12. Refer to Master Response 6 regarding unsubstantiated opinions related to the adequacy of the information and analysis provided in the Draft EIR. Also refer to Master Response 7 regarding CEQA mitigation requirements and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-11

This comment incorrectly states that the Draft EIR underestimates impacts associated with disposal of ACMs because the Draft EIR relies on a default trip length of 20 miles, and the nearest disposal facility for ACMs is over 50 miles away from the site. Refer to Response B-3-9 regarding characterization and quantification of potential ACMs on the site and required compliance with BAAQMD Regulation 11, Rule 2: Asbestos demolition, renovation, and manufacturing, as well as the proximity of landfills that would accept ACMs.

Further, as described in the BAAQMD CEQA Air Quality Guidelines,[24] construction-related exhaust emissions should be modeled using the latest version of the California Emissions Estimator Model (CalEEMod). Therefore, consistent with BAAQMD guidance, CalEEMod was used to evaluate project emissions. As described in the CalEEMod User Guide, CalEEMod utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-

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23 State of California. 2024. GeoTracker Landfill Permitted Waste Map. Website: https://geotracker.waterboards.ca.gov/map/landfill_map (accessed May 10, 2024).

24 Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-0-cover-page-pdf.pdf?rev=f250e4ab435c491ba2afcbe299590a67 (accessed April 2024).

specific information is not available.[25] Sources of these methodologies and default data include but are not limited to the EPA AP-42 emission factors, the California Air Resources Board (CARB) vehicle emission models, and studies commissioned by California agencies such as the California Energy Commission (CEC) and the California Department of Resources Recycling and Recovery (CalRecycle).[26] In addition, some local air districts provided customized values for their default data and existing regulation methodologies for use for projects located in their jurisdictions. When no customized information was provided and no regional differences were defined for local air districts, Statewide default values were utilized.

A majority of CalEEMod's default data associated with locations and land use are derived from surveys of existing land uses. For any project that substantially deviates from the types and features included in the surveys, site-specific data that are supported by substantial evidence should be used, if available. The model provides several opportunities for the user to change the defaults in the model; however, users are required to provide justification for all changes made to the default settings (e.g., reference more appropriate data sources), and no such data are available. Based on CalEEMod, defaults for hauling trip numbers are automatically generated for all construction phases in which the user has defined a material quantity in the demolition or dust from material movement screens. The hauling trip length default is set at 20 miles per one-way trip, which would reflect the average trip length of all haul trips associated with that phase of construction. As detailed in the Draft EIR, the project would include the demolition of approximately 308,946 square feet of buildings during Phase 1 and the demolition of approximately 339,861 square feet of buildings during Phase 2 of the project construction. This analysis correctly inputs the demolition quantities in the appropriate modeling screen to estimate the number of hauling trips for construction. Since a project-specific truck trip length is not yet known and the ACMs associated with demolition have not yet been determined, the use of CalEEMod defaults is appropriate for projects in the BAAQMD and the City of San Rafael and is consistent with standard practice. Furthermore, it is not yet known whether the demolished structures will contain ACMs. Therefore, this analysis accurately provides an estimate of hauling trips with the information that was provided at the time of the analysis and conservatively assumes a distance of 20 miles, consistent with BAAQMD guidance. This is a conservative assumption as some material would be disposed of at local recycling facilities or a local landfill site. These facilities are located approximately 10 miles from the project site. As such, the majority of the haul trips would be a shorter distance, making the average haul trip length of 20 miles a reasonable estimate. As such, the construction emissions analysis in the Draft EIR is accurate and no revisions are needed.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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25 California Air Pollution Control Officers Association (CAPCOA). 2022. *California Emissions Estimator Model User's Guide.* May. Website: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf (accessed April 2024).

26 Detailed information regarding CalEEMod default assumptions can be found in the User's Guide: http://www.aqmd.gov/caleemod/user's-guide (accessed April 2024).

Response B-3-12

This comment states that the Draft EIR failed to consider all feasible mitigation measures to reduce the project's significant GHG emission impacts. It then makes several incorrect statements regarding the contents and conclusions in the Draft EIR.

First, the comment incorrectly states that the Draft EIR determined that prohibition of natural gas use for recreational purposes (i.e., in community fire pits) would be infeasible. In fact, the Draft EIR calls for this prohibition as Mitigation Measure GHG-1, which will be required to be implemented for the proposed project (see page 4.11-24 of the Draft EIR). The comment claims that the Draft EIR allows gas fire pits and rejects electric fire pits as mitigation. However, the comment actually is quoting the Air Quality and Greenhouse Gas Emissions Technical Report included in Appendix I to the Draft EIR, which was prepared by the project sponsor's consultant. While that report is used to inform the Draft EIR analysis, the City as the Lead Agency conducted an independent review of its analysis and conclusions and, based on the City's independent judgment, determined to prohibit gas fire pits through Mitigation Measure GHG-1. In any event, the proposed project has been revised to remove the natural gas-fueled fire pits from the project design; refer to Chapter 2.0, Revised Project of this RTC Document.

Second, the comment incorrectly claims the Draft EIR stated that the project will not comply with California Green Building Standards Code (CALGreen Code) Tier 2 electric vehicle (EV) parking standards. In fact, the Draft EIR makes it clear that the project would meet or exceed CALGreen Code Tier 2 voluntary parking standards (refer to pages 4.11-23 and 4.11-24 of the Draft EIR). Again, the comment relies on supporting technical analysis in Appendix I, which was based on a preliminary version of the project plans that were later refined and comply with the CALGreen Code standards. The refined plans, which demonstrate compliance with CALGreen Code Tier 2 voluntary EV charging parking standards as recommended by the BAAQMD, are included in Chapter 3.0, Project Description, of the Draft EIR and were therefore included in the analysis.

The comment is correct that the Draft EIR concludes that it is infeasible to prohibit natural gas use in commercial kitchens, resulting in a significant and unavoidable impact. The Draft EIR adopts the BAAQMD's recommended GHG significance thresholds, which include a list of design criteria that BAAQMD has concluded demonstrate that a land use project is doing its fair share to meet the State's GHG reduction goals. The proposed project meets all of these design criteria other than the natural gas ban as applied to commercial kitchens.

The comment goes on to state that the Draft EIR fails to substantiate the conclusion that a total natural gas ban is infeasible. However, the conclusion is substantiated in the discussion on pages 4.11-24 and 4.11-25 of the Draft EIR. The impact was found to be significant and unavoidable because to the extent the project would include natural gas connections for use in cooking in commercial kitchens, the project would not fully achieve its "fair share" of emissions reductions necessary to achieve carbon neutrality by 2045 based on BAAQMD's recommended methodology. As explained on page 4.11-24:

> The City has determined that requiring compliance with the BAAQMD design threshold to completely prohibit natural gas usage at the proposed project is

> inconsistent with the City's municipal code, specifically the recently adopted reach code, which prohibits natural gas for residential uses but allows installation of new natural gas connections and operations with natural gas for commercial kitchen uses. With adoption of the reach code, the City found that a ban on natural gas usage was infeasible due to cost-effectiveness considerations, based in part on 2022 studies conducted by the California Public Utilities Commission and the California Energy Commission.[27] Furthermore, the legal precedence of prohibiting natural gas has been recently challenged in litigation,[28] and the court has upheld that a municipal ordinance to ban natural gas usage violates federal law, specifically the Energy Policy and Conservation Act. For these reasons, the City, as lead agency for the environmental review of the proposed project, has found that requiring mitigation to prohibit the usage of natural gas in the proposed commercial kitchens is not feasible.

As explained in the Draft EIR discussion above, use of natural gas appliances in commercial kitchens is permitted by the City's municipal code, which is supported by studies commissioned by the California Public Utilities Commission (CPUC) and the CEC. The comment provides a link to a report entitled "Menlo Spark,"[29] which details equipment that may replace traditional natural gas appliances and cites a fine dining establishment in another State that is all electric. Comments provided in Letter C-6-1 also refer to examples of all-electric appliance use in commercial kitchens. This information is noted but does not change the conclusions of the Draft EIR. Specifically, the fact that in some segments of the worldwide restaurant market, particularly in Europe, all-electric kitchens are accepted does not establish that an all-electric kitchen requirement would be feasible for the proposed project. Of the national restaurant brands that operate at the project sponsor's approved West Coast projects, none uses an all-electric prototype design and only Chipotle (a fast-casual rather than sit-down restaurant) is experimenting with an all-electric location. To require these national brands to operate differently for the proposed project could place the project sponsor at a competitive disadvantage in attracting successful restaurants to the center. It should also be noted that the strength of many restaurant operators' opposition to all electric kitchen requirements is demonstrated by the California Restaurant Association's decision to challenge Berkeley's natural gas ban for restaurants through the federal district court and then through a successful appeal to the Ninth Circuit Court of Appeals.

The Draft EIR identifies all feasible mitigation measures that are practically available to reduce impacts related to GHG emissions. It should be further noted that, as explained on page 4.11-24 of the Draft EIR, the proposed project would have a net negative impact on operational GHG emissions because the existing land uses would be replaced with less emission-intensive uses. Additional mitigation measures to further reduce GHG emissions would not change the significant and

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27 Southern California Edison (SCE). 2022. *2019 Reach Code Cost-Effectiveness Analysis. Full Service and Quick-Service Restaurants.* February.

28 *California Restaurant Association v. City of Berkeley*. 547 F. Supp. 3d 878, 891 (N.D. Cal. 2021).

29 Redwood Energy. 2022. A Pocket Guide to All-Electric Retrofits of Commercial Buildings. June. Website: https://assets-global.website-files.com/62b110a14473cb7777a50d28/6377e7c7fd6f8cc30f88afa7_Redwood%20Energy-s%20Pocket%20Guide%20to%20All-Electric%20Commercial%20Retrofits.pdf (accessed May 2024).

unavoidable finding and would have a small effect on reducing GHG emissions since the project already includes several sustainability features designed to reduce GHG impacts. Also refer to Response B-3-13.

Please also refer to Master Response 2 regarding the merits of the project as proposed and Master Response 8 regarding the adequacy of the Draft EIR. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-13

This comment states that the commenter's technical expert has identified several feasible mitigation measures to further reduce GHG emissions and recommends implementation of mitigation measures found in the Southern California Association of Governments (SCAG) Southern California Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

As described on pages 4.11-25 through 4.11-31 of the Draft EIR and in Chapter 2.0, Revised Project, of this RTC Document, the proposed project includes design features that are consistent, with one exception for commercial kitchens, with applicable policies and plans adopted for the purpose of reducing GHG emissions and California's climate goals. The GHG impact is based on design criteria rather than the quantity of GHG emissions associated with the proposed project, which would be reduced compared to baseline conditions for GHG emissions in general and GHG emissions from natural gas in particular. Mitigation measures outlined in SCAG's RTP/SCS are unrelated to the use of natural gas during project operations and primarily focus on encouraging use of alternative modes of transportation or other design features applied to reduce energy use. This comment does not identify ways in which additional mitigation measures identified in the SCAG RTP/SCS would further reduce the impact that is related to natural gas use. Refer to Response B-3-22 for additional discussion.

Also refer to Response B-3-12 for additional discussion related to recommended mitigation measures. Refer to Master Response 2 regarding the merits of the project as proposed and Master Response 8 regarding the adequacy of the Draft EIR. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-14

This comment, which states that in order to approve the project, the City must adopt a Statement of Overriding Considerations, is noted. The comment also states that providing employment opportunities for highly trained workers is a factor to be considered in making the Statement of Overriding Considerations. The comment claims that the Statement of Overriding Considerations must include consideration of whether the project will provide employment for highly trained workers, citing PRC Section 21081; however, Section 21081 does not mandate addressing that topic or requiring such employment to justify approving a project.

The Statement of Overriding Considerations is a written statement explaining the specific reasons why the social, economic, legal, technical, or other beneficial aspects of the proposed project

outweigh the unavoidable adverse environmental impacts and why the Lead Agency is willing to accept such impacts. If the proposed project is approved, this statement will be based on the Final EIR and all other substantial evidence in the record. As noted in Chapter 3.0, Project Description, Table 3.F, page 3-54 of the Draft EIR, adoption of Findings and a Statement of Overriding Considerations are an anticipated action as part of the project approvals. As previously stated, project approvals are a separate action from consideration of EIR certification.

Please refer to Master Response 8 and previous responses to Letter B-3, regarding the adequacy of the Draft EIR and the commenter's concerns. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and will be taken into consideration as part of the overall review of the project application by City staff and decision-makers.

Response B-3-15

This comment states that the City failed to provide all records and supporting documentation for the Draft EIR in a timely manner and requests extension of the comment period. Refer to Master Response 1 regarding the duration of the public comment period. Regarding the various requests for additional information as submitted by the commenter pursuant to the PRA, the City made a good faith effort to furnish all requested material within its possession according to established PRA time frames. The Draft EIR and associated appendices were posted in their entirety on the first day of the public comment period, when the Notice of Availability (NOA) of the Draft EIR was published and were available for the duration of the comment period. The CEQA Administrative Record, which includes all documents cited in the Draft EIR, was also posted on February 13, 2024. These documents continue to be available on the City website: https://www.cityofsanrafael.org/northgate-town-square-environmental-review.

The Final EIR will be circulated for a minimum of 10 days before any hearings are held to consider EIR certification and project approvals. The hearing will be noticed according to City procedures. Members of the public may attend this hearing and there will be an opportunity for public testimony. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and will be taken into consideration as part of the overall review of the project application by City staff and decision-makers.

Response B-3-16

This concluding comment is noted. This RTC Document responds to all public comments submitted during the public review period, including all comments provided in Letter B-3, as mandated by CEQA. Please refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-17

This comment, which is an introductory comment to "Attachment A" to Letter B-3, is noted. This comment generally repeats concerns previously stated in Letter B-3 that the Draft EIR fails to adequately analyze impacts related to hazards, hazardous materials, and GHGs, and thus underestimates project construction and operation emissions and health impacts. The comment does not provide specific examples of such deficiencies to support these assertions. More specific comments provided previously in Letter B-3 and later in Attachment A to Letter B-3 are responded to in Responses B-3-9 through B-3-13 and B-3-18 through B-3-24. Also refer to Master Response 6 regarding unsubstantiated opinions related to the adequacy of the information and analysis provided in the Draft EIR as well as Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-18

This comment requests revisions to Mitigation Measure HAZ-1 to further specify compliance with BAAQMD Regulation 11, Rule 2 related to the identification and handling of ACMs during demolition. Please refer to Response B-3-9. The sampling, reporting, removal, and management actions that this comment indicates should be added to Mitigation Measure HAZ-1 are already mandatory actions required by BAAQMD Regulation 11, Rule 2, as described on pages 4.8-13 and 4.8-20 of the Draft EIR. Please refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-19

This comment states that the air quality and GHG emissions of truck trips associated with transporting ACMs to off-site disposal facilities should be considered in the Draft EIR, and recites the distances to two ACM disposal sites. Please refer to Response B-3-11.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-20

This comment generally states that the Draft EIR fails to identify all feasible mitigation measures to avoid or reduce identified GHG impacts, which are significant and unavoidable due to the use of natural gas in commercial kitchens. Please refer to Responses B-3-12 and B-3-13, which address this concern. Also refer to Response B-3-21 regarding CALGreen Code Tier 2 voluntary standards for EV infrastructure and parking.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-21

This comment claims that the Draft EIR does not provide sufficient evidence to demonstrate consistency with CALGreen Code Tier 2 voluntary standards because this element of the project is not identified as a mitigation measure. Refer to Response B-3-12 clarifying that the final form of project design in fact is consistent with CALGreen Code Tier 2 EV voluntary parking standards. Compliance with the CALGreen Code Tier 2 voluntary standard is a BAAQMD-recommended prerequisite to allow a less than significant impact finding regarding the provision of EV parking and infrastructure in project design. As described on pages 4.11-23 and 4.11-24 of the Draft EIR, the project as proposed and as described in Chapter 3.0, Project Description, would comply with this requirement because the project would include the required number of EV spaces and charging infrastructure to meet the standards for both the residential and non-residential components of the project. As such, the impact related to this particular design requirement is less than significant, and a mitigation measure is not required. Responding to the request to include design strategies in mitigation measures, various elements of a project's design, as a matter of practice, are not implemented through mitigation measures. This is because such elements of the project are incorporated into the project itself, and the evaluation of environmental effects considers the effects of the project as it is proposed. Mitigation measures cannot be identified where impacts are determined to be less than significant. Any future changes to the project site plan or project design that could occur after the Final EIR is certified and after project approval (if these actions occur) would be reviewed by the City for consistency with the project evaluated in the Draft EIR. Any changes to the proposed project that would affect the findings of the Draft EIR would undergo subsequent environmental review. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-22

This comment states that there are additional feasible mitigation measures to reduce the significant impacts related to GHG emissions and recommends implementation of the mitigation measures identified in the Program Environmental Impact Report (PEIR) for the SCAG 2020 RTP/SCS. The comment includes a list of the project-level GHG mitigation measures found in the SCAG PEIR.

Many of the measures identified in the comment are already either incorporated into the project, required as regulatory measures, or identified as mitigation measures as described throughout the Draft EIR and specifically in Chapter 3.0, Project Description, and Sections 4.9, Transportation, 4.10, Air Quality, and 4.11, Greenhouse Gas Emissions. Also refer to Response B-3-13, which addresses this comment, and Master Response 8 regarding the adequacy of the Draft EIR. Given that the project will reduce net GHG emissions from baseline conditions (see Draft EIR, page 4.11-24), and the only reason a significant unavoidable GHG impact will occur is because of non-compliance with

the BAAQMD "no natural gas" building design threshold as to commercial kitchens, CEQA does not require (or authorize) additional mitigations to reduce the project's GHG emissions without a nexus to the identified impact. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-23

This comment states that it is State policy that eligible energy sources and zero carbon resources supply 100 percent of retail sales of electricity to California end-use customers by December 31, 2045. This comment emphasizes that the energy mix that will charge proposed project batteries will be supplied by 100 percent renewable energy sources and that the project should not be approved until this is evaluated further.

As described in Section 4.15, Energy, of the Draft EIR (page 4.15-14), the project sponsor considered how the project could increase its reliance on renewable energy sources to meet its energy demand. As a result of this analysis, the project includes solar power, which would be provided by solar panels installed on top of all residential buildings and the existing parking structures, while the commercial buildings would be solar ready. Back-up battery storage would be provided in the multi-family/apartment-style residential buildings. While solar panels have the capability of generating electricity from sunlight, battery storage has the capability of storing electricity generated from those solar panels for use at a later time (e.g., during a power outage). As solar power technology improves in the future and regulations require additional solar, it is reasonable to assume that additional solar power may be provided to the project site. In addition, the project does not preclude installation of additional battery storage in the future. Therefore, the project does consider the feasibility of using renewable energy for the batteries. Also refer to Response B-2-17.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-24

This concluding comment, which states that the Draft EIR should be revised to include all feasible mitigation measures to reduce GHG impacts and describes the commenter's review of the project information, is noted. Refer to Responses B-3-17 through B-3-23, which address this concern. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-3-25

This comment, which provides the commenter's qualifications and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. No further response is required.

Marin Environmental Housing Collaborative

BOARD
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www.MarinMEHC.org
info@marinmehc.org

April Talley
Project Director
City of San Rafael
Via email: April.Talley@cityofsanrafael.org

March 1, 2024

Subject: **Northgate Mall Project DEIR**

Dear Ms. Talley,

The Marin Environmental Housing Collaborative (MEHC) advocates for projects and policies that advance affordable housing, environmental sustainability, and social justice.

We are strong supporters of the Northgate Mall Project and look forward to seeing it moved forward. Northgate offers 45 underutilized acres that are close to jobs, transportation, and amenities. It is an ideal site for environmentally sustainable, infill housing.

Marin County has a lack of housing options, particularly for the local workforce. This leads to longer commutes in and out of the county for employees across all industries. The creation of housing, particularly affordable and workforce housing, will benefit our environment by reducing vehicle miles travelled each day. **B-4-1**

We do want to address various comments we heard on the DEIR regarding the traffic impacts of the project.

One of the strong benefits of the Northgate project is that it is in a transit-rich setting with onsite access to Marin Transit bus routes and directly adjacent to the SMART Civic Center Station. It houses onsite amenities that will reduce the need for driving. However, one aspect of the proposed project is undermining the transit benefits of the project: an overabundance of parking.

As MEHC outlined in a recent Marin Voice (appropriately illustrated with a photo of parking at the Northgate mall), parking abundance is an obstacle to housing affordability and worsens traffic. The best antidote to traffic is investing in alternate forms of transit. Unfortunately, the parking oversupply proposed in this project will hamper the ability to get grants to support transit. **B-4-2**

In September 2023, the Metropolitan Transportation Commission (MTC) released their final draft guidance for their Transit Oriented Communities (TOC) policy. In

order to be eligible for regional funding, including the One Bay Area Grant (OBAG) program, developments within a half-mile of high-quality transit stations must meet certain residential density and parking requirements. While the development does meet the threshold of 25 units per acre required for commuter rail such as SMART, the development has more car parking than is permitted by the requirements.

B-4-2 (cont.)

For Tier 4 transit stations, the TOC guidelines set a threshold of 1.5 parking spots/residential unit and 4 parking spots/1000 square feet of commercial space. Phase 1 of the project would have 922 residential units and 501,941 square feet of commercial space, yielding a maximum number of parking spaces of 3,391 to be in alignment with the TOC policy. This is 99 spaces fewer than the current Phase 1 parking supply of 3,490 spaces, or roughly an acre of parking.

Phase 2 of the project would have 1,422 residential units and 217,520 square feet of commercial space, yielding a maximum of 2,992 parking spaces to be in alignment with the TOC policy. This is 857 parking spaces fewer than the current Phase 2 parking supply of 3,849. The OBAG program has provided important funds to SMART, City of San Rafael, and other recipients across the County. Given the importance of this development in meeting Marin's housing needs, we believe that jeopardizing eligibility for OBAG grants would be a mistake. The City should be doing all it can to leverage non-car forms of transit for this project. We recommend that these requirements be met by providing more green space in favor of surface parking in Phase 1, and through reduction in surface parking and/or structured parking in Residential 5 and 6 in Phase 2.

We're excited about the positive changes the Northgate Mall project will bring, and we appreciate your ongoing dedication to creating a beautiful, functional, modern development for the community. Let's do the most we can with it to ensure it reduces vehicle emissions.

Sincerely

Jennifer Silva
Board Chair
Marin Environmental Housing Collaborative
jennysilva@marinmehc.org
(415) 609-4671

Response to Letter B-4

Marin Environmental Housing Collaborative
Jennifer Silva, Board Chair
March 1, 2024

Response B-4-1

This introductory comment, which states that the Marin Environmental Housing Collaborative is supportive of the proposed project, is noted. Please refer to Master Response 2 regarding the merits of the project. No response is required.

Response B-4-2

This comment, which states that the proposed project should reduce the number of parking spaces provided and provide more green space because the overabundance of parking availability on the site will reduce opportunities to improve transit options and use, is noted. Refer to Master Response 2 regarding the merits of the project.

In addition, this comment also addresses parking guidance as included in the Metropolitan Transportation Commission (MTC) draft guidance for Transit Oriented Communities (TOC) Policy and suggests that the number of parking spaces provided by the project would exceed the maximum number of parking spaces recommended in the TOC Policy. This policy was not in effect at the time that the Notice of Preparation (NOP) was published and it is currently still in draft form. However, this draft policy is acknowledged. Refer to Master Response 2 regarding the merits of the project. Further, there is no nexus to require fewer parking spaces on the site because the project would already provide fewer parking spaces than specified by the City's municipal code. Refer to Response A-1-6.

The comment also provides weblinks to a Marin Voice article and the TOC Policy. However, these links could not be accessed.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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MerloneGeier Partners

4365 Executive Drive
Suite 1400
San Diego, CA 92121

Tel: 858 259 9909
Fax: 858 259 8886
MerloneGeier

Comment Letter B-5

March 5, 2024

VIA EMAIL
AprilT@cityofsanrafael.org

Planning Division
Community Development Department
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Re: Comments on Draft EIR for Northgate Mall Redevelopment Project

Dear Planning Division:

The following are the comments of the project applicant, Merlone Geier Partners, LLC, on the Draft EIR for the Northgate Mall Redevelopment Project. These comments request that the City's Final EIR analyze an additional Project Alternative that would meet basic project objectives while reducing certain environmental impacts identified in the Draft EIR. **B-5-1**

On March 4, 2024, Merlone Geier Partners, LLC submitted an SB 330 Preliminary Application that identified an additional option for transforming Northgate Mall. The future vision for Northgate would remain the same as for the Proposed Project analyzed in the Draft EIR, mixing transit-oriented housing, community gathering spaces, and relevant retail and restaurants that naturally draw people into an active social environment and encourage public interaction. Environmental impacts would be similar to those of the Proposed Project and in key areas – vehicle trip-related air quality and operational noise – would be reduced. Details of the SB 330 Alternative are provided in the Preliminary Application, which is incorporated by reference in this comment letter.

Description of the SB 330 Alternative

Overall, the SB 330 Alternative would adjust the Proposed Project by increasing residential development and reducing commercial development at project buildout. This alternative has been configured to avoid the need for zoning amendments. At full buildout, the alternative would increase residences from 1,422 units for the Proposed Project to 1,865 units; commercial uses would be reduced from 217,520 square feet to 116,740 square feet.

In Phase 1, however, the number of residential units would actually decrease compared to Phase 1 of the Proposed Project, providing 719 rather than 922 units. Parcels 1, 2, and 3 would all be developed with townhomes rather than Parcels 1 and 3 becoming 5 and 6-story apartment buildings respectively. The cinema building would also be replaced by townhomes. The Town Square would be constructed along with two adjoining retail pads. Parcel 4 would remain a 7-story apartment building that would provide 453 units and new retail space. One new retail pad would still be developed on the northwest corner of the project site. Phase 1 would reduce commercial use compared to Phase 1 of the Proposed Project because it would include 432,961 square feet (20,400 newly constructed square feet and 412,561 existing square feet) rather than 501,941 square feet of commercial space. **B-5-1 (cont.)**

In Phase 2, another 60 townhomes would be added on the western border of the project site and 1,086 multi-family units would be added in three 7-story buildings north of the Phase 1 residential buildings. An additional 79,000 square feet of commercial space would be constructed, but additional demolitions of existing commercial space would leave the project site with a total of 116,740 square feet of commercial uses.

The SB 330 Alternative would comply with Section 14.16.030 of the City's Zoning Ordinance for the provision of below market rate units, with more than 10 percent (168) of non-density-bonus units being restricted to low-income households. This would be achieved by the inclusion of 72 low-income units in Phase 1 and an additional 96 low-income units in Phase 2.

More demolition would be required for the SB 330 Alternative than for the Proposed Project because the 45,000-square-foot cinema building would be demolished in Phase 1 and the 176,090-square-foot parking structure would be demolished in Phase 2.

Environmental Comparison of the SB 330 Alternative to the Proposed Project

Because the SB 330 Alternative would occupy the same site as the Proposed Project and would remain a mixed-use residential and retail project, most of its environmental impacts would remain similar to those of the Proposed Project, *i.e.*, less than significant or less than significant with implementation of the Draft EIR's identified mitigation measures. The shift toward more residential units would increase population, potable water demand, and sewer demand compared to the Proposed Project, but these increases would not result in population exceeding General Plan projections, potable water demand exceeding Marin Water's projected water availability, or sewer demand that would not be addressed by the off-site mitigation already identified in the Draft EIR.

The SB 330 Alternative's shift toward more residential units would also have environmental benefits. As the Draft EIR reports, residential uses generate fewer daily vehicle trips than do retail uses. Using the data from the Draft EIR, Merlone Geier estimates that more than 500 daily trips would be eliminated at buildout under the SB 330 Alternative compared to the Proposed Project, with proportional reductions in air pollutant emissions – including greenhouse gases – and noise from vehicles.

Regarding environmental impacts from construction, increases in demolition activity and in total square footage of residential uses would increase construction equipment emissions. However, as compared to the Proposed Project, the SB 330 Alternative would shift more construction activity to Phase 2 as opposed to Phase 1. As the construction equipment fleet becomes progressively cleaner with time, this shift would somewhat reduce construction emissions. More importantly, the mitigation measures identified in the Draft EIR are more than adequate to ensure that construction emissions remain less than significant for the SB 330 Alternative. **B-5-1 (cont.)**

Significant Unavoidable Impacts in the Draft EIR

The Draft EIR identifies two significant and unavoidable impacts from the Proposed Project. The first stems from the City's use of a BAAQMD significance threshold that deems a project to cause significant unavoidable greenhouse gas emissions if the project includes any natural gas connections to new buildings. The U.S. Ninth Circuit Court of Appeals held in April 2023, and again on January 2, 2024, that natural gas bans in building codes are preempted by federal law and unenforceable. In our view the logic of this decision also applies to the CEQA significance threshold applied in the Draft EIR. Accordingly, the Proposed Project should not be deemed to cause a significant greenhouse gas impact simply because it preserves the option of connecting restaurant kitchens in new buildings to natural gas. Regardless of the resolution of this question, we note that the SB 330 Alternative, by reducing retail (including restaurant) square footage compared to the Proposed Project, would also reduce potential natural gas use. **B-5-2**

The second significant and unavoidable impact identified in the Draft EIR arises from nighttime stationary source noise (primarily HVAC noise) that would be experienced by new residents of the Proposed Project itself. See Draft EIR Impact NOI-2, pp. 4.12-28 - 4.12-31. Nighttime cinema operations are specifically identified as important contributors to exceedances of the City's nighttime noise compatibility threshold. Elimination of the cinema would, at minimum, reduce these nighttime noise exceedances, and may reduce them to such an extent that the available mitigation would reduce the "significant and unavoidable" impact to less-than-significant. **B-5-3**

Conclusion

Merlone Geier looks forward to completion of the Final EIR so that the City can proceed to a decision on the long-awaited redevelopment of this vital site. Please contact me if you have questions. **B-5-4**

Sincerely,

David E. Geiser

Response to Letter B-5

Merlone Geier Partners, LLC
David E. Geiser
March 5, 2024

Response B-5-1

This comment introduces the commenter, Merlone Geier Partners, LLC (the project sponsor) and requests that an additional alternative to the project be evaluated in the Final EIR. The comment then goes on to describe the potential alternative, which is consistent with a separate preliminary application filed by the project sponsor pursuant to Senate Bill (SB) 330, and the potential environmental impacts that could occur under such an alternative as compared to the proposed project. The City is in receipt of this preliminary application and declines at this time to further review the proposal as a potential alternative to the proposed project. The comment alleges that some impacts of the project may increase under this alternative and others could decrease, but the impact findings are likely to be the same or very similar. Please refer to Master Response 5 regarding the scope of project alternatives.

Response B-5-2

This comment, which disagrees with the significant unavoidable impact finding related to natural gas use (refer to Impact GHG-1), is noted. The project was found to be inconsistent with Bay Area Air Quality Management District (BAAQMD) design criteria in its recommended GHG significance thresholds, which the EIR adopts. Therefore, compliance with the thresholds set forth by the BAAQMD is required in order to make a finding of a less than significant impact related to greenhouse gas (GHG) emissions. This is explained on pages 4.11-22 through 4.11-25 of the Draft EIR. Further, these thresholds are not related to the City's municipal code requirements or natural gas bans in building codes. These are the recommendations of a regional agency that is partially responsible for reducing the effects of GHG emissions and complying with long-term State goals for GHG reductions and carbon neutrality in 2045. Therefore, the significant and unavoidable impact conclusion of the Draft EIR remains valid. No court or agency has determined that recent court decisions regarding natural gas bans in building codes also apply to CEQA determinations or BAAQMD-recommended thresholds. Therefore, the significant and unavoidable impact conclusion of the Draft EIR remains valid for the project and would apply to the proposed alternative if natural gas is included in the project design.

Response B-5-3

This comment, which states that the significant and unavoidable impact related to nighttime stationary sources could be eliminated if the SB 330 alternative to the project outlined in Letter B-5 were considered, is noted. Please refer to Response B-5-1 regarding evaluation of this alternative. Also refer to Master Response 5 regarding the scope of project alternatives.

Response B-5-4

This concluding comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. No response is required.

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. **B-6-1**

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 construc on and opera] onal building intensie s, including an overall reducon in the number of vehicle trips generated to and from the site. (DEIR, p. 2-6) **B-6-2**

We endorse the Reduced Residen] al Alterna] ve (RRA) as a preferrable project alternav e but recommend a variant to this alterna ve that would provide significantly more benefits to the community while preserving the described reduc] on in poten] ally significant impacts. **This <u>Reduced Residen8al Variant with Shorter Building 4</u> (RRVariant)** would entail elimina] ng 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 s] ll largely meet project objec] ves 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 bed er architectural transion 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 sensi] ve receptors in Alma Via and Drake Terrace senior residen] al and assisted care facili] es.

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 s] pulated in Resolu] on 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

B-6-3

Comparison of proposals for original, current, RRA, and RRVariant[1]:

	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%)[2]	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***.[3]
Commercial development, parking, open space and all of the other components of these two alternatives would be the same.

[1] 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;
[2] The cited staff report, p. 9 erroneously indicates this as 9.7%
[3] 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.*** B-6-4

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, paren ng classes, financial literacy, tax prepara] on assistance, English as a second language and transla] on services, expanded learning and summer programs for youth, a er-school homework help, and training through our on-site computer learning centers and technology lounges.[4] B-6-5

Preserving Residence One would allow a reputable affordable housing organizaon to provide suppor ve 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[5] or the proposed multistory buildings. B-6-6

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. B-6-7

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) B-6-8

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[4] March 11,2022 leZ er from EAH to City of San Rafael (sent with these comments)

[5] The photo from viewpoint 5 looking north from Hartzell Park is parWcularly 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***. B-6-9

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 Residenal Neighborhoods. Preserve, enhance, and maintain the residenal character of neighborhoods to keep them safe, desirable places to live. New development, redevelopment of exis] ng buildings, and land use changes within and adjacent to residen] al areas should: Enhance neighborhood image and design quality.
- Incorporate sensi] ve transi] ons in height and setbacks from adjacent proper] es." (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 sfischer_94903@yahoo.com

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.

EAH HOUSING
A roof is just the beginning

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

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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,

Laura Hall
President and CEO, EAH Housing

CALIFORNIA 22 Pelican Way, San Rafael, CA 94901 | (415) 258-1800 | CA Lic. 853495
HAWAII 1001 Bishop Street, #2880, Honolulu, HI 96813 | (808) 523-8826 | HI Lic. RB-16985
www.EAHHousing.org

Response to Letter B-6

Responsible Growth in Marin
David Smith, President
February 7, 2024

Response B-6-1

This introductory comment, which states that Responsible Growth in Marin (RGM) supports the overall objectives of the proposed project but requests consideration of an alternative to the project, is noted. The commenter's request and related comments and attachments are further addressed in Responses B-6-2 through B-6-9. Also refer to Master Response 5 regarding the scope of project alternatives. While the suggested alternative is not evaluated in this RTC Document or as part of the Final EIR, RGM's comments are fully responded to below.

Response B-6-2

This comment expresses support for the Reduced Residential Alternative as evaluated in Chapter 5, Alternatives, of the Draft EIR (pages 5-18 through 5-26) but requests consideration of a variant to this alternative to be evaluated in the Final EIR. The comment states that the suggested alternative would: (1) eliminate the seventh story of Residential Parcel 4, and would (2) preserve the 96 units of affordable housing in Residential Parcel 1. The comment generally states the opinion that this alternative would largely meet the project objectives and would reduce noise and emissions impacts to sensitive receptors. The comment also provides an opinion that the revised design would be improved and further reduce impacts to visual resources. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted. Also refer to Responses B-6-3 through B-6-9. Also refer to Master Response 5 regarding the scope of project alternatives. Also refer to Chapter 2.0, Revised Project, in this RTC Document for revisions to the number and distribution of affordable housing units.

Response B-6-3

This comment, which provides background on previous iterations of the proposed project and a comparison of a former version of the project (the proposed project evaluated in the Draft EIR), the Reduced Residential Alternative evaluated in the Draft EIR, and the suggested alternative that is requested to be analyzed, is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted.

Response B-6-4

This comment, which states that the suggested alternative would reduce some potentially significant impacts of the project but would not avoid the identified impacts, including the significant and unavoidable impacts, is noted. These comments have not been verified through additional analysis; refer to Master Response 5 regarding the scope of project alternatives. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted.

Response B-6-5

This comment, which states that the suggested alternative would preserve more affordable housing on the site compared to the Reduced Residential Alternative, particularly during Phase 1 development, is noted. The comment also references a letter attachment from EAH Housing, dated March 11, 2022, and this attachment is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted.

Response B-6-6

This comment states that the visual simulations provided in Section 4.3, Visual Resources, of the Draft EIR are inaccurate or misleading and provides specific comments on Viewpoint 5 and Viewpoint 6 in a footnote comment. It should be noted that the existing conditions photographs were taken with a Nikon 24-70 millimeter lens at approximately 5 feet above the ground, which is acceptable industry practice for use in visual simulations. In some cases, the focal length was less than 35 millimeters in order to capture the entirety of the project site in the field of view and the foreground is visible.

Regarding Viewpoint 5 (Figure 4.3-9 in the Draft EIR), as explained on page 4.3-27 of the Draft EIR, available public vantage points from Oliver Hartzell Park looking towards the project site are limited and largely obstructed by mature vegetation. Views of the project site from the developed playground located at the intersection of Golden Hinde Boulevard and Summerhill Court are completely obstructed, both due to topography and existing vegetation. Visual simulations of the proposed project from this distant location are unlikely to show even the tallest buildings that are proposed. Therefore, this location was not selected for use in the viewpoint simulations and instead, a publicly-accessible walking path within the park was chosen as it provided the best view of the site from the park.

Regarding Viewpoint 6 (Figure 4.3-10), as explained on page 4.3-27 of the Draft EIR, available public vantage points from Nova Albion Way are largely obstructed due to existing mature trees and existing development. The vantage point selected for the visual simulation was determined to provide the most visibility to the site from this residential street. The project site buildings in both the existing and proposed project conditions are visible in the middle ground of the photo and simulations. Also refer to Response B-2-3, which addresses additional comments related to the visual simulations.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-6-7

This comment, which requests the placement of story poles or other devices to represent the height of the proposed buildings at the southeastern location of the project site, is noted. The City does not impose such a requirement on proposed development projects; therefore, the project sponsor is not required to place such devices on the site as part of the development review process. In addition, as discussed on page 4.3-42 of the Draft EIR, the project sponsor is requesting to use the density bonus

to modify the development standards for height on the project site to increase the height limit from 36 feet to 90 feet (to include projections). Consistent with State law, the City allows a density bonus in exchange for providing a certain percentage of affordable units, and the project sponsor proposes the development of up to 143 affordable units (refer to Chapter 2.0, Revised Project, of this RTC Document). Therefore, the proposed increase in building height does not conflict with applicable zoning or other regulations governing scenic quality, which is the threshold for evaluation of impacts to visual resources in urban areas under CEQA (refer to Threshold 4.3.3 on page 4.3-20 of the Draft EIR). The City has determined that the visual simulations provided in the Draft EIR are adequate to aid in the analysis of project impacts on scenic resources (Threshold 4.3.1 on page 4.3-19 of the Draft EIR), and the impacts are less than significant. Also refer to Chapter 2.0, Revised Project, of this RTC Document, which describes modifications to the proposed project's building heights and confirms that potential impacts (i.e., scenic views, shadows) related to the increase of the Residential Parcel 5 building height would continue to be less than significant with the revised project.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-6-8

This comment, which states that the shadow analysis does not assess the impacts of shadow on the proposed Town Square on the project site, is noted. The analysis of shade and shadow impacts in the Draft EIR focuses on a comparison of existing conditions (as analysis of all impact topics do), and whether or not the proposed project would cast new shadows on existing, publicly accessible open spaces such that the use and enjoyment of those spaces would be compromised. The analysis focuses on baseline existing conditions, and CEQA does not evaluate the impacts of a project on itself, absent an applicable City policy or regulation governing such an effect. This is a comment on the project design; please refer to Master Response 2 regarding the merits of the project. Also refer to Responses B-2-4 and B-2-17, which also address impacts related to shadows.

In addition, the shadow study was available as part of the project application materials and was made available on the City's website: https://www.cityofsanrafael.org/northgate-town-square-environmental-review. While the date of the shadow analysis is July 13, 2023, the simulated shadow diagrams are generated by a computer model for the days that would experience the most prominent shadows (i.e., worst case), which are when the sun reaches its maximum or minimum declination and the days are longest or shortest (the winter and summer solstices, which occur on December 21 and June 21, 2023, respectively).

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-6-9

This comment, which states that the Draft EIR does not adequately assess visual impacts, is noted. More specific comments related to this concern are addressed in Responses B-6-6 through B-6-8.

The comment goes on to state that the suggested alternative to the Reduced Residential Alternative described in early comments in Letter B-6 would further reduce visual impacts and provide a better architectural transition consistent with General Plan policies. This comment and the suggested alternative are primarily comments on the project design and express opposition to the development of a seven-story building along Los Ranchitos Road, between the intersection of Northgate Drive and Merrydale Road (proposed Residential Parcel 4). The Draft EIR determined that project impacts related to visual resources and land use and planning policy were less than significant; therefore, an evaluation of an additional alternative is not required to reduce or avoid such impacts. Please refer to Master Response 2 regarding the merits of the project and Master Response 7 regarding the scope of the alternatives analysis.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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,

B-7-1

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 prove 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:

B-7-2

1) **The DEIR assertion that "the proposed project would not result in an increase in the use of exisng neighborhood and regional parks or other recrea: onal facili: es such that substan: al physical deteriora: on 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 recrea] on and open space facili] es are intended to serve the majority of new residents and the availability of recrea] onal and open space uses on site would likely lessen the usage of exis] ng parks in the vicinity of the project site because these ameniĀes would be conveniently accessed by exis] ng residents in the project vicinity."[1]

[1] 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 amenieĀs such as dining tables, outdoor seangĀ, arficiĀal turf areas, nature play area, and a dog park, the onsite facili] es will not sufficient meet recrea] on 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 addion Āof roughly 10,000 residents, as anciĀpated 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) **B-7-2 (cont.)**
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*.[2]

<u>RECOMMENDED MITIGATION MEASURE</u>: Decrease the project's impact on local parks by increasing usable open space, preferably in the Town Square, and include more recrea: on 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.[3][4]** **B-7-3**

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vii. <u>Los Ranchitos Park</u>—neighborhood park completed 2004; including sport courts, lawn, playgrounds
viii. <u>Terra Linda Community Garden</u>—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.

[2] 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)

[3] San Rafael parks & recreational facilities are largely 60-70 years old, and "inevitable wear on these sites is evident. Systemwide infrastructure, including irrigadon, paving, and support structures, are near or have reached the end of their useful life and require repair and/or replacement." In particular "… acdve use results in consistent wear on these amenides, pardcularly 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 renovadon through a minimum of surface repavement." (CPRMP, p. 35)

[4] Priority deficiencies identified in City parks & recreation facilities in proximity to the project include (CPRMP, p. 72-105):

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. **B-7-3**

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) **B-7-4**
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.

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 irrigadon 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 recreadonal 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

B-7-4 (cont.)

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 consis] ng of 25,725 square feet of flexible turf area, a shipping container café, outdoor dining, lounge sea] ng, 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 addionalĀ green space area during Phase 1, which is one half the size of the Town Square, is an essenalĀ 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 objecvĀes to redevelop the exisngĀ mall facility into a town center, create a town center/urban core, and prove new outdoor amenieĀs and open spaces, main street improvements and recrea] onal opportuniĀes (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 addiĀonal outdoor public spaces that support public gatherings and "outdoor public spaces that support community ac] vi] es and entertainment such as a public plaza for periodic arts and cultural events, outdoor cafes with music, restaurants with sidewalk or pao Ādining, children's play areas, teen-centered spaces, and other uses that provide outdoor seang.Ā Design of retail spaces should be flexible enough to support these types of acviĀesĀ 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 en] re North San Rafael community.[5]
   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*.

B-7-5

<u>RECOMMENDED MITIGATION MEASURE</u>: 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 sean g, and games (substu ted for the fire features, which will be removed per GHG-1) in addio n to the Town Square.
<u>RECOMMENDED MITIGATION MEASURE</u>: Enlarge the Town Square by eliminating 117 parking spaces adjacent to the 48,075 Town Square and expanding the Town Square into this space.

[5] North San Rafael populadon in 2018 was 30,200 residents (GP2040, p. 4-52)

i. **Available commercial parking spaces in the proposed project reveal an excess of needed retail spaces in Phase 2.** [6][7]
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)**

B-7-5 (cont.)

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.

B-7-6

Thank you for your consideration of these comments. If you have any questions, please feel free to reach out to Shirley Fischer at sfischer_94903@yahoo.com

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

[6] 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)
[7] 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).

Response to Letter B-7

Responsible Growth in Marin
David Smith, President
February 7, 2024

Response B-7-1

This introductory comment, which states that Responsible Growth in Marin (RGM) supports the overall objectives of the proposed project and asserts that project impacts on parks and recreation are significant and require mitigation, is noted. More specific comments provided later in Letter B-7 related to this topic are responded to in subsequent responses.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-7-2

This comment questions the Draft EIR's conclusion that project impacts to parks and recreation would be less than significant. The comment includes a footnote to a list of nearby recreation facilities, parks, and open space areas that are likely to be frequented by project residents, and this list is noted. The comment goes on to state that the proposed project does not provide certain recreational amenities and that project residents will need to seek out these amenities at existing off-site facilities, thereby increasing the use and deterioration of these facilities. The comment states that mitigation measures are required to address this perceived impact.

The analysis in the Draft EIR acknowledges that the increased population and employment generated by the project would result in increases in use of nearby recreation and open space facilities. However, the Draft EIR analysis concludes that with development of the proposed project: (1) parkland acreage would remain within the established citywide standard of 4.0 acres of improved park and recreational land per 1,000 residents, consistent with General Plan Policy PROS-1.2 (Draft EIR, page 4.13-15); and (2) overall, the residential population of the proposed project is consistent with the population projections evaluated in the recently certified 2040 General Plan EIR (Draft EIR, page 4.2-13). Although the 2040 General Plan identifies a need to establish new parkland to serve General Plan buildout, it is not the responsibility of any one project to fund or develop such facilities to serve citywide needs for such facilities. All developments within San Rafael pay parkland dedication fees that are used to comprehensively acquire and improve parkland commensurate with the pace of development. Furthermore, the proposed project as revised provides on-site recreational amenities, including a 56,975-square-foot, publicly-accessible Town Square (refer to Chapter 2.0, Revised Project, of this RTC Document). The proposed project meets the City's requirements for the provision of on-site open space and there is no nexus to require specific types of active or passive recreational uses on the site. Refer to Master Response 2 regarding the merits of the project and Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-7-3

This comment states that the Draft EIR does not acknowledge the 2023 City of San Rafael Citywide Parks and Recreation Master Plan, adopted April 17, 2023.[30] Discussion of this plan was inadvertently omitted from the Draft EIR analysis; however, the information and conclusions provided in the Citywide Parks and Recreation Master Plan do not change the impact findings of the Draft EIR regarding parks and recreation, as discussed below. The comment also goes on to state that the plan identifies deficiencies and needed upgrades to parks and recreation facilities that would serve project residents and that the parkland dedication in lieu fees should be used for improvements to these local facilities as a mitigation measure.

The Citywide Parks and Recreation Master Plan provides a roadmap for the City to prioritize projects and funding allocations, strategically develop parks and recreational programs, and create a vision for the future. The plan also includes an inventory and assessment of the City's existing recreation system. As stated in the Draft EIR (page 4.13-7), the City-owned and -maintained parks closest to the project area include Oliver Hartzell Park, Freitas Park, Terra Linda Community Garden, and Los Ranchitos Park. The Draft EIR provides an overview of the facilities available for both passive and active recreational use at each of these sites. The Citywide Parks and Recreation Master Plan identifies the following conditions, deficiencies, and expansion opportunities at each of these facilities:

- **Oliver Hartzell Park:** This park is categorized in Poor condition. The playground structure is near the end of its lifespan and the best recreational purpose for this site should be evaluated. Identified deficiency improvements include: correction of high-impact Americans with Disabilities Act (ADA) barriers and replacements of picnic tables and benches.

- **Freitas Park:** This park is categorized in Good condition. Identified deficiency improvements include: correction of high-impact ADA barriers, resurfacing of asphalt paving, and resurfacing of the tennis court. The plan also identifies potential expansion of recreation options in the northern portion of the park.

- **Terra Linda Community Garden:** This park is categorized in Good condition. Expansion opportunities include bio-preventative pest management, increases to plot capacity and improved plot infrastructure, consideration of shared garden amenities, and improved maintenance.

- **Los Ranchitos Park:** This park is categorized in Excellent condition. No improvements are recommended at this time.

[30] San Rafael, City of. 2023. Citywide Parks and Recreation Master Plan. April.

The condition and deficiencies at each of these park sites is noted. Although some deficiencies and opportunities for expansion are identified for these City-owned and -operated facilities, these existing conditions are not anticipated to be substantially affected or worsened by the proposed project. Many of the deficiencies identified are routine items that occur as park improvements age over time and needed upgrades are identified and planned for in the Citywide Parks and Recreation Master Plan. It is not appropriate for the EIR to suggest which specific parks or recreation projects or improvements should receive in lieu fees paid by the project. Such fees are collected from citywide development and are distributed according to the priority needs of the Department of Public Works, which oversees the maintenance and management of the City's parklands and recreational facilities. Priority projects are identified in the Citywide Parks and Recreation Master Plan in the following order of importance: address health and safety, support community priorities, reach the greatest service area, adhere to 2040 General Plan guiding principles, enhance accessibility, strengthen operating efficiency, and support previous planning. Note that near-term park improvements are prioritized within the next 5 years for Freitas Park and Terra Linda Community Garden. Mid-term, second priority projects are achievable in the next 5 to 10 years and are identified for various improvements at Oliver Hartzell Park, Freitas Park, and Terra Linda Community Garden. Note that Phase 1 of the proposed project is expected to be occupied within 2 to 3 years once construction has begun, and Phase 2 is expected to be occupied by about 2040. Improvements to nearby parks will occur on pace with these time frames.

Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-7-4

This comment, which notes that the Draft EIR does not evaluate removal of the toddler playground at the Northgate Mall, is noted. This facility is not owned, maintained, or operated by the City, it is not included in the City's parkland inventory, nor does it contribute to the City's parkland-to-resident ratio. The comment also states that the proposed project does not provide adequate facilities to replace this facility and requests that the project include a toddler playground within the proposed Town Square or elsewhere on the project site. This is a comment on the project design and proposed amenities and is noted. Please refer to Master Response 2 regarding the merits of the project and Master Response 7 regarding CEQA mitigation requirements. Also refer to Chapter 2.0, Revised Project, in this RTC Document for a description of changes to the Town Square, which has increased in size and now includes playground space.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-7-5

This comment states that the Draft EIR does not consider the impact of conversion of public open space to private open space in Phase 2 of the proposed project and recommends that this space be

retained and that the proposed Town Square be enlarged by eliminating parking spaces adjacent to the Town Square as mitigation measures. This is a comment on the project design and proposed amenities, and is noted. Although the planned open space area as analyzed in the Draft EIR for Phase 1 would be eliminated with development of the Residential Parcel 6 building in Phase 2, the proposed project would meet requirements for the provision of open space. Please refer to Master Response 2 regarding the merits of the project and Master Response 7 regarding CEQA mitigation requirements. Also refer to Chapter 2.0, Revised Project, in this RTC Document for a description of changes to the Town Square, which has increased in size. Additionally, the open space area planned for Phase 1 north of the Town Square is converted to a plaza/game area. Similar to the proposed project, this space would be converted with construction of the Residential Parcel 6 building in Phase 2.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-7-6

This concluding comment, which restates the comments provided in Letter B-8 and responded to in Responses B-7-2 through B-7-5, is noted. This comment will be taken into consideration as part of the overall review of the project application by City staff and decision-makers.

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March 5, 2024

To: City of San Rafael Planning Division
City of San Rafael Community Development Department
April Talley, Northgate Project Manager
April.Talley@cityofsanrafael.org
1400 Fifth Avenue
San Rafael, CA 94901

Re: Preliminary Comments on the Draft Environmental Impact Report for the Northgate Mall Redevelopment Project (SCH #2021120187)

On behalf of Responsible Growth in Marin (RGM), my office submits the following preliminary comments on the draft environmental impact report (DEIR) prepared for the Northgate Mall Redevelopment project (project) by the City of San Rafael. These comments are preliminary because, as shown below, the City unlawfully denied resident's California Public Records Act requests; and in so doing, obstructed resident's ability to fully understand critical aspects of the project and submit comments accordingly.[1] In addition, and as also shown below, the City utilized an inaccurate and unlawful environmental baseline analysis which in turn skewed the EIR's environmental impact analyses. RGM will supplement its comments once the City corrects the baseline analysis in a revised DEIR, and provides the lawfully requested public records. Until then, this letter incorporates by reference, and attaches hereto, the following preliminary comment letters prepared by experts in the fields of air quality, greenhouse gas emissions and traffic, transportation and circulation management: **B-8A-1**

- Dr. Phyllis Fox has experience preparing expert comments, responses to comments and sections of CEQA documents on air quality, greenhouse gas emissions, water supply, water quality, hazardous waste, public health, risk assessment, worker health and safety, odor, risk of upset, noise, land use, and other areas for well over 500 CEQA documents for numerous land use projects, such as specific plans, general plans, shopping malls, residential projects, mixed-use and commercial developments, and industrial projects for both project proponents and opponents. Her expertise has been specifically cited in two published

[1] *See* Letter to Lindsay Lara, Office of the City Clerk, from Law Offices of Gloria D. Smith (February 20, 2023) Re: Notice of Violation of Public Records Act; Opportunity to Cure.

CEQA opinions: *Berkeley Keep Jets Over the Bay Committee, City of San Leandro, and City of Alameda et al. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, and *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal. 4th 310; and has supported administrative records in many other CEQA cases. (Attachment 1)

- Daniel T. Smith, Jr., Smith Engineering and Management, has over 50 years of professional engineering experience in California. Mr. Smith provides consultation, investigation and expert witness testimony in highway design, transit design and traffic engineering matters, including condemnations involving transportation access issues, traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters. He has decades of experience reviewing CEQA documents. (Attachments 2 and 3)

- David Smith is a resident if Terra Linda and member of RGM. Mr. Smith is not a recognized expert in noise impacts, however, Mr. Smith performed a credible noise analysis of the proposed project's potential noise impacts by duplicating the 15 minute long existing ambient sound pressure measurements and vehicle counts performed by Dudek at location ST2. This included both counting vehicles and taking noise measurements. Mr. Smith conducted these measurements at several times of day on multiple days, in contrast to Dudek who took measurements only at one time on one day. (Attachment 4) **B-8A-1 (cont.)**

RGM looks forward to the City's detailed responses to these comment letters.

Also, as an initial matter, RGM fully supports redevelopment of the Northgate Mall site. The project would bring much needed affordable and market-rate housing to the City and replace an outdated and failing shopping mall with a potentially vibrant and modern mixed-use community. Still, given the size, scale, years-long construction phases and the attendant impacts on the local community, it is critical that the City closely scrutinize each aspect of the proposed project to ensure community concerns are incorporated into the project's final design, and ensure the City minimizes all of the project's potentially significant impacts to the extent feasible.

1. Project Description

According to the Draft EIR, the proposed project would result in the redevelopment of the existing mall through demolition, renovation, and new construction with a mix of commercial and residential land uses. The proposed project would be developed in two phases. Phase 1 (also referred to as the 2025 Master Plan) would generally include the demolition of the RH Outlet building, the HomeGoods building, and the Mall Shops East, which is approximately 144,432 square feet of the main building, and construction of approximately 44,380 square feet of new commercial space and up to 922 residential units (96 of which would be set aside for low-income households). Phase 2 (also referred to as the 2040 Vision Plan) would generally include the demolition of the 254,015- **B-8A-2**

square-foot Macy's building and 79,051-square-foot Kohl's building, and the construction of up to 55,440 square feet of new commercial space and up to 500 additional residential units (51 of which would be set aside for low-income households).[2] **B-8A-2 (cont.)**

At full buildout, the project would include a total of up to approximately 217,520 square feet of commercial space and up to 1,422 residential units in six areas of the project site (1,746,936 square feet of residential area). Building heights across the project site would vary, with a maximum of approximately 78 feet. A total of 648,807 square feet of existing building space would be demolished, and the total commercial area would be reduced by a total of 548,987 square feet. Figure 3-11 depicts the overall proposed demolition plan and buildings to be retained. The proposed project would also include various associated site improvements, including a town square, modifications to the internal circulation and parking, and improvements to infrastructure and landscaping.[3]

2. Relevant Procedural History

Merlone Geier purchased the Northgate Mall in 2017. In 2017, one of the mall's three anchor businesses, Sears, announced it was closing its department store in 2018 (Sears auto center and catalogue/seasonal store closed years before that). Between 2019 and 2021, Merlone Geier proposed various projects, one involving a Costco warehouse store, tire center, and 32-pump gas station; and another that proposed 1320 residential units. [4] In 2021, the developer settled on a variation of the instant project, which has also undergone various revisions, as the developer worked with City Planners.[5] Merlone Geier's negotiations with the City occurred behind closed doors until the City issued the DEIR on January 5, 2024.[6] Thus, the City's planning for redevelopment of the mall site has been underway for years, residents were excluded from major parts of the planning the process. As described, below the City's actions regarding community participation have been plagued by missteps and obstruction, with the effect of sending a message to residents that their input is not wanted, for example: **B-8A-3**

- The City released the DEIR on January 5, 2024, which commenced a 45-day comment period ending on February 19, 2024. The City promised to alert all addressees within the 94903 Zip Code by postcard that the DEIR was available for pubic review. The City failed to send postcards to most of the addresses within the Zip Code, leaving residents unaware

[2] DEIR at p. 3-26.

[3] *Id.*

[4] Personal communication with members of RGM, longtime residents of Terra Linda.

[5] *Id.*

[6] Since March 2021, public participation has been limited to two "open houses" hosted by Merlone Geier to present its plans for the mall to residents; and has also presented its plans at two Design Review Board meetings and one combined "workshop" with the Planning Commission.

of the DEIR's availability. After RGM notified the City of the oversight on January 23, the City mailed the postcards sometime later, and extended the comment period to March 5.

- The Planning Commission held its hearing on the project on February 13, 2023, three weeks before public comments were due, and before most residents had time to digest the voluminous DEIR.[7] Still, residents attended the Planning Commission meeting prepared to provide their initial, oral comments on the proposed project.

- At the Planning Commission meeting, the commissioners pointedly curtailed public engagement. As residents prepared to speak, the Commission, impromptu, decided to limit resident's comment period to just two minutes, rather than the customary three minutes and prohibited the public from ceding minutes to another speaker, which has not been the case in other meetings concerning the mall. The Commission claimed that it wanted to give all participants a chance to speak, but it gave the impression that the Commission's goal was to limit substantive concerns about the project in the public record. Despite previous assurances that there would be multiple hearings on the project, at the meeting's conclusion, the Planning Commission indicated it had no plans to hold another hearing on the DEIR and directed planning staff to prepare a FEIR to be handed off to the City Council.

B-8A-3 (cont.)

- Once the DEIR was made available, members of the public submitted California Public Records Act requests in order to review foundational studies and data underlying the DEIR's analyses. In each instance, the City waited until the last possible moment to assert the need for additional time to respond, then once that period ran, the City either denied the request outright based on unlawful legal grounds or provided nonresponsive documents.[8]

- On February 23, 2024, Resident Pamela Reaves reached out to her City Councilmember, Rachel Kertz, to set up an informal meeting to convey some of her procedural concerns with how the City's public process for the proposed project was unfolding. Ms. Reaves has reached out to Ms. Kertz in the past to discuss other civic concerns. Yet this time Ms. Kertz asserted reservations and declined to meet with Ms. Reaves.[9] In my experience, city counsel members and county supervisors dedicate significant amounts of their time to meeting with constituents, especially when particularly high profile or controversial matters are pending before the Council or Board. (Attachment 5)

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[7] In my experience, planning commissions typically hold several hearings during the public process.

[8] *See* Notice of Violation of Public Records Act; Opportunity to Cure (February 20, 2023). The City did provide a shadow study in response to one records request, however, it consisted only of visualizations without any accompanying text that would explain assumptions and results.

[9] Email exchanges between Ms. Reaves and Ms Kertz between February 23 and 28, 2024 are attached to this letter. City Manager Cristine Alilovich has now offered to meet with Ms. Reaves.

This is a rare opportunity for the City to approve a transformative mixed-use development that will bring new businesses and residents to San Rafael, and, if executed properly, enhance existing residents' quality of life with new amenities and updated aesthetics. However, the Project's details matter a great deal, and decisions of this magnitude should not and cannot be made in isolation with staff working behind closed doors with the developer. To date, the City has made only the barest gestures to facilitate community involvement. But residents are providing the City with important and constructive feedback through their CEQA comments. For this project to succeed, the City must review and take into account their substantive comments, concerns and requests. To do otherwise would result in a project with significant, unmitigated environmental impacts and would likewise be a breach of trust with the community. **B-8A-3 (cont.)**

3. CEQA Prohibits the Use of the EIR's Hypothetical Baseline of Northgate Mall Operating at Full Occupancy and with Typical Traffic Generation Rates

In these preliminary comments, my office addresses one overarching legal issue—the City's choice of the DEIR's environmental baseline—because the City's chosen hypothetical inflated baseline skewed the most critical environmental analyses in the document: the environmental effects of traffic and air quality, among other impacts. CEQA is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage.[10] Under CEQA, the impacts of a proposed project must be evaluated by comparing expected environmental conditions after a project's operations to conditions at a point in time before the project was implemented, referred to as "the baseline." The changes in environmental conditions between those two scenarios represent the project's environmental impacts. The description of the environmental conditions in the project study area under baseline conditions is referred to as the environmental setting.[11] The DEIR did not properly establish the environmental setting for this project, and as a result the project's impacts were misrepresented. **B-8A-4**

The City's improper choice of its baseline rendered the DEIR unusable as an informational document because it skewed all of the resulting impact analyses, the need for mitigation measures and the stringency of those measures. In 1974 the Supreme Court made clear that "one major purpose of an EIR is to inform government agencies, and the public generally, of the environmental impact of a proposed project."[12] An EIR is intended "to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its actions."[13]

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[10] CEQA Guidelines § 15021.

[11] *See*, for example, Association of Environmental Professionals, CEQA Portal Topic Paper, Baseline and Environmental Setting, updated August 23,2016; available at: https://ceqaportal.org/tp/Baseline%20and%20Environmental%20Setting%20Topic%20Paper%2008-23-16.pdf, retrieved February 10, 2024.

[12] *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68.

[13] *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 135.

Instead, the City has concealed the analyses apprehensive residents need to make an informed decision about the proposed project. As shown below, the City must revise and recirculate the EIR because its hypothetical baseline of full mall occupancy was unlawful and rendered the DEIR useless an informational document for decision makers and the public.

Under CEQA's Guidelines, the baseline 'normally' consists of the physical environmental conditions in the vicinity of the project, as they exist at the time environmental analysis is commenced. The DEIR acknowledged that the most commonly used baseline is based on the environmental conditions at a project site at the time a notice of preparation is published, here December 9, 2021;[14] however, the DEIR used of a different, uncommon baseline for project operations:

> 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.[15]

B-8A-4 (cont.)

This baseline determination, *i.e.*, the hypothetical full occupancy of Northgate Mall operating at typical traffic generation rates infects numerous sections of the DEIR's impact analyses, including analyses of the project's impacts on traffic and air quality (among other impacts). And with the DEIR's inflated baseline, it determined that the project's impacts with respect to traffic and air quality would be below applicable significance thresholds and therefore the City deemed them "less-than-significant." These conclusions are inconsistent with CEQA because the Northgate Mall has not been a functioning mall operating at full occupancy for many years, long before the COVID-19 pandemic affected business. This fact was conclusively and vividly illustrated in Dr. Fox's expert comments with assistance of Responsible Growth of Marin.

The DEIR omitted explanation of how CEQA would allow an assumed hypothetical baseline "of normal shopping center operations" for the Northgate Mall. But the City's staff report for the February 13, 2024 Planning Commission meeting referred to "certain court decisions"

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[14] Tricia Stevens, City of San Rafael, Re: Notice of Preparation of an Initial Study and Environmental Impact Report (EIR) for the Northgate Mall Redevelopment Project, December 9, 2021.

[15] Draft EIR, p. 4-1, emphasis added.

without explanation.[16] However, if the City is relying on *North County Advocates v. City of Carlsbad* or *Communities for a Better Environment v. South Coast Air Quality Management District* such reliance is misplaced.[17] *North County Advocates* is not remotely similar to the project at hand and therefore cannot justify the City's asserted baseline, and *Communities for a Better Environment* supports the use of existing conditions on the ground rather than the hypothetical inflated baseline assumed by the City.

Specifically, in *North County Advocates*, the project entailed the City of Carlsbad's approval of a Specific Plan and a Site Development Plan for renovating a large regional shopping center, originally built in 1969. Initially, the city approved a site development plan, which included renovation of all of the shopping center buildings and the majority of the shopping center's surface parking areas, an area of over 1 million square-feet.[18] That plan fell through so the City proposed a "Precise Plan," where the new project simply renovated the interior of the former Robinsons–May building which was periodically occupied with various temporary uses, such as a Halloween store after closure of the department store.[19] In addition, the developer had a right to fully occupy the building without obtaining any further discretionary approvals from the City, unlike the proposed project at Northgate Mall, which seeks a number of discretionary approvals.

B-8A-4 (cont.)

Under these unique circumstances, the court upheld the "City's selection of a traffic baseline that assumed full occupancy of the *Robinsons-May space* was not merely hypothetical because it was not based *solely* on Westfield's entitlement to reoccupy the Robinsons-May building "at any time without discretionary action,"[20] but was also based on the actual historical operation of the space at full occupancy for more than 30 years up until 2006."[21] That scenario is a far cry from Northgate Mall's serious decline for decades, which was not merely "fluctuating occupancy." Finally, the City of Carlsbad did not have discretionary authority over the store unlike the City's numerous discretionary approvals required here.[22]

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[16] City of San Rafael, Community Development Department, Planning Division, Re: 5800 Northgate Drive (Northgate Town Square Project), February 13, 2024, p. 11; available at: https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2024/02/PC-AGENDA-PACKET_2024-02-13.pdf, retrieved February 11, 2024. ("The DEIR's evaluation of environmental effects identifies the net change in conditions as a result of the project. It compares Northgate Mall as it currently exists with the project site after all demolition and construction are completed. It is important to understand that this comparison assumes that the Mall buildings are fully occupied – even if some currently are vacant. This approach is required by recent court decisions. Thus, studies for some environmental topics result in a decrease in activity or effects.")

[17] *North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94; *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310.

[18] *North County Advocates*, 241 Cal.App.4th at 98.

[19] Id. at 103.

[20] Id. at 105.

[21] Id. The court also found that "the Robinsons-May space was less occupied from 2007 through 2009 (two retail users occupied part of it from August 2006 through December 2007, and two others occupied part of it from August through November in 2008 and in 2009)" viewing "this fluctuating occupancy" as "the nature of a shopping center."

[22] Here the developer requires a number of discretionary actions by the City: a zoning map and zoning text amendment to the Planned Development Overlay Zone, a Development Agreement, a vesting tentative map to divide the property

Or perhaps the City hopes to rely on *Communities for a Better Environment* where the Supreme Court reversed a regional air quality management district's approval of a refinery's application to modify a petroleum refinery in a way that would increase operation of four boilers and increase nitrogen oxide emissions (a major contributor to smog).[23] The air district selected as the project's baseline for nitrogen oxide emissions the amount the boilers would emit if they operated at the maximum level allowed under ConocoPhillips's existing permits, even though ConocoPhillips had never operated them at that level. Using this baseline, the air district concluded the project would not have a significant impact on the environment, even though it was undisputed that refinery's emissions would exceed the district's "significance threshold" after modification.

The Supreme Court disagreed and upheld a line of Courts of Appeal decisions that "concluded the baseline for CEQA analysis must be the 'existing physical conditions in the affected area'…, that is, the 'real conditions on the ground'…, rather than the level of development or activity that could or should have been present according to a plan or regulation."[24] Applying this general rule, the court concluded the air district's selected baseline was impermissibly "hypothetical" because it was based on maximum permitted operating conditions that were "not the norm."[25] The similarity to this case is undeniable because Northgate Mall has not operated at capacity for decades. **B-8A-4 (cont.)**

The DEIR's hypothetical full mall occupancy baseline is not supported by clear and substantial evidence nor can it be justified by CEQA caselaw. The selection of this skewed baseline renders the DEIR's environmental impact analyses for air quality and traffic invalid. The City must acknowledge this fundamental error, correct the analyses in conformance with facts on the ground and Supreme Court precedence, and then recirculate the DEIR for review.

4. Conclusion

The City has been presented with a once in a generation opportunity to oversee development of an innovative, efficient and workable urban village; one all residents can utilize and be proud of. Endeavors of this magnitude take effort and require the support of the majority of the community. Unfortunately to date, the City appears more interested in getting the project over the finish line as quicky as possible rather than asserting the time needed to ensure the project is the right configuration, size and use-mix to meet the community's short- mid- and long-term needs. We look **B-8A-5**

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into 18 parcels, an Environmental and Design Review Permit, a tentative subdivision map, and a Master Sign Program. The developer is also requesting an incentive/concession waiver under the State's Density Bonus Law to waive existing development standards for height on the project site. See Draft EIR, p. 1-2, and City of San Rafael, Northgate Town Square, Redevelopment of Northgate Mall into Mixed Use, Project Description, List of Entitlements; available at: https://www.cityofsanrafael.org/northgate-town-square-rev/, retrieved January 18, 2024.

[23] *Communities for a Better Environment*, 48 Cal.4th at 317.

[24] Id at. 321.

[25] Id. at 322.

forward to working with the City to receive the needed data under the Public Records Act to supplement these comments for a revised DEIR, and engaging with the City Council as it takes up the project for its consideration. Please do not hesitate to contact my office with any questions. **B-8A-5 (cont.)**

THE LAW OFFICES OF GLORIA D. SMITH

Gloria D. Smith

Response to Letter B-8A

Responsible Growth in Marin
Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith
March 5, 2024

Response B-8A-1

This introductory comment, which states that the comments in Letter B-8A are submitted on behalf of Responsible Growth in Marin (RGM) and summarizes the commenter's concerns related to the Public Records Act (PRA) requests submitted for the proposed project and the environmental baseline utilized in the Draft EIR, is noted. More specific comments provided later in Letter B-8A are responded to in subsequent responses. Refer to Responses B-8A-2 through B-8A-4. Refer to Response B-3-15 regarding the PRA requests and Master Response 3 regarding the environmental baseline.

This comment also introduces and references a number of attachments to Letter B-8A, which are included as Letters B-8B through B-8F in this RTC Document, and summarizes the qualifications of the additional reviewers that have provided comments in these letters. These items are noted.

Finally, the comment expresses general support for the proposed project and this is noted. Please refer to Master Response 2 regarding the project merits.

Response B-8A-2

This comment, which summarizes the proposed project as described in the Draft EIR and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. No response is required.

Response B-8A-3

This comment claims that the City has excluded the public from the planning process and lists examples of procedural errors and other actions that are perceived to contribute to lack of public engagement. Among the examples are that the City failed to timely notify area residents of the Notice of Availability (NOA) of the Draft EIR, the public hearing on the Draft EIR was held too early in the process for residents to provide meaningful input on the content of the Draft EIR, public comment at the Draft EIR was limited in duration, and the City failed to timely respond to and provide requested information pursuant to the PRA. Other examples are unrelated to the specifics of the Draft EIR or the public review process outlined in the *State CEQA Guidelines*. Consultation and discussions between members of the public and City staff and officials are outside of the purview of CEQA. Please refer to Response B-3-15 regarding the PRA requests and Master Response 1 regarding the public review period.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8A-4

This comment raises concerns related to the environmental baseline utilized in the Draft EIR and states that the Draft EIR must be revised and recirculated to address impacts related to transportation and air quality among others. In making its argument, the comment misunderstands the situation and incorrectly claims that relevant court decisions are inapplicable because the property owner would require new discretionary approvals to fill the existing mall space with retail uses (see comment footnote 22). The cited approvals are for development of the project, not continued or increased retail occupancy of the mall. Please refer to Master Response 3 regarding baseline environmental conditions. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

Response B-8A-5

This concluding comment, which does not raise specific concerns regarding the adequacy of the information or analysis provided in the Draft EIR but generally summarizes the commenter's previous concerns, is noted. As discussed in Responses B-8A-1 through B-8A-4 and in the responses to Letters B-8B through B-8F, the comments in Letter B-8A and subsequent attachments do not provide substantial evidence that the Draft EIR has not adequately disclosed, analyzed, and mitigated significant impacts of the proposed project. Please refer to Master Response 8 regarding the adequacy of the Draft EIR.

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ATTACHMENT

1

Phyllis Fox, PhD, PE
745 White Pine Ave.
Rockledge, FL 32955

March 4, 2024

Via Email

Gloria D. Smith
The Law Offices of Gloria D. Smith
48 Rosemont Place
San Francisco, CA 94103
gloria@gsmithlaw.com

Re: Comments on Draft Environmental Impact Report for Northgate Mall Redevelopment Project, San Rafael, California, SCH# 2021120187

Dear Ms. Smith,

Per your request and on behalf of Responsible Growth in Marin ("RGM"), I reviewed the Draft Environmental Impact Report for the proposed Northgate Mall Redevelopment Project ("Draft EIR"), released for public review and comment by the City of San Rafael ("City") as the lead agency under the California Environmental Quality Act ("CEQA") on January 5, 2024.[1] (I note that the City's websites refer to this project under a different name: "Northgate Town Square Project.")

I have experience preparing expert comments, responses to comments and sections of CEQA documents on air quality, greenhouse gas emissions, water supply, water quality, hazardous waste, public health, risk assessment, worker health and safety, odor, risk of upset, noise, land use, and other areas for well over 500 CEQA documents, including environmental impact reports ("EIRs"), Negative Declarations ("NDs"), and Mitigated Negative Declarations ("MNDs") for numerous land use projects, such as specific plans, general plans, shopping malls, residential projects, mixed-use and commercial developments, and industrial projects for both project proponents and opponents. My expertise has been specifically cited in two published **B-8B-1**

[1] City of San Rafael, Draft Environmental Impact Report, Northgate Mall Redevelopment Project, San Rafael, California, SCH# 2021120187, January 2024, prepared by LSA; available at: https://www.cityofsanrafael.org/northgate-town-square-environmental-review/, retrieved February 10, 2024.

CEQA opinions: *Berkeley Keep Jets Over the Bay Committee, City of San Leandro, and City of Alameda et al. v. Board of Port Commissioners* (2001) 111 Cal. Rptr. 2d 598, and *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal. 4th 310; and has supported the record in many other CEQA cases.

B-8B-1 (cont.)

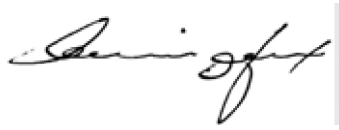
My attached comments were prepared with assistance from RGM who shared mall-related information. My résumé is attached at the end of this letter. I note that my attached comments are preliminary because the City did not provide critical foundational information RGM requested under the California Public Records Act. I will supplement these comments as additional information becomes available.

In my opinion, the Draft EIR suffers from a number of inconsistencies, improper assumptions, and unsupported conclusions, and attempts to implement far too few mitigation measures for a project this size.

Of particular concern in this Draft EIR is the use of a hypothetical baseline for a fully functional mall with no vacancies. As I understand it, the mall has been on a downward trajectory for many years with many vacancies and little traffic. In my 30+ years of reviewing CEQA documents, I have never encountered such a deliberate attempt at disguising and not disclosing to the public the existing baseline and thus the actual impacts of a project. The net effect of using a hypothetical baseline is to underestimate Project impacts. This affects the traffic, noise, and air quality impact analyses. The traffic analysis, for example, relies on inflated traffic counts of a hypothetical baseline rather than the actual baseline. Thus, the net increase in traffic due to Project is underestimated. Similarly, air quality, public health, and other impacts of the Project are underestimated due to the use of a hypothetical baseline that has not existed for decades.

To address these errors and omissions, I recommend that the City prepare a revised Draft EIR that is based on a reasonable baseline and recirculate it for public review and comment.

Sincerely,



Phyllis Fox, Ph.D., PE

Comments

on the

Draft Environmental Impact Report

for the

Northgate Mall Redevelopment Project

San Rafael
California

March 4, 2024

Phyllis Fox, PhD, PE
745 White Pine Ave.
Rockledge, FL 32955

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I. Draft EIR Project Description

The project under review entails the redevelopment of the existing Northgate Mall in Terra Linda (hereafter "the Project"), proposed by Merlone Geier (hereafter "the Developer" or "the Applicant").[2] Terra Linda, a district of the City of San Rafael, is located in the Las Gallinas Valley area of Marin County and is developed as a residential and light commercial/office community with a mostly suburban, low-density land-use pattern.[3] The Draft EIR describes the Project as briefly summarized below:

Northgate Mall is situated on a 44.76-acre site within the San Rafael Town Center in northern San Rafael, bordered to the north and east by Las Gallinas Avenue[4] and to the south and west by Northgate Drive. The site is currently developed with 11 buildings totaling approximately 942,597 square feet ("sqft") of building space; 766,057 square feet of gross leasable area ("GLA"); and an approximately 176,090-square foot two-story parking garage. The remainder of the site consists of surface parking and landscaped areas.[5] The site currently has 10 access roads.[6]

B-8B-2

Regional vehicular access to the project site is via United States Route ("US-101" or "Highway 101"). The nearest access points to and from US-101 are on- and off-ramps located immediately north of the project site along Manuel T. Freitas Parkway. Local roadways providing access to the project site include Las Gallinas Avenue, Northgate Drive, Merrydale Road, Thorndale Drive, and Del Presidio Boulevard, which connects Las Gallinas Avenue to Manuel T. Freitas Parkway. The nearest Sonoma-Marin Area Rail Transit ("SMART") station is the Civic Center Station, an approximately 0.39-mile walk southeast of the Project site along Merrydale Road.[7]

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[2] Draft EIR, p. 1-1.

[3] Wikipedia, Terra Linda, San Rafael, California; available at: https://en.wikipedia.org/wiki/Terra_Linda,_San_Rafael,_California, retrieved January 31, 2024; and Peter Seidman, Pacific Sun, Northgate Due for Makeover, Northgate's in Need of an Extreme Makeover – Will Affordable Housing Advocates Be Left Circling the Parking Lot? December 24, 2007, emphasis added; archived at: Wayback Machine: https://web.archive.org/web/20080102171922/http://www.pacificsun.com/news/show_story.php?id=289, retrieved February 11, 2024.

[4] Google Maps and Google Earth alternately identify the road section between Merrydale Drive and Northgate Drive as Las Gallinas Avenue or Los Ranchitos Boulevard.

[5] Draft EIR, pp. 1-1, 2-1, 3-1, and 3-17.

[6] Determined with Google Earth.

[7] Draft EIR, pp. 1-1 and 3-1.

B-8B-2 (cont.)

The proposed redevelopment of Northgate Mall envisions a mixed-use commercial and residential town center/urban village with a combination of retail, dining, and high-density residential uses within a pedestrian-oriented core.[8] The Project would entail demolition and renovation of existing buildings and construction of new buildings in two phases.

The Project's Phase 1 ("*2025 Master Plan*") would include demolition of 308,946 square feet of existing commercial structures, including two vacant one-story retail buildings (Sears Auto Center and Sears Seasonal), the three-story Restoration Hardware Outlet ("RH Outlet") store building[9] (formerly occupied by the Sears department store anchor[10]), the one-story HomeGoods building, and the Mall Shops East. New construction would consist of a 20,000-square foot addition to the existing Century Theatre space and two retail pads for multiple tenants, one pad for a sit-down restaurant, and another pad for a drive-through restaurant. An approximately 200-square foot San Rafael Police Department ("SRPD") substation would also be provided. Overall, Phase 1 would result in a reduction in gross leasable area on the Project site from approximately 766,507 square feet to 501,941 square feet (reduced by 34.5%[11]). Construction would also include up to 922 residential units with 96 units (10.4%) set aside for low-income households in one of the four buildings (three-, four-, six, and seven-stories high) up to 90 feet tall.[12]

The Project's Phase 2 ("*2040 Vision Plan*") would generally include the demolition of the three-story Macy's building[13] and the two-story Kohl's building. New construction would include up to 55,440 square feet of new commercial space, including another drive-through restaurant. Overall, Phase 2 would result in a reduction in gross

---

[8] Draft EIR, p. 3-25.

[9] The Draft EIR, Table 3.A, p. 3-17, claims that the RH Outlet building is a 2-story building whereas documents obtained from the City describe the building as having "3 levels." (*See* Exhibits 1a and 1b.)

[10] Draft EIR, p. 3-17, footnote 1. ("The RH Outlet building was formerly known as the Sears anchor. Certain project application materials refer to the building this way.")

[11] 1 - (501,941 sqft) / (766,507 sqft) = 0.345.

[12] Draft EIR, pp. 1-1, 3-29.

[13] The Draft EIR, Table 3.A, p. 3-17, claims that the Macy's building is a 2-story building. However, according to information obtained from RGM, Macy's is a 3-story building with merchandise on three levels. (*See* Exhibit 1c, describing the Macy's building, formerly the Emporium: "The various merchandising departments together with stock and receiving rooms and rooms for the housing of mechanical equipment occupy the first and second floors of the Emporium building. The third floor contains additional mechanical equipment and allows for 61 000 square feet of floor area for future merchandising expansion.")

leasable area on the Project site by another 339,861 square feet. Construction would also include up to 500 additional residential units in two five- and seven-story buildings up to 90 feet tall with 51 (10.2%) units set aside for low-income households. Phase 2 would also include construction of one five- and one six-level parking garage.[14]

At full buildout, the Project would include a total of up to approximately 217,520 square feet of commercial/retail space (a reduction of 72% from the existing 766,507 square feet[15]) with 621 employees. The residential aspect of the Project would include up to 1,422 dwelling units in six buildings with 147 units (10.3%) set aside for low-income households.[16] At full buildout, the Project would include 201 studio units, 823 one-bedroom units, 324 two-bedroom units, 54 three-bedroom units, and 20 four-bedroom units and would result in a total of 3,541 residents in approximately 2040.[17] **B-8B-2 (cont.)**

To illustrate the massive scale of the Project: Terra Linda currently has about 11,000 residents,[18] which means that the Project would increase the residential population of this suburban community by about a third and with its towering buildings and high-density buildout would establish a new town center where none was before. Further, the City's *General Plan 2040* projected 8,910 new residents for the entire City of San Rafael, which currently has about 61,000 residents.[19] In other words, the suburb of Terra Linda would absorb about 40 percent of new residents that the *General Plan 2040* projected for the entire city.

II. The Draft EIR Fails to Adequately Describe the Project and Fails to Properly Establish the Project's Environmental Setting

Under CEQA, the impacts of a proposed project must be evaluated by comparing expected environmental conditions after project implementation to conditions at a point in time referred to as the baseline. The changes in environmental conditions between those two scenarios represent the environmental impacts of the proposed project. The description of the environmental conditions in the project study area under baseline **B-8B-3**

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[14] Draft EIR, pp. 1-1, 3-29, and 3-52 and Table 3.D.

[15] 1 - (217,520 sqft) / (766,507 sqft) = 0.716.

[16] Draft EIR, pp. 1-1 and 3-29.

[17] Draft EIR, p. 4.2-13.

[18] Niche, Terra Linda Residents; available at: https://www.niche.com/places-to-live/n/terra-linda-san-rafael-ca/residents/, retrieved February 28, 2024. (10,912 residents.)

[19] Niche, San Rafael; available at: https://www.niche.com/places-to-live/n/terra-linda-san-rafael-ca/residents/, retrieved February 28, 2024. (60,891 residents.) Data USA, San Rafael, CA; available at: https://datausa.io/profile/geo/san-rafael-ca, retrieved February 28, 2024. (2021 Population: 61,158.)

conditions is referred to as the environmental setting.[20] Here, the Draft EIR fails to adequately describe both the Project and its environmental setting to adequately inform the public and to adequately assess Project impacts, as discussed below. As a result, the Draft EIR's analyses are not adequately supported with evidence. **B-8B-3 (cont.)**

II.A The Draft EIR Fails to Discuss the Likelihood of Phase 2 Buildout on Schedule

The Draft EIR assumes that construction of Phase 2 would begin in 2030, phased over approximately 60 months, and is anticipated to be fully operational and occupied by 2035. (Elsewhere, the Draft EIR states that the *2040 Vision Plan* "is anticipated to be completed by 2040."[21]) Yet, the Draft EIR provides no discussion of the likelihood of Phase 2 buildout on schedule, which could be affected by existing long-term leases[22] or the more likely possibility that the two remaining anchor stores, Kohl's and Macy's, may close sooner because both companies are ailing nationwide,[23] taking down the rest of the mall's remaining retail with them. Either outcome would affect the likelihood of construction of Phase 2 on schedule.[24]

B-8B-4

This is relevant because the Draft EIR analyzes Phase 2 construction impacts for the years 2030 and 2031. If construction and occupation of the Phase 2 components would not proceed as anticipated in the Draft EIR, the Draft EIR's conclusions with respect to impacts on traffic and air quality and other subject areas are not supported. For example, if construction of Phase 2 were to occur earlier than assumed, the Draft EIR's air quality and greenhouse gas analyses underestimate both construction and operational emissions because the emission rates incorporated into the California Emissions Estimator Model ("CalEEMod"), which the Draft EIR used to estimate emissions, relies on emission rates that decline over the years (because equipment and vehicle emission factors for later years would be slightly lower due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet

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[20] Association of Environmental Professionals, CEQA Portal Topic Paper, Baseline and Environmental Setting, updated August 23, 2016, p. 1; available at: https://ceqaportal.org/tp/Baseline%20and%20Environmental%20Setting%20Topic%20Paper%2008-23-16.pdf, retrieved February 28, 2024.

[21] Draft EIR, p. 3-43.

[22] According to RGM, at a Design Review Board meeting on October 10, 2019 for the previously proposed Costco project at the site, a representative of the Developer stated that Macy's lease "is good until 2061" and that Kohl's lease is good for another 8 to 9 years.

[23] Alina Selyukh, NPR, Why Macy's Is Closing 150 Department Stores, February 27, 2024; available at: https://www.npr.org/2024/02/27/1234165819/macys-stores-closing, retrieved February 28, 2024.

[24] Draft EIR, p. 3-53.

turnover replacing older equipment and vehicles in later years[25]). In other words, if construction or operation of Phase 2 occurs earlier than 2030/2031, daily and annual emissions would be higher than estimated by the Draft EIR. Even more concerning is the possibility that construction of Phase 1 and Phase 2 could overlap. In that case, maximum daily emissions would be considerably higher than estimated by the Draft EIR and may lead to exceedances of significance thresholds and result in significant impacts the Draft EIR did not identify or mitigate. Local health risks, which are estimated based on daily and annual emissions would also be higher than estimated by the Draft EIR. **B-8B-4 (cont.)**

The Draft EIR must be revised to provide adequate support for its assumptions and require that Phase 1 and Phase 2 construction may not overlap.

II.B The Draft EIR Fails to Provide Adequate Visualizations for the Project

Given the scale of the Project and dissents by the public and RGM concerning its various prior reincarnations for being out-of-scale and insensitive to surrounding neighborhoods,[26] the Draft EIR is regrettably sparse on visualizations. The document does not provide any three-dimensional simulations for the public attempting to imagine the Project from the ground or walking among the buildings and in the proposed town square. **B-8B-5**

The visualizations provided in the Draft EIR for the buildings constructed under the *2025 Master Plan* and the *2040 Vision Plan* are restricted to simplified two-dimensional street views, aerial views, and conceptual site plans. In fact, for some buildings, the Draft EIR provides no visualizations at all. For example, for the three-story Building 2 and the six-story Building 3,[27] which will be directly across the street from the historic one-story Eichler neighborhood, the Draft EIR does not even provide a two-dimensional street view let alone a three-dimensional simulation of how the privacy and views of neighbors across the street on Nova Albion Way and Sao Augustine Way would be impacted at their properties by these new multi-story buildings across the street.[28] **B-8B-6**

Privacy in those homes, which feature floor-to-ceiling windows along their backyards facing Northgate Drive (*see* Figure 1) and which are subject to height

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[25] *See* Draft EIR, Appx. I, p. 41, footnote 6.

[26] Communications with RGM.

[27] Draft EIR, p. 3-41.

[28] *See* Draft EIR, Figures 3-13 and 3-14, pp. 3-33 and 3-35, and Figure 3-18, p. 3-47, providing proposed typical residential building elevations for Residential 1, Residential, 4, and Residential 5 only.

limitations for raising their fences beyond 7 feet without design review and a maximum of 9 feet with design review,[29] would be lost.

Figure 1: Interior of typical Eichler homes with floor-to-ceiling windows facing backyard

From: Georgie Sinclair, Mid-century Home, Joseph Eichler Would Be Pleased with this Renovation, June 8, 2018; available at: https://www.midcenturyhome.com/joseph-eichler-peichler leased-with-this-renovation/

B-8B-6 (cont.)

This is also an issue that should have been addressed in the Draft EIR's *Section 4.3 Visual Resources* but was not. Instead, the Draft EIR claims that "[d]ue to the topography of the site and surrounding development and vegetation, privacy for surrounding neighborhoods would not be reduced."[30] I understand from RGM members living at Nova Albion Way and Sao Augustine Way that this is not correct. As such, the Project is inconsistent with the City's General Plan 2040, Program CDP-1.5A, which requires:

> Program CDP-1.5A: Evaluating View Impacts. Consider the impact of proposed development on views, especially views of Mt Tamalpais and nearby ridgelines.

[29] City of San Rafael, Municipal Code, 14.16.140 – Fences and Walls, A.1.b. and A.2.b.

[30] Draft EIR, p. 4.1-17.

> Where feasible, **new development should** frame views of ridges and mountains and **minimize reduction of views, privacy**, and solar access.[31]

B-8B-6 (cont.)

When a project is inconsistent with a general land use plan and the lead agency fails to address and mitigate that inconsistency, it violates CEQA.[32] The Draft EIR also does not provide a visualization of the residential 7-story building (Building 4), which, including elevator penthouses and other projections, would be up to 90 feet in height[33] and would create a tunnel-like effect along Las Gallinas Road across from Mt. Olivet Cemetery. (I understand that despite repeated requests by RGM, the Developer also did not place any story poles or other devices to show how the 78- to 90-feet buildings[34] would appear to pedestrians walking along them, *e.g.*, rising right next to the sidewalk along Las Gallinas Avenue (Building 4) or along the Town Square (Building 6).)

B-8B-7

The City's website for the Northgate Town Square Project[35] (separate from the Draft EIR website[36]), *Project Plans*, provide additional visualizations, including aerial views of proposed buildings and town square, street section views, schedules, and renderings of retail buildings, a multi-modal site connectivity map, neighborhood map, bicycle connectivity map, pedestrian connectivity map, and a fence and wall plan). These materials should have been included in the Draft EIR to support its assumptions and properly inform the public, but they are neither cited nor provided as being part of the Draft EIR or on the City's Draft EIR website. As such, it is not likely that the general public will discover these visualizations. Further, some of these documents, which consist of very large pdf files (up to 60 megabytes) that do not readily open on underpowered computers, display multiple errors upon opening.[37]

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[31] Draft EIR, p. 4.3-17, emphasis added.

[32] CEQA § 21083; CEQA Appendix G.

[33] Draft EIR, pp. 3-41 and 3-42.

[34] Draft EIR, p. 3-52.

[35] City of San Rafael, Northgate Town Square, available at: https://www.cityofsanrafael.org/northgate-town-square-rev/, retrieved January 18, 2024.

[36] City of San Rafael, Northgate Town Square Environmental Review; available at: https://www.cityofsanrafael.org/northgate-town-square-environmental-review/, retrieved January 18, 2024.

[37] For example, files 2023-05-09_Northgate-Town-Square_2025-Master-Plan.pdf and 2023-05-09_Northgate-Town-Square_2040-Vision-Plan.pdf ("The font 'SJGPRO+AvenireNextLTPro-Demi' contains a bad /BBox.xxx" and "An error exists on this page. Acrobat may not display the page correctly. Please contact the person who created the pdf document to correct the problem.")

II.C The Draft EIR's Findings of Consistency with Programs and Policies Conflict with Proposed Mitigation Measure GHG-1

The Draft EIR, describing the Project's amenities for Phase 1, explains with respect to "fire features:" "In addition, common open space would be provided adjacent to the Century Theatre building that would consist of approximately 12,934 square feet of outdoor amenity space with a bike hub/fix it station, a shipping container café with associated outdoor dining tables, a **fire feature**, and lounge seating. Adjacent to the Kohl's building would be 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**. Phase 1 would also include the construction of a Town Square near the center of the project site, which would be approximately 48,075 square feet in size and would contain a large flexible lawn space, a dog park, children's nature play features, a water feature, a flexible stage, **fire features**, lounge seating, and game tables."[38]

Finding the Project consistent with Program NH-4.28: Outdoor Gathering Places and Policy CDP-4.6: Open Space in Multi-Family Housing, the Draft EIR states: "The proposed project would include useable open space for each of the residential buildings, roof decks, public outdoor amenity spaces, and a public Town Square that would contain a large flexible lawn space, dog park, children's nature play features, a water feature, a flexible stage, **fire features**, lounge seating, and game tables."[39] B-8B-8

Finding consistency with Policy PROS-1.11: Urban Parks and Plazas and Policy PROS-1.13: Recreational Facilities in Development Projects, the Draft EIR states: "The proposed project would include public outdoor amenity spaces with outdoor dining and lounge seating and a Town Square that would contain a large flexible lawn space, a dog park, children's nature play features, a water feature, a flexible stage, **fire features**, lounge seating, and game tables."[40]

After finding consistency with the above policies by providing amenities including **fire features**, the Draft EIR elsewhere prohibits the use of recreational "fire pits" with Mitigation Measure GHG-1 ("Natural Gas Prohibition for Recreational Use. Prior to the issuance of building permits, the project sponsor shall submit documentation to the City of San Rafael (City) Planning Department that demonstrates, to the satisfaction of the City, that **natural gas-fired recreational fire pits are not**

[38] Draft EIR, p. 3-42, emphasis added, *see* also, pp. 4.3-17 and 5-10.

[39] Draft EIR, p. 4.1-18, emphasis added.

[40] Draft EIR, p. 4.1-23, emphasis added.

included in the proposed project design.").[41] (Presumably, the references to "fire features" and "fire pits" are meant to be the same.)

B-8B-8 (cont.)

The City must address these discrepancies and internal inconsistencies and explain and define the Project's proposed use of "fire features" such as fire pits, bowls, tables, tiki torches, and mobile and stationary heat lamps.

Finally, for Mitigation Measure GHG-1 to achieve its intent of reducing greenhouse gas emissions by prohibiting the use of fossil fuels in recreational fire features (or fire pits), it must, in addition to natural gas, also prohibit the use of other fossil fuels such as propane, charcoal, and coal that could be used alternatively.

II.D The Draft EIR Fails to Properly Establish the Environmental Setting for Project Operations

CEQA is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage. Under CEQA, the impacts of a proposed project must be evaluated by comparing expected environmental conditions after a project's implementation to conditions at a point in time before the project is implemented, which is referred to as "the baseline." The changes in environmental conditions between those two scenarios represent the project's environmental impacts. The description of the environmental conditions in the project study area under baseline conditions is referred to as the environmental setting.[42] Here, the Draft EIR fails to properly establish the environmental setting for the Project.

B-8B-9

Under the Guidelines for Implementation of CEQA (Cal. Code Regs., tit. 14, § 15000 *et seq.*, hereafter "CEQA Guidelines"), the baseline 'normally' consists of the physical environmental conditions in the vicinity of the project, as they exist at the time environmental analysis is commenced. The Draft EIR acknowledges that the most commonly used baseline is based on the environmental conditions at a project site at the time a Notice of Preparation ("NOP") is published, here December 9, 2021.[43] However, the Draft EIR posed the use of a different, unusual baseline for Project operations:

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[41] Draft EIR, p. 2-18, *see* also, pp. 4.11-24, 4.15-10, 4.15-12, 5-16, and 5-25.

[42] *See*, for example, Association of Environmental Professionals, CEQA Portal Topic Paper, Baseline and Environmental Setting, updated August 23,2016; available at: https://ceqaportal.org/tp/Baseline%20and%20Environmental%20Setting%20Topic%20Paper%2008-23-16.pdf, retrieved February 10, 2024.

[43] Tricia Stevens, City of San Rafael, Re: Notice of Preparation of an Initial Study and Environmental Impact Report (EIR) for the Northgate Mall Redevelopment Project, December 9, 2021.

> 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.[44]

B-8B-9 (cont.)

The City applied this baseline determination, *i.e.*, the hypothetical full occupancy of Northgate Mall in numerous sections of the Draft EIR, including its analyses of the Project's impacts on traffic and air quality.[45] Because the Draft EIR assumes this hypothetical baseline of full occupancy, it finds that traffic during Project operation would be lower compared to this baseline and therefore, operational impacts with respect to traffic would be less than significant.[46] Similarly, based on the hypothetical baseline traffic, which is incorporated into the air quality section, the Draft EIR finds that operational air pollutant emissions would be below applicable significance thresholds and therefore Project impacts on air quality would be less than significant.[47]

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[44] Draft EIR, p. 4-1, emphasis added.

[45] Draft EIR, p. 4.9-16 ("The anticipated trip generation for the existing mall and proposed project were estimated using standard rates published by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual, 11th Edition. The ITE rates for a Shopping Center larger than 150,000 square feet (ITE Code 820) and Mid-Rise Multifamily Housing (ITE Code 221) were used.") and p. 4.10-34 ("Long-term operational emissions associated with the proposed project were calculated using CalEEMod. As further discussed in the AQ/GHG Technical Report (Appendix I), trip generation rates used in CalEEMod for the project were based on the project's trip generation estimates included in Section 4.9, Transportation.")

[46] *See*, for example, Draft EIR, p. 4.9-23. ("Therefore, the residential components of the proposed project would have a less than significant impact on VMT during implementation of Phase 1 and projected buildout through Phase 2;" "Since the redevelopment of retail uses proposed by the project would lead to a reduction in total retail VMT, the project's retail component is considered to have a less than significant impact on VMT;" and "Therefore, because both Phases 1 and 2 would each result in reduction to the City's average total VMT per service population, the proposed project would be considered to have a less than significant impact on VMT.")

[47] *See*, for example, Draft EIR, p. 4.10-36. ("The results shown indicate the operational emissions from the project would not exceed the significance criteria for ROGs, NOX, PM10, or PM2.5 emissions; therefore, operational impacts related to a cumulatively considerable net increase of any criteria pollutant for which

Based on information obtained from RGM and as discussed below, the Draft EIR opportunely ignores in its hypothetical baseline determination that Northgate Mall has not been a functioning mall operating at full occupancy for many years, long before the COVID-19 pandemic could have affected business.

II.D.1 The Draft EIR Lacks Evidentiary Support for the Assumption of Full Occupancy and Normal Operations at Northgate Mall as the Baseline

The Draft EIR implies, with no evidence, that the COVID-19 pandemic was the origin of the reduced level of activity at the mall observed in late 2021. Such evidence would include, *e.g.*, a showing of vacancy or occupancy rates and gross sale figures over the years (metrics readily available to the Applicant) and surveys of foot traffic or parking analyses that were performed in the past. **B-8B-9 (cont.)**

In this case, providing evidence of a fully functioning mall would be impossible because Northgate Mall, like many malls in the United States, has been in decline for many years, if not decades, unable to fill its vacant store fronts with quality retail stores and attract a sufficiently large and diverse clientele. Many RGM members, especially nearby residents, speak to the mall's demise from years of personal observation. (In fact, I have personally experienced the lack of visitors at Northgate Mall whenever I visited Terra Linda, about twice a year over the past 20 years.) RGM provided a photograph excerpted from a report prepared by the City (at the time evaluating the site for the purpose of building housing), which shows empty parking lots at various locations at Northgate Mall taken in October 2013, long before the COVID-19 pandemic developed.

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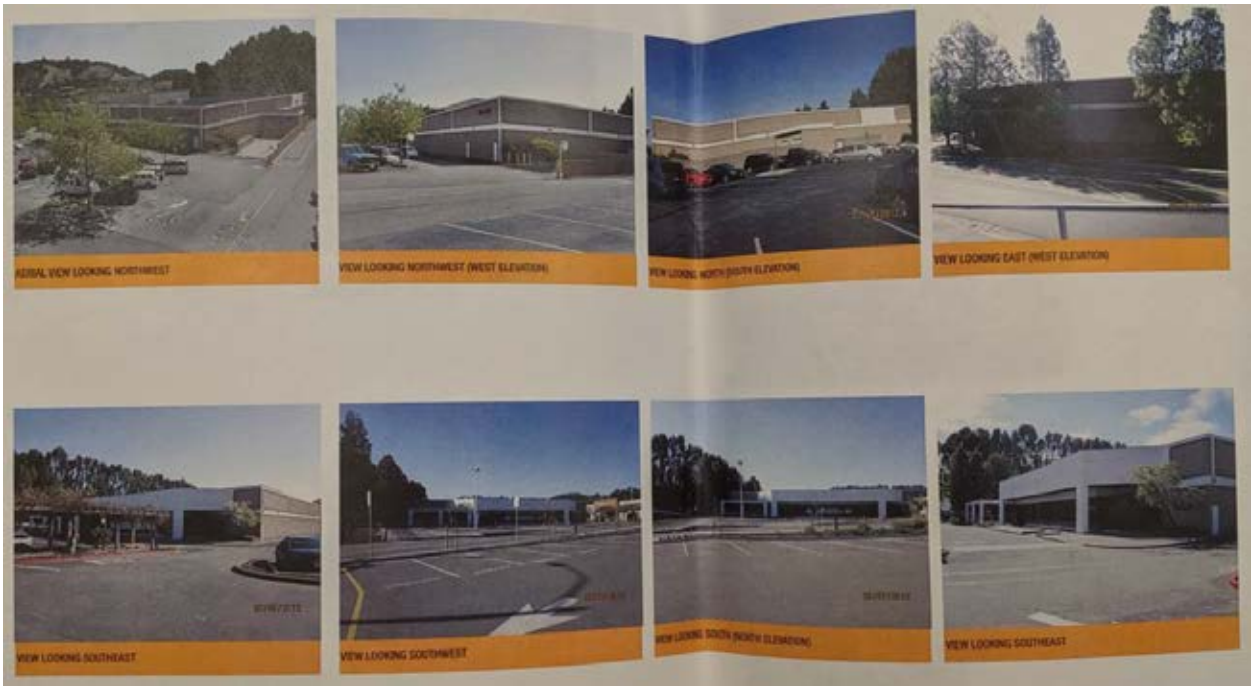
the project region is in nonattainment under an applicable NAAQS or CAAQS would be less than significant.")

Photographs of empty parking lots at Northgate Mall, October 2013



From the City's archives for Northgate Mall: "Site Plan for Renovation of the Mall at Northgate, October 2013, Amendment to L&D 07-090 and 0407-056 to include 6000 Northgate Mall Bldg, Received October 9, 2013," *see* "Existing Images for Renovation of the Mall at Northgate, October 2013," photographed by RGM on October 18, 2019

B-8B-9 (cont.)

Reasons for the decline of Northgate Mall likely include the same factors affecting other malls in the U.S., including the rise in e-commerce and the convenience of online shopping in the mid-1990s, along with the oversaturation of the market in the mid-2000s due to a boom in mall construction, resulting in what's collectively called the "retail apocalypse."[48] In fact, the City recognizes that the mall is "[s]uffering from loss of retail anchors due to growth of e-commerce and big box cannibalization…"[49]

In summer 2006, Wilbur Smith Associates prepared a study of parking, traffic, and infill housing in San Rafael entitled "Infill Analysis and Policy Recommendations," for the Metropolitan Transportation Commission. The study concluded that Northgate

[48] *See*, for example, Avery Hartmans, Business Insider, Roughly 80,000 Stores Are Doomed to Close in the Next 5 Years as the Retail Apocalypse Continues to Rip through America, April 6, 2021; available at: https://www.businessinsider.com/retail-apocalypse-means-80000-store-closures-next-5-years-2021-4, accessed February 10, 2024.

[49] City of San Rafael, San Rafael City Council Agenda Report, Agenda Item No. 6.b, Topic: Economic Development Strategic Plan, Meeting Date May 15, 2023, see attachment City of San Rafael, Economic Development Strategic Plan, May 15, 2023, p. 10; available at: https://publicrecords.cityofsanrafael.org/WebLink/DocView.aspx?id=35954&dbid=0&repo=CityofSanRafael&searchid=73d12f48-c29a-41ed-a65b-a7e887f1c067, accessed February 22, 2024.

Mall, built in 1965, "**in many ways has become obsolete when compared to other Marin shopping centers that have expanded to competitively attract key retail stores**" and that "[m]uch of the value of the mall land remains untapped in the form of underutilized parking lots."[50]

B-8B-9 (cont.)

By the end of 2007, Northgate Mall was considered an "under-performing property" and then-owner Macerich (declining to consider housing) undertook a renovation of the mall in hopes of attracting a new mix of retailers that would add a boost to the bottom line.[51] Opening in late 2009, the mall attracted a number of new retailers, including the hip clothing company Forever 21, See's Candies, and a new food court and new restaurants.[52]

However, even this ambitious renovation to revamp Northgate Mall did not have the hoped-for lasting effect of creating a vibrant and functioning mall competitive with other Marin shopping centers.[53] By the mid-2010s, the mall had again lost many of its name-brand stores and restaurants. For example, The GAP, one of the few valuable name-brand stores, left Northgate Mall in 2017.[54] In April 2018, the mall lost one of its three anchor stores when Sears permanently closed.[55] (Sears announced the closure in January 2017;[56] the Sears Auto Center and Catalogue Store closed years earlier.) The clothing store Forever 21 closed in January 2020.[57] All of these closures were planned or

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[50] Peter Seidman, Pacific Sun, Northgate Due for Makeover, Northgate's in Need of an Extreme Makeover – Will Affordable Housing Advocates Be Left Circling the Parking Lot? December 24, 2007, emphasis added; archived at: Wayback Machine: https://web.archive.org/web/20080102171922/http://www.pacificsun.com/news/show_story.php?id=289, accessed February 11, 2024.

[51] *Ibid*.

[52] Jennifer Upshaw, Marin Independent Journal, Northgate Mall in San Rafael Unveils 12 new Retailers, September 16, 2019; https://www.marinij.com/2009/09/16/northgate-mall-in-san-rafael-unveils-12-new-retailers/, accessed February 11, 2024; and personal observations by RGM members.

[53] Yelp, Review by Rebecca C., September 15, 2017; available at: https://www.yelp.com/biz/northgate-mall-san-rafael?osq=Northgate+Mall, accessed February 14, 2024. ("Post renovation, it has taken a turn for the worse. It's depressing and stores keep turning over left and right. The remaining stores left are for teeny boppers. They closed The Gap earlier this year which was the only store I shopped at on a regular basis.").

[54] *Ibid*.

[55] Gary Klien, Marin Independent Journal, Dismay and Deals as Marin's Sears Shuts Down, March 3, 2018, updated July 23, 2018; available at: https://www.marinij.com/2018/03/03/dismay-and-deals-as-marins-sears-shuts-down/, accessed February 14, 2024.

[56] https://www.marinij.com/2017/01/24/san-rafaels-northgate-mall-sold-to-merlone-geier-partners/.

[57] Wikipedia, Northgate Mall (San Rafael, California); available at: https://en.wikipedia.org/wiki/Northgate_Mall_(San_Rafael,_California), accessed February 11, 2024.

occurred before the COVID-19 pandemic, which arrived in the U.S. in mid-January 2020.[58] Thus, the pandemic could not have had any effect on consumer behavior.

Further, for a housing study at Northgate Mall in December 2016 that analyzed the potential traffic impacts of a proposed 96-dwelling unit apartment building within the existing mall, City staff collected traffic counts at the intersection of Las Gallinas Avenue and Northgate Drive and concluded that they were "the lowest since 1999."[59]

In other words, the COVID-19 pandemic did not cause "**the reduced level of activity… that was in effect in 2021**,"as the Draft EIR implies, but rather only accelerated the already existing, steep downward trend of the mall's demise. (One only needs to read the Yelp reviews (2.7 stars out of 5) for the decade before the pandemic for repeated mentions of a substandard mall, empty store fronts, plenty of parking, and photographs with few customers after the mid-2010s; the few exceptions being photographs of outdoor events.[60]) RGM provided several photographs from Yelp illustrating low mall attendance from 2014 through 2019. My own personal observations over the years confirm this downward trend in mall use.

B-8B-9 (cont.)

[58] Centers for Disease Control and Prevention, CDC Museum COVID-19 Timeline; available at: https://www.cdc.gov/museum/timeline/covid19.html, accessed February 11, 2024. (*See* January 20, 2020: "CDC reports the first laboratory-confirmed case of the 2019 Novel Coronavirus in the U.S. from samples taken on January 18 in Washington state…")

[59] City of San Rafael, Northgate Mall Housing Study, Final Report, December 2016, p. 1-1. (Exhibit 2.)

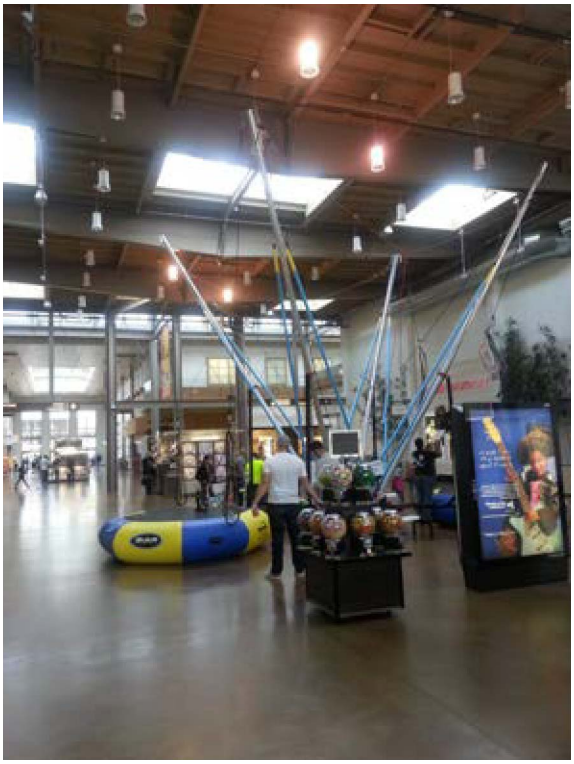
[60] Yelp, Northgate Mall Reviews and Photos for Northgate Mall; available at: https://www.yelp.com/biz/northgate-mall-san-rafael and https://www.yelp.com/biz_photos/northgate-mall-san-rafael, accessed February 15, 2024.

Northgate Mall Food Court, May 24, 2014

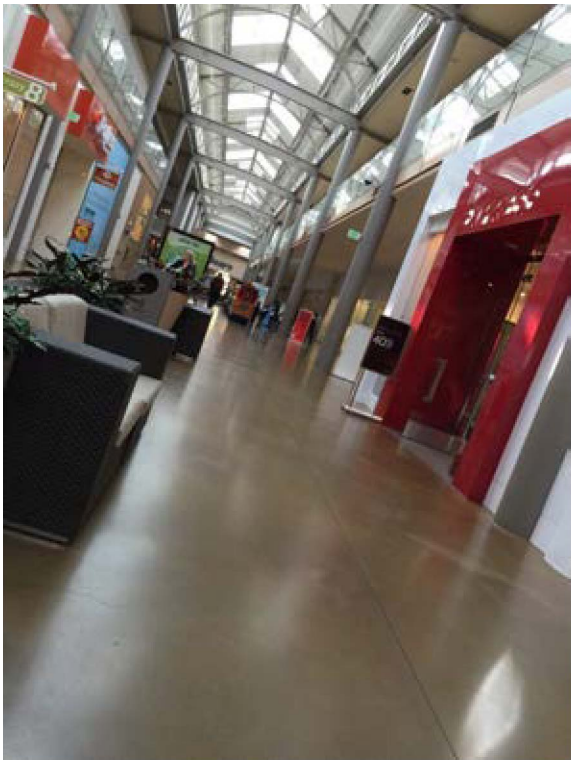
B-8B-9 (cont.)

B-8B-9 (cont.)

Main Building, February 7, 2015

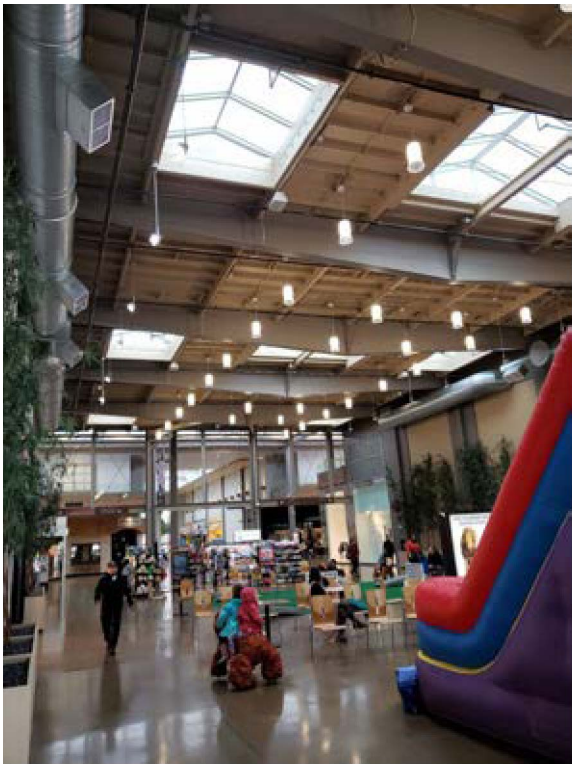


Main Building, February 2, 2015



Main Building, January 26, 2016

Main Building, November 30, 2019



The developer and applicant for the Project and current owner, Merlone Geier Partners, a self-described investment firm focusing on "West Coast undervalued retail opportunities,"[61] acquired the under-performing mall along with another mall property from Macerich for $170 million in early 2017.[62] At the time, Northgate Mall was regarded as a Class B mall[63,64] and was generating only $421 per square foot in sales compared to Macerich portfolio averages of $626 per square foot in sales.[65] **B-8B-9 (cont.)**

In sum, there is substantial evidence that the mall has not been operating at full occupancy and normal shopping center operations for a long time.

II.D.2 CalTrans Data Do Not Support the Draft EIR's Assumption that the COVID-19 Pandemic Rendered a Traffic Count in December 2021 Not Representative

B-8B-10

Observed traffic counts in the vicinity of the Project site between onset of the COVID-19 pandemic in early 2020 and during recovery also do not support the Draft EIR's assumption that traffic volumes in 2021 were not representative due to the pandemic.

While Highway 101 in Marin County saw the steepest drop in traffic at the height of the pandemic, in 2020, when it experienced a drop of more than 25 percent in annual average daily traffic volumes (AADT), it also experienced the quickest recovery, according to Caltrans' data. At Manuel T. Freitas Parkway, AADT in 2020 dropped by only 13% compared to pre-pandemic traffic counts. By the end of 2021, traffic had

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[61] Merlone Geier Partners, About Merlone Geier Partners; available at: https://www.merlonegeier.com/about/, accessed February 11, 2024.

[62] Richard Halstead, Marin Independent Journal, San Rafael's Northgate Mall Sold to Merlone Geier Partners, January 24, 2017, updated July 19, 2018; available at: https://www.marinij.com/2017/01/24/san-rafaels-northgate-mall-sold-to-merlone-geier-partners/, accessed February 11, 2024.

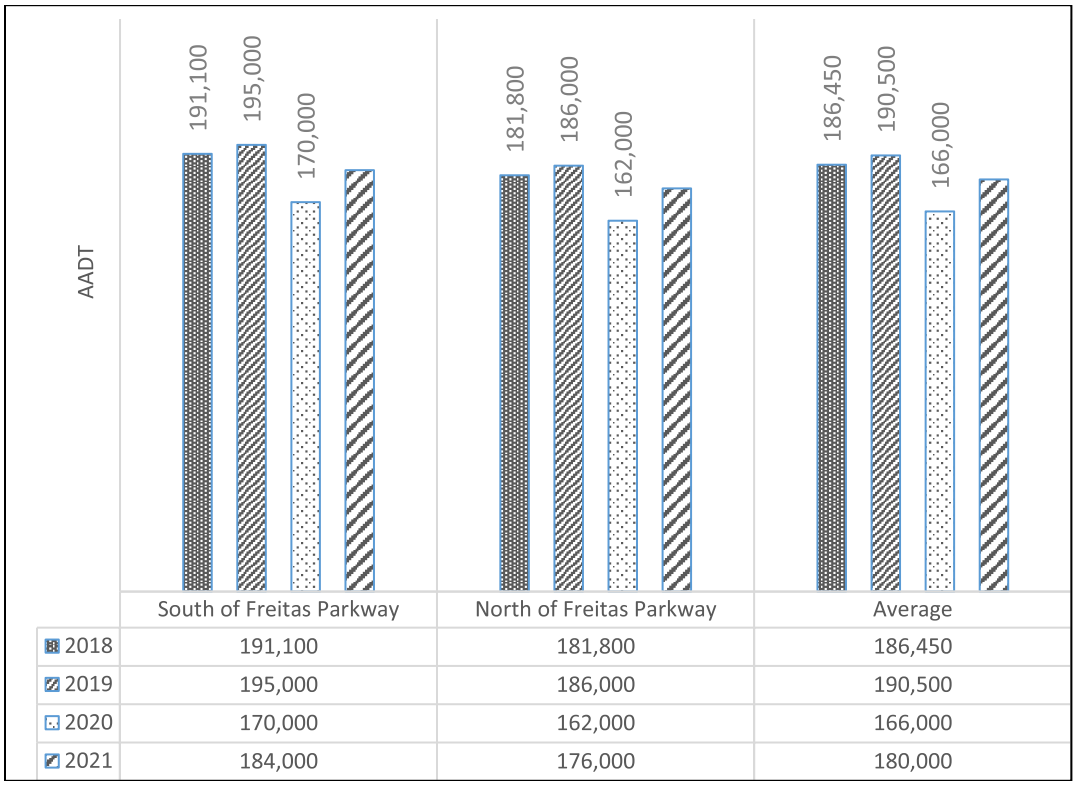
[63] Richard Halstead, Marin Independent Journal, San Rafael's Northgate Mall Sold to Merlone Geier Partners, January 24, 2017, updated July 19, 2018; available at: https://www.marinij.com/2017/01/24/san-rafaels-northgate-mall-sold-to-merlone-geier-partners/, accessed February 11, 2024.

[64] Class A malls generally have $500 or more in sales per square foot and Class B malls have $300 or more in sales per square foot. *See*, for example, Jordan Wathen, The Motley Fool, What Is a Class A Mall? February 21, 2018; available at: https://www.fool.com/investing/2018/02/21/what-is-a-class-a-mall.aspx, accessed February 14, 2024.

[65] Laura Waxmann, San Francisco Chronicle, Marin County residents Worry Plan to Turn Mall into Housing Will Destroy 'Peaceful' Setting, February 23, 2024; available at: https://www.sfchronicle.com/realestate/article/marin-housing-mall-18685041.php, accessed February 23, 2024.

essentially returned to 2019 levels as indicated by the AADT for 2021 being only about five to six percentage points lower than pre-pandemic counts, as shown in Figure 2 below.[66]

Figure 2: Annual average daily traffic at Manuel T. Freitas Parkway



	South of Freitas Parkway	North of Freitas Parkway	Average
2018	191,100	181,800	186,450
2019	195,000	186,000	190,500
2020	170,000	162,000	166,000
2021	184,000	176,000	180,000

Data from: Caltrans, Traffic Census Program; available at: https://dot.ca.gov/programs/traffic-operations/census, accessed February 5, 2024

Based on these data, the traffic study conducted in September 2021 for the Project, which is referenced in the Draft EIR,[67] in addition to any other pre-pandemic traffic studies available to the City (*see* below), should have yielded adequate data to determine the impact of the pandemic on mall business.

B-8B-10 (cont.)

[66] Ricardo Cano, San Francisco Chronicle, These Bay Area Commuter Highways Are Approaching 2019 Traffic Levels, January 8, 2024; available at: https://www.sfchronicle.com/bayarea/article/highway-freeway-traffic-commute-18592029.php, accessed February 5, 2024; and Caltrans, Traffic Census Program; available at: https://dot.ca.gov/programs/traffic-operations/census, accessed February 5, 2024.

[67] Draft EIR, Appx. H, p. 16.

II.D.3 Additional Available Pre-Pandemic Traffic Studies for the Northgate Mall Have Been Conducted and Could Be Used to Establish a Factual Baseline

B-8B-10 (cont.)

The Draft EIR, in Section 4.9.3.1 Intersection Level of Service Analysis, relies upon traffic volume data collected in September 2021 as the baseline to reach its conclusions regarding the project's impacts on intersection level of service. (*See* Appendix H, Transportation Operations Study, at 16: "Volume data was collected in September 2021 while local schools were in session and students were attending in-person classes.") This September 2021 study is not provided with the Draft EIR materials on the City's project website. I understand that RGM requested this study from the City but was only provided two non-responsive documents that did not include this study.

Further, in 2019, W-Trans, the same company who prepared the traffic studies for the Draft EIR, entered into a contract with the City to prepare a traffic impact study for the Costco project, which was previously proposed by the Developer at the Sears end of the Northgate Mall, as mentioned in a memorandum by W-Trans to the City. In this memorandum, W-Trans states that it conducted traffic counts in November and December 2017 for the signalized intersections around the Project site that reflected the peak holiday shopping season while Sears was still operational. These counts, supplemented by field observation as well as some new counts, were proposed as "baseline" conditions for the previously proposed Costco project at the site.[68]

[68] Dalene Whitlock, Kevin Carstens, and Kevin Rangel, W-Trans, Memorandum to Michele Ginn, City of San Rafael, Project: SRA:130-1, Re: Memorandum of Assumptions for the Traffic Study for the Northgate Costco Project, October 21, 2019. ("Counts for the signalized study intersections were collected in November and December 2017 that reflect the peak holiday shopping season while Sears was operational. These counts, supplemented by field observations as well as some new counts, will be used to document "Baseline" conditions. The operational analysis results for the study intersections will be reviewed based on field observations and calibrated, if necessary.") (Exhibit 2.)

Another useful traffic study was performed for the proposed roundabouts in Terra Linda. The City explains on their website for the Manuel T. Freitas Parkway/Route 101 Interchange that traffic counts were performed in 2019:

> What volumes were used to simulate the future scenario and were the Northgate Development projections included?
>
> Traffic counts were performed in 2019 and forecasted out to 2041 taking into account anticipated growth shown in the 2040 General Plan.[69]

B-8B-10 (cont.)

The Draft EIR for this Project should have disclosed the results of this study but did not. I understand that RGM requested all documents under the Public Records Act related to this proposed roundabout that are not posted on the project website for the proposed roundabout, including the 2019 traffic counts, citing directly to the above citation on the City's website. The City denied having any records in their possession responsive to that request. This is not plausible as the City used the results from the 2019 counts to forecast 2041 traffic counts for incorporation into their 2040 General Plan, as disclosed on the City's website for the roundabout project.

Absent any other pre-pandemic traffic count data, the 2017 traffic counts in combination with the above-discussed 2019 and September 2021 traffic counts (and any other traffic studies conducted by or available to the City) could have been used to determine a conservative baseline of mall traffic based on reasonable assumptions, potentially adjusted for additional mall vacancies by December 2021.

III. The City Improperly Refused to Provide Electronic Files Documenting the Air Quality Analysis and Health Risk Assessments

The Draft EIR relies on extensive background data to support its conclusions regarding the significance of impacts on air quality and with respect to local health risks, which are detailed in Section 4.10. The Draft EIR is supported by Appendix I, Air Quality and Greenhouse Gas Emissions Technical Report, which consists of two massive pdf files totaling 15,758 pages, including more than 15,000 pages of printouts of modeling files. (These pdf files are impenetrable as they lack any bookmarks to allow the reviewer to skip between various sections. Adding bookmarks to these files alone took in excess of two hours.)

B-8B-11

[69] City of San Rafael, ADA Improvements and Roundabout at Manuel T Freitas Parkway/Route 101 Interchange (Caltrans), emphasis omitted; available at: https://www.cityofsanrafael.org/ada-mtf-101/#/collapse67784, retrieved February 27, 2024.

RGM requested electronic files supporting Appendix I from the City on January 22, 2024:

> The Draft EIR relies on extensive background information to support its conclusions regarding the significance of impacts in sections 4.10, Air Quality, and 4.11, Greenhouse Gas Emissions. The supporting analyses for the Draft EIR's conclusions are presented in Appendix I, Air Quality and Greenhouse Gas Technical Report. Provided in Appendices A, B, and C to Appendix I are printouts of several spreadsheets and more than 10,000 pages of modeling data (CalEEMod, HARP, AIRMET, and AERMOD). As printouts, these spreadsheets and modeling files are of limited usefulness to a reviewer.
>
> In order for me to meaningfully review the Draft EIR's air quality and greenhouse gas sections, I would like to review any Excel files prepared to support Appendix I (including summary tables to support Tables 1 through 29) as well as the input/output files for all modeling runs in their native electronic format. Please provide these files in unprotected format, either by posting them on the project website or by email.[70]

On February 15, 2024, the City denied RGM's request, stating that all documents subject to disclosure and supporting Appendix I of the Draft EIR are available on the City's website for the Project and that the City has determined that it does not possess any other records responsive to RGM's request.[71] **B-8B-11 (cont.)**

The electronic files requested by RGM are essential for technical experts to review the Draft EIR's results and conclusions. It is not reasonable nor necessary to expect a reviewer of the Draft EIR to spend entire days perusing thousands of pages of printouts of modeling results. Very few if any reviewers are speed readers with the training to figure out how emissions were calculated without inputs and equations to review. For example, if affected parties wish to discover the potential health impacts at their nearby properties, they would have to review thousands of pages of highly complex calculations and modeling outputs and even then, would be unlikely to find the risk at their properties.

It is unreasonable to expect the public to locate individual data from the more than 15,000 pages of modeling files and reverse-engineer the Draft EIR's emission calculations to be able to verify the validity of the presented summary results. Further, the analyses in the appendices supporting the conclusions in the Draft EIR are highly technical, poorly supported, and contain many inconsistencies, requiring that key assumptions be teased out of thousands of pages of printouts of model inputs and

[70] *See* Exhibit 3a.

[71] *See* Exhibit 3b.

outputs by reverse engineering. This is beyond the ability of members of the public and substantially hampers the ability of technical experts to substantiate and verify the presented results in the limited time allotted for review. **B-8B-11 (cont.)**

In fact, the Draft EIR fails to even provide printouts for the spreadsheets that were prepared to support the summary tables for construction and operational emissions presented in section 4.10 Air Quality (Tables 15 through 17), which are based on the CalEEMod modeling outputs. Unlocked Excel spreadsheets are normally provided to support emission calculations. The Draft EIR also fails to provide CalEEMod printouts for mitigated emissions associated with construction and operation of Phase 2. Thus, emissions from Phase 2 construction and operation and its health risk assessments presented by the Draft EIR are not supported. **B-8B-12**

Further, unlike most CEQA documents, the Draft EIR does not provide any tables for the contribution of individual Project phases, activities, or equipment to support the summary tables with total estimated emissions presented in Section 4.10 Air Quality and Section 4.11 Greenhouse Gas Emissions. For construction, such supporting tables should include, for example, emission estimates for construction equipment, haul trucks, worker commuter vehicles, and architectural coatings. For operations, supporting tables should include, for example, estimates for emissions to provide electricity, water and waste disposal; refrigerant emissions; area source emissions (*e.g.*, from consumer products); and stationary sources (such as generators). Without such supporting tables, the reviewer has no way to know how much individual phases, activities, or equipment contribute to total emissions, and whether proposed mitigation or environmental commitments properly address these emissions. While such tables do not necessarily have to be provided within the Draft EIR's main body, although they often are, they must at the very least be provided in appendices for reviewers to verify that the Draft EIR summarized total emissions correctly. This is not the case here. **B-8B-13**

Under the California Public Records Act, the City was required by law to provide the requested electronic files, which were prepared by the Applicant's consultant, Dudek, specifically to support the Draft EIR's air quality and greenhouse gas emissions sections.[72] "PRA requests are a proper method for seeking information about the underlying raw data that were utilized to support an agency's redevelopment decisions." "Public records" are subject to disclosure under the PRA even if such documents are in the possession of a private consultant. These files should have been **B-8B-14**

[72] *See* Draft EIR, Appendix I, Dudek, Air Quality and Greenhouse Gas Emissions Technical Report, Northgate Town Square Project, August 2023.

peer-reviewed by the City's consultant for preparation of the Draft EIR, LSA Associates, Inc. ("LSA"), as detailed in the City's consulting services agreement with LSA:

> The EIR will include all of the topics required by CEQA. All issue topics will be comprehensively addressed at a level appropriate for the proposed project. **LSA will rely, in part, on the peer-reviewed technical analyses prepared by the project sponsor for use in the applicable topical sections**.
>
> The LSA team will conduct **peer reviews of the project-sponsor prepared technical studies. The peer reviews will concentrate on the methodologies and conclusions contained in the reports for legal and scientific adequacy and accuracy**. LSA will ensure that the analyses are consistent with all applicable procedures and requirements of the City and other regulatory agencies. This task assumes that field reviews and additional background documentation or technical evaluations will not be conducted by LSA's natural resources or technical specialists. Upon conclusion of the peer review tasks, the LSA team will provide a summary of the findings to the City for review and recommend any additional technical analyses that may be required. With approval of City staff and use of contingency funds identified in the cost estimate, the LSA team could perform supplemental technical analyses, if warranted, for inclusion in the EIR… The LSA team will peer review the following technical studies that are assumed to be prepared by the project sponsor; it is assumed that up to two rounds of peer review could be required: **B-8B-14 (cont.)**
>
> - Photo Simulations
> - Transportation Impact Study
> - **Air Quality Analysis and Risk Hazard Assessment**
> - Noise and Vibration Study
> - Cultural Resources Assessment/Historic Resources Evaluation Report,
> - **Greenhouse Gas Emissions Assessment**
> - Geotechnical Investigation
> - Phase I Environmental Site Assessment (ESA)
> - Water Supply Assessment
> - Utilities and Infrastructure Studies.
>
> Once LSA has received an acceptable peer- reviewed Air Quality Analysis and Risk Hazard Assessment report from the project sponsor, LSA will incorporate the findings of the **Air Quality Analysis and Risk Hazard Assessment** into the air quality section of the EIR.
>
> LSA will prepare the greenhouse gas section of the EIR based upon receipt of an acceptable peer- reviewed **Air Quality Analysis and Risk Hazard Assessment**.[73]

[73] Agreement for Professional Services with LSA Associates, Inc., for Environmental Consulting Services for the Northgate Mall Redevelopment Application, signed by Jim Schutz, City Manager, City of San

Proper review of the Air Quality Analysis and Risk Hazard Assessment cannot be performed without access to the underlying electronic files, as discussed in more detail below. Thus, LSA should have these files in their possession and must provide them to the City upon request: **B-8B-14 (cont.)**

> Upon reasonable notice, CONSULTANT shall make available to CITY, or its agent, for inspection and audit, all documents and materials maintained by CONSULTANT in connection with its performance of its duties under this Agreement. CONSULTANT shall fully cooperate with CITY or its agent in any such audit or inspection.[74]

Further, spreadsheets and modeling files, such as those requested by Dr. Pless or other electronic files in their native format, are routinely provided upon request during CEQA review or CEQA-equivalent proceedings and must be provided for the Draft EIR to support its conclusions. In the past, I have received electronic modeling files in their native format for numerous projects as diverse as residential, commercial, and mixed-use projects, quarries, power plants, transmission lines, solar and wind farms, cement plants, bleach plants, and refineries among many others (for industrial projects sometimes under confidential cover). If industrial projects, which often contain considerable amounts of proprietary confidential data, can make modeling files available in their native electronic format, providing these files for a mixed-use project that will serve the public should not be, and is not a problem.

For example, for the Environmental Impact Report for the Newland Sierra Project, a large residential/commercial project in San Diego County, Dudek, the same consultant who prepared the technical study containing the air quality and greenhouse gas emissions analysis for the Applicant (provided in the Draft EIR, Appendix I), provided electronic modeling files in their native electronic and unprotected format in response to a Public Records Act request. These included, amongst others, CalEEMod input and output files for construction and operation, AERMOD and HARP2 input, output, and plot files for construction and operation, and Excel workbooks including for Construction Schedule and Assumptions, Combined Construction Emission Calculations, Construction Diesel Particulate Matter – the same files requested by RGM

Rafael, and Mike Trotta, CEO, LSA, December 3, 2021 (hereafter LSA Consulting Agreement") Attachment A, LSA, Proposal for Services, Northgate Mall Redevelopment Project, Environmental Impact Report, for the City of San Rafael, August 2021, pp. 6, 8-9, 14, internal citations omitted, emphasis added; available at: https://publicrecords.cityofsanrafael.org/WebLink/DocView.aspx?id=33873&dbid=0&repo=CityofSanRafael&searchid=4dc13e51-f5fe-463c-b1cc-13e20313b212, retrieved February 14, 2014.

[74] LSA Consulting Agreement, Section 8. Inspection and Audit, emphasis retained.

– along with a 15-page road map "to assist the reviewer in understanding what models and software were used, the general approach to each modeling exercise, and how to appropriately use the files provided."[75] These files were provided in their native format and were not password-protected. I have worked on hundreds of CEQA cases. It is standard practice, not an exception, to produce supporting documentation for CEQA analyses, including modeling files in native format and unlocked Excel spreadsheets supporting emission calculations. **B-8B-14 (cont.)**

Further, agencies reviewing CEQA documents routinely require and are provided with access to electronic modeling files in their native format to review air quality modeling, health risk assessments, and greenhouse gas analyses.

For example, the South Coast Air Quality Management District ("SCAQMD") recently required that the applicant provide electronic spreadsheets and modeling files for review of a Draft EIR for a mixed-use project:

> In addition, please send with the EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and **electronic versions of all air quality modeling and health risk assessment files. These** include **emission calculation spreadsheets and modeling input and output files (not PDF files)**.[76]

For a large residential project, SCAQMD requested:

> Please forward a copy of the Draft EIR directly to South Coast AQMD at the address shown in the letterhead. In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses **and electronic versions of all air quality modeling and health risk assessment files. These include emission calculation spreadsheets and modeling input and output files (not PDF files).**[77]

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[75] Jennifer Reed, Dudek, Memorandum to: Andrew Yancey, Latham & Watkins, Public Records Act Request for the Newland Sierra Project – Air Quality and Greenhouse Gas Modeling Materials, October 3, 2017. (Exhibit 4.)

[76] SCAQMD, Notice of Preparation of an Environmental Impact Report for the Proposed Mission Bell Mixed-Use Project, January 24, 2019, emphasis added, internal citations omitted; available at: https://files.ceqanet.opr.ca.gov/122754-2/attachment/UjwU-xgHAKBEjMR2_TVcamxKXl_hNOEkxi1eGRhTIlMmUUjDPUk7wzNt1gv4r07s5CV5ZIiP0x1b8DXq0, retrieved February 15, 2024.

[77] Lijin Sun, SCAQMD, Anita Juhola-Garcia, Letter to City of Long Beach, Re: Notice of Preparation of a Draft Environmental Impact Report for the Proposed Century Villages at Cabrillo Specific Plan, February 11, 2020; available at: https://files.ceqanet.opr.ca.gov/258739-

In response to the SCAQMD's requests to be sent a copy of a Draft Supplemental EIR "**with appendices and all electronic files for CalEEMod and HARP (original modeling files and excel spreadsheets, not pdfs**," the applicant for the Long Beach Civic Center Project committed to sending the requested files along with the Notice of Availability for the document.[78]

B-8B-14 (cont.)

Similarly, the applicant for a backup generator facility committed to submitting electronic files to the reviewing agency, the California Energy Commission ("CEC"), which follows a CEQA-equivalent review process.[79]

These are just some of the many examples of when electronic files in their native format were provided to requester. There is no excuse for the City not to provide them.

IV. The Draft EIR Fails to Identify and Adequately Mitigate Significant Impacts on Air Quality

My comments below regarding significant impacts on air quality were prepared without the benefit of having access to the requested electronic modeling files and spreadsheets and, thus are limited to issues that can be identified without them and in the limited time I had to prepare these comments. I will supplement these comments as more information becomes available.

B-8B-15

IV.A Project Construction Impacts on Air Quality

As discussed below, the Draft EIR makes a number of incorrect assumptions and calculation errors in estimating air pollutant emissions during construction of

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3/attachment/3RnODpNuIGCBY3t-jZ3mvPeb3MWmLb8qc-RvH4waH7AZMq9EQTY4fG30ShBpoSJckkGPrye-7q9ZpJqv0, retrieved February 19, 2024.

[78] City of Long Beach, Civic Center Project Supplemental Environmental Impact Report, Section 1, Introduction, p. 1-3; available at: https://www.longbeach.gov/globalassets/lbcd/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-2/new-civic-center-project/1-0-introduction, retrieved February 19, 2024.

[79] Atmospheric Dynamics, Inc., CEC Submittal, Lafayette Backup Generating Facility, Docket No. 20-SPPE-02, LGBF Revised Emissions and Modeling Assessment, Santa Clara, California, June 2021, docketed June 15, 2021; available at: https://efiling.energy.ca.gov/GetDocument.aspx?tn=238218&DocumentContentId=71494, retrieved February 21, 2024. (p. 9: "Electronic copies of the BPIP-PRIME and AERMAP input and output files, including the NED data, are included with the application will be submitted to Staff electronically;" p. 12: "The air quality modeling support data will be submitted to Staff electronically;" p. 18 "Detailed risk and hazard values are provided in the HARP output which will be submitted to Staff electronically.")

the Project and, consequently, fails to identify and mitigate significant impacts on air quality resulting from construction emissions. **B-8B-15 (cont.)**

IV.A.1 The Draft EIR Incorrectly Calculates Average Daily Construction Emissions and Fails to Identify and Mitigate Significant Impacts

According to the Draft EIR's air quality analysis, Phase 1 of the Project would be constructed over a period of approximately 19 months and Phase 2 over a period of approximately 16 months.[80] (I note that this assumption is inconsistent with information about the Phase 1 construction period in the Draft EIR's Section 4.12, Noise, which assumes construction would begin in February 2024 and last at least through June 2026, which is equivalent to 28 months.[81] The latter seems to be a more reasonable construction period for Phase 1, which would include demolition of several buildings, grading, and construction of four multi-story residential buildings with parking garages, etc.)

The Draft EIR provides average daily emissions for Phase 1 and Phase 2 construction in pounds per day ("lbs/day") for unmitigated emissions in Table 4.10.E for each project construction component (Residential 1 through 6 and Retail 1 and 2). In Table 4.10.F, the Draft EIR presents average daily mitigated emissions for each building that would be constructed during Phase 1. (Mitigated emissions for Phase 2 were not estimated because unmitigated emissions did not exceed the applicable significance thresholds.[82]) The Draft EIR explains how these emissions were calculated in notes below Tables 4.10.E and 4.10.F: **B-8B-16**

> The values shown are **average daily emissions based on total overall tons of construction emissions**, converted to pounds, and **divided by the estimated active workdays.** Please reference Tables 5 through 12 of the Technical Report for construction schedule assumptions by phase.[83]

This presentation is not consistent with guidance provided by the 2022 CEQA Guidelines by the Bay Area Air Quality Management District ("BAAQMD" or "the Air District"), which require that average daily emissions be evaluated separately for each year of the construction period:

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[80] Draft EIR, p. 4.10-30.

[81] Draft EIR, Table 4.12.H, p. 4.12-18.

[82] Draft EIR, Appx. I, p. 62. ("Only the mitigated emissions from the 2025 Master Plan are shown because construction under the 2040 Vision Plan would not exceed the BAAQMD thresholds and thus would not require mitigation.").

[83] Draft EIR, Note to Table 4.10.E, p. 4.10.31, and Note to Table 4.10, p. 4.10.33, emphasis added.

> When calculating construction emissions, lead agencies should **calculate average daily emissions <u>for each construction year</u> based on the number of working days in that year**. For construction projects that require less than one year to complete, lead agencies should annualize impacts over the scope of actual days that peak impacts would occur rather than over the full year.[84]

Thus, the Draft EIR should have calculated average daily emissions on a per-year basis, *i.e.*, for 2024 and 2025 for Phase 1 and for 2030 and 2031 for Phase 2.[85] This is significant because by annualizing average daily emissions over the entire construction period, the Draft EIR disguises high emissions that only occur, during one of the calendar years. For example, for Phase 1, construction emissions of ROG occur mostly in 2025 during the paving and architectural coating phases. By averaging these emissions over all days of construction in 2024 and 2025, the Draft EIR finds considerably lower average daily emissions than if calculated correctly. Importantly, these incorrectly calculated average daily emissions are also used as the basis for the Draft EIR's health risk assessment. **B-8B-16 (cont.)**

I prepared revised estimates for average daily mitigated construction emissions during Phase 1, based on CalEEMod output in the Draft EIR, Appendix A to Appendix I, following BAAQMD's above-cited instructions. Because the Draft EIR does not provide a summary of the number of working days for the Project construction phases per year, I relied on the number of working days for each construction phase as provided in the printouts of CalEEMod runs, as summarized in Table 1.

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[84] BAAQMD, CEQA Thresholds and Guidelines Update, adopted April 20, 2022 (hereafter "BAAQMD 2022 CEQA Guidelines"), p. 5-4; available at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, retrieved February 6, 2024.

[85] *See* Draft EIR, Tables 5 through 12, and Appx A (CalEEMod output files) to Appx. I.

Table 1: Number of workdays in 2024 and 2025 for Phase 1 construction based on CalEEMod printouts provided in Draft EIR, Appendix A (CalEEMod Output Files) to Appendix I

Construction Phase	Start Date[a]	End Date[a]	Working Days Total	Working Days in 2024[b]	Working Days in 2025[c]
Residential 1					
Site Preparation	3/1/2024	3/4/2024	2	2	
Grading	3/5/2024	3/8/2024	4	4	
Building Construction	3/9/2024	12/13/2024	200	200	
Paving	12/14/2024	12/27/2024	10	10	
Architectural Coating	12/28/2024	1/10/2025	10		10
			Total	**216**	**10**
Residential 2					
Demolition	1/2/2024	2/19/2024	35	35	
Site Preparation	2/20/2024	2/26/2024	5	5	
Grading	2/27/2024	3/25/2024	20	20	
Building	3/26/2024	2/10/2025	230	203	27
Paving	2/11/2025	3/10/2025	20		20
Architectural	3/11/2025	4/7/2025	20		20
			Total	**263**	**67**
Residential 3			35	35	
Site	3/1/2024	3/7/2024	5	5	
Grading	3/8/2024	3/19/2024	8	8	
Building Construction	3/20/2024	2/4/2025	230	207	23
Paving	2/5/2025	2/28/2025	18		18
Architectural Coating	3/1/2025	3/26/2025	18		18
			Total	**220**	**59**
Residential 4					
Demolition	2/6/2024	2/19/2024	10	10	
Site Preparation	2/20/2024	3/4/2024	10	10	
Grading	3/5/2024	4/1/2024	20	20	
Building Construction	4/2/2024	2/17/2025	230	199	31
Paving	2/18/2025	3/17/2025	20		20
Architectural Coating	3/18/2025	4/14/2025	20		20
			Total	**239**	**71**
Retail 1					
Demolition	3/1/2024	4/11/2024	30	30	
Site Preparation	4/12/2024	4/25/2024	10	10	
Grading	4/26/2024	6/6/2024	30	30	
Building Construction	6/7/2024	7/31/2025	300	155	145
Paving	8/1/2025	8/28/2025	20		20
Architectural Coating	8/29/2025	9/25/2025	20		20
			Total	**225**	**185**

B-8B-16 (cont.)

a From CalEEMod for Phase 1 mitigated

b Working Days in 2024 calculated as: (Working Days in Construction Phase) – (Working Days in 2025); for example, for Residential 2 Building Construction: (230 Working Days total) – (23 Working Days in 2025) = 203 Working Days in 2024

c Working Days in 2025 based on construction period start and end dates in 2025 and calculated with Working Days Calculator: Business Days Between Two Dates; available at: https://www.timeanddate.com/date/workdays.html?d1=1&m1=1&y1=2025&d2=10&m2=2&y2=2025&ti=on&ach=3

I then calculated revised mitigated average daily construction emissions during Phase 1 for each building and each year based on the annual emissions from the Draft EIR's CalEEMod runs in tons per year ("tons/year") converted to pounds per day ("lbs/day") and divided by the estimated active working days from Table 1. These revised mitigated average daily construction emissions during Phase 1 are summarized in Table 2.

Table 2 : Phase 1 revised mitigated average daily construction emissions (lbs/day)

Building	Year	ROG	NOx	PM10E	PM2.5E
Residential 1	2024	2.22	5.93	0.19	0.19
	2025	62.00	0.80	0.80	0.80
Residential 2	2024	0.76	4.18	0.15	0.08
	2025	2.09	2.69	0.12	0.12
Residential 3	2024	1.45	6.55	0.18	0.09
	2025	52.88	3.73	0.14	0.14
Residential 4	2024	1.92	7.87	0.17	0.17
	2025	73.24	4.51	0.14	0.11
Retail 1	2024	0.62	4.89	0.18	0.09
	2025	3.03	3.24	0.11	0.11
	Total 2024	**6.98**	**29.41**	**0.86**	**0.61**
	Total 2025	**193.24**	**14.97**	**1.30**	**1.28**
BAAQMD Significance Threshold		**54**	**54**	**82**	**54**
	Significant	**YES**	**no**	**no**	**no**

Calculated as ton/year from CalEEMod × 2000 lbs/ton / (number of workdays per year from Table 1)
<0.005 ton/year assumed as 0.004 ton/year.

B-8B-16 (cont.)

As shown, in 2025, the revised estimate of mitigated average daily construction emissions of 193 lbs/day of ROG, by far exceeds the BAAQMD's applicable significance threshold of 54 lbs/day, primarily due to ROG emissions from paving and architectural coatings, which occur mostly in 2025. In fact, ROG emissions from construction of Residential 1 and Residential 4 individually exceed the BAAQMD's applicable significance threshold. Thus, even based on the Draft EIR's CalEEMod modeling runs and following BAAQMD's recommendation regarding how to calculate average annual emissions, ROG emissions during construction of Phase 1 in 2025 results in a significant impact that the Draft EIR fails to identify and mitigate.

IV.A.2 The Draft EIR's CalEEMod Runs Are Not Supported and Underestimate Construction Emissions

The Draft EIR states that emissions from the construction phase of the Project, for both the 2025 Master Plan and the 2040 Vision Plan, "were estimated using California Emissions Estimator Model (CalEEMod) Version 2022.1.1.16. Construction scenario assumptions, including phasing, equipment mix, and vehicle trips, were based on information provided by the Project Applicant and CalEEMod default values when

B-8B-17

Project specifics were not known."[86] As discussed below, there are a number of inconsistencies and discrepancies in the Draft EIR's use of CalEEMod and its assumed inputs. **B-8B-17 (cont.)**

a) Construction Schedule

The Draft EIR indicates that construction would occur between the hours of 7:00 a.m. and 6:00 p.m. (11 hours) from Monday through Friday and 9:00 a.m. and 6:00 p.m. (9 hours) on Saturdays, *i.e.*, on six days per week.[87] Yet, review of the CalEEMod printouts shows that the Draft EIR only assumed construction for five days per week and for a maximum of eight hours per day. Thus, the CalEEMod analysis substantially underestimates annual emissions from Project construction, likely failing to identify significant impacts that are not identified or mitigated in the Draft EIR. Importantly, the Draft EIR's health risk assessments rely on these underestimated mitigated annual emissions based on this five-days-per-week and eight-hours-per-day construction schedule and, thus, underestimate local health risks. Further, many more sensitive receptors will be present adjacent to the Project work site on Saturdays than during Monday through Friday, increasing the exposure to construction emissions and noise. **B-8B-18**

The City must revise the Draft EIR's air quality analysis and health risk assessments to account for all working days per week and working hours per day unless it intends to include a mitigation measure restricting Project construction to five days per week and 8 hours per day.

b) Discrepancies between Draft EIR's Assumptions and CalEEMod Runs for Construction Phasing and Equipment

The Draft EIR explains how it modified or used CalEEMod default values for Phase 1 and Phase 2 construction: **B-8B-19**

> For purposes of estimating Project emissions, and based on information provided by the Project Applicant, it is assumed that construction of the 2025 Master Plan would commence in January 2024 and would last approximately 19 months, ending in July 2025. As noted above, phasing, including phase type, duration (start and end date), and sequencing, and equipment (type, quantity, and horsepower) were primarily based on default CalEEMod values, which are based

[86] Draft EIR, Appx. I, p. 31.

[87] Draft EIR, p. 4.12-11, Appx. J, p. 17,

> on Project-specific land use inputs, and were reviewed for accuracy by the Project Applicant.[88]
>
> For purposes of estimating Project emissions, and based on information provided by the Project Applicant, it is assumed that construction of the 2040 Vision Plan would commence in January 2030 and would last approximately 16 months, ending in April 2031 As with the 2025 Master Plan assumptions, phasing, including phase type, duration (start and end date), and sequencing, and equipment (type, quantity, and horsepower) were primarily based on default CalEEMod values, which are based on Project-specific land use inputs, and were reviewed for accuracy by the Project Applicant.[89]

The Draft EIR states that the construction scenario assumptions for both phases are summarized in Tables 5 through 12.

> Tables 5 through 9 present the construction scenario assumptions used for estimating Project-generated emissions in CalEEMod for the 2025 Master Plan, and Tables 10 through 12 present the construction scenario assumptions used for estimating Project-generated emissions in CalEEMod for the 2040 Vision Plan.[90]

B-8B-19 (cont.)

Yet, comparison of CalEEMod printouts in Appendix A to Appendix I show that the model was not run with the construction scenario assumptions presented in these tables, but rather there are several discrepancies that were not addressed or not adequately supported:

- Table 6 for Residential 2, Table 8 for Residential 4, and Table 9 for Retail 2025 indicate that the demolition phases would include one 220 horsepower ("hp") crushing/processing equipment for 8 hours per day. This equipment was not included in the CalEEMod runs for construction of these buildings.
- Table 4 for Residential 4 indicates that site preparation would only require one excavator when the CalEEMod default is two. The Draft EIR provides no explanation for why the default assumption was overridden. Further, the Draft EIR does not limit construction to one excavator.

[88] Draft EIR, Appx. I, p. 32, internal citations omitted.

[89] Draft EIR, Appx. I, p. 41, internal citations omitted.

[90] Draft EIR, Appx. I, p. 42.

c) Some CalEEMod Default Values Are Not Supported

The Draft EIR assumes CalEEMod default values for construction worker trips[91] at 11.7 miles per trip.[92] This default worker trip length most likely substantially underestimates actual trip lengths for Project construction, given the large number of highly skilled construction workers would be required to operate the various specialized equipment that would be required to build the Project. More likely, the construction work force does not live close by but instead may commute long distances to the Project site. Surveys by the Building and Construction Trades Council in the Bay Area have shown that more and more construction workers are being forced out of the area and into the Central Valley or even farther away and that at least 50 percent of construction workers commute at least 50 miles one way.[93] **B-8B-20**

Further, the Draft EIR states that vendor trip rates were based on CalEEMod defaults,[94] which are 8.4 miles per one-way trip.[95] The size of the Project would likely require much larger amounts of supplies for paving, coating, construction materials, etc. than available locally, requiring imports from distant sources, much greater than the 8.4-mile vendor one-way trip rate assumed in the Draft EIR. The Draft EIR is silent on the sources and amounts of construction materials that it would require. **B-8B-21**

IV.A.3 The Draft EIR's Proposed Fugitive Dust Mitigation Is Inadequate

The Draft EIR proposes implementation of Mitigation Measure AIR-2, BAAQMD's Basic Construction Mitigation Measures, to ensure that short-term impacts on air quality associated with the generation of fugitive dust during Project construction would be reduced to the extent feasible. With implementation of this **B-8B-22**

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[91] Draft EIR, Appx. I, p. 33.

[92] *See* Draft EIR, Appx. A to Appx. I, and CalEEMod User Guide for CalEEMod Version 2022.1, Appx. G, Default Data Tables; available at: https://www.caleemod.com/user-guide, retrieved February 28, 2024.

[93] Silicon Valley Business Journal, Silicon Valley's (Other) Labor Shortage: Construction Workers, May 4, 2017; available at: https://www.ironconstruction.com/news/silicon-valleys-other-labor-shortage-construction-workers/, retrieved February 28, 2024. ("There's a lot of building. More and more workers are also being forced out of the South Bay and into the Central Valley, or sometimes even farther away, because of the costs of living in the Bay Area… The data we have shows that at least 50 percent of the workers in construction come from at least 50 miles away," Josué García, CEO of the Santa Clara and San Benito Counties Building & Construction Trades Council, says of surveys his labor group has conducted.")

[94] Draft EIR, Appx. I, p. 33. ("Vendor trucks for each building construction phase were estimated based on CalEEMod assumptions for vendor trip rates and the number of units built for residential or the square footage built for non-residential.")

[95] *See* Draft EIR, Appx. A to Appx. I, and CalEEMod User Guide for CalEEMod Version 2022.1, Appx. G, Default Data Table, *op. cit*.

mitigation measure the Draft EIR finds that this impact would be less than significant.[96] This finding is not supported.

B-8B-22 (cont.)

First, Mitigation Measure AIR-2 is silent on how compliance will be demonstrated with the listed conditions. It fails to identify the responsible party for enforcement. The City must require a designated construction manager to confirm compliance with all the mitigation measures and report observations to the responsible agency.

B-8B-23

Second, in addition to the nine *Basic Best Management Practices for Construction-Related Fugitive Dust Emissions* proposed by Mitigation Measure AIR-2, the BAAQMD strongly encourages projects to "implement enhanced best management practices to control fugitive dust emissions" and emphasizes that these enhanced measures "are especially important when there are schools, residential areas, or other sensitive land uses located near the construction site."[97] Here, there are several such sensitive land uses located near the construction site, including adjacent and nearby residences, the assisted living facilities AlmaVia of San Rafael (across the street from the Project site) and Drake Terrace (behind AlmaVia), Guide Dogs for the Blind, and other sensitive receptors the Draft EIR fails to identify. (*See* Comment IV.C.3). BAAQMD further states that while most of these measures are not quantifiable, "they do achieve reductions in the real world."[98]

Given the scale of the Project, the City must require implementation of BAAQMD's *Enhanced Construction Mitigation Measures* in order to find less than significant impacts with mitigation. These include:

E-1: Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.

E-2: Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

E-3: Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.

E-4: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

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[96] Draft EIR, p. 4.10-29.

[97] BAAQMD 2022 CEQA Guidelines, p. 5-5, emphasis added.

[98] BAAQMD 2022 CEQA Guidelines, p. D-28.

E-5: Minimize the amount of excavated material or waste materials stored at the site.

E-6: Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.[99]

In the past, the City has required much more stringent mitigation measures for much smaller projects than for the Project. For example, for the 88 Vivian Street Residential Development, which will redevelop the existing Country Club Bowl with 70 townhomes, the City required the following mitigation measures that address fugitive dust:

8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

9. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

10. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

11. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. **B-8B-23 (cont.)**

12. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

13. The simultaneous occurrence of excavation, grading, and ground disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

14. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

15. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

16. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.[100]

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[99] BAAQMD 2022 CEQA Guidelines, Table 5-3, pp. 5-5 and 5-6.

[100] Vivian Residential Development, Air Quality and Greenhouse Impact Study, City of San Rafael, California, prepared by RK Engineering Group, Inc., April 5, 2021, pp. 1-4 and 1-5; available at: https://www.cityofsanrafael.org/88-vivian/, retrieved February 21, 2024.

These and other mitigation measures are equally feasible for this massive multi-year construction project and must be required by the City. **B-8B-23 (cont.)**

IV.A.4 The Draft EIR Underestimates Mitigated Construction Equipment Exhaust Emissions and Fails to Require Enforceable Mitigation Measures

The Draft EIR, Table 4.10.E, provides *unmitigated* emissions for Project construction for Phase 1 and Phase 2 project construction. The Draft EIR finds that emissions of reactive organic gases ("ROG") and nitrogen oxides ("NOx"), which are both ozone precursors, during Phase 1 construction would exceed the applicable threshold of significance established by the BAAQMD's 2022 CEQA Guidelines. The Draft EIR therefore identifies significant impacts on air quality during Project construction. To mitigate these significant ROG and NOx emissions, the Draft EIR proposes two mitigation measures, AIR-3a and AIR-3b, and finds that *mitigated* construction emissions would be below the BAAQMD's applicable significance thresholds for all pollutants, including ROG and NOx, and, therefore, Project construction would result in less-than-significant impacts on air quality with mitigation.[101] **B-8B-24**

As discussed below, the Draft EIR substantially underestimates *mitigated* construction emissions and the proposed mitigation measures are not enforceable. Therefore, the Draft EIR's finding of less-than-significant impacts on air quality during Phase 1 and Phase 2 Project construction is not supported with substantial evidence.

a) Mitigation Measure AIR-3a

Mitigation Measure AIR-3a, intended to reduce engine exhaust from diesel-powered construction equipment, specifies:

Mitigation Measure AIR-3a: Phase 1 Construction Equipment Requirements. Prior to the commencement of Phase 1 construction activities, the project sponsor shall require its construction contractor to demonstrate that **all 75 HP or greater diesel-powered equipment are powered with California Air Resources Board (CARB)-certified Tier 4 Final engines**. **B-8B-25**

An exemption from this requirement may be granted by the City of San Rafael (City) if: (1) the project sponsor documents that equipment with Tier 4 Final engines are not reasonably available;

[101] Draft EIR, p. 4.10-33.

> and (2) the required corresponding reductions in criteria air pollutant emissions can be achieved for the project from other combinations of construction equipment.
>
> Before an exemption may be granted, the project sponsor's construction contractor shall (1) demonstrate that at least two construction fleet owners/operators in Marin County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Marin County during the desired construction schedule; and (2) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model (CalEEMod) or another industry-standard emission estimation method and the documentation provided to the City to confirm that necessary project-generated emissions reductions are achieved.[102]

B-8B-25 (cont.)

While the objective of Mitigation Measure AIR-3a to reduce emissions by requiring CARB Tier 4 Final-certified engines for all 75-hp or greater equipment is well-intended, it does not support the Draft EIR's emission estimates for mitigated emissions, as discussed below.

First, CalEEMod prompts the user to verify each piece of equipment that would be used and provides several options, including Tier 0 (uncontrolled), Tier 1, Tier 2, Tier 3, Tier 4 interim ("Tier 4i"), and Tier 4 Final. Here, the Draft EIR models *mitigated* Project construction emissions with CalEEMod assuming that <u>every single piece of heavy-duty construction equipment over 75 hp</u>, including rubber-tired dozers, graders, tractors/loaders/backhoes, cranes, forklifts, pavers, paving equipment, and other construction equipment, <u>would be Tier 4 Final-certified</u>.[103] (In fact, the Draft EIR improperly assumes Tier 4 Final-certification for excavators and concrete and industrial saws, whose engines are below the 75 hp or greater threshold (36 hp and 33 hp, respectively).) This assumption is unrealistic.

Tier 4 Final standards apply to <u>new</u> engines used in heavy-duty equipment and off-road machinery (*e.g.*, excavators, graders, dozers, backhoes, cranes, etc.). Given that heavy-duty construction equipment is often in use for many years, some for several decades (*see* below), it is highly improbable that any construction company in California, let alone in Marin County, operates a fleet that has sufficient Tier 4 Final-certified construction equipment that would meet the requirements of Mitigation Measure AIR-3a for all construction equipment to be used on the Project site.

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[102] Draft EIR, pp. 4.10-31 and 4.10-32, emphasis added.

CEQA requires that the feasibility of mitigation measures be meaningfully analyzed prior to project approval if precise details can be known before project approval. Given the lengthy period during which the Draft EIR was prepared (December 2021 through January 2024), it should have been easy to contact construction fleet operators to determine the feasibility of this mitigation measure.

In reality, commercial contractors do not turn over their entire existing construction fleet and purchase all new equipment with the highest tier once it becomes available. This is because compliance with certain Tier levels is only required for manufacturing of new off-road diesel-powered equipment engines. (The full adoption of Tier 4 Final engines for manufacturing did not occur in 2015 as previously assumed and, as of 2017, was forecasted to experience a slower transition from 2015 through the mid-2020s.[104] In fact, manufacturers were still producing and selling many engines that meet Tier 4 Interim or even Tier 3 emissions standards at that time.[105])

Rather, commercial construction fleets are composed of a mix of equipment tiers subject to CARB's *In-Use Off-Road Diesel-Fueled Fleets Regulation* ("*Off-Road Regulation*"), which was developed to ensure fleets gradually turnover the oldest and dirtiest equipment to newer, cleaner models and prevent fleets from adding older, dirtier equipment. CARB's *Off-Road Regulation* requires fleets to reduce their fleet-average emissions by retiring older equipment and replacing the retired equipment with newer equipment, repowering older engines, or installing verified diesel emission control strategies in older engines; and by restricting the addition of older vehicles to fleets. These requirements are more stringent for larger construction fleets than for smaller construction fleet. **B-8B-25 (cont.)**

Specifically, CARB requires compliance with fleet-average target emission rates for NOx and PM, which depend on the size of the fleet in terms of total maximum horsepower, with large fleets subject to more stringent requirements.[106] However, because diesel-powered engines can have a very long life (with some equipment lasting up to 47 years[107]), many fleets still operate very old equipment with Tier 0, Tier 1, and

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[104] *Id.*, p. 5.

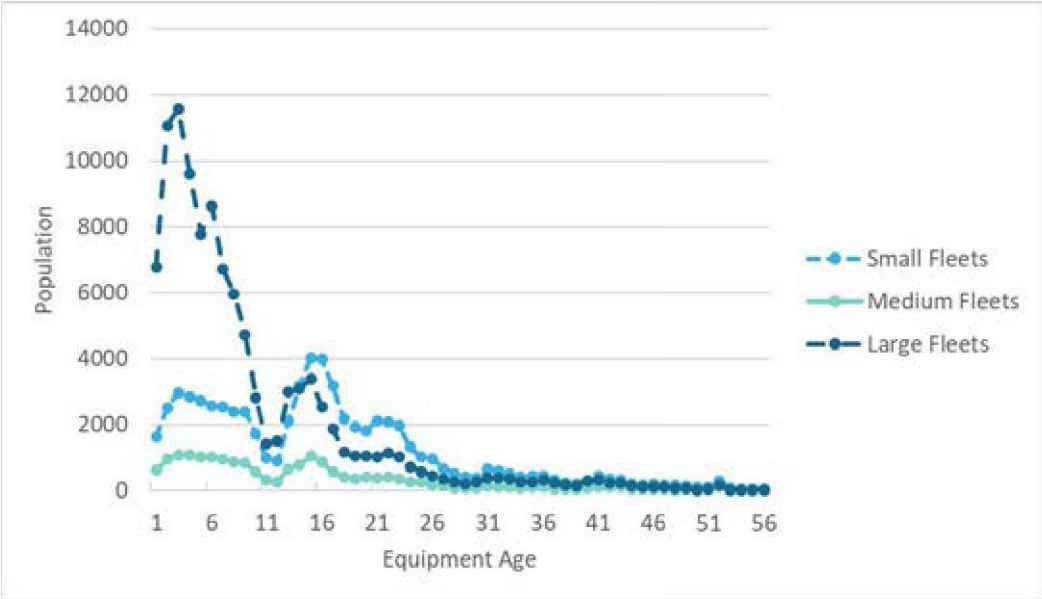
[105] CARB, 2017 Off-Road Diesel Emission Factor Update for NOx and PM, p. 12; available at: https://sj-admin.s3-us-west-2.amazonaws.com/2017_0000_CARB_OffRoadDieselUpdateNOxPM.pdf, retrieved February 28, 2024.

[106] CARB, In-Use Off-Road Diesel-Fueled Fleets Regulation; https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation.

[107] CARB, 2022 CARB Construction, Industrial, Mining and Oil Drilling Emissions Inventory, August 2022, p. 23; available at: https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/off-roaddiesel/appf.pdf.

Tier 2 making up one third of the statewide fleet reported to CARB.[108] Figure 3 presents the current age distribution of diesel-powered equipment by fleet size in California based on the latest reported fleet characteristics in CARB's DOORs inventory as of July 2020.

Figure 3: Age distribution of diesel-powered equipment by fleet size



From: CARB, 2022 CARB Construction, Industrial, Mining and Oil Drilling Emissions Inventory, *op. cit.*, Figure 11, p. 24

CARB summarizes the significance of this figure as follows:

> The age distribution of large fleets shows a relatively quick drop in population, reaching half of maximum population by age 7 or 8, which is also reflected in the survival curve for large fleets as shown in Figure 12. The age distribution of medium fleets does not show the same drop in populations until age 18, indicating the average medium fleet maintains equipment longer than the average large fleet. Small fleets take longer than even medium fleets to show an initial decline in age distribution, but then decline at roughly the same rate as medium fleets and show a similar retirement rate from age 20 to 35.[109]

B-8B-25 (cont.)

[108] CARB, Overview of Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation, October 5, 2022; available at: https://ww2.arb.ca.gov/resources/fact-sheets/overview-proposed-amendments-use-road-diesel-fueled-fleets-regulation.

[109] CARB, 2022 CARB Construction, Industrial, Mining and Oil Drilling Emissions Inventory, *op. cit.*, p. 23.

As shown in Figure 3, a large number of equipment is more than 10 years old for any size fleet and some equipment is still operating at more than thirty (or even over fifty years) of age. According to CARB, this very old equipment in fleets contributes a disproportional share of pollutants:

> Although the population of older vehicles is relatively small – Tiers 0 (or uncontrolled), 1, and 2 only make up one third of the statewide fleet reported to CARB – this small population contributes 60 percent of the NOx and PM emissions in 2022. **A single, older Tier 0 off-road engine has up to 80 times higher emissions per hour compared to a new Tier 4 Final engine**.[110]

B-8B-25 (cont.)

To address elevated emissions from older equipment, CARB amended the *Off-Road Regulation* in November 2022 to phase out these very old engines. The amended regulation: (1) requires phase-out of Tier 0 (uncontrolled), Tier 1, and Tier 2; (2) restricts the addition of Tier 3 and Tier 4i (Tier 4 interim) engines to fleets; and (3) requires the use of renewable diesel. These regulations will be phased in between 2024 and 2036, depending on fleet size. Until then, fleets will become progressively cleaner, <u>although the complete phase-out of very old equipment (Tiers 0 through 3) will not be required until 2036</u>.[111]

Second, the emission factors for Tier 4 Final-certified engines incorporated into CalEEMod are based on CARB's *Carl Moyer Program Guidelines*. Specifically, CalEEMod, version 2022.1, relies on CARB's *2017 Carl Moyer Program Guidelines* for its emission factors.[112] CARB's *2017 Carl Moyer Program Guidelines* provide emission factors for controlled off-road diesel engines ≥25 hp in grams per brake horsepower-hour ("g/bhp-hr"), categorized by engine family bins (range of maximum rated horsepower) and tier certification. CARB's controlled emission factors incorporate fuel correction factors to account for the lower emissions associated with the use of ultra-low sulfur diesel fuel in California compared to the higher sulfur content diesel fuel the U.S. Environmental Protection Agency ("EPA") assumed for its tier certifications (fuel correction factors for Tier 1 and later engines are listed in Table D-23 in CARB's 2017 Guidelines.).

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[110] CARB, Overview of Proposed Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation, *op. cit.*, emphasis added.

[111] CARB Approves Amendments to Off-Road Regulation to Further Reduce Emissions, November 17, 2022; available at: https://ww2.arb.ca.gov/news/carb-approves-amendments-road-regulation-further-reduce-emissions.

These fuel-corrected emission factors (Table D-9 in the *2017 Carl Moyer Program Guidelines*), which are incorporated into CalEEMod, are based on zero-hour emission factors for new engines for EPA-certification of equipment, and do not reflect the effects of engine deterioration, *i.e.*, the fact that base emissions of engines change as equipment is used due to wear of various engine parts or reduced efficiency of emission control devices as well as due to tampering, malfunctions, and mal-maintenance.

CARB uses deterioration rates for its in-use equipment emission inventories and recommends that project evaluation for the *Carl Moyer Program* consider the emissions that occur due to deterioration of vehicles and emission controls over time to better reflect real-world engine emissions over project lives and align *Carl Moyer Program* calculation methods with those used in CARB planning inventories and State Implementation Plan ("SIP") air quality modeling.[113] These deterioration rates should have been incorporated into

I prepared construction emission factors incorporated into CalEEMod based on CARB's *2017 Carl Moyer Program Guidelines*, Table D-9, which provide deterioration rates to estimate engine wear and tear and other variables that increase engine emissions over time. CARB provides the following methodology for calculating emission factors for an off-road diesel engine with a given horsepower in a given model year including deterioration for off-road diesel engines:

B-8B-25 (cont.)

$$\mathbf{EF = EF_0 + (DR * CHrs)}$$

where:

EF = emission factor, in grams per horsepower-hour (g/hp-hr)

EF_0 = zero-hour emission factor (g/hp-hr)

DR = deterioration rate, or the increase in emissions as the equipment ages in grams per horsepower-hour-hour ("g/hp-hr^2")

CHrs = cumulative hours[114]

The Draft EIR does not follow this methodology and fails to adjust the emission factors for new Tier 4 equipment incorporated into CalEEMod for engine deterioration. Put another way, the Draft EIR assumes that all equipment with Tier 4 Final-certified

[113] CARB, The Carl Moyer Program Guidelines, 2017 Revisions, Volume I: Program Overview, Program Administration and Project Criteria, approved by the Board: April 27, 2017, p. 1-9; available at: https://ww2.arb.ca.gov/resources/documents/2017-carl-moyer-program-guidelines, retrieved February 15, 2024.

[114] CARB, 2017 Off-Road Diesel Emission Factor Update for NOx and PM, *op. cit.*, p. 8.

engines would be brand new every single day and year of Project construction without any deterioration taking place. Clearly, this assumption is unrealistic and mistaken.

As an example, I calculated in-use emission factors for Tier 4 Final certified diesel-fueled off-road equipment with 300 to 750 hp engines based on the above formula and assuming deterioration factors provided by CARB's *2017 Carl Moyer Program Guidelines*, Table D-9. The results are summarized in Table 3.

Table 3: In-use emission factors for Tier 4 Final-certified 300-750 hp off-road equipment (g/bhp-hr) assuming deterioration factors (g/bhp-hr^2) from CARB's *2017 Carl Moyer Guidelines* depending on cumulative hours of use

Cumulative Hours of Use	Number of 4-hour Days	Number of 8-hour Days	NOx[a]		ROG[b]		PM10[c]	
			EF_0	% increase over EF_0	EF_0	% increase over EF_0	EF_0	% increase over EF_0
0			0.26	**0.0%**	0.05	**0.0%**	0.09	**0.0%**
1,000	250	125	0.26	**1.4%**	0.06	**22.0%**	0.09	**0.3%**
2,000	500	250	0.27	**2.8%**	0.07	**44.0%**	0.09	**0.7%**
3,000	750	375	0.27	**4.2%**	0.08	**66.0%**	0.09	**1.0%**
4,000	1,000	500	0.27	**5.5%**	0.09	**88.0%**	0.09	**1.3%**

EF = emission factor

a Tier 4 Final NOx deterioration factor: 0.0000036 g/bhp-hr^2

b Tier 4 Final ROG deterioration factor: 0.000011 g/bhp-hr^2

c Tier 4 Final PM10 deterioration factor: 0.0000003 g/bhp-hr^2

B-8B-25 (cont.)

Table 2 shows that after 1,000 hours of operation, equivalent to operating equipment for 250 days for 4 hours per day (or 125 days for 8 hours per day), the NOx emission factor increases by 1.4% compared to the zero-hour emission factor, the ROG emission factor by 22%, and the PM10 emission factor by 0.3%. After 4,000 hours of operation (1,000 days per year operating for 4 hours per day or 500 days for 8 hour per day), the NOx emission factor is 5.5% higher, the ROG emission factor is 88.0% higher, and the PM10 emission factor is 1.3% higher than the respective zero-hour emission rates. Thus, by relying on zero-hour emission factors for new equipment without accounting for engine deterioration during their use, CalEEMod and, consequently, the Draft EIR, substantially underestimate exhaust emissions from heavy-duty construction equipment. This is particularly important for ROG emissions because of the high deterioration factor for this pollutant.

Construction ROG emissions, for example, would increase from 193.24 lbs/day to 363.3 lbs/day, which is seven times higher than the applicable significance threshold of 54 lb/day. The San Francisco Bay Area, where the Project is located, is nonattainment

for all state and federal ozone standards.[115] As ROG is an ozone precursor, construction ROG emissions would contribute substantially to an existing violation of the state and federal ambient ozone air quality standards. (The Draft EIR fails to model construction (and operational) emissions, thus failing as an informational document under CEQA.) **B-8B-25 (cont.)**

Third, Mitigation Measure AIR-3a is not enforceable because it does not guarantee that Tier 4 Final-certified engines would, in fact, be required because it allows the City to grant an exemption from this requirement if the Project Sponsor can demonstrate that it could not locate Tier 4 Final equipment within Marin County. (Here, I suggest that the City expand any mitigation measure applying to construction fleets beyond Marin County to include Solano, Contra Costa, Alameda, Napa, and San Francisco counties.)

The added requirement to demonstrate that "necessary project-generated emission reductions are achieved," demonstrated using CalEEMod "or another industry-standard emission estimation method," constitutes an improper deferral of analysis and is not adequately defined nor is it enforceable. For example, the City does not specify who would perform this evaluation and who would conduct peer review. Further, in order not to compare apples to oranges, this evaluation must be conducted using the same method relied upon by the Draft EIR to estimate emissions, *i.e.*, CalEEMod version 2022.1.

Importantly, should this evaluation demonstrate that the proposed replacement equipment would not generate the required project-generated emission reductions, what would the City do? Mitigation Measure AIR-3a does not prescribe a course of action in case the Project would exceed the BAAQMD's threshold and would result in significant impacts on air quality that were not identified in the Draft EIR. As such, Project construction would not be in conformance with the City Council's expectations for approved Project mitigation. Would the City order the Developer to cease construction of the Project or what other course of action would be taken? In other words, Mitigation Measure AIR-3a improperly defers analysis and is not enforceable.

Further, Mitigation Measure AIR-4 conflicts with Mitigation Measure 3a: **B-8B-26**

Mitigation Measure AIR-4: Construction Equipment Standards. During construction of the proposed project, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project construction at a minimum meets the

[115] BAAQMD, Air Quality Standards and Attainment Status; available at: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status, retrieved February 29, 2024.

California Air Resources Board (CARB) Tier 2 with level 3 diesel particulate filters emissions standards or equivalent, including Tier 4 Final engines. **B-8B-26 (cont.)**

Given that there are two mitigation measures addressing construction equipment exhaust, it is unclear which one would govern. The City must clarify this discrepancy.

In sum, the Draft EIR's assumption that Project construction would use only new diesel-powered heavy-duty construction equipment >20 hp with Tier 4 Final-certified engines for any year during the entire Project construction period in its estimates of *mitigated* emissions is not supported by evidence. For these reasons, the Draft EIR substantially underestimates emissions from heavy-duty construction equipment and, consequently, fails to require adequate mitigation. As a result, the Draft EIR's finding of less-than-significant impacts on air quality during Project construction is not supported by evidence and is incorrect. The Draft EIR's emission estimates for construction equipment exhaust must be revised to account for engine deterioration factors and for a realistic construction fleet. The latter should be based on data obtained from construction companies and provided with a revised Draft EIR. The City should also consider retrofitting lower-tier engines with post-combustion controls, such as 3-way catalytic converters, diesel oxidation catalysts, selective catalytic reduction, exhaust gas diluters, and standard and add-on mufflers,[116] when Tier 4 Final-certified engines are not available. **B-8B-27**

b) Mitigation Measure AIR-3b

To address significant ROG emissions during Project construction, the Draft EIR proposed implementation of Mitigation Measure AIR-3b:

Mitigation Measure AIR-3b: Phase 1 Architectural Coatings and Interior Paints. To address the impact relative to reactive organic gas (ROG) emissions during Phase 1 construction, all interior paints and other architectural coatings shall be limited to 50 grams per liter or less of volatile organic compounds (VOCs). The project sponsor's construction contractor shall procure architectural coatings from a supplier in compliance with the requirements of BAAQMD Regulation 8, Rule 3 (Architectural Coatings). (LTS)[117] **B-8B-28**

[116] NETT Technologies, Inc., Emission Control Solutions for the Construction Industry; available at: https://www.nettinc.com/industries/construction-equipment-emission-control-solutions, retrieved February 28, 2024.

[117] Draft EIR, p. 4.10-32.

The Draft EIR estimates mitigated VOC emissions assuming 50 grams per liter ("g/L") for all interior paints and other architectural coatings and finds that Project-generated mitigated emissions would be below the applicable BAAQMD significance threshold. Mitigation Measure AIR-3b does not support these emission estimates and the Draft EIR's conclusion of less-than-significant impacts. **B-8B-28 (cont.)**

First, the Draft EIR fails to require any enforcement action for this mitigation measure. Simply requiring the project sponsor to procure architectural coatings from a supplier in compliance with the requirements of BAAQMD Regulation 8, Rule 3, does not ensure compliance. Thus, this mitigation measure is not enforceable. The City must require that the Project employ a construction site manager who inspects and verifies compliance with BAAQMD Regulation 8, Rule 3 (and other BAAQMD rules).

Second, Mitigation Measure AIR-3b is internally inconsistent. On the one hand it requires that all interior paints and other architectural coatings meet the 50 g/L VOC limit, on the other hand it requires compliance with BAAQMD Regulation 8, Rule 3, which specifies VOC limits for a variety of paints and specialty coatings varying from 50 to 730 g/L.[118] This indicates that not all interior paints and other architectural coatings may be available to meet the 50 g/L limit specified by the Draft EIR.

In sum, Mitigation Measure AIR-3b is inadequate and lacks evidence to support the Draft EIR's finding that Project construction would result in less-than-significant impacts on air quality.

IV.A.5 The Draft EIR Fails to Adequately Mitigate Construction Equipment Exhaust Emissions

As discussed above, the Draft EIR recommends one mitigation measure that addresses engine exhaust from diesel-powered construction equipment, Mitigation Measure AIR-3a, which requires the use of CARB-certified Tier 4-certified construction equipment over 75 hp. This mitigation measure by itself is inadequate. **B-8B-29**

First, for criteria air pollutant and precursor emissions, the Air District recommends "implementation of <u>all feasible measures</u> to minimize emissions, <u>whether or not… construction emissions exceed the applicable thresholds of significance</u>." For construction-related air pollutant emissions from vehicles and equipment, the Air District recommends implementation of a number of measures to reduce exhaust emissions, "including using zero-emission, hybrid, or highest-tier on- and off-road

[118] BAAQMD, Regulation 8, Organic Compounds, Rule 3, Architectural Coatings, July 1, 2009, Table 2; available at: https://www.baaqmd.gov/rules-and-compliance/rules/reg-8-rule-3-architectural-coatings, retrieved February 28, 2024.

construction equipment; using cleaner fuels and grid power whenever possible; and limiting idling (see [BAAQMD *2022 CEQA Guidelines*] Section 6.3 Construction-Related GHG Emissions)."[119]

The Draft EIR fails to heed this guidance. The following best management practices for construction-related activities, described in the BAAQMD's *2022 CEQA Guidelines*, Section 6.3, apply and must be required for Project construction:

- Use zero-emission and hybrid-powered equipment to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or located within a BAAQMD-designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.
- Require all diesel-fueled off-road construction equipment be equipped with EPA Tier 4 Final compliant engines or better as a condition of contract. [As discussed above, this measure is not feasible.]
- Require all on-road heavy-duty trucks to be zero emissions or meet the most stringent emissions standard, such as model year (MY) 2024 to 2026, as a condition of contract.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure. **B-8B-29 (cont.)**
- Prohibit off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Use California Air Resources Board–approved renewable diesel fuel in off-road construction equipment and on-road trucks.
- Use U.S. Environmental Protection Agency SmartWay certified trucks for deliveries and equipment transport.
- Require all construction equipment is maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Where grid power is available, prohibit portable diesel engines and provide electrical hook ups for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.

[119] BAAQMD 2022 CEQA Guidelines, Section p. 8-2.

- Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites.
- Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers and offer meal options onsite or shuttles to nearby meal destinations for construction employees.
- Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.[120]

The sheer scale and long construction timeline of the Project, which would demolish several buildings and build an entire town center from scratch, requires that these recommended best management practices be implemented during Phase 1. For construction of Phase 2, which will occur in the future, the City must require that the Project be constructed using all of the above and any revised and/or additional best management practices recommended by the BAAQMD at the time construction begins.

Other, much smaller projects in San Rafael are required to implement much more stringent construction mitigation measures than the City is requiring for the Project. For example, the air quality and greenhouse gas study for the 88 Vivian Street residential development, which proposes to construct 70 residential units, recommends implementation of the following mitigation measures (modified as indicated below for this Project) for exhaust emissions that are not required by the Draft EIR for this Project: **B-8B-29 (cont.)**

MM-1 The project shall follow the BAAQMD recommended implementation of all Construction Mitigation Measures for purposes of controlling… diesel exhaust emissions:

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. [I recommend daily checks.]

17. Minimizing the idling time of diesel powered construction equipment to two minutes. [Although not required for the 88 Vivian Street

[120] BAAQMD 2022 CEQA Guidelines, Table 6-1, p. 6-8.

Project, I additionally recommend required enforcement by telematics or an engine idle management system.]

18. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters and/or other options as such become available. [Selective catalytic reduction is another retrofit option.]

20. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.

21. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines. [As discussed above, this measure is not feasible.]

MM-2 Limit the number of truck hauling trips to 75 truckloads per day or less during construction.

MM-3 Recycle building materials during demolition to the maximum extent feasible.

MM-4 Require all construction equipment to have Tier 4 Final low emission "clean diesel" engines (OEM or retrofit) that include diesel oxidation catalysts and diesel particulate filters that meet the latest CARB best available control technology. [As discussed above, this measure is not feasible.]

MM-5 Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible.[121]

All of these mitigation measures are equally feasible for the Project and must be required.

B-8B-29 (cont.)

[121] Vivian Residential Development, Air Quality and Greenhouse Impact Study, City of San Rafael, California, prepared by RK Engineering Group, Inc., April 5, 2021, pp. 1-4 and 1-5; available at: https://www.cityofsanrafael.org/88-vivian/, retrieved February 21, 2024.

IV.A.6 The Scale of the Project Requires Community Input for Preparation of a Construction Plan

The BAAQMD recommends relying on mitigation measures described in the CalEEMod documentation and a handbook prepared by the California Air Pollution Control Officers Association ("CAPCOA"),[122] which provides a number of recommendations for construction mitigation measures, especially for construction of large projects in the vicinity of sensitive receptors as is the case here.

a) Create a Construction Plan with Community Input

CAPCOA discusses the impacts of construction on communities:

> While construction is generally a temporary state, its impacts on communities can be consequential and long-lasting. The construction sector as a whole is responsible for negative impacts on community experiences with noise, access, air quality, and quality of life, especially in growing neighborhoods. Statewide, off-road vehicles—such as bulldozers, backhoes, and graders—are responsible for nearly a quarter of particulate matter (PM) emissions and a fifth of nitrous oxides (NOx) emissions from mobile diesel sources (CARB 2007). Construction also generates carbon monoxide, sulfur dioxide, fugitive dust, reactive organic gases, volatile organic compounds, and GHGs from disparate sources and activities such as on-road haul trucks, off-road heavy-duty equipment, soil disturbance, grading, asphalt paving, and the application of architectural coatings. As a result, mitigation and conditions of approval can be difficult to enforce, with multiple contractors and trades working across different construction phases. Equipment breakdowns and shortages, as well as unplanned delays, can lead to dirtier engines or dustier construction sites than originally anticipated in construction plans.
>
> This section is intended to offer communities and lead agencies a non-exhaustive list of considerations for lessening the disruption and impacts of the construction period on communities, as well as empower communities to ensure laws are fairly enforced.[123]

B-8B-30

The agency states that "[w]hile all communities can benefit from these measures, communities with sensitive populations and socioeconomic challenges would especially

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[122] BAAQMD 2022 CEQA Guidelines, p. 8-5.

[123] CAPCOA, Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity Designed for Local Governments, Communities, and Project Developers, Final Draft, December 2021 (hereafter "CAPCOA Handbook"), p. 499; available at: https://www.caleemod.com/handbook/chapter_5.html, retrieved February 28, 2024.

benefit."[124] Here, the percentage of elderly (age 65 or greater) in census tract (Terra Linda and Los Ranchitos) is almost 24%,[125] with many of those elderly residents in the immediate vicinity surrounding the Project site at AlmaVia of San Rafael, Drake Terrace, Quail Hill, and Villa Marin, and nearby residences.

The agency further explains:

> Construction sites are dynamic places, and it can be difficult for instructions and information to be disseminated to all relevant persons, or for a plan to foresee and appropriately address all issues. We recommend incorporating the following into any measures chosen.
>
> - Regular community check-ins: Establishing a standard, open channel of communications is essential to allow the community to give the project proponent real-time feedback on the construction plan as it is implemented across different construction phases. The project proponent may also use the channel to communicate any changes. The feedback process should allow for additional enforcement as well as amendments to the construction plan, such as if nuisance issues become a problem. The community should be viewed as an ally in ensuring the project proceeds with minimal disruption to both the construction schedule and the community.
> - Construction equity requirements included in bid specifications and contracts: Specific requirements, such as guaranteed bike lane access or speed limits for haul trucks, should be included in bid specifications and contracts. Contracts should also include financial penalties for non-compliance if contractors fail to adhere to policies that support public health and community priorities during construction.[126]

B-8B-30 (cont.)

To that effect, CAPCOA recommends the creation of a construction plan with community input:

> This measure creates a construction plan that is responsive to community input, reflecting community concerns and priorities. The plan should include construction hours, duration, access closures, detours, noise, dust, parking, deliveries, lighting, emissions, truck routes, and other potential impacts and

[124] *Ibid*, p. 450.

[125] Office of Environmental Health Hazard Assessment, CalEnviroScreen 4.0, results for Census Tract 6041108200; available at: https://experience.arcgis.com/experience/11d2f52282a54ceebcac7428e6184203/page/CalEnviroScreen-4_0/, retrieved February 15, 2024.

[126] CAPCOA Handbook, *op. cit.*, p. 500.

> nuisances that may affect the community. The plan should also include agencies responsible for enforcing the plan and a point of contact in case aspects of the plan fail to be implemented or are ineffective. As noted by Jose Richard Aviles, **"The construction phase tends to be the longest, most painful part of a project for the community—what would it look like for planners to build an engagement strategy for that phase?"** (Aviles 2020).[127]

The agency goes on:

> **Construction plans are often driven by what is most expedient for the project, and not necessarily what is best for the community. Plans also tend to be drafted in isolation of other nearby projects.** In addition, communities may not be familiar with available enforcement options to reduce construction activity impacts. A construction plan developed jointly with the community can help to address community perspectives and concerns before any work takes place. While project proponents should research and identify any sensitive sites (such as schools, senior residences, or playgrounds) in advance, community participation can provide additional ground truthing and refinement of local needs, and express preferences in accommodating the construction process (for example, a shorter, more intensive construction process or a longer, less intensive one).
> …
> Community members are knowledgeable about their neighborhood and can help direct traffic and impacts away from sensitive areas, improving public health and minimizing disruptions to daily life. Increasing community participation in construction planning supports greater self-determination.[128]
>
> The agency provides the following implementation considerations:
>
> Construction plan discussions with the community need to present meaningful choices that reflect community priorities. Jurisdiction staff and the project proponent should be thoughtful about these issues, and, especially for detours, hours, and duration, present a range of options for discussion. If only one plan is presented and community input would not change the plan, this measure cannot be utilized.
>
> Construction plans should include the following: **set construction hours, duration, access closures, detours, allowable noise, dust, parking, deliveries, lighting, emissions, truck routes, and other potential impacts and nuisances. Heavy-duty routes can be planned to avoid residential neighborhoods and**

B-8B-30 (cont.)

[127] CAPCOA Handbook, *op. cit.*, pp. 500-501, emphasis added.

[128] CAPCOA Handbook, *op. cit.*, pp. 501-502.

> **sensitive land uses such as daycares, schools, and senior residences. It should also include penalties for violations.**
>
> It is strongly recommended that these outcome measures be combined with the Process Measures in this chapter, especially the Inclusive Engagement measures, so that the construction plan may be effectively discussed with the community. **This is especially important for larger projects, multi-year projects, and/or projects that impact the public right-of-way (i.e., sidewalks, bicycle lanes, and streets).**
>
> **In areas with nearby populations, the plan should pay particular attention to PM emissions, such as from dust and diesel exhaust.** Most air districts provide guidance related to dust control and reducing diesel particulate matter.[129]

B-8B-30 (cont.)

Given the size of the Project, its close proximity to sensitive receptors and its long construction duration, the City must require a construction plan with community input that reflects community concerns and priorities and hold at least one public meeting in coordination with a project steering committee or a community-based organization, to ensure that community input is reflected throughout the community plan. The plan should include construction hours, duration, access closures, detours, allowable noise, dust, parking, deliveries, lighting, emissions, truck routes, and other potential impacts and nuisances that may affect the community. Meaningful choices should be presented to community members. The construction plan should include penalties for violations, including those beyond code.

b) Ensure Active Modes Access During Construction

CAPCOA further discusses that construction projects often close sidewalks and bike lanes, forcing vulnerable users into dangerous situations in the vehicle lanes or creating burdensome detours. Closures are often not coordinated with other projects, leading to dangerous or incomplete active transportation networks. The agency recommends that projects maintain pedestrian, cycling, and transit access along street frontage during construction, pedestrian detours will not require crossing the street, and bus stop relocations should be no more than two blocks away, with clear signage and a map at the original stop directing passengers and provides the following implementation considerations:

> The project should ensure construction deliveries do not create safety conflicts with pedestrian and cycling paths of travel. A solid barrier should be used if the pedestrian or cycling path is in-street. Construction workers often use on-street parking, which can cause conflicts with transit stops and local business. If the project is replacing a vacant lot, look for desire paths, which indicate existing

[129] CAPCOA Handbook, *op. cit.*, pp. 501-502, emphasis added.

> routes used by the community; these travel patterns should be taken into consideration when designing both the construction access plan as well as circulation patterns after the project is operational.[130]

B-8B-30 (cont.)

For example, for a construction project on Broadway, the City of Oakland required the placement of protective barriers for both sidewalks and bike lanes rerouted into the street. Unlike for many construction projects, the contractors provided K-rail to the left of the bike lane, providing cyclists a physical barrier from vehicle traffic. Additional dividers for rerouted walking path protected pedestrians from both bicycles and construction equipment, providing greater safety for users.[131]

c) Post a Clear, Visible Enforcement and Complaint Sign

CAPCOA also recommends enforcement of nuisance issues:

> Enforcement of nuisance issues—which includes excessive dust, noise, light, pollution, or other inconvenience or annoyance impacting other people—tend to be complaint-based. Ensuring that all communities have knowledge of expected parameters of construction and access to reporting resources is necessary to minimize disruption and harm during the construction process.

The agency provides the following implementation considerations:

> Provide translations in communities where other languages are widely spoken, which may be reflected in CalEnviroScreen's Linguistic Isolation indicator and the American Community Survey and should be reviewed with community members during construction plan development, as many languages are not represented in surveys. Larger projects, or projects on multiple street frontages, will need multiple signs. Include multiple methods of contact for each enforcing agency, such as phone, email, social media, or website.[132]

These and other recommendations by CAPCOA must be implemented for the Project.

IV.B Project Operational Impacts on Air Quality

B-8B-31

As discussed below, the Draft EIR fails to identify and disclose significant impacts on air quality that would occur at the Project's buildout phases, *i.e.*, the

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[130] CAPCOA Handbook, *op. cit.*, pp. 502-503.

[131] CAPCOA Handbook, *op. cit.*, p. 503.

[132] CAPCOA Handbook, *op. cit.*, p. 504.

2025 Master Plan and the *2040 Vision Plan*, because it improperly conflates Project operational impacts with cumulative impacts, relies on an improper baseline, fails to account for all emissions, and fails to adequately mitigate criteria pollutants and their precursors. **B-8B-31 (cont.)**

IV.B.1 The Draft EIR Improperly Conflates the Analyses of Project Operational Impacts on an Individual Project-level Basis and Cumulative Basis

The Draft EIR's air quality analysis determines Project emissions generated during the operational phases of the City's *2025 Master Plan* and the *2040 Vision Plan* compared to the baseline of existing emissions and finds that Project impacts would be below the BAAQMD's applicable significance thresholds. Therefore, the Draft EIR concludes that "operational impacts related to cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment under an applicable national or state ambient air quality standard would be less than significant."[133] This conclusion is not supported by substantial evidence.

The central requirement of CEQA's environmental analysis is to determine whether implementing a project will result in any significant adverse impact on the environment, either individually on a project-level basis or cumulatively in conjunction with other past, present, and reasonably foreseeable future projects affecting the same resource. To address individual and cumulative impacts on air quality from a Project, the BAAQMD advises to undertake an environmental impact analysis using a four-step process: **B-8B-32**

> ▸ **Step One: Determine the level at which an impact on the environmental resource under consideration becomes "significant."** This is the touchstone for assessing whether the project may have a significant impact individually or may contribute to a cumulative impact that is significant. The level at which the impact becomes significant will depend on the nature of the environmental resource being evaluated.[134]

Step One establishes the thresholds of significance. Here, the Draft EIR establishes the BAAQMD's standards of significance as applicable.[135] These significance thresholds are for determining individual impacts on project-level basis.

> ▸ **Step Two: Evaluate whether the project under review would degrade the environmental resource to such an extent that there would be an impact**

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[133] Draft EIR, Tables 4.10-G and 4.10-H, p. 4.10-35.

[134] BAAQMD 2022 CEQA Guidelines, p. 3-3, emphasis retained.

[135] Draft EIR, p. 4.1-22 and 4.10-23.

> **exceeding the "significant" level determined during Step One.** If implementing the project would cause an impact to exceed that level all by itself, then the project's impact is treated as significant under CEQA, and the project requires preparation of an EIR, implementation of feasible mitigation measures to reduce the impact to a less-than-significant level, and consideration of alternatives that would avoid or lessen any significant impacts. If the project under review would not degrade the environmental resource to such an extent that there would be a significant impact, the analysis proceeds to Step Three.[136]

This is the analysis on an individual project-level basis that subtracts baseline emissions from Project-generated emissions to determine Project impacts compared to the above-discussed thresholds of significance. The Draft EIR presents results of this analysis in Tables 4.10.G and 4.10.H and finds that additional emissions of ROG, NOx, PM10 exhaust, and PM2.5 exhaust generated by Project operation compared to the baseline would not exceed the BAAQMD's applicable significance thresholds. However, instead of concluding that Project operation would not be significant on an individual project-level basis, the Draft EIR skips the next two steps of the four-step process and finds that Project impacts would not be cumulatively considerable.[137] Step Three:

B-8B-32 (cont.)

> ▸ **Step Three: Determine whether the contribution of the project combined with the contributions of all other past, present, and reasonably foreseeable future projects would exceed the "significant" level determined during Step One.** If implementing the project would not cause a significant impact by itself, it still must be evaluated to determine whether it would make a cumulatively considerable contribution to a significant cumulative impact. The first element of that analysis is to assess the overall cumulative impact caused by the project in conjunction with other past, present, and reasonably foreseeable future projects affecting the same resource. If the overall cumulative impact exceeds the "significant" level determined during Step One, then the project would contribute to a significant cumulative impact, and the analysis proceeds to Step Four to determine whether that contribution is cumulatively considerable.[138]

The Draft EIR did not assess whether the Project's impacts in conjunction with other past, present, and reasonably foreseeable future projects affecting air quality would exceed the significance thresholds established in Step One. The Draft EIR also did not perform Step Four:

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[136] BAAQMD 2022 CEQA Guidelines, p. 3-3, emphasis retained.

[137] Draft EIR, p. 4.10-36.

[138] BAAQMD 2022 CEQA Guidelines, p. 3-3, emphasis retained.

> ▸ **Step Four: Determine whether the project's incremental contribution is cumulatively considerable.** The final step is to determine whether the project's incremental contribution is cumulatively considerable in light of the overall cumulative impact. If implementing the project would make a cumulatively considerable contribution to a significant cumulative impact, the impact is considered significant under CEQA, and the agency must prepare an EIR, impose feasible mitigation measures to bring the incremental contribution below the cumulatively considerable level, and consider alternatives.[139]

B-8B-32 (cont.)

The Draft EIR's conclusions regarding Project impacts on air quality are wholly inadequate, are not supported by substantial evidence and fail to identify significant impacts on air quality, both on a project-level and individual basis.

IV.B.2 The Draft EIR Mischaracterizes Northgate Mall's Existing Contributions to Local and Regional Air Quality and, Consequently, Fails to Identify and Mitigate Significant Impacts on Air Quality

The Draft EIR's air quality analysis for Project emissions generated during the operational phases of the *2025 Master Plan* and the *2040 Vision Plan* relies on trip generation estimates presented in the Draft EIR, Section 4.9, Transportation.[140] As discussed above, this analysis improperly relies on hypothetical trip generation rates based on the assumption that the entire leasable floor area of the existing mall is operating at typical trip generation rates as its baseline against which to determine Project impacts. By comparing future emissions generated during the operational phases of the *2025 Master Plan* and the *2040 Vision Plan* against this hypothetical baseline, the Draft EIR concealed and diminishes the Project's real impacts on air quality.

B-8B-33

In my experience, neither CEQA nor court decisions support the Draft EIR's hypothetical baseline assumptions. The City may not assume hypothetical air pollution that did not exist at the mall when the NOP for the Draft EIR was published. Rather, the operational emissions generated by the Project must be compared to actual conditions on the ground, *i.e.*, an underperforming mall that did not attract much clientele and traffic at the time the NOP was published and before. Therefore, my comments below rely on information obtained from RGM and found online (including on the City's website) to establish a more reasonable baseline against which to determine Project impacts.

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[139] BAAQMD 2022 CEQA Guidelines, p. 3-3, emphasis retained.

[140] Draft EIR, p. 4.10-34 and Draft EIR, Appx. I, p. 46.

Rather than re-running CalEEMod, which was not possible because the Draft EIR's air quality analysis and the technical study supporting it do not provide all input assumptions necessary to run the model, I prepared a simpler analysis based on the Draft EIR's operational emission estimates (area sources, mobile sources, and energy demand) for the *2025 Master Plan* and the *2040 Vision Plan*.

The majority of air pollutant emissions from the existing mall are related to traffic (mobile sources). I estimated emissions from existing conditions assuming the mall operated at about 70 percent of typical shopping mall rates and at 80 percent occupancy, as discussed above, and otherwise based on the Draft EIR's emission estimates. The revised average annual operational criteria pollutant and precursor emissions are shown in Table 4.

Table 4: Revised Average Daily Operational Criteria Pollutant Emissions (tons/year)

	ROG	NOx	PM10 Exhaust	PM2.5 Exhaust
Existing Scenario				
Area	4.04	0.03	0.01	0.00
Energy	0.02	0.44	0.03	0.03
Mobile	5.99	4.48	7.12	1.85
Total	10.05	4.95	7.16	1.88
2025 Master Plan				
Area	8.57	0.09	0.01	0.01
Energy	0.01	0.19	0.01	0.01
Mobile	13.22	9.46	17.90	4.63
Total	21.80	9.74	17.92	4.65
2040 Vision Plan				
Area	10.45	0.11	0.01	0.01
Energy	0.02	0.29	0.02	0.02
Mobile	8.55	6.40	12.44	3.22
Total	19.02	6.81	12.48	3.25
Net Change				
2025 Master Plan Net Change (2025 Master Plan – Existing)	11.75	4.79	10.76	2.77
2040 Vision Plan Net Change (2040 Vision Plan – Existing)	8.97	1.86	5.32	1.37
BAAQMD Operational Thresholds	10	10	15	10
Exceed Threshold?	YES	no	no	no

Emissions for area and energy sources from Draft EIR, Table 4.10-H Appx. I, Table 17, p. 59
Emissions for mobile sources from Draft EIR, Table 4.10-H and Appx. I, Table 17, p. 59 multiplied by 0.7 × 0.8

B-8B-33 (cont.)

As shown, when using the more realistic revised baseline as described, the *2025 Master Plan* would generate ROG exhaust emissions above the BAAQMD's applicable operational significance threshold. Thus, Phase 1 would result in significant impacts on air quality on a project-level basis that were not identified or mitigated by Draft EIR. Since the *2040 Vision Plan* may be operational sooner than assumed by the

Draft EIR, as discussed above, emissions under the *2040 Vision Plan* likely also result exceedances of the BAAQMD's thresholds when assuming a more reasonable baseline. **B-8B-33 (cont.)**

Further, because the Project is individually significant on a project-level basis, it is also cumulatively significant.

IV.B.3 The Draft EIR Fails to Account for Emissions from New and Existing Diesel Generators

The Draft EIR discloses that the Project would involve installing new backup generators:

> Operation of the project would involve the routine storage and use of small quantities of commercially available hazardous materials for routine maintenance (e.g., paint and cleaning supplies). In addition, equipment installed at the project site (e.g., hydraulic elevator systems and **backup generators**) may involve the storage of hydraulic fluid, fuels, and other hazardous materials.[141]

The Draft EIR discloses neither the number nor the engine rating for the proposed backup generators or what type of fuel they would use (*e.g.*, diesel or natural gas) nor does it discuss whether each mixed-use or residential building would have its own generator.

Backup generators are used to supply emergency electrical power during planned and unplanned utility outages and must be tested monthly. A reasonable estimate of the likely annual use of backup generators at a project site must be included in an EIR's analysis. **B-8B-34**

CEQA requires the analyses of all of a project's reasonably foreseeable consequences. This includes a reasonable estimate for emissions from the likely annual use of the proposed diesel generators. Here, the Draft EIR fails to account for reasonably foreseeable criteria pollutant and precursor emissions (as well as toxic air pollutant emissions) from the proposed diesel generators in the operational emissions estimates and the cumulative health risk assessment. (*See* Comment IV.C.5.)

Of particular concern are emissions of NOx, which tend to be very high, and, in conjunction with other NOx emissions from the Project, could lead to an exceedance of short-term national and state ambient air quality standards for NO_2. (The Draft EIR fails to model exceedances of the short-term national and state ambient air quality standards

[141] Draft EIR, p. 4.8-19, emphasis added.

for NO_2.) Also of concern are emissions of diesel particulate matter ("DPM") emissions from diesel-powered generators, which contributes to local health risks.

I recommend that the City identify the number, engine rating, fuel type, and emission rates for the proposed generators and prepare revised emission estimates that include emissions from the proposed backup generators; and, also prepare a revised cumulative health risk assessment for the Project. These emission estimates must include, in addition to the number of hours for required monthly testing, at a minimum, 100 hours of emergency operation per year for each generator as reasonable worst-case assumption, per the BAAQMD's recommendation for the preparation of CEQA documents:

> For backup generators, the Air District recommends that lead agencies **include non-testing and non-maintenance (emergency) operations hours in addition to the permitted testing and maintenance hours for purposes of calculating emissions**. While emergency operation is unplanned and infrequent, it is foreseeable that a backup generator may have to operate to respond to emergency conditions at some point during its useful life. Inclusion of annual emergency operations hours is consistent with Air District requirements for calculating the Potential to Emit (PTE) for purposes of determining the applicability of permitting regulations under Reg. 2 including the Air District's New Source Review regulations (Reg. 2, Rule 2) and Title V Major Facility Review regulations (Reg. 2, Rule 6). As described in the Air District's Policy "Calculating Potential to Emit for Emergency Backup Power Generators" (BAAQMD 2019), **the Air District uses 100 hours to represent a reasonable worst-case assumption of emergency operations hours for a given year**.[142]

B-8B-34 (cont.)

Based on the recent history of unplanned power outages during the ever-increasing severe weather events and rotating planned outages during heat waves, the BAAQMD's recommended annual operation of emergency generators of 100 hours per year for emergency use may no longer be a reasonable "worst-case" assumption but may already be the new norm. For example, the recent atmospheric rivers in the first week of February 2024 caused unplanned power outages that affected 1.4 million customers in PG&E's service area. More than 12,000 customers in the Bay Area remained without power up to five days after landfall of the second atmospheric river (identified as a "bomb cyclone") on Sunday February 4th, with the majority of affected customers in the North Bay.[143] I therefore recommend that the City use 150 hours per generator per year as a reasonable assumption.

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[142] BAAQMD 2022 CEQA Guidelines, p. 5-8, emphasis added.

[143] Bay City News, Storm Has Caused Highest Amount of PG&E Outages in Nearly 30 Years, February 7, 2024, updated February 8, 2024; available at: https://www.nbcbayarea.com/news/local/customers-still-without-power/3446289/, retrieved February 12, 2024; Bay City News Service, The Almanac, Power Still

IV.B.4 The Draft EIR Fails to Mitigate Operational Criteria Pollutant and Precursor Emissions

The Draft EIR, finding operational Project impacts less than significant, does not impose any mitigation measures to reduce operational criteria pollutant and precursor emissions.[144] As discussed above, the Draft EIR's finding is not based on evidence, and Project operation would result in significant impacts on air quality, requiring implementation of all feasible mitigation.

Feasible measures or strategies that the Developer could employ to reduce significant impacts on air quality from Project operation include:

- Eliminating the proposed drive-through restaurants to reduce traffic emissions from customers merely stopping by for a meal on their way along Highway 101 and idling at the site;
- Providing local services to reduce vehicle trips including an on-site full-service grocery store and other amenities such as a gym, library, community work spaces, kindergarten, etc. (a full-service grocery store and neighborhood commercial uses and services was required by the City for The Village at Loch Lomond Marina Project[145]); B-8B-35
- Scaling back the proposed project to include fewer residential units to reduce traffic and other operational emissions;
- Replacing existing generators at the site with natural gas or battery backup to reduce emissions during Phase 1; and
- Installing a solar roof on the existing parking garage (Building 7).

Further, as discussed above, for criteria air pollutant and precursor impacts, the Air District recommends "implementation of all feasible measures to minimize emissions, whether or not operational… emissions exceed the applicable thresholds of significance. Example measures to reduce operational emissions include incorporating

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Out for Over 12,000 Bay Area Households, February 8, 2024; available at: https://www.almanacnews.com/bay-city-news/2024/02/08/power-still-out-for-over-12000-bay-area-households/, retrieved February 12, 2024; and PG&E, PGE& Responding to Atmospheric River Storm Outages; available at: https://www.pgecurrents.com/articles/3918-pg-e-responding-atmospheric-river-storm-outages, retrieved February 12, 2024.

[144] *See* Draft EIR, p. 4.10-36.

[145] City of San Rafael, The Village at Loch Lomond Marina Project; available at: https://www.cityofsanrafael.org/village-loch-lomond-marina/, retrieved March 2, 2024.

energy-efficient building design and implementing transportation demand management strategies."[146]

Moreover, the Draft EIR claims that the Project is consistent with the BAAQMD's Clean Air Plan, including the Transportation Control Measures ("TCM") and Transportation Demand Management ("TDM") programs, which aim to reduce emissions associated with diesel and gasoline-powered vehicles.[147] This is incorrect, the Project does not incorporate all feasible measures and is therefore not consistent with BAAQMD's Clean Air Plan.

Specifically, the BAAQMD refers to the CalEEMod documentation for feasible mitigation measures and the CAPCOA Handbook for a robust collection of measures with the goal to reduce criteria air pollutants, toxic air contaminants, and greenhouse gas emissions.[148] (The BAAQMD notes that CalEEMod Version 2022, which is web-based and available online, includes a new, searchable measures tool where users can filter, sort and select both quantifiable and non-quantifiable measures that are included in CalEEMod and/or the Handbook.[149])

Applicable feasible mitigation measures include, for example:

B-8B-35 (cont.)

T-6. Implement Commute Trip Reduction Program (Mandatory Implementation and Monitoring)

T-7. Implement Commute Trip Reduction Marketing

T-8. Provide Ridesharing Program

T-9. Implement Subsidized or Discounted Transit Program

T-10. Provide End-of-Trip Bicycle Facilities

T-11. Provide Employer-Sponsored Vanpool

T-12. Price Workplace Parking

T-13. Implement Employee Parking Cash-Out

T-15. Limit Residential Parking Supply

T-16. Unbundle Residential Parking Costs from Property Cost

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[146] BAAQMD 2022 CEQA Guidelines, p. 8-2.

[147] *See* Draft EIR, p. 4.1-21 and 4.1-22.

[148] BAAQMD 2022 CEQA Guidelines, p. 8-5.

[149] *Ibid*.

These mitigation measures must be required for the Project. For more about feasible transportation measures, *see* CAPCOA Handbook Measures T-1 through T-30, and the remainder of the document for other measures that would reduce emissions. **B-8B-35 (cont.)**

IV.C Project Impacts with Respect to Local Health Risks

The Draft EIR assesses local health risks for inhalation cancer risk, chronic inhalation hazard index, and annual PM2.5 concentrations for a) for off-site receptors from exposure to Project Phase 1 and 2 construction emissions and b) for future on-site residents for cumulative exposure to Phase 2 construction emissions and existing on-site and off-site emissions from stationary sources (generators).[150] **B-8B-36**

The Draft EIR's description of local health risks is inadequate and not comprehensible to the general public. More importantly, the Draft EIR's assessment of local health risks are based on the estimates of diesel particulate matter and PM2.5 emissions presented in the air quality section, which as discussed above, are substantially underestimated. Further, as discussed below, the Draft EIR's assessment of local health risks are based on incorrect assumptions. As a result, the Draft EIR substantially underestimates local health risks and fails to identify and mitigate significant impacts.

IV.C.1 The Draft EIR Fails to Adequately Disclose the Results of Its Health Risk Assessments

The Draft EIR presents the results of its health risk assessments in tabular format but omitted adequate support and necessary visualizations. Health risk assessments typically provide isopleths, *i.e.*, maps that show where impacts would occur with respect to, e.g., inhalation cancer or chronic risks. Instead, the Draft EIR only provides isopleths for its stationary source risk and hazards screening report (Highway Cancer Risk and PM2.5, Major Roadway Cancer and PM2.5, Rail Cancer and PM2.5) but does not provide isopleths for its health risk assessments which include emissions from the Project. The Draft EIR only provides information for the maximally exposed individual receptor ("MEIR") for Project construction (unmitigated and mitigated)[151] and operation.[152] **B-8B-37**

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[150] Draft EIR, Impact Air-4, pp. 4.10-38 through 44.

[151] Draft EIR, pp. 4.10-37 and 4.10-39.

[152] Draft EIR, p. 4.10-41.

This minimalist approach, which is highly unusual and inadequate for a project of this magnitude, prevents reviewers from visualizing and understanding health risks at their location and, thus, fails to adequately inform the public. **B-8B-37 (cont.)**

IV.C.2 The Draft EIR Fails to Identify Applicable Thresholds of Significance for Cumulative Impacts

The Draft EIR establishes applicable significance criteria and thresholds for evaluating the Project's impacts in Section 4.10.2.1,[153] but the analysis is flawed and fails to appropriately support the Draft EIR's subsequent analysis of Project impacts with respect to local community risks.

The Draft EIR presents thresholds of significance for local community risks as follows:

- Be subject to but not comply with a qualified risk reduction plan;
- Result in an excess cancer risk level of more than 10 in 1 million, or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 within a 1,000-foot radius; or
- Result in an incremental increase of greater than 0.3 $\mu g/m^3$ annual average PM2.5 within a 1,000-foot radius.[154]

B-8B-38

These quantitative thresholds for excess cancer risk, non-cancer hazard index, and incremental increase of annual average PM2.5 concentrations originate with the BAAQMD's 2022 CEQA Air Quality Guidelines, Table 3-1, for <u>project-level</u> analysis.[155] However, the Draft EIR fails to identify the recommended <u>cumulative</u> thresholds for risks and hazards for new sources and receptors established by the 2022 CEQA Guidelines, which are:

- Result in an excess cancer risk level of more than 100 in 1 million or a non-cancer (i.e., chronic) hazard index greater than 10.0 within a 1,000-foot radius from all local sources); or
- Result in an incremental increase of greater than 0.8 $\mu g/m^3$ annual average PM2.5 within a 1,000-foot radius (from all local sources).[156]

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[153] Draft EIR, pp. 4.10-22 through 4.10-24.

[154] Draft EIR, p. 4.10-23.

[155] BAAQMD 2022 CEQA Guidelines, p. 3-4. (*See* "Risks and hazards for new sources and receptors (individual project).")

[156] BAAQMD 2022 CEQA Guidelines, Table 3-1, p. 3-4.

Because the Draft EIR relies on these cumulative thresholds of significance to determine maximum cumulative health risks,[157] its failure to properly identify them in Section 4.10.2.1 and leaves the public not familiar with the BAAQMD's recommended thresholds of significance without a reference for the Draft EIR's conclusions presented later in the text of the document. **B-8B-38 (cont.)**

IV.C.3 The Draft EIR Fails to Identify All Sensitive Receptors

Certain community members are more susceptible to poor air quality. These individuals, referred to as sensitive receptors, are typically children, the elderly, and those with preexisting serious health problems, *e.g.*, asthmatics. Land uses where sensitive receptors are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers and preschools, hospices, nursing homes, hospitals, and residential communities.[158]

The Draft EIR identifies several sensitive receptors near the Project site[159] but omitted:

- Drake Terrace, an assisted living facility with 24 independent living apartments, 86 assisted living units, and 13 memory care units, located at 275 Los Ranchitos Road (approximately 550 feet south of the Project site;[160] **B-8B-39**
- Gentle Home Care (formerly L'Chaim House II), a 24/7-care residence with hospice care located at 463 Nova Albion Way (approximately 200 feet southwest of the Project site);
- Kaiser Permanente San Rafael Oncology Infusion Center, located at 820 Las Gallinas Avenue (about 500 feet northwest of the Project site);
- Marin Specialty Surgery Center, located at 1 Thorndale Drive (approximately 400 feet west of the Project site); and
- Medical offices along Las Gallinas Avenue and Northgate Drive (Kaplan Orthodontics, 920 Northgate Drive, Suite 8; O'Connor Dental Office, 920 Northgate Drive, Suite 4; Kantor Dental Group, 750 Las Gallinas Avenue, Suite 201; Northgate Dental, 750 Las Gallinas Avenue, Suite 217; and

[157] Draft EIR, Table 4.10.K, p. 4.10-41.

[158] CARB, Sensitive Receptor Assessment; available at: https://ww2.arb.ca.gov/capp-resource-center/community-assessment/sensitive-receptor-assessment, retrieved February 6, 2024.

[159] Draft EIR, Appx. I, p. 53.

[160] RGM, personal communication with Minoo Parsa, Drake Terrace, January 29, 2024.

EvoSmile Dental Practice, 750 Las Gallinas Avenue, Suite 210; all within less than 1000 feet of the Project site).

B-8B-39 (cont.)

These sensitive receptors would be affected by the air pollutant and toxic air contaminant emissions from the Project (as well as by construction and operational noise from the Project). The City must revise the EIR to include these populations.

IV.C.4 The Draft EIR Fails to Identify All Existing Emission Sources Within 1000 Feet of the Project Site

B-8B-40

For its cumulative health risk assessment, the Draft EIR identifies 13 existing stationary sources on and within 1000 feet of the Project site, including emergency (or backup) generators, chemical processes, and gasoline dispensing facilities.[161] However, the Draft EIR's identification of existing stationary sources dates back to 2018.[162] Based on a database maintained by the BAAQMD, at least one more emergency generator has been permitted by the agency since 2018 (Marin Specialty Surgery Center (SCA Marin Surgical Center; BAAQMD Facility ID# 201875) at 1 Thorndale Drive[163]). Emissions from this existing stationary source must be included in the cumulative health risk assessment for the Project.

IV.C.5 The Draft EIR's Health Risk Assessments Fail to Account for Emissions from New and Existing Backup Generators

B-8B-41

The Draft EIR provides two health risk assessments, one or *off-site* and one for *on-site receptors*; both are substantially flawed.

For *off-site receptors*, the Draft EIR models health impacts only for emissions from the two Project construction phases.[164] As discussed above, the Project would include new backup generators. Existing off-site receptors would be exposed to emissions from these generators. Emissions new sources, including from maintenance, testing, and reasonable use of these backup generators, must be included in the health risk modeling

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[161] Draft EIR, Appx. I, p. 53.

[162] *See* Draft EIR, Appx. C to Appx. I, Stationary Source Risk & Hazards Screening Report, 2018 Permitted Facilities.

[163] *See* BAAQMD, Interactive Data Maps, Facilities Map; available at: https://www.baaqmd.gov/about-air-quality/interactive-data-maps; and BAAQMD Public Notice, Permit Application #499049 for Emergency Standby Diesel Generator, SCA Marin Surgical Center, 1 Thorndale Drive, San Rafael, CA 94903, April 24, 2020; available at: https://www.baaqmd.gov/~/media/files/engineering/public-notices/2020/499049/fid201875_nsr_499049_pn_042420-pdf.pdf?rev=0e7ef7f7cdb04f36af7c48c3f0076888; both retrieved February 6, 2024.

[164] *See* Draft EIR, Appx. B to Appx. I, Construction HRA Supporting Data.

but were not. Thus, the Draft EIR underestimates health risks and its findings regarding significance are not supported. Since the Draft EIR finds mitigated project impacts of 4.85 in one million for inhalation cancer risk at the maximum exposed individual receptor ("MEIR") located off-site,[165] adding emissions from the backup generator may result in an exceedance of the BAAQMD's applicable significance threshold of 10 in one million. **B-8B-41 (cont.)**

The Draft EIR also does not account for the new proposed backup generators for in the cumulative health risk assessment for on-site receptors. Thus, the results of the cumulative health risk assessment regarding chronic inhalation cancer risk, chronic inhalation hazard index, and annual PM2.5 concentrations presented in Draft EIR, Table 4.10.K,[166] are underestimated and the Draft EIR's finding of less-than-significant impacts with respect to local health risks are not supported.

IV.C.6 The Draft EIR Relies on Incorrect Meteorological Data

The Draft EIR's ambient air quality modeling relies on meteorological data collected at the Napa County Airport station, explaining their use as follows:

> After comparing the primary wind directions of San Rafael, the latest 5-year meteorological data for the Napa County Airport station were used in the analysis as the most representative data set.[167]

B-8B-42

These meteorological data are not representative.

First, the Draft EIR did not use the latest 5-year meteorological data for the Napa County Airport, which cover the years 2013 through 2017, but relied on data from 2009 through 2014.[168]

Second, and more importantly, the Draft EIR's fails to provide the source of "primary wind directions of San Rafael" used to determine the most representative meteorological data set" and fails to discuss why meteorological data from closer monitoring stations were not considered. As discussed below, the meteorological data used by the Draft EIR are not representative of the Project site.

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[165] Draft EIR, Table 4.10.J, p. 4.10-39.

[166] Draft EIR, p. 4.10-41.

[167] Draft EIR, Appx. I, p. 52.

[168] Draft EIR, Appx. B to Appx. I, AERMOD assumptions.

Napa County Airport is located over 20 miles northeast of the Project site.[169] Meteorological data from other stations are available that are considerably closer to the Project site, *i.e.*, Marin County Airport at Gnoss Field, located less than 10 miles to the north of the Project site, and Sonoma Baylands, located less than 10 miles to the northeast of the Project site.[170] Five-year meteorological data for these two stations are available at the BAAQMD's website for use in AERMOD ambient air quality modeling for 2013 through 2017) and are much more representative of actual conditions.[171]

Although wind conditions vary across much of Marin, the prevailing wind is primarily from the northwest.[172] In San Rafael, the predominant average hourly wind direction varies through the year with mostly westerly (from the west) winds for 9.3 months from February 8 to November 16, with a peak percentage of 93% on August 9, and mostly northerly (from the north) winds for 2.7 months, from November 16 to February 8, with a peak percentage of 34% on January 1.[173] In contrast, the meteorological data collected at the Napa County Airport station shows that prevailing winds at that station are from the south southwest. **B-8B-42 (cont.)**

Figure 4 shows the wind roses for the Napa County Airport station and the Marin County Airport at Gnoss Field. (The circular format of the wind rose shows the direction the winds blew from and the length of each "spoke" around the circle shows how often the wind blew from that direction.)

[169] Distance measured with Google Earth.

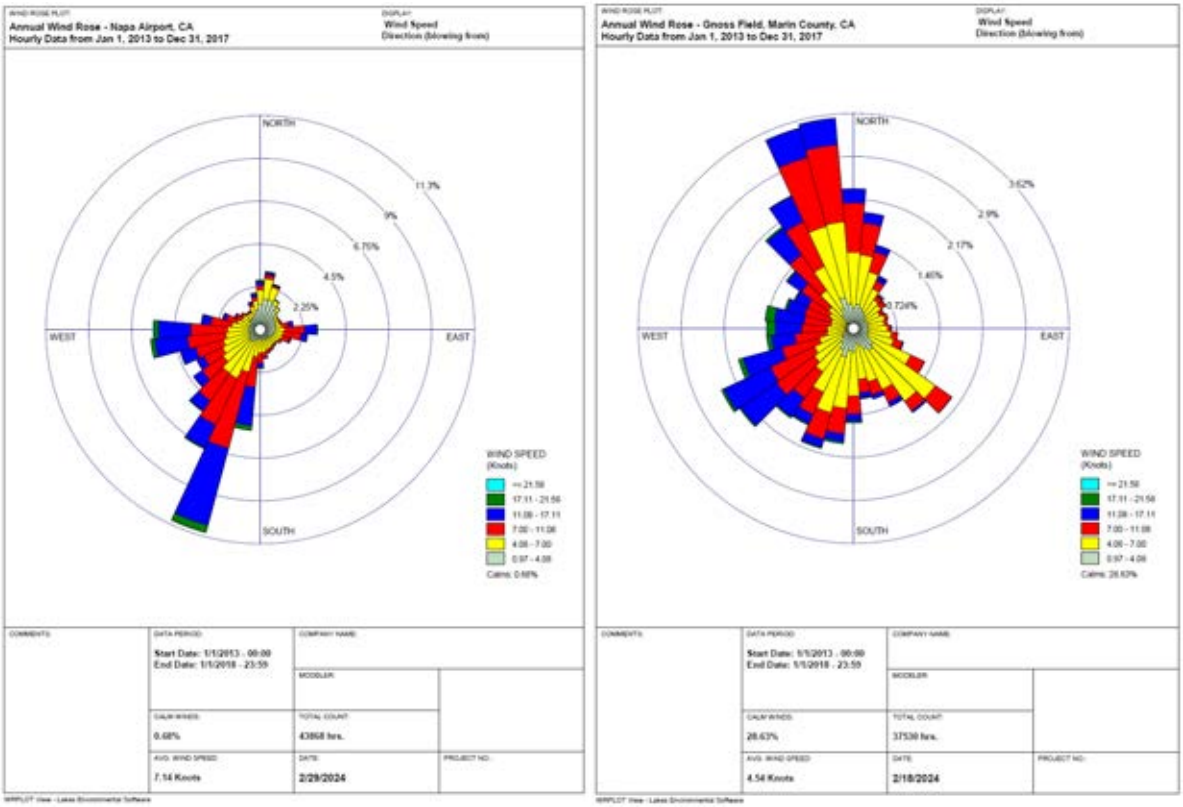
[170] Distances measured with Google Earth.

[171] BAAQMD, AERMOD-Ready Meteorological Data, last updated November 15, 2022; https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools/ceqa-modeling-data, retrieved February 16, 2024.

[172] Marin County Community Development Agency, Marin Countywide Plan, Air Quality Technical Background Report, April 2002, updated December 2005; available at: https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/county-wide-plan/background-reports/air_quality.pdf, retrieved February 7, 2024.

[173] Weather Spark, Climate and Average Weather Year Round in San Rafael California, United States; available at: https://weatherspark.com/y/562/Average-Weather-in-San-Rafael-California-United-States-Year-Round, retrieved February 7, 2024.

Figure 4: Wind roses for Napa County Airport (left) and Marin County Airport at Gnoss Field (right)



Wind roses courtesy of Ray Kapahi, EPS Environmental Permitting Specialists, February 18, 2024

B-8B-42 (cont.)

In sum, the meteorological data from Marin County Airport at Gnoss Field are most representative for the Project due to the site's location due north of the Project site and its prevailing winds from the west and north.

The annual average wind speeds at the Napa County Airport station (7.14 knots) are also considerably higher than the annual average wind speeds at the Marin County Airport at Gnoss Field station (4.54 knots).[174]

These major differences in the wind profiles for these two stations show that modeling results would be very different if the meteorological data from the Gnoss Field station had been used. Thus, the Draft EIR's determination of local health risks, which are based on ambient air quality modeling that relies on meteorological data from the Napa County Airport station, were not supported by the best evidence. This affects both the construction health risk assessments and the cumulative health risk

[174] Personal communication with Ray Kapahi, EPS Environmental Permitting Specialists, January 21, 2024.

assessment. This failure to adequately model health risks is of particular concern for the existing sensitive receptors located immediately to the south of the Project site.

Other health risk assessments prepared for the City relied on either meteorological data collected at the Marin County Airport at Gnoss Field or the Sonoma Baylands stations.

These include, for example, the health risk assessment for the Northgate Walk Project, which was prepared by LSA (the City's consultant for preparation of the Draft EIR for the Project):

> Meteorological data to represent the conditions at the project site were obtained from the ARB for the **Marin County Airport (i.e., Gnoss Field) meteorological station. The meteorological data indicate a frequent presence of wind at the project site from the west**, with speeds averaging about 5.04 miles per hour.[175]

The health risk assessment for the City's CEQA Initial Study for the 350 Merrydale Road Residential Townhome Development Project, which is less than half a mile from the Project site, also relied on meteorological data from Gnoss Field:

> The modeling used a five-year data set (2006-2010) of hourly **meteorological data from the Gnoss Field Airport in Novato** that was prepared for use with the AERMOD model by CARE for health risk assessments. The airport is about 10 miles north of the project site.[176]

B-8B-42 (cont.)

Finally, for the health risk assessment prepared for the environmental impact report for the Kaiser Permanente Medical Office Building, the consultant relied on meteorological data from the Sonoma Baylands station:

> The **modeling used a 5-year meteorological data set (2001 – 2005) from the Sonoma Baylands** prepared for use with the AERMOD model by the BAAQMD.[177]

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[175] LSA, Air Quality Impact Analysis, May 2018, p. 39; available at: https://www.cityofsanrafael.org/documents/air-quality-impact-analysis-lsa-associates-inc-may-2018/, retrieved February 16, 2024.

[176] City of San Rafael, Initial Study/Mitigated Negative Declaration, 350 Merrydale Road Residential Townhome Development Project, 350 Merrydale Road, San Rafael, CA, Assessor's Parcel Nos.: 179-041-27 and 28, November 8, 2019, p. 45; available at: https://www.cityofsanrafael.org/documents/initial-study-mitigated-negative-declaration-350-merrydale/, retrieved February 16, 2024.

[177] City of San Rafael, Draft Environmental Impact Report, Kaiser Permanente, 1650 Los Gamos Drive, Medical Office Building Project, Appx. C, Kaiser Medical Office Building Air Quality And Greenhouse Gas Emissions Assessments, San Rafael, California, p. 12, prepared by Illingworth and Rodkin,

In sum, the Draft EIR's air quality modeling and health risk assessments must be revised to reflect site-appropriate meteorological data. **B-8B-42 (cont.)**

V. The Draft EIR Fails to Adequately Assess and Mitigate Impacts with Respect to Project Greenhouse Gas Emissions

As discussed below, the Draft RIR Fails to adequately assess and mitigate greenhouse gas emissions from construction and operation.

V.A The Draft EIR Fails to Adequately Mitigate Greenhouse Gas Emissions from Project Construction

The Draft EIR does not find significant impacts due to greenhouse gas emissions during Project construction.[178] However, the Draft EIR fails to implement all feasible construction mitigation measures recommended by the BAAQMD to support this finding.

The BAAQMD, explaining why it did not develop a quantitative threshold of significance for construction related greenhouse gas emissions, and citing to guidance by the State's Office of Planning and Research ("OPR"), recommends: **B-8B-43**

> Because construction emissions are temporary and variable, the Air District has not developed a quantitative threshold of significance for construction-related GHG emissions. However, the Lead Agency should quantify and disclose GHG emissions that would occur during construction. In its Discussion Draft Climate Change Advisory document, OPR encourages lead agencies to quantify a project's construction (as well as its operational) GHG emissions, using available data and tools, to determine the amount, types, and sources of GHG emissions resulting from the project. **Even though the significance of construction-related GHG emissions is not determined, in order to minimize GHG emissions and emissions of other air quality pollutants, projects should incorporate the best management practices for reducing GHG emissions listed in Table 6-1 to reduce emissions from construction-related activities.**[179]

February 16, 2018; available at: https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2018/03/Kaiser-Permanente-1650-Los-Gamos-Drive-Medical-Office-Building-DEIR-Appendices-web-4.pdf, retrieved February 16, 2024.

[178] *See* Draft EIR, p. 4.11-22 through 4.11-25.

[179] BAAQMD 2022 CEQA Guidelines, p. 6-7, emphasis added.

The Draft EIR fails to incorporate the BAAQMD's recommended best management practices for construction-related activities to reduce greenhouse gas emissions, which are as follows:

- Use zero-emission and hybrid-powered equipment to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or located within a BAAQMD-designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.
- Require all diesel-fueled off-road construction equipment be equipped with EPA Tier 4 Final compliant engines or better as a condition of contract.
- Require all on-road heavy-duty trucks to be zero emissions or meet the most stringent emissions standard, such as model year (MY) 2024 to 2026, as a condition of contract.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.
- Prohibit off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Use California Air Resources Board–approved renewable diesel fuel in off-road construction equipment and on-road trucks. **B-8B-43 (cont.)**
- Use U.S. Environmental Protection Agency SmartWay certified trucks for deliveries and equipment transport.
- Require all construction equipment is maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Where grid power is available, prohibit portable diesel engines and provide electrical hook ups for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites.
- Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers and offer meal options onsite or shuttles to nearby meal destinations for construction employees.
- Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.

- Minimize energy used during site preparation by deconstructing existing structures to the greatest extent feasible.
- Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15% more by weight than the diversion requirement in Title 24.
- Use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products used should be certified through a sustainable forestry program.
- Use low-carbon concrete, minimize the amount of concrete used and produce concrete on-site if it is more efficient and lower emitting than transporting ready-mix. **B-8B-43 (cont.)**
- Develop a plan to efficiently use water for adequate dust control since substantial amounts of energy can be consumed during the pumping of water.
- Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.[180]

The sheer scale of the Project indicates that these best management practices recommended by the BAAQMD must be required and absent their implementation, the City may not make a finding of less-than-significant impacts for construction-related greenhouse gas emissions.

V.B The Draft EIR Fails to Adequately Mitigate Greenhouse Gas Emissions from Project Operation

The Draft EIR finds that the Project would generate greenhouse gas emissions, either directly or indirectly, that would result in significant unavoidable impacts because the commercial kitchens on site would utilize natural gas and, therefore, the Project is not consistent with the required natural gas prohibition established by the BAAQMD.[181] Further, the Draft EIR finds that the Project would conflict with a State or local greenhouse gas reduction plan and would therefore result in significant unavoidable impacts and would result in cumulative impacts for the same reason.[182] **B-8B-44**

[180] BAAQMD, 2022 CEQA Guidelines, Table 6-1, p. 6-8.

[181] Draft EIR, pp. 4.11-22 through 4.11-25.

[182] Draft EIR, pp. 4.11-25 through 4.11-31.

CEQA requires public agencies not to approve proposed projects if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.[183]

The Draft EIR finds that greenhouse gas emissions associated with Project operation would result in significant and unavoidable impacts, both on a project- and cumulative level:

> However, because the proposed project would include the use of natural gas in the proposed commercial kitchens, the proposed project would not meet the project design thresholds recommended by the BAAQMD and would be considered inconsistent with the long-term State GHG reduction goals and emission targets outlined in AB 32, SB 32, EO B-30-15, EO B-48-18, and AB 1279. As such, the proposed project would conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. This impact would be ***significant and unavoidable***.[184]
>
> CARB most recently updated the Scoping Plan in 2022 to include a framework to meet the State's carbon neutrality goals by 2045, and the BAAQMD has determined that projects need to incorporate design elements to do their "fair share" of implementing that goal. If a project is designed and built to incorporate the design elements, then it will contribute its portion of what is necessary to achieve its "fair share" and it can be concluded that the project would result in a less than significant impact related to GHG emissions. If a project does not incorporate these design elements, then a project would result in a significant GHG impact. As described above, the proposed project would not be consistent with the BAAQMD's project design elements included under "Threshold A" due to the inclusion of natural gas connections for potential natural gas use in the proposed commercial kitchens. Mitigation to prohibit the use of natural gas in proposed restaurants was found to be infeasible. Therefore, the proposed project would result in the generation of GHG emissions that would have a significant impact on the environment, and the cumulative GHG impacts would be considered ***significant and unavoidable***.[185]

B-8B-44 (cont.)

[183] Cal. Pub. Resources Code § 21002.1.

[184] Draft EIR, p. 4.11-3, emphasis retained.

[185] Draft EIR, p. 4.11-13, emphasis retained.

First, the Draft EIR claims that mitigation "to prohibit the use of natural gas in proposed restaurants was found to be infeasible" but provides no feasibility analysis, instead simply relying on the Applicant's say-so:

> Because the **Project applicant determined that eliminating natural gas from the restaurant spaces is not feasible for Project success** and because CALGreen Tier 2 non-residential requirements are also not feasible for the Project design, no mitigation measures have been identified to be feasible.[186]

The Draft EIR fails to even discuss the use of induction cooktops in commercial kitchens, which are increasingly common. (Cooktops that use induction technology heat cookware directly using electromagnetic fields, which makes them more efficient and faster than conventional stovetops.) Due to their efficiency, precision, and safety, induction cooktops have become an excellent choice for restaurants.[187] (Induction stoves have the added benefit of not heating up commercial kitchens the way natural gas-stoves do and prevent the health and fire hazards associated with natural gas-stoves.) A recent market study anticipates that the commercial induction cooktop market is expected to rise by 5.6 percent in the next decade with restaurants and hotels projected to be among the fastest-growing markets.[188] **B-8B-44 (cont.)**

One of the main arguments of the restaurant industry was the costs associated with retrofitting buildings with electrical upgrades, a factor that is not of concern for the four proposed restaurants since this would be new construction. Further, only 76% of restaurants currently use natural gas, an indication that restaurants can and do operate without natural gas.

Second, the Draft EIR fails to consider all feasible mitigation because it did not consider any measure beyond prohibiting the use of natural gas. Feasible mitigation exists and must be required. As the technical support document for the Draft EIR correctly points out, the lead agency "may identify mitigation measures at their discretion if determined to meet the requirements of CEQA."[189] The BAAQMD

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[186] Draft EIR, Appx. I, p. 113, emphasis added.

[187] Globe Newswire, Future Market Insights, Global Commercial Induction Cooktops Market Set to Surge to US$ 22 Billion by 2033, Rising at a 5.6% CAGR; available at: https://www.globenewswire.com/news-release/2023/12/04/2790184/0/en/Global-Commercial-Induction-Cooktops-Market-Set-to-Surge-to-US-22-Billion-by-2033-Rising-at-a-5-6-CAGR-Future-Market-Insights-Inc.html, retrieved February 21, 2024.

[188] *Ibid*.

[189] Draft EIR, Appx. I, p. 113, emphasis added.

similarly encourages lead agencies to require additional mitigation measures to reduce greenhouse gas emissions:

> Many air quality–related mitigation measures can also reduce greenhouse gas (GHG) emissions; conversely, many measures that reduce GHG emissions also reduce air quality impacts. To help ensure that the Bay Area meets its fair share of the State's goal of achieving carbon neutrality by 2045 (Executive Order B-55-18), continues to maintain ambient air quality standards, and addresses local air pollution health risks, **lead agencies are encouraged to select mitigation measures that reduce both air pollutants and GHG emissions.**

B-8B-44 (cont.)

Finally, if emissions cannot be avoided or mitigated on-site to a less-than-significant level, off-site mitigation measures can be a feasible alternative (*see* State CEQA Guidelines § 15126.4[c][4]). In implementing off-site mitigation measures, the lead agency must ensure that emission reductions from identified projects are real, permanent, quantifiable, verifiable, enforceable, and additional to any reductions already required or likely to occur for other reasons. In addition, if off-site mitigation measures are used, it is preferable to select measures that benefit the local community, the City, county, or the Bay Area region—in that order.[190]

VI. The Draft EIR Fails to Adequately Address the Project's Cumulative Impacts

State CEQA Guidelines, Section 15355, defines cumulative impacts as "two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts." *State CEQA Guidelines* Section 15130 requires that an EIR evaluate potential environmental impacts that may be individually limited but cumulatively significant. These impacts can result from the proposed project when combined with other past, present, or reasonably foreseeable future projects.

The Draft EIR provides the following discussion regarding its approach to evaluate the Project's cumulative impacts:

B-8B-45

> 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

[190] BAAQMD 2022 CEQA Guidelines, Section 8 Mitigating Air Quality and Climate Impacts, pp. 8-1 and 8-2.

> 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.[191]
>
> All identified impacts of the proposed project would be individually limited and would not be cumulatively considerable except for GHG emissions, which would result in significant unavoidable cumulative impacts.[192]

B-8B-45 (cont.)

The City's approach to addressing cumulative impacts is incorrect. The primary determination for a cumulative impact analysis under CEQA is whether it was reasonable and practical to include past, present, and future projects and whether, without their inclusion, the severity and significance of the cumulative impacts were reflected adequately.

For one, the chosen projection-based approach may be appropriate for smaller projects, but the Project's sheer scale in terms of size and duration of construction requires a more thorough analysis. CEQA expressly emphasizes that projection-based approached may be supplemented with additional information such as regional modeling:

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[191] Draft EIR, pp. 4-2 and 4-3, emphasis added.

[192] Draft EIR, p. 2-5, emphasis retained.

> Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.[193]

A proper cumulative impact analysis requires assessing impacts in the context of "past, present, and future projects." Here, the Draft EIR improperly focuses on only "present" projects.[194] More importantly, the Draft EIR is incorrect about there not being "any applications for potential projects within the project area currently on file with the City."[195] What's more, the projects the City must consider are not limited to those under its own jurisdiction, but rather all projects under the jurisdiction of other agencies too. Finally, there are a number of projects that were recently completed or are in the pipeline within a mile of the Project site and that may undergo construction at the same time as the Project. Six of these projects are shown in Figure 5 and are discussed in more detail in Comments VI.A through VI.F below. (These projects do not include any additional projects that may be coming down the pike nor does it include smaller housing projects under 20 units.)

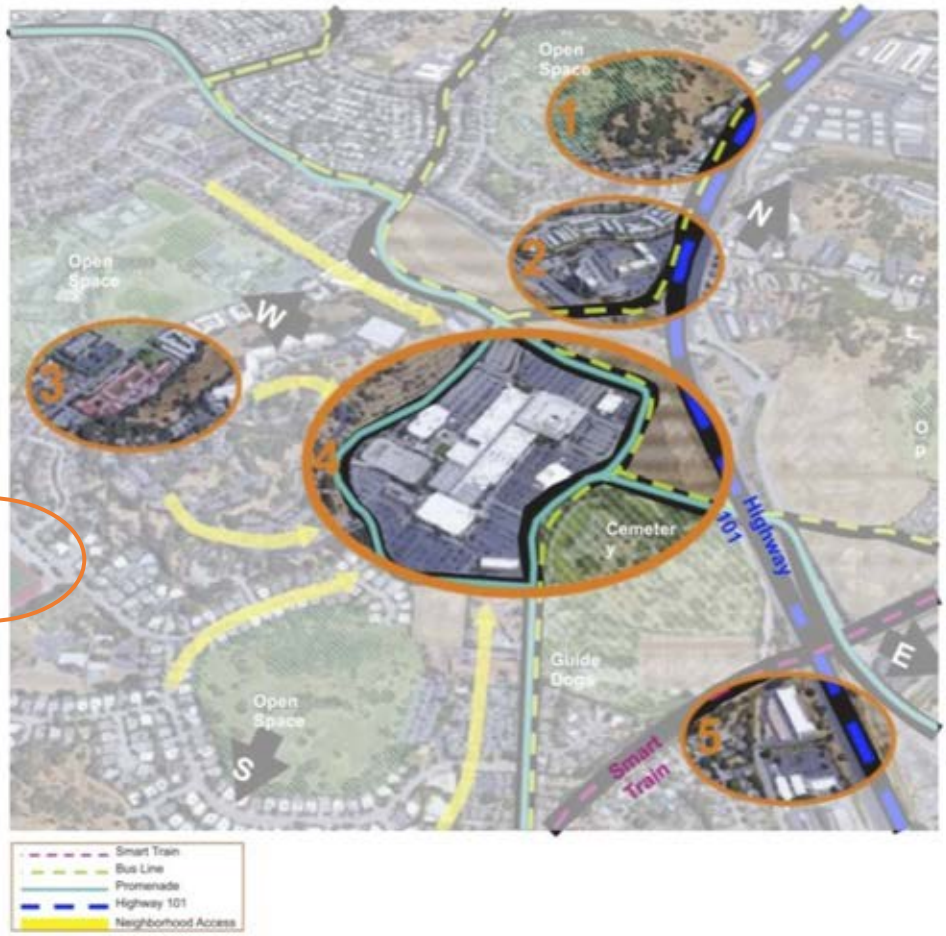
B-8B-45 (cont.)

[193] Cal. Code Regs. tit. 14 § 15130.

[194] Cal. Code Regs. tit. 14 § 15355.

[195] *See* City of San Rafael, Major Planning Projects; available at: https://www.cityofsanrafael.org/major-planning-projects-2/, retrieved January 10, 2024.

Figure 5: Proposed projects within one mile of Northgate Mall



1 LOS GAMOS
192 Rental Units

2 NORTHGATE WALK
136 Rental Units

3 245 NOVA ALBION WAY
87 TOWNHOUSES OWNERSHIP (PROPERTY NOT SOLD YET)

4 NORTHGATE MALL, TOWN SQ.
1422 UNITS
85 TOWNHOUSES OWNERSHIP
1337 RENTALS

5 350 MERRYDALE
45 TOWNHOUSES OWNERSHIP

6 TERRA LINDA HIGH SCHOOL
Modernization/ replacement of academic and physical education facilities

Adapted from: RGM, Do You Know What's Happening in Your Neighborhood?; available at: https://rgmarin.org/nsr/#yes, retrieved January 28, 2024

These and other projects are discussed below.

VI.A Terra Linda High School Capital Improvements Project

On August 27, 2023, San Rafael City Schools ("the School District"), as the lead agency under CEQA, published a Notice of Preparation of an environmental impact report accompanied by an Initial Study for the proposed Terra Linda High School Capital Improvements Project ("TLHS Project").[196] The Terra Linda High School

B-8B-45 (cont.)

[196] School District, News & Update, Notice of Preparation of an Environmental Impact Report for the Terra Linda High School Capital Improvements Project, August 29, 2023, and Initial Study, Terra Linda High School Capital Improvements Project, prepared by Michael Baker International, August 2023 (hereafter "TLHS Project IS"); both available at: https://www.srcsbondprogram.org/, accessed January 18, 2024.

campus is located at 320 Nova Albion Way on 29 acres owned by the School District. The TLHS Project would modernize and/or replace academic and physical education facilities at the campus with bond proceeds from the "San Rafael City High School District Measure B," passed on June 6, 2022, by San Rafael voters.[197]

The TLHS Project would not accommodate an increase in enrollment or capacity at the school.[198] However, the proposed improvements would allow extended use of the facilities by the high school and community. Expanded activity may include California Interscholastic Federation tournaments at the aquatic center, early morning water polo and swim team practices, and expanded use of the ballfields.[199] The Initial Study for the TLHS Project finds that the project's potential to generate additional vehicle miles traveled due to the proposed extended use as well as traffic associated with project construction would result in potentially significant impacts."[200]

The Initial Study further finds that the TLHS Project would potentially result in environmental effects that may cause adverse effects on human beings with regard to air quality, energy, greenhouse gas emissions, noise, recreation, and transportation, amongst others, as well as potentially significant cumulative impacts.[201] **B-8B-45 (cont.)**

The TLHS Project is projected to be constructed over five and a half years between June 2024 and December 2029, overlapping with construction of the Project's Phase 1, and would be implemented in three phases:

- Phase 1 consists of the demolition and reconstruction of the existing pool and related facilities, renovation of the existing locker and team rooms (southern half of Building K), demolition and reconstruction of Building H (ancillary gymnasium with dance, weight room, mat room, restrooms, storage, aquatic concessions), and stadium upgrades.
- Phase 2 consists of the modernization of the main classroom buildings and installation of campus-wide security fencing.

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[197] BallotPedia, San Rafael City High School District, California, Measure B, Bond Issue (June 2022); available at: https://ballotpedia.org/San_Rafael_City_High_School_District,_California,_Measure_B,_Bond_Issue_(June_2022), retrieved March 1, 2024.

[198] TLHS Project IS, p. 46.

[199] TLHS Project IS, pp. 7-8

[200] TLHS Project IS, p. 48.

[201] TLHS Project IS, p. 61.

- Phase 3 consists of the replacement of natural turf with artificial turf for the creation of baseball and multiuse (softball and soccer) fields, improvements at the tennis courts, and beautification improvements to the track and field stadium.[202]

These improvements would allow extended use of the facilities by the high school and community. Expanded activity may include California Interscholastic Federation tournaments at the aquatic center, early morning water polo and swim team practices, and expanded use of the ballfields.[203]

The Initial Study for the TLHS Project considers transportation impacts from this extended use as "potentially significant."[204] These potentially significant traffic impacts would coincide with the increased traffic associated with Project operation and would increase the cumulative impacts on traffic and air quality.

VI.B Proposed Roundabouts in Terra Linda

The Manuel T. Freitas Parkway and Civic Center Drive interchange with Highway 101 is dangerous and currently not compliant with the American Disabilities Act ("ADA"). The Transportation Authority of Marin ("TAM") identified the following approach to mitigate these deficiencies, which includes construction of three roundabouts: **B-8B-45 (cont.)**

> Proposed improvements seek to address deficiencies and to upgrade the conditions for vehicular traffic, transit users, pedestrians, and bicyclists. The improvements vary from readily implementable solutions, such as new crosswalks, curb ramp replacements, restriping, new bike facilities, upgrading sidewalk and existing transit stops, improved multimodal connectivity, and widened bridges. Many of the improvements recommended by this study will strengthen the interchange's relationship with the surrounding area and new developments, and they will improve the operation and safety of these interchanges for all users, allowing smoother travel to, from, and across Highway 101 and local roads.
>
> Concepts are presented as near- and long-term improvements based on the ease of implementation.
>
> The near-term concept for Manuel T. Freitas Parkway carries the Caltrans project EA 04-0K800 that proposes to construct a roundabout at Civic Center Drive, and

[202] TLHS Project IS, pp. 7-8.

[203] *Ibid*.

[204] TLHS Project IS, p. 48.

that will be supplemented by this study. The existing NB bus stop will be relocated from the NB on-ramp to Civic Center Drive north of the roundabout. To supplement the design, this study proposes to improve the north sidewalk on the Manuel T. Freitas Parkway overcrossing to improve east and west connectivity between the SB loop on-ramp and Civic Center Drive. This sidewalk will continue west to the Northgate Drive.

B-8B-45 (cont.)

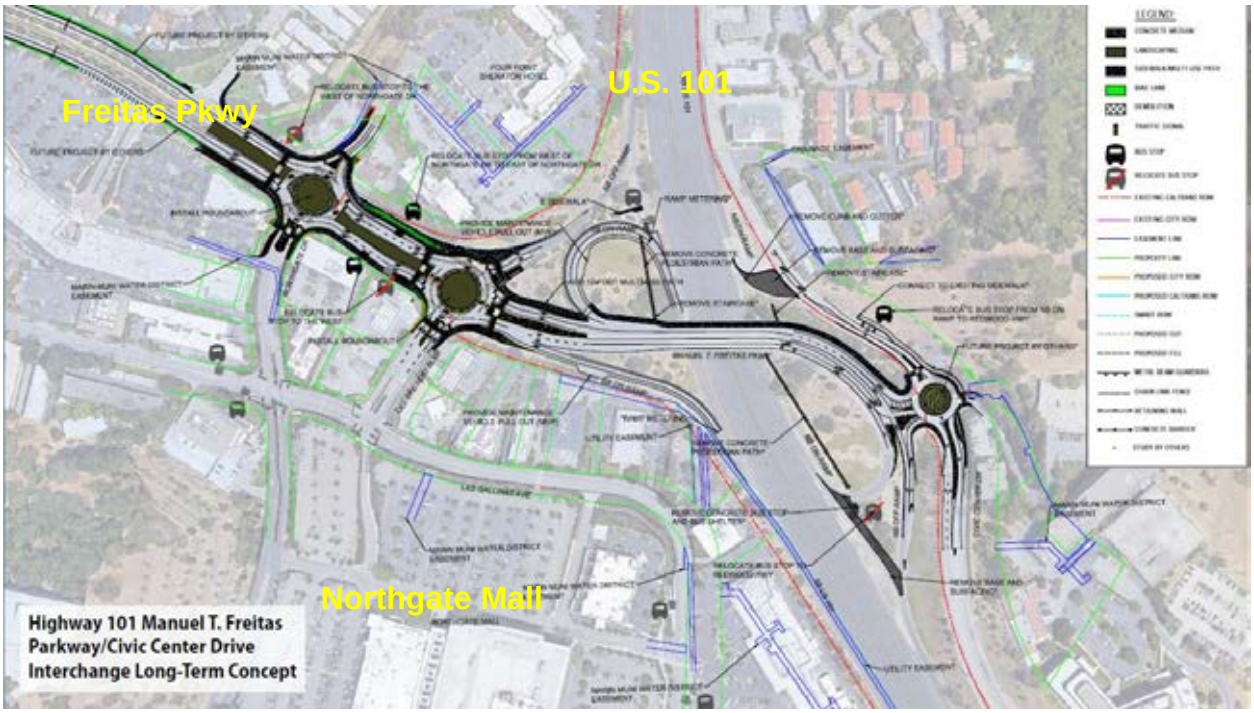
The long-term concept includes the near-term improvements and will supplement a proposal to construct two-lanes roundabouts at the intersection of Northgate Drive and Del Presidio Blvd along Manuel T. Freitas Parkway. A multi-use path will be provided in both directions of travel between Northgate Drive and Del Presidio Blvd. The SB off-ramp free-right-turn movement will be removed and will connect to the proposed roundabout at Del Presidio Blvd.

The improvement concepts have been shared with the local jurisdictions and transit agency representatives, who have had an opportunity to review and comment on the concepts presented.[205]

[205] TAM, Highway 101 Interchange & Approaching Roadway Study, Manuel T. Freitas Parkway/Civic Center Drive, Existing Conditions, Constraints, & Opportunities Report, July 2022, prepared by HNTB sand Parisi Transportation Consulting; available at: https://tam101study.com/interchange/manuel-t-freitas-parkway-civic-center-drive/, retrieved January 28, 2024.

The three planned roundabouts are shown in Figure 5.

Figure 5: Planned roundabouts near the Project site



Modified from: Transportation Authority of Marin, Manuel T. Freitas Parkway / Civic Center Drive; available at: https://tam101study.com/interchange/manuel-t-freitas-parkway-civic-center-drive/, retrieved February 13, 2024

B-8B-45 (cont.)

The City Council on August 1, 2022 authorized the City Manager to approve and execute a cooperative agreement with Caltrans to contribute funds for professional engineering services associated with the roundabout at Freitas Parkway/U.S. 101/Civic Center/Redwood Road[206] (the right-most roundabout in Figure 5 above). The proposed roundabout at Freitas Parkway is now funded by Caltrans and construction is expected to begin summer 2024 and last about a year.[207] This would overlap with construction of Phase 1 of the Project.

[206] City of San Rafael, City Council meeting on August 1, 2022, Consent Item 4.J; available at: https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2022/09/CC-SA-Minutes-2022-08-01.pdf, retrieved February 29, 2024.

[207] Adrian Rodriguez, Marin Independent Journal, State to Fund Safer Roads, Help to Protect Waterways, February 4, 2024; available at: https://www.marinij.com/2024/02/07/marin-gets-37m-for-road-safety-trash-capture-projects/, retrieved February 5, 2024.

VI.C Los Gamos Apartments

The project includes construction of a 192-unit apartment project, a 5,574-square foot neighborhood market building, and a 5,003 square foot community building on a vacant lot at the end of Los Gamos Drive. The City Council approved the project on February 7, 2022.[208] Thus, construction could begin anytime and could overlap with Project construction. Further, increased traffic and emissions from operation of this project would occur at the same time as Project operation.

VI.D Nazareth House

The Nazareth House at 245 Nova Albion Way was a 125-bed assisted living center with hospice and palliative care operated by the Sisters of Nazareth for nearly 60 years, which closed permanently in January 2021.[209] The one-story building, located on a 6.6-acre site, has stood vacant since.[210] In 2022, the City identified the site, which is zoned for high-density residential use,[211] as one of the sites for potential redevelopment between 2023 and 2031 to meet its housing needs.[212] The redevelopment of this site with high-density housing is foreseeable and should be considered as potentially occurring at the time of Project construction. Further, increased traffic and emissions from operation of this project would occur at the same time as Project operation.

B-8B-45 (cont.)

VI.E Northgate Walk, 1005 & 1010 Northgate Drive

The project proposes to demolish an existing commercial building and gas station and construct a new 4-story, 30-unit residential condominium building at 1005 and 1010 Northgate Drive. The project also proposes to demolish the existing hotel 'amenities' (restaurant, meeting rooms, etc.) building and construct two new four-story,

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[208] City of San Rafael, Los Gamos Apartments; available at: https://www.cityofsanrafael.org/los_gamos_apartments/, retrieved January 10, 2024.

[209] Matthew Pera, Marin Independent Journal, San Rafael Seniors' Home Announces Permanent Closure, November 20, 2020; available at: https://www.marinij.com/2020/11/20/san-rafael-seniors-home-announces-permanent-closure/, accessed January 18, 2024.

[210] Personal observations by RGM members and Terra Linda residents.

[211] Matthew Pera, Marin Independent Journal, San Rafael Seniors' Home Announces Permanent Closure, November 20, 2020; available at: https://www.marinij.com/2020/11/20/san-rafael-seniors-home-announces-permanent-closure/, accessed January 18, 2024.

[212] Adrian Rodriguez, Marin Independent Journal, San Rafael Seeks Views on Housing Sites, July 27, 2022; available at: https://www.marinij.com/2022/07/27/san-rafael-seeks-views-on-housing-sites/, accessed January 18, 2024.

residential condominium buildings with 48 and 58 units, respectively.[213] The City indicates the project as approved.[214] While permits for this project may have expired, it is a reasonable assumption that a similar project will be built at that location in the near future and construction could overlap with one of the Project phases. Further, increased traffic and emissions from operation of this project would occur at the same time as Project operation.

VI.F Other Planned Projects in the Project Vicinity

B-8B-45 (cont.)

Other planned projects in the vicinity of the Project include:

- 350 Merrydale Town Home Development includes construction of a mixture of 45 new for-sale town homes and stacked flats. A new T-shaped private road will link Merrydale Road with Redwood Highway.[215] The City indicates the project status as approved.[216]

- 50 Merrydale Road Apartments includes construction of a new two-story multifamily residential building with 12 residential units.[217] The City indicates the project status as currently incomplete. [218]

VII. The Draft EIR Improperly Defers Analyses that Would Result in Additional Impacts and Improperly Defers Identification of Mitigation Measures

B-8B-46

CEQA calls for environmental review of discretionary projects at the earliest meaningful stage, to serve its purposes of public participation and informed decision-making. Here, the Draft EIR improperly defers a number of analyses and identification of feasible mitigation measures until after the CEQA certification process. Some of these

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[213] City of San Rafael, Northgate Walk, 1005 & 1010 Northgate Drive; available at: https://www.cityofsanrafael.org/northgate-walk/, retrieved January 10, 2024.

[214] City of San Rafael, 50 Merrydale Road Apartments; available at: https://www.cityofsanrafael.org/50-merrydale/, retrieved January 10, 2024.

[215] City of San Rafael, 350 Merrydale Town Home Development; available at: https://www.cityofsanrafael.org/350merrydale/, retrieved January 10, 2024.

[216] City of San Rafael, Major Planning Projects; available at: https://www.cityofsanrafael.org/major-planning-projects-2/, retrieved January 10, 2024.

[217] City of San Rafael, 50 Merrydale Road Apartments; available at: https://www.cityofsanrafael.org/50-merrydale/, retrieved January 10, 2024.

[218] City of San Rafael, Major Planning Projects; available at: https://www.cityofsanrafael.org/major-planning-projects-2/, retrieved January 10, 2024.

analyses would result in additional impacts on air quality, human health, and noise, among other topics, that should have been, but were not, addressed in the Draft EIR. **B-8B-46 (cont.)**

VII.A Mitigation Measure GEO-1, Lining of Bioretention Planters

The Draft EIR states that the clayey fill soil at the Project site has been found to be low to moderately expansive[219] and explains that it may not be suitable for reuse as engineered fill or backfill:

> The Geotechnical Investigation indicates that excavated on-site soil is generally not suitable from a geotechnical perspective for reuse as engineered fill or backfill due to the moderate expansion potential of the soil; however, this soil may be used as general fill outside of building footprints if at least 12 inches of material that meets geotechnical requirements (which includes low to moderate expansion potential) is placed over it.
>
> …
>
> The project design currently includes the reuse of a large quantity of excavated on-site soil to backfill the basement area of the RH Outlet building, and the proposed Residential 2 building is planned to be constructed over a portion of this basement area. Although the Geotechnical Investigation indicates that the on-site soil should not be used as engineered fill or backfill within new building footprints, the project's Geotechnical Engineer later indicated that they would allow the use of existing on-site soil in the basement backfill provided at least 12 inches of engineered fill is placed over it. The Preliminary Stormwater Control Plan for the project indicates that stormwater bioretention planters would be lined with concrete on their sides; however, the bottoms of the planters would not be lined, which could conflict with the recommendation of the Geotechnical Investigation that runoff should be collected in lined ditches or drainage swales and could therefore result in damage to proposed and existing improvements due to expansive soil conditions. This would be a **potentially significant impact**.[220]

B-8B-47 (cont.)

In order to reduce this potentially significant impact, the Draft EIR requires implementation of Mitigation Measure GEO-1, which requires review of the proposed bioretention planter lining designs by a geotechnical engineer to determine whether the designs meet the geotechnical recommendations regarding lining of stormwater drainage swales to address expansive soil conditions prior to issuance of grading or building permits:

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[219] Draft EIR, p. 4.6-15.

[220] Draft EIR, pp. 4,6-15 and 4.6-16, internal citations omitted, emphasis retained.

> If the project geotechnical engineer indicates that any of the bioretention planters should include bottom liners to address expansive soil conditions, the bioretention planter designs shall be modified in accordance with the geotechnical engineer's recommendations. Modifications to bioretention planter designs shall account for potential increases in stormwater discharges that could occur from lining the bottoms of planters to ensure that the project would not increase stormwater discharges compared to existing conditions at the project site. Such modifications may include increasing the size/depth of bioretention planters, adding infiltration devices in areas that would not adversely affect proposed or existing improvements, or additional stormwater retention features such as bioswales or underground cisterns with metered outlets. The geotechnical review and potential modifications to project designs discussed above shall occur prior to the City of San Rafael (City) issuing grading or building permits for the project.[221]

No plausible explanation exists that would have prevented the Applicant from preparing this review of the proposed bioretention planter lining design *before* publication of the Draft EIR. **B-8B-47 (cont.)**

Increasing the size/depth of bioretention planters and adding infiltration devices or additional stormwater retention features such as bioswales or underground cisterns could result in additional construction activities that were not considered by the Draft EIR. These additional construction activities potentially increase the required amount of cut-and-fill or engineered fill, increase the number of hours for excavator work, and require additional truck trips to ferry fill across the Project site, import engineered fill, and/or dispose of unsuitable material that cannot be reused on the Project site. These activities could prolong or intensify the Project's construction phases, resulting in additional emissions of air pollutants and toxic air contaminants which increase impacts on air quality and local public health risks. Further, additional construction would prolong and/or increase existing receptors' exposure to noise during Project construction.

VII.B Mitigation Measure GEO-2, Preparation of a Design-Level Geotechnical Report

The Draft EIR finds that additional geotechnical review for the Project site is required: **B-8B-48**

> The project would include excavation for construction of one level of underground parking at the proposed Residential 3 structure (which is in the area where groundwater was previously encountered at depths of approximately

[221] Draft EIR, p. 2-10.

> 7 to 10 feet) and two levels of underground parking at the proposed Residential 4 structure (which is in an area where groundwater has been encountered at depths of approximately 11 to 15 feet). Excavation activities would extend below the groundwater table; therefore, dewatering of excavations would be required. Excavation dewatering could lower the groundwater table in areas adjacent to excavations, which could result in subsidence and settlement-related damage to existing improvements near excavations. Shoring of excavations would also be required to laterally restrain the sidewalls of excavations to ensure they would not collapse and to limit the movement of adjacent improvements (e.g., public streets, sidewalks, and utilities). The amount of excavation dewatering that would be required can vary depending on the type of shoring system that would be utilized. If appropriate shoring is not designed and installed, the movement or collapse of excavation sidewalls could result in damage to adjacent improvements. The Geotechnical Investigation did not discuss the excavations, shoring, and dewatering that would be required for proposed underground parking structures.
>
> Based on the discussion above, the project could result in subsidence, settlement, and differential settlement that could impact the integrity of nearby buildings and other improvements (e.g., roadways and utilities) in addition to potential settlement-related impacts to existing and proposed on-site improvements. This would be a **potentially significant** impact.[222]

To address this potentially significant impact, the Draft EIR requires implementation of Mitigation Measure GEO-2, which requires preparation of a design-level geotechnical report by a qualified Geotechnical Engineer to define the extent of engineered fill that would be placed on the project site and the extent of excavation that would occur for subsurface parking structures prior to issuance of grading or building permits, including the following: **B-8B-48 (cont.)**

- A design-level analysis of total and differential settlement that may occur for shallow foundations installed over areas of ground improvement, if ground improvement would be performed. This analysis must be based on site-specific design recommendations for ground improvement prepared in accordance with the recommendations of the 2021 Geotechnical Investigation for the project.
- A design-level analysis of potential total and differential settlement associated with the placement of defined amounts of fill material, ground improvement activities, construction of other improvements, and dewatering activities on the project site. The settlement analysis shall define buffer distances away from construction activities within which settlement could

[222] Draft EIR, p. 4.6-19, internal citations omitted, emphasis retained.

occur as a result of the project and shall describe the settlement amounts that could occur within these buffer distances.

- Allowable settlement estimates for planned and existing improvements both on the project site and within the buffer distances described above that shall account for estimated settlement amounts developed for existing and planned improvements on surrounding properties.
- Recommendations to minimize the amounts of subsidence/settlement and differential settlement that would result from the project (e.g., minimizing placement of fill, use of lightweight fill, and shoring systems that would limit the movement of adjacent improvements and minimize the amount of excavation dewatering required, such as interlocking sheet piles or soil-cement cut-off walls).
- Recommendations to mitigate potential damage to proposed and existing improvements (e.g., structures, pavement surfaces, roadways, underground parking structure, and utilities), both on and off the project site, that could result from settlement of existing unstable soil on and near the project site as a result of the project. Such recommendations could include installation of bracing/underpinning, installation of flexible utility couplings, or relocation of utilities.
- If the settlement analysis indicates that existing off-site improvements could be adversely affected by settlement as a result of the project, a pre-construction survey (e.g., crack survey) and settlement monitoring program shall be developed and implemented before and during construction for existing improvements that may be affected by the project… **B-8B-48 (cont.)**
- The project plans and design-level geotechnical report shall be submitted to the City for review and approval prior to the City issuing grading or building permits…[223]

There is no plausible explanation that would have prevented the Applicant from preparing this design-level geotechnical report review *before* publication of the Draft EIR. Any increase in the extent of fill that would need to be placed on the Project site and the extent of excavation that would occur for subsurface parking structures beyond what was considered in the Draft EIR would result in additional construction activities and impacts not disclosed in the Draft EIR.

These additional construction activities potentially increase the amount of required of engineered fill beyond what was considered by the Draft EIR, increase the number of hours for excavator work, require additional truck trips to and from the site, and may require the use of pile drivers to install shoring systems such as interlocking

[223] Draft EIR, pp. 2-10 and 2-11.

sheet piles or soil-cement cut-off wall sheet piles (which were not considered by the Draft EIR). These activities could prolong and intensify the Project's construction phases, resulting in additional emissions of air pollutants and toxic air contaminants due to trucks ferrying materials to and from the site and particularly from pile drivers if they are diesel-powered. This would result in increased impacts on air quality and local health risks. Further, additional construction and the use of pile drivers would prolong and increase existing receptors' exposure to noise during Project construction. **B-8B-48 (cont.)**

VII.C Mitigation Measure HYD-1, Prevent Potential Groundwater Contamination Migration

The Draft EIR finds that the required Project site dewatering during construction may cause a potentially significant impact due to migration of known existing groundwater contamination at the southern end of the Project site (formerly occupied by Sears) and from a former dry cleaner at 412 Las Gallinas Avenue.[224]

To address this potentially significant impact, the Draft EIR requires implementation of Mitigation Measure HYD-1. This measure requires the Applicant to coordinate with the appropriate regulatory agency, identified as "most likely the Regional Water Quality Control Board" ("RWQCB"), to evaluate whether groundwater beneath the shopping center adjacent to the eastern perimeter of the Project site has been contaminated by a release of hazardous materials. In case groundwater contamination is identified at the eastern perimeter of the Project site, the measure requires that the Applicant evaluate whether proposed dewatering activities could result in migration of this on-site and off-site groundwater contamination to areas that were not previously contaminated. This evaluation shall include the following: **B-8B-49**

- A detailed analysis of soil formations that would be affected by excavation and dewatering activities, including an analysis of hydraulic conductivity through potential preferential pathways, including the buried former creeks and drainage ditch on and adjacent to the project site;
- A detailed description of proposed excavation shoring and dewatering systems, including dewatering locations, flow rates, and durations that would be required based on the soil formations present; and
- Hydraulic modeling to demonstrate potential changes to groundwater conditions, including changes in groundwater levels and flow directions, and potential movement of contaminated groundwater.
- If the evaluation indicates that project dewatering could result in migration of off-site groundwater contamination to previously uncontaminated areas,

[224] Draft EIR, pp. 4.7-16 through 4.7-19.

> the proposed excavation shoring and dewatering system design shall be modified as necessary to ensure that project dewatering would not result in the migration of off-site groundwater contamination. Such modifications to the proposed shoring systems could include the use of interlocking sheet piles or soil-cement cut-off walls that can reduce dewatering requirements. The project sponsor shall submit the hydraulic evaluation and dewatering plans to the appropriate regulatory agency for review and approval. The project sponsor shall provide the City of San Rafael (City) with evidence of agency approval for the proposed dewatering activities prior to the City issuing permits for installation of excavation shoring or dewatering systems.[225]

B-8B-49 (cont.)

There is no plausible explanation that would have prevented the Applicant from preparing this evaluation *before* publication of the Draft EIR, especially because the contamination at the former Sears site with total petroleum hydrocarbons ("TPH") has been known since at least 1996[226] and the Applicant is well aware that the RWQCB found no reason to not open a Site Cleanup Program case for this contamination.[227]

Should the results of this additional evaluation indicate that interlocking sheet piles or soil-cement cut-off walls are indeed required, excavation of contaminated soil and installation of required shoring and dewatering systems would result in additional construction activities beyond those considered by the Draft EIR.

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[225] Draft EIR, p. 2-13.

[226] City of San Rafael, DEIR Reference Documents, 4.8.1_SigmaPhaseIIESA_10202009_Contamination.pdf; available at: https://cityofsanrafael-my.sharepoint.com/personal/aprilt_cityofsanrafael_org/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Faprilt%5Fcityofsanrafael%5Forg%2FDocuments%2FDocuments%2FDEIR%20Reference%20Documents&ga=1, retrieved February 16, 2024 (Sigma Engineering, Inc., Letter to Aladdin Ghafari, Macerich Management Company, Re: Phase II Environmental Site Assessment Recommendations, Sears Automotive Center, Northgate Mall, 9000 Northgate Mall, San Rafael, CA 94903, October 20, 2009: "In 1996, three lifts were removed from the subject property and the soil was found to contain up to 11,000 parts per million (ppm) Total Petroleum Hydrocarbons as hydraulic oil (TPH-h) as well as polychlorinated biphenyls (PCBs) at 0.48 ppm.")

[227] Draft EIR, p. 4.8-8. ("An email correspondence available on GeoTracker indicates that Marin County referred this site to the RWQCB for review in 2019 after receiving the 2018 Subsurface Assessment, and different staff members from the RWQCB had differing opinions regarding whether to open a Cleanup Program case or keep the site as a Non-Case Information site. The last opinion provided by a RWQCB staff member indicated they did not see why they would not open a Cleanup Program case, especially considering the petroleum contamination in the groundwater that is not delineated and the presence of highly contaminated soil. The RWQCB is not going to leave petroleum product in the subsurface without knowing the extent, the proposed land use, and all the other parameters that the Low Threat Closure Policy requires them to evaluate.")

These additional construction activities potentially increase the number of hours for excavator work. Excavation of contaminated soil that cannot be treated onsite would require additional truck trips to a landfill that can accept hazardous waste. Installation of shoring systems such as interlocking sheet piles or soil-cement cut-off walls may require the use of pile drivers. These activities could prolong or intensify the Project's construction phases, resulting in additional emissions of air pollutants and toxic air contaminants (particularly if diesel-powered pile drivers are used) and result in increased impacts on air quality and public health. Further, additional construction and the use of pile drivers (which were not considered by the Draft EIR) would prolong and increase existing receptors' exposure to noise during Project construction. **B-8B-49 (cont.)**

VII.D Mitigation Measure HAZ-1, Hazardous Building Materials Survey

The Draft EIR finds that there is a potentially significant impact due to the potential or known existence of building materials contaminated with polychlorinated biphenyls ("PCBs"), for example, the concrete at the former Sears Auto Center, in older electrical equipment, as well as in other building materials such as light ballasts and caulking.[228]

In order to address this potentially significant impact, the Draft EIR requires implementation of Mitigation Measure HAZ-1, which requires the preparation of a hazardous building material survey for several structures, to be prepared and signed by a qualified environmental professional. The purpose of the survey is to document the presence or lack thereof of equipment and materials containing polychlorinated biphenyls ("PCBs") and any other hazardous building materials with submittal of evidence of necessary abatement activities to the City prior to demolition or renovation of existing structures, as follows: **B-8B-50**

- Testing for PCBs shall include, but not be limited to, sampling of hydraulic oil in elevator equipment at the former Sears facilities, and sampling of stained concrete near existing and former hydraulic elevator and lift equipment at the former Sears facilities. The location of the vault that contained the transformer oil leak in 1997 shall be identified through coordination with representatives of the project site, research of building plans, and/or by requesting such information from the Pacific Gas and Electric Company (PG&E); sampling of concrete for PCBS shall be performed in this vault. If the location of the transformer that leaked oil in 1997 cannot be identified, PCB sampling shall be performed at all concrete vaults that could potentially have been affected by a transformer oil release. The HBMS shall include abatement specifications for the stabilization and/or removal of

[228] Draft EIR, pp. 4.8-21 and 4.8-22.

> the identified hazardous building materials in accordance with all applicable laws and regulations. The project sponsor shall implement the abatement specifications and shall submit to the City evidence of completion of abatement activities prior to demolition or renovation of the existing structures.[229]

B-8B-50 (cont.)

First, the mitigation measure does not specify that the PCB testing includes older electrical equipment as well as concrete, and other building materials such as light ballasts and caulking, which were identified as potential PCB materials.

Second, there is no plausible explanation that would have prevented the Applicant from preparing a hazardous building materials survey before publication of the Draft EIR (especially at the former Sears facilities where the presence of contamination has been known for decades). Should the results of such a report indicate that removal of contaminated building materials is required, this could result in additional construction activities that were not considered by the Draft EIR.

For example, required disposal of hazardous building materials would require additional truck trips to and from the site to a landfill that accepts hazardous waste. These activities could prolong the construction phase of the project and could, *e.g.*, result in additional emissions and associated impacts on air quality and human health, as well as prolong and increase existing receptors' exposure to noise during Project construction.

VII.E Mitigation Measure HAZ-2, Soil and Groundwater Management Plan

The Draft EIR finds that the disturbance of contaminated soil or groundwater during construction activities could result in impacts to construction workers, the public, and the environment. The Draft EIR also concludes that construction of buildings and utilities in areas with elevated volatile organic compounds ("VOCs") in soil vapor could create health hazards for future occupants of the project site due to vapor intrusion of VOCs to indoor air. Therefore, the Draft EIR concludes that the potential release of subsurface hazardous materials into the environment during construction and operation of the project would result in a potentially significant impact.[230]

B-8B-51

To address this potentially significant impact, the Draft EIR requires implementation of Mitigation Measure HAZ-2, the preparation of a Soil and

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[229] Draft EIR, p. 2-14.

[230] Draft EIR, p. 4.8-24.

Groundwater Management Plan ("SGMP"). This measure requires that the Applicant "engage with the appropriate regulatory agency," identified as "*e.g.*, the San Francisco Bay Regional Water Quality Control Board ("RWQCB") or the Department of Toxic Substances Control ("DTSC")," to provide oversight of additional subsurface investigation at the project site, preparation and implementation of the plan, and the implementation of remedial actions, as necessary:

> The additional subsurface investigation activities shall include additional investigation of potential contamination source areas to define the extent of subsurface contamination at the project site. The additional subsurface investigation activities shall include analysis of PCBs in soil and groundwater near areas of former and existing hydraulic elevators and lifts and the transformer that leaked oil in 1997. The SGMP, shall outline soil and groundwater management protocols that would be implemented during redevelopment of the project site to ensure that construction workers, the public, future occupants, and the environment would not be exposed to hazardous materials that may be present in the subsurface of the project site. The SGMP shall include, at a minimum, the following procedures to be implemented during construction:
>
> - Health and safety requirements for construction workers that may handle contaminated soil or groundwater;
> - Guidelines for controlling airborne dust, vapors, and odors;
> - Air monitoring requirements for volatile organic compounds (VOCs) during construction;
> - Regulatory notification requirements if undocumented contamination or features of environmental concern (e.g., underground storage tanks [USTs] or clarifiers/sumps/vaults and associated piping) are encountered;
> - Inspection and sampling protocols for contaminated soil or groundwater by a qualified environmental professional;
> - Guidelines for groundwater dewatering, treatment, and disposal to ensure compliance with applicable regulations/permit requirements; and
> - Guidelines for the segregation of contaminated soil, stockpile management, characterization of soil for off-site disposal or on-site re-use, and importing of clean fill material.
>
> The report(s) documenting additional investigation activities and the SGMP shall be submitted to the regulatory oversight agency for review and approval prior to the City issuing demolition or grading permits for the project. Remedial actions that may be required for the project could include, but would not necessarily be limited to, removal of hazardous materials containers/features (e.g., USTs, piping, clarifiers/sumps/vaults), removal and offsite disposal of contaminated soil or groundwater, in-situ treatment of contaminated soil or groundwater, or

B-8B-51 (cont.)

> engineering/institutional controls (e.g., installation of vapor intrusion mitigation systems and establishing deed restrictions).
>
> If remedial actions are required for the project, the project sponsor shall submit to the City evidence of approvals from the regulatory oversight agency for any proposed remedial action plans prior to the City issuing demolition, grading, or building permits that would be required for the remedial action. The project sponsor shall document the implementation of the SGMP during construction and the completion of remedial actions. The project sponsor shall submit to the City evidence of approval from the regulatory oversight agency for the implementation of the SGMP and completion of any remedial actions prior to the City issuing a certificate of occupancy for the project site.[231]

As discussed before, the presence of contamination at the former Sears facilities and the transformer leak was documented decades ago. There is no plausible reason that would have prevented the Applicant from preparing a Soil and Groundwater Management Plan *before* publication of the Draft EIR. Should the results of such a report indicate that remedial actions for soil and groundwater are required, this could result in additional construction activities that were not considered by the Draft EIR. **B-8B-51 (cont.)**

These activities could include VOC treatment in situ, which would prolong the construction phase of the Project, and/or require off-site disposal, which would require additional truck trips to and from the site to haul contaminated soil to a landfill that accepts hazardous waste. These activities were not considered in the Draft EIR. They could result in additional emissions and associated impacts on air quality and human health and safety, as well as prolong the exposure of nearby residents to the already significant noise impacts during construction. Should the results of such a report indicate that removal of hazardous building materials is required, this could result in additional construction activities and offsite transport of hazardous building materials that were not considered by the Draft EIR.

VII.F Mitigation Measure NOI-2, On-Site Noise Compliance Requirements

The Draft EIR finds that Phase 1 and 2 project operations would exceed the City's land use compatibility thresholds for future <u>on-site</u> sensitive receptors, which constitutes a significant impact.[232] However, off-site noise impacts are likely and were not evaluated. Noise from equipment on the roofs of future buildings (*e.g.*, air conditioning units) carries both laterally and upward, in this case into the Quail Hill and Villa Marin neighborhoods. Evaluating noise impacts and restricting a **B-8B-52**

[231] Draft EIR, pp. 4.8-35 and 4.8-26.

[232] Draft EIR, p. 4.12-31.

demonstration of noise compliance only to on-site receptors does not constitute adequate analysis. Impacts to all affected receptors must be evaluated.

To address this significant impact to the extent feasible, the Draft EIR requires implementation of Mitigation Measure NOI-2. This measure requires that prior to City approval of building permits, the Developer must include in construction documents for City review: (1) building operation noise control and sound abatement features or (2) considerations for stationary equipment during nighttime hours. The documentation shall include at least the following:

- Equipment sound emission data (or sufficient engineering data from the manufacturer of equipment model[s]);
- Architectural renderings and details depicting roof parapets, screens, walls, or other barriers that may directly or indirectly occlude, reflect, and/or absorb equipment noise emissions—conveyed via airflows or via vibrating equipment casings or enclosures; and
- Incorporation of dissipative duct silencers, shrouds, covers, acoustical louvers, acoustically lined ductwork, and other means to help attenuate noise from fans, pumps, compressors, and other equipment featuring reciprocating or revolving components.

The documentation shall demonstrate whether these measures, or any additional feasible mitigation measures, will reduce the sound level to below the established 55 dBA Leq daytime and 45 dBA Leq thresholds for on-site sensitive receptors. After City approval, information on subsequent project design changes, equipment selections, or construction alterations that substantially deviate from these noise control and/or sound abatement details appearing in the construction documents must be reviewed by a qualified acoustician and provided to the City with respect to expected sufficiency of expected conformance with applicable City noise thresholds or as otherwise approved by the City.[233]

B-8B-52 (cont.)

There is no plausible reason that would have prevented the Applicant from preparing this documentation before publication of the Draft EIR and identifying additional feasible mitigation measures. Further, the mitigation measure fails to specify what would happen if the proposed or any additional feasible measures would <u>not</u> reduce the sound level to below the established 55 dBA Leq daytime and 45 dBA Leq thresholds for on-site sensitive receptors. Would the City halt the project? Even if this documentation would demonstrate that the thresholds can be met, the mitigation

[233] Draft EIR, p. 2-19.

measure does not achieve its intent because it does not require actual measurements to be carried out after the Project is operational. **B-8B-52 (cont.)**

VII.G The Applicant Had Years to Prepare Additional Studies Required by the Draft EIR's Mitigation Measures

The Applicant had years to prepare these additional studies required to support the conclusions in the Draft EIR but did not. It is improper to defer these studies until after the Draft EIR is certified because they could result in additional potentially significant impacts on air quality, public and worker health, noise, traffic, and other topic areas that must be mitigated. **B-8B-53**

Comment Letter B-8B
Attachments

MACERICH®
www.macerich.com
NYSE: MAC

December 9, 2009

SUPPORTING DOCUMENTS FOR ABOVE COMMENTS
PAGES 96 THOUGH 250

Planning
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901
ATTN: Kraig Tambornini

RE: The Mall at Northgate
5800 Northgate Dr.
Permit # B0807-082
Rite Aid Portion and Site Work

Dear Kraig

Please let this letter serve as notification that Macerich, per our recent conversations, will be submitting a breakout set of construction documents that will encompass the remaining site work at the existing Rite Aid premises. This will allow all current permits to be closed out, and a new permit to be opened for the remaining site work. As Macerich has already incurred permit fees for this scope of work, we believe any additional fees should not be required.

In addition to the above, the new Rite Aid premises has an anticipated opening in April of 2010. This area will be closed to the public until this time. Upon opening of the new premises, Macerich will take possession of the current store within 30 days and begin demolition work and subsequently the site work that is referenced in the first paragraph of this letter.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Best Regards

Timothy Murphy
Development Manager
Macerich
401 Wilshire Blvd, Suite 700
Santa Monica, CA 90401

MACERICH®

www.macerich.com

NYSE: MAC

December 9, 2009

Planning
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901
ATTN: Kraig Tambornini

RE: The Mall at Northgate
5800 Northgate Dr.
Permit # B0807-082
Planning Punchlist

Dear Kraig

Per your punchlist for the above referenced property dated November 2, 2009, item 8 states:

"Oak Plaza Corrections
8. Install remaining concrete cobble pavers per plan for the oak plaza, i.e. driveway sections north and south of the center plaza."

Macerich has modified the most recent set of site plans to reflect a modified area of cobble pavers in the Oak Plaza. This modification has been done for budgetary reasons, and we believe the design intent of the Oak Plaza remains intact with the design modification.

Best Regards

Timothy Murphy
Development Manager
Macerich
401 Wilshire Blvd, Suite 700
Santa Monica, CA 90401

CITY OF
San Rafael

Mayor
Albert J. Boro

Council Members
Greg Brockbank
Damon Connolly
Barbara Heller
Cyr N. Miller

November 18, 2009

Macerich
401 Wilshire Blvd, Suite 700
Santa Monica, CA 90401

Sent Via Email and US mail

Re: [SP09-003] Administrative Approval of SR07-91 Sign Program Amendment No. 2
5800 Northgate Mall Drive (APN: 175-60-60)

Thank you for your planning application to the City of San Rafael Planning Division requesting an amendment to the Sign Program for Northgate Mall Renovation to relocate an existing Applebee's Restaurant monument sign, which was previously permitted by the City under ED00-96 & SR00-47. This letter is to advise you that your application has been **approved** based on the findings and subject to the conditions identified below.

FINDINGS FOR SIGN PROGRAM AMENDMENT APPROVAL [SP09-003] (Applebee's Sign):

A. On April 21, 2008 the City Council adopted findings for approval of a sign program (SR07-91) pursuant to San Rafael Municipal Code Section 14.19.046 and Design Review (ED07-90) for the Northgate Mall renovation project, which included approval of design criteria dated January 29th, 2008. The applications submitted for mall renovation work included the stipulation that existing tenants to remain would be allowed to retain their existing signage approvals and entitlements. Further, conditions of approval for the Applebee's sign stipulated that the owner shall be responsible for removal, modification or relocation of the sign and that the sign would need to be reviewed and considered for inclusion in a revised sign program as part of mall renovation work. In order to accommodate frontage improvements required as part of the mall renovation work, including construction of a new bicycle and pedestrian promenade, the existing Applebee's Monument sign was required to be removed. Therefore, consistent with the project entitlements, the mall has proposed relocation of this sign redesigned to be compatible with the newly established sign design criteria.

B. The new non-illuminated sign design and location, as proposed and conditioned, is consistent with the above referenced approvals and prior findings made for the project given that it maintains existing entitlements and proposes construction that matches the style, materials, design and size of way-finding and tenant signage approved for the mall renovation project, as indicated on approved project plans and the adopted January 29th 2008 Tenant Design Criteria.

Community Development Department
1400 Fifth Avenue, P.O. Box 151560, San Rafael, CA 94915-1560
Phone: (415) 485-3085 • Facsimile:(415) 485-3184

C. The director may approve an amendment to the sign program pursuant to Section 14.19.043.A.3 that is consistent with all applicable sign criteria. As stated above, the relocated and redesigned sign as proposed and conditioned herein is consistent with the applicable design criteria and existing conditions of approval.

CONDITIONS OF SIGN PROGRAM AMENDMENT APPROVAL [SP09-003] (Applebee's Sign):

1. The approved mall sign program SR07-91 shall be further modified by this amendment no. 2 to permit relocation of the existing Applebee's monument sign from the site frontage on Las Gallinas Ave. to the west side of the new Del Presidio driveway entry, as illustrated on plans prepared by Sign Source dated 9.16.2009 and stamped approved November 18, 2009. This consists of a 4'7-3/4" tall monument sign with a single non-illuminated sign face measuring 2'3" x 4'2" using the same materials, colors and stone treatments.

2. The approval to relocate the existing Applebee's monument sign is permitted consistent with the prior conditions of approval adopted for SR00-47 which originally permitted the Applebee's monument sign to be installed. The sign shall not be used for any future tenant unless this current approval is amended. It is the intent of this condition that the sign shall be removed when it is no longer used for Applebee's, or that it may be considered for reuse as a multi-tenant sign. The appropriateness of the continued use of the sign shall be reviewed at such time as replacement of the sign face or reuse of the sign is proposed.

3. All other approvals shall remain unchanged including the current Mall Renovation Project Sign Program SR07-91 conditions and adopted sign criteria contained in the January 29, 2008 Tenant Design Criteria, and SP09-001 amendment no. 1 granted to allow an additional 3'6"" tall halo-illuminated building entry sign for Macys on the east side of the building. Any further modifications shall be subject to review and approval by the Planning Division.

Please note that this action is subject to a 5 working day appeal period, pursuant to San Rafael Municipal Code Chapter 14.28, which expires on **Wednesday November 25, 2009 at 5:00pm**. Additionally, project conditions of approval must be satisfied with construction permits and/or other required approvals or actions to implement the project.

Should you have any questions or comments, please do not hesitate to contact me at (415) 485-3092 or email at Kraig.Tambornini@ci.san-rafael.ca.us.

KRAIG TAMBORNINI, SENIOR PLANNER
Community Development Department
CITY OF SAN RAFAEL

cc: Sign Source Inc.

Kraig Tambornini

From: Kraig Tambornini

Sent: Thursday, November 19, 2009 9:55 AM

To: 'Murphy, Timothy'; 'Kafka, Gregg'; 'Williams, Ryan'

Cc: Steve Buffenbarger; John Lippitt

Subject: Playground Areas in Mall

Per discussion with Building regarding CBC Section 402.11 it has been determined that the size of structures is limited but not the area of playground enclosure the size limit would apply to the play structures, not the area of a playground enclosure. However, we would need to review plans to check accessibility, paths of travel, loading etc. The following opinion from Building is provided supporting this:

CBC Section 402.11 regarding children's playground structures is rather ambiguous because "playground structure" is not defined. The code section starts by stating "structures intended as children's playgrounds that exceed 10 feet in height and 150 sqft in area shall comply with items #1-9" (this does not mean that the area of the structure can be 1500 sqft). Furthermore, code requires that "children's playground structures shall not exceed 300 sqft unless a special investigation has demonstrated adequate fire safety." My opinion is that the "playground structure" being restricted in size is an individual fort, playhouse, jumperoo, or ball pool and not necessarily the area of a playground enclosure.

Forts, playhouses, etc., must be separated from adjacent tenant spaces similar to a kiosk and have strict size and material limitations. However the playground enclosure is restricted in size only by the number of exits from the playground and whether the enclosure obstructs the required exiting width of the mall.

Kraig Tambornini, Senior Planner
City of San Rafael, Community Development
1400 Fifth Ave./PO Box 151560
San Rafael, CA 94901/94915-1560
Phone: (415) 485-3092
Fax: (415) 485-3184
kraig.tambornini@cityofsanrafael.org

Kraig Tambornini

From: Kraig Tambornini

Sent: Friday, November 20, 2009 10:48 AM

To: 'Murphy, Timothy'; 'Williams, Ryan'; 'Kafka, Gregg'

Subject: Kiosk Space within the Mall

Tim,

Awhile back I recall that we had briefly discussed whether there are any zoning rules or limitations that would apply to retail kiosks located along the common walkway concourse within the mall, and that I was to get back with you regarding this. I have researched this subject and concluded that the City has not historically counted retail kiosk uses as a part of the gross mall FAR, given that these uses are not within a permanent retail space. Therefore, the City Zoning regulations would not apply to nor preclude further establishment of such retail kiosks/vendors located in the concourse area. However, I believe you are aware of the CBC regulations that would be applicable.

Please let me know if you have any questions regarding this.

Thanks,

Kraig Tambornini, Senior Planner
City of San Rafael, Community Development
1400 Fifth Ave./PO Box 151560
San Rafael, CA 94901/94915-1560
Phone: (415) 485-3092
Fax: (415) 485-3184
kraig.tambornini@cityofsanrafael.org

Kraig Tambornini

From: Kraig Tambornini

Sent: Tuesday, September 29, 2009 3:18 PM

To: 'Kalka, Gregg'

Subject: West Facing Elevation

Gregg,

Okay to finish tenants up to the upper cornice per the approvals, but there should be consideration given to maintaining a horizontal line at the 26'6 and 28' elevation –possibly providing an architectural change in design, colors, materials, stepping between the levels, e.g., maintaining windows and canopies at 26'6, architectural features up to 28'. That's my read of the intent based on the approved project elevation drawings.

Let me know if you need to discuss further.

Thanks,

KT

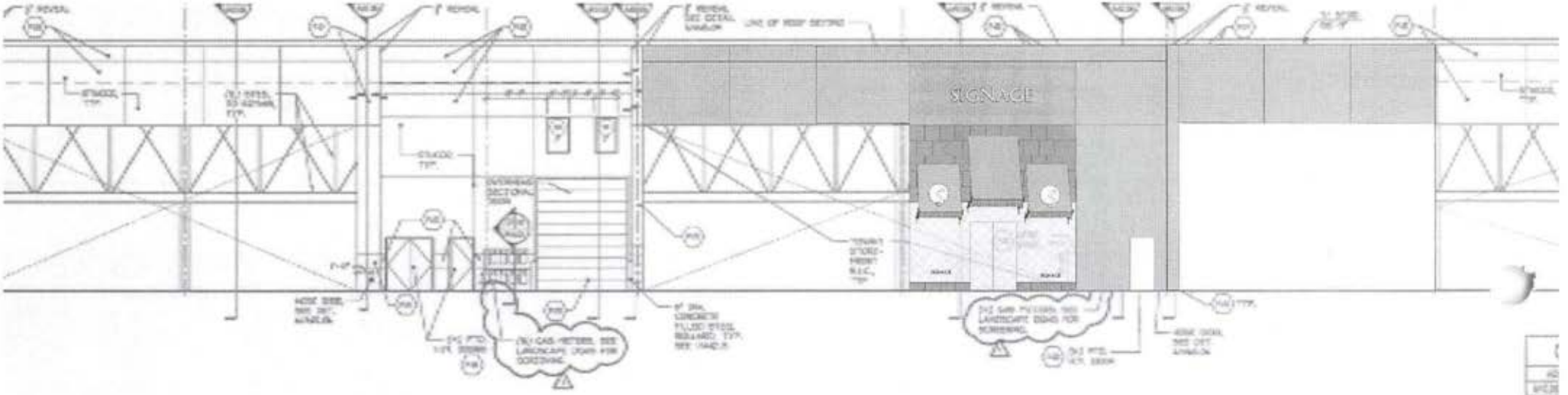
Kraig Tambornini, Senior Planner
City of San Rafael, Community Development
1400 Fifth Ave./PO Box 151560
San Rafael, CA 94901/94915-1560
Phone: (415) 485-3092
Fax: (415) 485-3184
kraig.tambornini@cityofsanrafael.org

This approval shall be valid for a period of 1 year from the date of approval, or until **September 30, 2009**, and shall become null and void if a building permit is not issued or an extension granted.

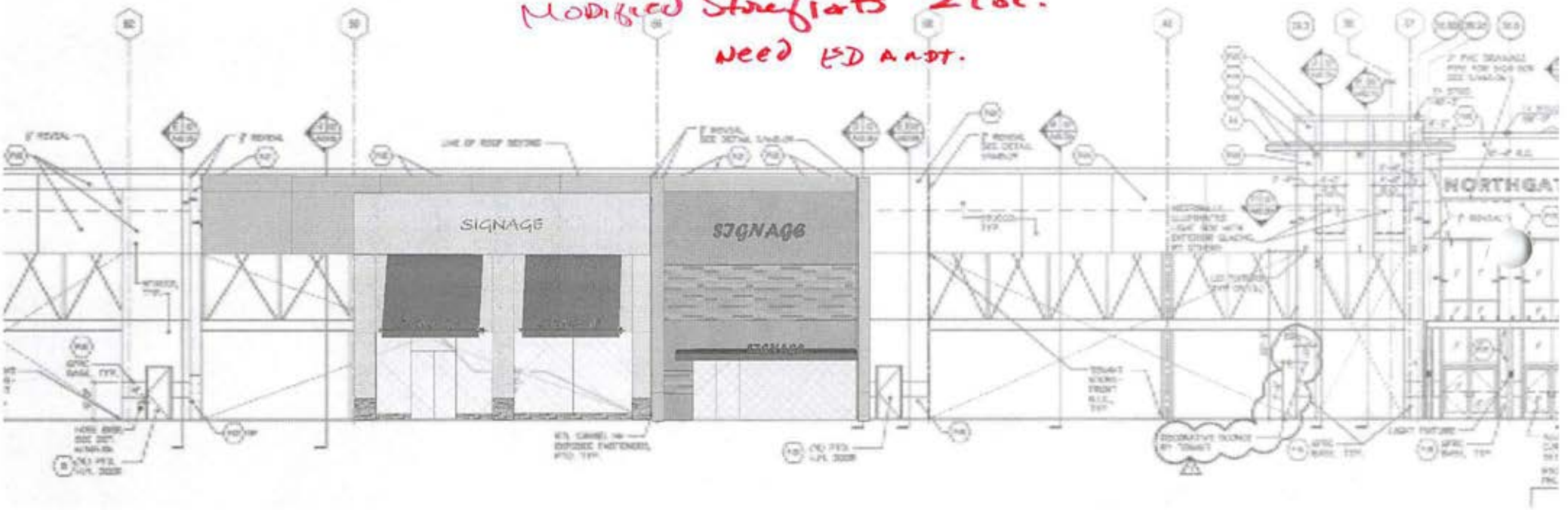
Any aggrieved party may appeal this decision by submitting a letter of appeal and the appropriate fees within five (5) working days of the date of approval, or by **_____, _____, 2009 at 5:00 p.m.**

Kraig Tambornini, Acting Zoning Administrator	Date

Ruth Kaplan	7 Dowitcher Way
David Rasses	27 Baypoint Drive
Karen and Tom Marx	20 Tern Court
Dr. Meg Jordan	5 Bedford Cove
Richard D Smith P.E.	224 Baypoint Drive
Pam Harlw Executive Director, Sustainable Fairfax	141 Bolinas Road
Jean Sward	23 Dowitcher Way
Marian Engelland	259 Bahia Place
Tony and Roxanne Martelie	576 San Pedro Cove
Carolyn Kneibiher	196 Baypoint Drive
T.L. Cook, Triple J Partnership	2960 Kerner Blvd.
Roger Stoll	960 Lincoln Avenue, #308
Cherylle Hangartner	236 Baypoint Drive
Mark Hoffman	17 Egret View
Elizabeth Healy	110 Baypoint Drive
JESSICA LAUGHLIN, SYWEST	150 PELICAN WAY
Owner	1 Baypoint Village
Owner	5 Baypoint Village
Owner	9 Baypoint Village
Owner	13 Baypoint Village
Owner	17 Baypoint Village
Owner	21 Baypoint Village
Owner	25 Baypoint
Owner	29 Baypoint Village
Owner	33 Baypoint
Owner	37 Baypoint Village
Owner	41 Baypoint Village
Owner	45 Baypoint Village
Owner	152 Baypoint Dr.
Owner	152 Baypoint Dr.
Owner	156 Baypoint Dr.
Owner	160 Baypoint Dr.
Owner	164 Baypoint Dr.
Owner	168 Baypoint Dr.
Owner	172 Baypoint Dr.
Owner	176 Baypoint Dr.
Owner	180 Baypoint Dr.
Owner	184 Baypoint Dr.
Owner	188 Baypoint Dr.
Owner	192 Baypoint
Owner	196 Baypoint Dr.
Owner	200 Baypoint Dr.
Owner	204 Baypoint Dr.
Owner	208 Baypoint Dr.
Owner	212 Baypoint Dr.
Owner	216 Baypoint Dr.
Owner	220 Baypoint Dr.
Owner	224 Baypoint Dr.
Owner	228 Baypoint Dr.
Owner	232 Baypoint Dr.
Owner	240 Baypoint Dr.
Owner	244 Baypoint Dr.



Modified Storefronts 2 loc.
Need ED Appr.



REQUEST FOR LEGAL SERVICES COPY

Date Requested: October 26, 2009	**Dated Needed: November 11, 2009**
Department: CD, Planning Division	**Contact: Kraig Tambornini**
Telephone: (415) 485-3092	

Request: ***(Be as specific as possible – Attach related backup material):***

Northgate Mall is seeking financing for their property. The City recently entered into a Development Agreement as part of the mall renovation project. Attached is a consent form from the Lender for the Northgate property. The Lender is looking for "collateral assignment" of the Development Agreement DA09-001; meaning acknowledgement of the Mall's financial partner and their rights under the Development Agreement (which remains in full force and unchanged under this consent). The Lender wants to iterate its rights in the event of a default on the loan, in which case they could assume Macerich's rights and obligations under the Development Agreement. The mall cannot close on their loan until this is signed, thus would appreciate feedback as soon as possible. The contact if there are any questions regarding the agreement: Timothy Murphy | Development Manager, Macerich, 401 Wilshire Blvd. Suite 700, Santa Monica, CA 90401, p. 310.899.6445, c. 310.893.9743

City Attorney Reply:

Date Returned:	**By:**

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

)

COUNTY OF _____)

On _____, before me, _____, a Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

)

COUNTY OF _____)

On _____, before me, _____, a Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

W02-WEST 3KEDI-4016963K 3

Section 10 of the Development Agreement and Agent has the rights of a Mortgagee provided under Section 10 of the Development Agreement.

5. Notice and Cure Right. City acknowledges and agrees that Agent is hereby entitled to notice of default under the Development Agreement and that City shall allow Agent a reasonable amount of time to cure such defaults (but Agent shall have no obligation to do so). In addition, City acknowledges that notwithstanding the time periods set forth in the last sentence of Section 10 of the Development Agreement, City will provide Agent with a reasonable amount of time to cure Developer's defaults post-Foreclosure if a cure cannot reasonably be effected within the time period provided in the Development Agreement so long as Agent commences the cure within the time period provided in the Development Agreement and thereafter diligently prosecutes such cure to completion. All notices to Agent shall be given to the following address (or any other address of which Agent has notified City in writing) by certified mail or commercial courier (in each case, with proof of delivery requested):

U.S. Bank National Association
Commercial Real Estate – Los Angeles
633 West 5th Street, 29th Floor
Los Angeles, California 90071
Attn: Adrian Metter

6. Agreement to Perform Obligations. City agrees that, in the event of a Foreclosure or if Agent or any other Purchaser otherwise takes title to any portion of the Property, City shall continue to perform all of its obligations under the Development Agreement for the benefit of Agent or any other Purchaser, and that the failure to do so shall constitute a default under the Development Agreement. City reaffirms and acknowledges that, following a Foreclosure, City shall not have any liens against the Property to secure any indebtedness or obligations that arose prior to Foreclosure.

7. Assignment of Payments. The City acknowledges that pursuant to the Assignment, Borrower has assigned to Agent all Payments now or hereafter owing to Borrower under the Development Agreement (if any), which Payments, during a Default, are to be paid directly to Agent (unless Agent otherwise directs in writing). To the extent any such Payments now or hereafter become due, City agrees that if notified by Agent that Default has occurred (as defined in the Assignment), (i) City will make any such Payments directly to Agent, and (ii) City will not make any Payments to Borrower unless directed in writing by Agent to do so.

[Signature on following page]

CITY:

CITY OF SAN RAFAEL, a municipal corporation

By: _____

_____
[Printed Name and Title]

ATTEST:

_____, City Clerk

Southerly boundary of Las Gallinas Avenue (12 RM 19) the following courses and distances: South 76° 30' 00" East 10.81 feet; thence Southeasterly along a curve to the right, tangent to the preceding course, having a radius of 427.89 feet through a central angle of 19° 47' 56", an arc length of 147.86 feet; thence South 56° 42' 04" East, 32.12 feet and thence Southeasterly along a curve to the left, tangent to the preceding course, having a radius of 730.04 feet through a central angle of 16° 00' 00", an arc length of 203.87 feet; thence leaving said Southerly boundary (12 RM 19) North 72° 42' 04" West, 71.15 feet; thence Northwesterly along a curve to the right, tangent to the preceding course, having a radius of 481.90 feet through a central angle of 16° 00' 00", an arc length of 134.57 feet; thence North 56° 42' 04" West, 32.12 feet; thence Northwesterly along a curve to the left, tangent to the preceding course, having a radius of 417.89 feet through a central angle of 19° 47' 56", an arc length of 144.40 feet; thence North 76° 30' 00" West, 17.91 feet; thence Westerly along a curve to the left, tangent to the preceding course, having a radius of 22.48 feet through a central angle of 109° 13' 06", an arc length of 42.85 feet to the point of reverse curve on the Easterly boundary of Northgate Drive, as shown on said map (12 RM 19); thence along said Easterly boundary of Northgate Drive (12 RM 19) Northerly along a curve to the right, whose center bears North 84° 16' 54" East, having a radius of 30.00 feet through a central angle of 109° 13' 06", an arc length of 57.19 feet to the point of beginning.

ALSO EXCEPTING therefrom that portion of said land as described in the Deed to the City of San Rafael, dated November 15, 1984, recorded January 11, 1985 as Instrument No. 85001288, Marin County Records, and more particularly described as follows:

Beginning at a point on the Westerly boundary of Los Ranchitos Road, as shown on the "Map of Northgate Regional Shopping Center", recorded September 10, 1963 in Volume 12 of Maps at Page 19, Marin County Records; at the Northerly terminus of the course shown as "South 29° 23' 52" West, 100.00 feet" on said map (12 RM 19); thence along said Westerly boundary of Los Ranchitos Road (12 RM 19) South 29° 23' 52" West, 100.00 feet and thence Southwesterly along a curve to the left, whose center bears South 60° 35' 50" East, having a radius of 780.00 feet through a central angle of 3° 31' 22", an arc length of 47.96 feet; thence leaving said Westerly boundary (12 RM 19) Northeasterly along a curve to the left, whose center bears North 64° 07' 12" West, having a radius of 32.00 feet through a central angle of 24° 34' 59", an arc length of 13.73 feet; thence Northeasterly along a reverse curve to the right, whose center bears South 88° 42' 11" East, having a radius of 48.00 feet through a central angle of 21° 45' 26", an arc length of 18.23 feet; thence North 23° 03' 15" East, 43.20 feet; thence Northeasterly along a curve to the right, tangent to the preceding course, having a radius of 100.00 feet through a central angle of 16° 40' 58", an arc length of 29.12 feet; thence North 39° 44' 13" East, 24.02 feet; thence Northeasterly along a curve to the right, tangent to the preceding course, having a radius of 58.00 feet through a central angle of 12° 41' 56", an arc length of 12.86 feet; thence Northeasterly along a reverse curve to the left, whose center bears North 37° 33' 51" West, having a radius of 42.00 feet, through a central angle of 23° 27' 17", an arc length of 17.19 feet to said Westerly boundary of Los Ranchitos Road (12 RM 19); thence along said Westerly boundary (12 RM 19), Southwesterly along a curve to the right, whose center bears North 61° 01' 08" West, having a radius of 970.00 feet through a central angle of 0° 25' 06", an arc length of 7.08 feet to the point of beginning.

APN: 175-060-12, 175-060-40, 175-060-59, 175-060-60, 175-060-61

Exhibit B

Consent and Agreement of City

This Consent and Agreement of City (this "Consent") is made by the CITY OF SAN RAFAEL, a municipal corporation ("City") and is attached to that certain Collateral Assignment of Development Agreement dated as of _____, 2009 (the "Assignment"), made by NORTHGATE MALL ASSOCIATES, a California general partnership ("Borrower") in favor of U.S. BANK NATIONAL ASSOCIATION, a national banking association ("Agent"), as agent for itself and the other "Lenders" now or hereafter a party to the Loan Agreement (collectively, "Lenders"). All capitalized terms used but not defined in this Consent shall have the same meanings as in the Assignment. City hereby certifies to and agrees with Agent as follows:

1. Development Agreement Estoppel. (i) The Development Agreement is in full force and effect and has not been amended other than as described in the Assignment, (ii) there are no currently effective notices of default given or received by any party under the Development Agreement, and (iii) to City's best knowledge, no default or event or condition that would constitute a default with the giving of notice or the passage of time or both, currently exists with respect to the Development Agreement.

2. Consent to Collateral Assignment. City hereby consents to the Assignment. City acknowledges and agrees that the Assignment to Agent is for security, and that neither Agent nor any Lender is assuming nor shall be required to assume any obligations under the Development Agreement by virtue of the Assignment, including without limitation by virtue of (i) any actions taken by Agent to cure any default of Borrower under the Development Agreement, (ii) any acquisition of title to the Property by foreclosure or deed in lieu of foreclosure by Agent or any affiliate of Agent, or (iii) any development or construction activities undertaken by Agent or any affiliate of Agent during or after a foreclosure or deed in lieu of foreclosure of the Property in order to preserve the value of the Property, it being Agent's and Lenders' intention in such event to sell the Property to a third party. Neither Agent nor any Lender shall have any liability for any actions taken by any party (other than Agent or any Lender) under the Development Agreement.

3. Development Agreement Amendments. Any amendments to the Development Agreement shall require the written consent of Agent, which consent shall not be unreasonably withheld or delayed.

4. Transfers Following a Foreclosure and Rights of Mortgagee. Borrower's granting of the Deed of Trust to Agent, and any transfer of title to the Property pursuant to a Foreclosure, shall not constitute a violation of any provision of the Development Agreement. In connection with or following a Foreclosure, (i) City shall not unreasonably withhold or delay its approval to any proposed assignment and assumption of Borrower's rights and obligations under the Development Agreement, or to any reasonable extensions of time periods for performance set forth in the Development Agreement, and (ii) City shall not unreasonably withhold or delay its execution of documents similar to this Consent in favor of future lenders acquiring a security interest in the Property. Without limiting the foregoing, Section 2 of this Consent or any other provision of this Consent, City acknowledges that Agent is a "Mortgagee" as defined in

IN WITNESS WHEREOF, Borrower has executed this Assignment in favor of Agent as of the date first above written.

Borrower:

NORTHGATE MALL ASSOCIATES, a California general partnership

By _____
Name: _____
Title: _____

EXHIBIT A

DESCRIPTION OF PROPERTY

That certain real property located in the City of San Rafael, County of Marin, State of California, more particularly described as follows:

Beginning at a point on the Easterly boundary of Northgate Drive, as shown on that certain map entitled, "Map of Northgate Regional Shopping Center", recorded September 10, 1963 in Volume 12 of Maps at Page 19, Marin County Records, which point is the Southerly terminus of the course "N 32° 00' 00" E. 294.85", as shown on said map; thence along the boundaries of Northgate Drive, of Las Gallinas Avenue and of Los Ranchitos Road, as shown on said map, the following courses and distances: North 32° 00' 00" East, 294.85 feet; thence along a curve to the left, whose center bears North 58° 00' 00" West, having a radius of 1304.00 feet through a central angle of 37° 43' 06", a distance of 858.44 feet; thence along a curve to the right, whose center bears North 84° 16' 54" East, having a radius of 30.00 feet through a central angle of 109° 13' 06", a distance of 57.19 feet; thence South 76° 30' 00" East 10.81 feet; thence along a curve to the right, whose center bears South 13° 30' 00" West, having a radius of 427.89 feet through a central angle of 19° 47' 56", a distance of 147.86 feet; thence South 56° 42' 04" East 32.12 feet; thence along a curve to the left, whose center bears North 33° 17' 56" East, having a radius of 730.04 feet, through a central angle of 26° 24' 46", a distance of 336.54 feet; thence South 83° 06' 50" East, 330.92 feet; thence along a curve to the right, whose center bears South 6° 53' 10" West, having a radius of 170.01 feet through a central angle of 83° 00' 21", a distance of 246.30 feet; thence South 0° 06' 29" East, 102.13 feet; thence South 0° 04' 50" West 112.63 feet; thence along a non-tangent curve to the right whose center bears South 89° 50' 48" West, having a radius of 970.00 feet, through a central angle of 29° 33' 10", a distance of 500.32 feet; thence South 29° 23' 52" West, 100.00 feet; thence along a non-tangent curve to the left, whose center bears South 60° 35' 50" East, having a radius of 780.00 feet through a central angle of 43° 51' 22", a distance of 597.04 feet; thence South 14° 28' 26" East, 100.65 feet; thence along a curve to the right, whose center bears South 75° 31' 34" West, having a radius of 50.00 feet through a central angle of 89° 59' 48", a distance of 78.54 feet; thence South 75° 31' 22" West 518.22 feet; thence along a curve to the right, whose center bears North 14° 28' 38" West, having a radius of 224.00 feet through a central angle of 85° 18' 00" a distance of 333.48 feet; thence along a curve to the left, whose center bears South 70° 49' 22" West, having a radius of 291.67 feet through a central angle of 38° 49' 22" a distance of 197.63 feet; thence North 58° 00' 00" West, 65.94 feet and thence along a curve to the right, whose center bears North 32° 00' 00" East, having a radius of 446.00 feet through a central angle of 90° 00' 00" a distance of 700.58 feet to the point of beginning.

EXCEPTING therefrom that portion of said land as described in the Deed to the City of San Rafael, dated November 15, 1984 and recorded January 11, 1985 as Instrument No. 85001287, Marin County Records, and more particularly described as follows:

Beginning at a point on the Southerly boundary of Las Gallinas Avenue, as shown on that certain map entitled, "Map of Northgate Regional Shopping Center", recorded September 10, 1963 in Volume 12 of Maps at Page 19, Marin County Records, at the Westerly terminus of the course shown as "South 76° 30' 00" East, 10.81 feet", on said map (12 RM 19); thence along said

reconveyance of the Deed of Trust), this Assignment shall be void and of no effect; but the affidavit of any officer of Agent stating that any such obligations have not been performed shall be conclusive evidence of the validity, effectiveness and continuing force of this Assignment, and any person may, and is hereby authorized to, rely upon any such affidavit. Notwithstanding anything herein to the contrary, however, this Assignment shall survive a Foreclosure and inure to the benefit of any Purchaser.

9.11 Other Security. Agent may take or release other security for the performance of the obligations secured by this Assignment and Agent may release any party primarily or secondarily liable for the performance of any such obligations and may apply any other security held by Agent in connection with the Loan to the satisfaction of such obligations all without prejudice to any of Agent's rights under this Assignment.

9.12 Estoppel Certificate. Within ten (10) days after request by Agent, Borrower shall deliver to Agent, and to any party designated by Agent, an estoppel certificate executed by Borrower, in recordable form, certifying that this Assignment and the Development Agreement are in full force and effect, that there are no defaults under the Development Agreement or specifically setting forth any claimed defaults, as the case may be, and any other information reasonably requested by Agent.

9.13 Entire Agreement; Incorporation. This Assignment contains or expressly incorporates by reference the entire and exclusive agreement of the parties (except for any applicable provisions in the Loan Documents) with respect to the matters contemplated herein, and this Assignment shall not be amended or modified in any way except by written instrument which is executed by all parties hereto. Exhibit A and Exhibit B, each as attached to this Assignment, are incorporated into and made a part of this Assignment. Notice of acceptance of this Assignment by Agent is hereby waived.

9.14 Independent Remedies. The Borrower's Rights are also encumbered by the Deed of Trust and a UCC-1 Financing Statement (the "Financing Statement"). The parties intend that Agent's rights and remedies with respect to the Borrower's Rights under this Assignment, and Agent's rights and remedies with respect to the Deed of Trust and the Financing Statement, shall be separate and independent remedies (although Agent may at its option conduct a unified foreclosure sale of real and personal property as permitted under applicable law).

9.15 Severability. If any one or more of the provisions contained herein, or the application thereof in any circumstances, is held invalid, illegal or unenforceable in any respect for any reason, the validity, legality and enforceability of any such provision in every other respect and the remaining provisions hereof shall not in any way be impaired, and there shall be substituted for the invalid, illegal or unenforceable clause, the most comparable provision which is valid, legal or enforceable, it being intended that all of the parties' respective rights and obligations hereunder shall be enforceable to the fullest extent permitted by law.

9.16 Counterparts. This Assignment and the attached Consent and Agreement may be executed in any number of counterparts which shall constitute one agreement. Counterpart signature pages may be compiled into one or more original documents for recordation or otherwise.

[Signatures on next page]

7.3 Notice. Until Agent notifies City that the Loan is paid in full (which Agent shall do promptly upon request following such payment in full), City and all other parties to the Development Agreement are hereby irrevocably authorized and notified to rely upon and comply with (and shall be fully protected in so doing) any notice or demand by Agent for the performance of any of City's or such other party's undertakings under the Development Agreement, and City and all other parties to the Development Agreement shall have no duty to inquire as to whether any Default has actually occurred or is then existing.

8. Exculpation and Indemnification. This Assignment shall not cause Agent or any Lender to be responsible or liable for performing any of the terms, agreements, undertakings, obligations, representations, warranties, covenants or conditions of the Development Agreement. Neither Agent nor any Lender shall directly or indirectly be liable to Borrower or any other person as a consequence of: (a) the exercise of the rights, remedies or powers granted to Agent in this Assignment; (b) the failure or refusal of Agent to perform or discharge any obligation, duty or liability of Borrower under the Development Agreement or by reason of this Assignment; or (c) any loss sustained by Borrower or any third party resulting from any act or omission of Agent in managing the Property or the Development Agreement after a Default; and no such liability shall be asserted or enforced against Agent or any Lender, all such liability being expressly waived and released by Borrower. Borrower hereby indemnifies and holds Agent and any Lender harmless from and against any and all such liability, loss, damage, cost or expense (including reasonable attorneys' fees) which Agent might incur or suffer under the Development Agreement or by reason of this Assignment, and of and from any and all claims and demands whatsoever, which may be asserted against Agent by reason of any alleged undertakings, obligations, representations, warranties, conditions, covenants or agreements contained in the Development Agreement, except to the extent caused by the gross negligence or willful misconduct of Agent. Should Agent or any Lender incur or suffer any liability, loss, damage, cost or expense (including attorneys' fees) under the Development Agreement or by reason of this Assignment, or in the defense of any such claims or demands, the amount of such liability, loss, damage, cost, expense and reasonable attorneys' fees shall be secured by this Assignment and the Deed of Trust, and Borrower shall pay the same to Agent upon demand by Agent.

9. Miscellaneous.

9.1 Recordation. This Assignment shall be recorded in the Official Records of Marin County, California and shall serve as notice to all parties of the rights of Agent as set forth herein.

9.2 Notice. Any notices required to be sent under this Assignment shall be sent or delivered in accordance with the requirements of Section 7.5 of the Loan Agreement to the following addresses:

If to Agent:

U.S. Bank National Association
Commercial Real Estate – Los Angeles
633 West 5th Street, 29th Floor
Los Angeles, California 90071
Attn: Adrian Merter

If to Borrower:

Northgate Mall Associates
c/o The Macerich Company
401 Wilshire Blvd., Suite 700
Santa Monica, California 90401
Attention: Scott Kingsmore

With a copy to:

The Macerich Company
401 Wilshire Blvd., Suite 700
Santa Monica, California 90401
Attention: Chief Legal Officer and Chief Financial Officer

With a copy to:

DLA Piper US LLP
550 South Hope Street, Suite 2300
Los Angeles, California 90071
Attention: Michael Hamilton

9.3 Heirs, Successors and Assigns. Subject to any restrictions in the Loan Documents on assignments by Borrower, the terms of this Assignment shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto, including without limitation any Purchaser.

9.4 Further Assurances. The parties hereto shall, upon the request of any party, execute, acknowledge and deliver such further instrument and perform such other acts as may be necessary, desirable or proper to carry out the purposes of this Assignment.

9.5 Attorneys' Fees. If any action or proceeding is brought by any party to enforce or construe a provision of this Assignment, the unsuccessful party or parties in such action or proceeding, whether or not such action or proceeding is settled or prosecuted to final judgment, shall pay all reasonable attorneys' fees and costs incurred by the prevailing party.

9.6 Time. Time is of the essence of each term of this Assignment.

9.7 Headings. All headings appearing in this Assignment are for convenience only and shall be disregarded in construing this Assignment.

9.8 Law. This Assignment shall be governed by, and construed in accordance with, the laws of the State of California, except to the extent Federal laws preempt the laws of the State of California.

9.9 Waiver. No exercise of any right or remedy hereunder shall preclude the exercise of any other right or remedy or the later exercise of the same right or remedy. Waivers and approvals under this Assignment shall be in writing, and unless otherwise expressly stated waivers and approvals shall apply only to the specific circumstances addressed.

9.10 Termination of Assignment. Upon the performance of all obligations secured by this Assignment (as evidenced by the recordation in the Official Records of a full

Borrower's Rights, subject to the provisions in this Assignment and in the Loan Documents. Upon the occurrence and during the continuance of a Default, Borrower shall have no right to exercise any of the Borrower's Rights, and Agent shall have the absolute right to do so.

5. Covenants. Borrower covenants and agrees for the benefit of Agent as follows:

5.1 At Borrower's sole cost to: (i) perform all material covenants, representations, terms, undertakings, obligations, warranties, and agreements of Borrower under the Development Agreement so as to protect Borrower's Rights and otherwise prevent a default by Borrower thereunder; (ii) enforce, or secure the performance by the other parties (i.e., other than Borrower) to the Development Agreement of the material covenants, representations, warranties, terms, obligations and agreements contained in the Development Agreement; (iii) except as prohibited by any other provision hereof, enforce and secure all remedies available to Borrower under the Development Agreement; (iv) prosecute and defend any legal action, arbitration or other controversy relating to the Development Agreement or to Borrower's interest under the Development Agreement; (v) give prompt notice to Agent and deliver to Agent complete copies of any notice of default with respect to the Development Agreement, whether the default be of the City, Borrower or any other party to the Development Agreement; and (vi) execute and record such additional assignments of the Borrower's Rights, in form and substance reasonably acceptable to Agent, as Agent may reasonably request.

5.2 Except with Agent's prior written consent, not to: (i) execute any other transfer, assignment, or further encumbrance of the Borrower's Rights; (ii) reallocate the Borrower's Rights (including without limitation all density allocations and fee credits allocated to the Property (if any) under the Development Agreement) to any other project or property other than the Property; (iii) create, suffer or permit any release, abatement or reduction of the material obligations and duties of the City or any other party to the Development Agreement or any material right of Borrower under the Development Agreement with respect to the Property, or excuse any material delay or failure of performance of any of the obligations, terms, covenants, agreements, undertakings, representations, or warranties of the City or any other party to the Development Agreement; or (iv) terminate, modify or amend the Development Agreement or in any manner release or discharge the City or any other party to the Development Agreement from any material obligations, covenants, conditions, terms, undertakings, representations, warranties or agreements to be performed by such party under the Development Agreement. Any such attempted action without Agent's prior written consent shall be null and void.

6. Representations and Warranties. Borrower represents and warrants for the benefit of Agent as of the date hereof that:

6.1 The Development Agreement is in full force and effect and is enforceable in accordance with its terms (except to the extent enforceability may be affected or limited by applicable bankruptcy, insolvency or other similar debtor relief laws and by general principles of equity), and to the best of Borrower's knowledge and belief, no breach or default, or event which would constitute such a breach or default after notice or the passage of time, or both, of any of the terms, covenants, obligations, undertakings, representations, warranties, agreements or conditions exist with respect to the Development Agreement; and

6.2 Borrower's Rights have not been encumbered, transferred or assigned to any person or entity.

7. Default and Remedies.

7.1 Default. "Default" shall mean (i) the existence of any "Event of Default" as defined in the Loan Agreement, or (ii) a breach of any covenant, agreement, term, condition, obligation, representation, warranty or undertaking of Borrower contained in this Assignment which breach is not cured within twenty (20) days after written notice to Borrower from Agent; provided that, if cure cannot reasonably be effected within such 20-day period, such failure shall not be a Default hereunder so long as Borrower promptly (in any event, within ten (10) days after receipt of such notice) commences cure, and thereafter diligently (in any event, within sixty (60) days after receipt of such notice) prosecutes such cure to completion, or (iii) a breach of any covenant, agreement, term, condition, obligation, representation, warranty or undertaking of Borrower under the Development Agreement which breach is not cured within ten (10) days after written notice to Borrower from the City (or such longer period of time that may be afforded the Borrower under the Development Agreement). Notwithstanding the above, any cure period stated above may be shortened or eliminated by Agent if Agent in good faith deems it necessary to exercise any remedy under Section 7.2 below before the expiration of the cure period stated above in order to prevent a termination or loss of rights under the Development Agreement.

7.2 Remedies. In addition to any and all remedies contained in the Loan Documents, in the event of a Default, Agent shall have the rights and remedies set forth below and may exercise such rights and remedies at Borrower's sole cost and expense prior to, simultaneously with or subsequent to the exercise of any rights and remedies under any of the other Loan Documents either in person or by its agent, with or without bringing any action or proceeding or having a receiver appointed by a court, without regard to the adequacy of the security for the obligations secured by this Assignment and the Loan Documents and without releasing Borrower from any obligations under this Assignment and the Loan Documents:

(a) terminate, amend or modify the Development Agreement to the extent Borrower has such right under the Development Agreement; and

(b) sue for enforcement of the Development Agreement and to settle and compromise the same; and

(c) perform all acts required of Borrower under the Development Agreement; and

(d) act in Borrower's place and stead under the Development Agreement in all respects, including but not limited to, the making of all elections on behalf of Borrower, the giving of notices on behalf of Borrower, the making of applications for fee credits or Payments and the conveyance of improvements to be purchased by the City (if any). Borrower hereby irrevocably appoints Agent as Borrower's true and lawful attorney in fact to do all acts and execute any and all documents necessary or convenient to accomplish the foregoing.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Sheppard, Mullin, Richter & Hampton LLP
650 Town Center Drive, 4th Floor
Costa Mesa, California 92626-1993
Attn: Kelly E. Simpson, Esq.

THIS SPACE ABOVE FOR RECORDER'S USE

COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT

THIS COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT (this "**Assignment**") is made as of _____, 2009, by NORTHGATE MALL ASSOCIATES, a California general partnership ("**Borrower**"), in favor of U.S. BANK NATIONAL ASSOCIATION, a national banking association ("**Agent**"), as agent for itself and the other "Lenders" now or hereafter a party to the Loan Agreement (collectively, "**Lenders**").

RECITALS

A. Borrower owns that certain real property located in the City of San Rafael, Marin County, California more particularly described in Exhibit A attached hereto and made a part hereof (the "**Property**").

B. The Property is subject to that certain Development Agreement dated as of June 4, 2008 (the "**Development Agreement**") between Borrower, as the "Developer", and the City of San Rafael, a municipal corporation (the "**City**"), which was recorded on June 9, 2008 as Instrument No. 2008-0026807 in the Official Records of Marin County, California ("**Official Records**").

C. The Lenders have agreed to make a loan to Borrower in the principal amount of $80,000,000.00 (the "**Loan**") pursuant to the terms of that certain Construction Loan Agreement of even date herewith, by and between Borrower, Agent and the Lenders a party thereto from time to time (the "**Loan Agreement**") and the other "**Loan Documents**" (which term as used herein shall have the same meaning that is given to such term in the Loan Agreement). The Loan is evidenced by one or more Promissory Notes of even date herewith, executed by Borrower to the order of a Lender, in the aggregate original principal amount of the Loan (collectively, the "**Note**"). The Loan shall be secured by, among other things, that certain Construction Deed of Trust (with Assignment of Leases and Rents, Security Agreement and Fixture Filing) (the "**Deed of Trust**") of even date herewith, executed by Borrower, Broad Rafael Associates, a Pennsylvania limited partnership and Macerich Northgate Holdings LLC, a Delaware limited liability company, as trustor, in favor of Agent, as beneficiary, and

encumbering Borrower's interest in the Property, which Deed of Trust shall be recorded substantially concurrently with the recordation of this Assignment.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce Lenders to make the Loan to Borrower, Borrower hereby agrees in favor of Agent and the Lenders as follows:

1. Definitions. For purposes of this Assignment, the following terms have the meanings set forth below, unless the context otherwise requires:

1.1 "**Borrower's Rights**" shall mean all of Borrower's rights, interests, claims, privileges and entitlements of any type or nature whatsoever under the Development Agreement, including without limitation (i) all density allocations and all rights to develop the Property including the rights to develop the Initial Phase and the Build Back Space each as defined in the Development Agreement, (ii) all fee credits, rights to pay reduced fees, rights to have fees paid by the City, or any other rights or concessions with respect to fees (if any), and (iii) all rights (if any) to receive reimbursements or purchase price for the cost of infrastructure or other improvements, or any other payments of any type or nature, from the proceeds of community facilities districts, developer fees or any other source (collectively, "**Payments**").

1.2 "**Foreclosure**" shall mean and include a foreclosure of the Deed of Trust by judicial action, or a sale of the Property pursuant to the power of sale contained in the Deed of Trust or any acquisition of the Property pursuant to a deed in lieu of foreclosure.

1.3 "**Purchaser**" shall mean any party, including without limitation Agent, any Lender or any affiliate of Agent or Lender, who shall purchase or acquire the Property as the result of a Foreclosure.

2. Payments. At any time that a Default (as defined in Section 7.1 below) exists and is continuing, (a) all Payments owing to Borrower under the Development Agreement (if any) shall be made directly to Agent, or at the written direction of Agent to be applied in accordance with the provisions of the Loan Agreement, and (b) no Payments shall be made directly to Borrower unless Agent so directs in writing. Borrower hereby irrevocably authorizes and directs the City, during a Default, upon written notice from Agent, to pay all Payments (if any) directly to Agent or at Agent's written direction, and releases City of and from any claim or liability arising in any manner from City's compliance with the foregoing.

3. Collateral Assignment. In order to induce Lenders to make the Loan, Borrower hereby collaterally assigns to Agent, and grants to Agent a lien and security interest in and to, all of the Borrower's Rights, for the purpose of securing (i) the payment of all indebtedness and the performance of all obligations under the Note, Loan Agreement and all other Loan Documents, as the same may be amended, extended, renewed or modified from time to time, and (ii) all future obligations of Borrower to Agent which are evidenced by written document(s) which recite that they are an obligation of Borrower secured by this Assignment.

4. Exercise of Borrower's Rights. So long as no Default (as defined in Section 7.1 below) has occurred and is continuing, Borrower shall be entitled to exercise all of the

500ft Radius Northgate Mall

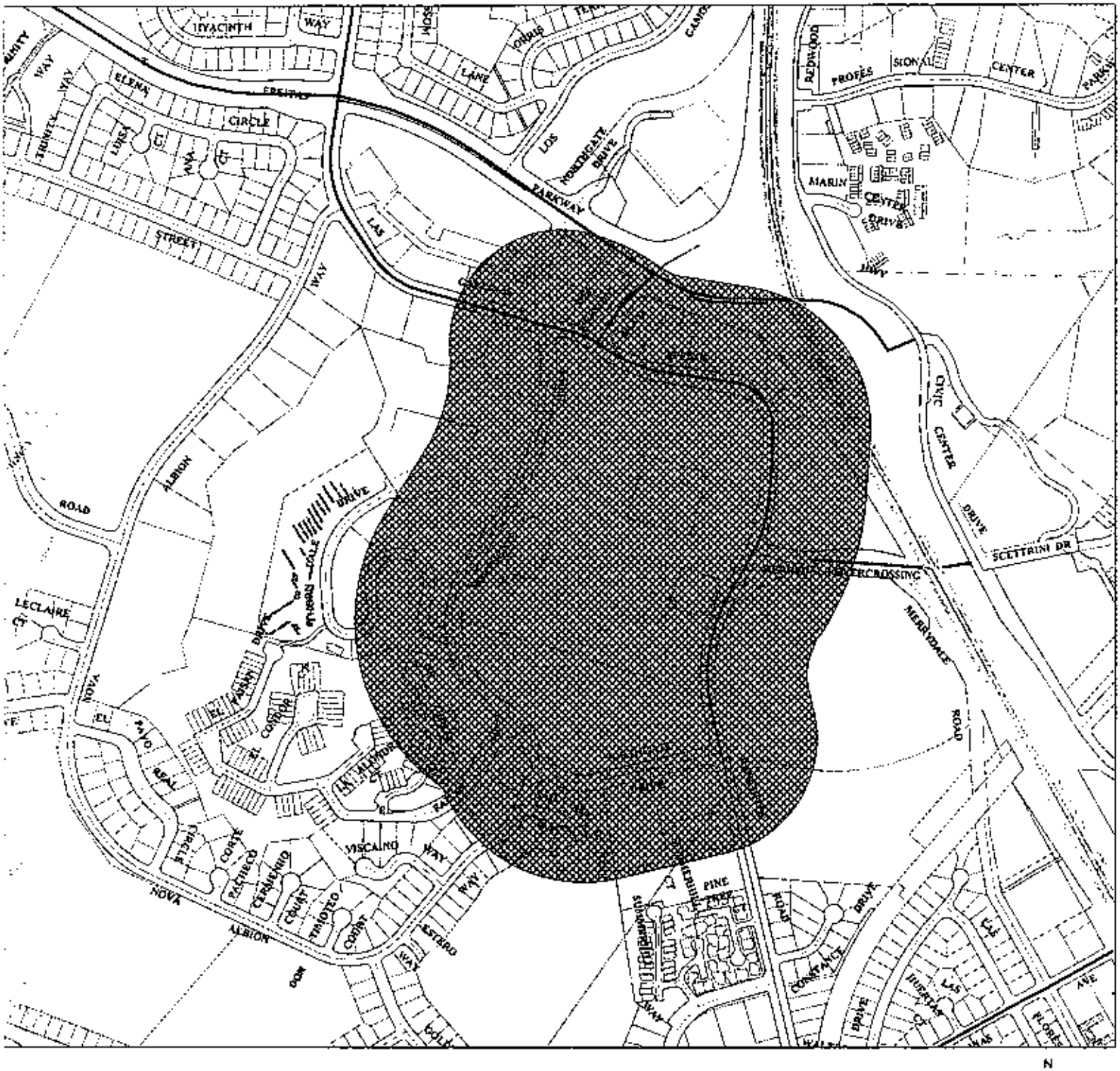
SCALE 1 : 7,669

500 0 500 1,000 1,500

FEET

Friday, October 02, 2009 12:25 PM

500ft Radius Ring



SCALE 1 : 7,669

500 0 500 1,000 1,500

FEET

N

Friday, October 02, 2009 12:28 PM

Kraig

NORTHGATE

RECEIVED
OCT 27 2009
COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

October 22, 2009

Dear Northgate Neighbors,

In celebration of the completion of the center's renovation, Northgate would like to cordially invite you to our line-up of exciting events and help commemorate this momentous time for San Rafael and all of Marin County. We are excited to share our new shopping, dining and entertainment venue with you and look forward to seeing you here during our celebrations.

The attached flyer lists all of the events occurring at Northgate this November. There will be games and entertainment, great food, fabulous fashion, fun giveaways, live concerts and Santa!

We ask that our neighbors please be aware that a few of our events in the Oak Plaza entail amplified sound and will monitor this to ensure minimal noise disruption to our surrounding neighbors.

If you have any questions before or during the events, please feel free to contact our on-site Security staff at (415) 720-9911.

Sincerely,

Northgate Management

REDISCOVER NORTHGATE: SCHEDULE OF EVENTS

Northgate's renovation is nearing completion and we are excited to reintroduce the newly transformed shopping center and its great new line up of stores and restaurants to the community! There is just too much to experience in one day, so we have created a series of events that will highlight our new restaurants and retailers, explore Northgate's many new features and amenities, as well as celebrate the holiday season with friends and family with time-honored holiday traditions and fun, fashion-focused events.

Thursday, Nov. 12
Northgate's Rediscovering Celebration Begins!
Come check out the new retailers and restaurants as they kick off their new locations opening with fun in-store events, promotions and more! For more details, visit ShopAtNorthgate.com/events.
5:00pm-8:00pm: Live music vignettes throughout the mall.

Friday, Nov.13
11:00am-8:00pm: Live music vignettes throughout the mall.
6:00-8:30pm: Santa's Arrival and 1st Annual Tree Lighting Ceremony followed by The Mistletones performing in the Oak Plaza.

Saturday, Nov. 14
11:00am-8:00pm: Live music vignettes throughout the mall.
3pm-4:30pm: The Sun Kings perform in the new Oak Plaza.

Sunday, Nov. 15
1:00pm-4:00pm: Live music vignettes throughout the mall.

Friday, Nov. 20
6:00pm-8:00pm: Pride & Joy in concert at the Oak Plaza.

Friday, Nov. 20 & Saturday, Nov. 21
Noon-4:00pm: Featured fall/winter fashion modeling at Northgate.

Nov. 13 - Dec. 24
Photos with Santa at the new "Magical Wishes" Santa set in the Macy's wing.

Nov. 23 - Dec. 24
Marin Community Food Bank "CanTree" official drop-off location.

Dec. 5
9:00-10:00am: Breakfast with Santa at Applebee's.
$3/person or $5 at the door. Limited seats available.
RSVP to Guest Services at (415) 472-3212 by Dec. 4.

NORTHGATE

New Look. New Experience. Beginning November 12.
ShopAtNorthgate.com

REDISCOVER NORTHGATE

Kraig Tambornini

From: Murphy, Timothy [Timothy.Murphy@macerich.com]
Sent: Thursday, October 22, 2009 6:36 PM
To: Kraig Tambornini
Subject: Northgate - Macy's Light Poles

MACERICH®
www.macerich.com
NYSE: MAC

Kraig

My electrician is insisting he receive a letter from the City as to why the 3 light poles in front of Macy's need to be a certain height etc. Can you please provide me a letter stating why we need to move them, and the code that does not allow for them? I would greatly appreciate it, and it would help get my electrician moving on this. Thanks.

Best Regards

Timothy Murphy | Development Manager
Macerich
401 Wilshire Blvd. Suite 700
Santa Monica, CA 90401
p. 310.899.6445
c. 310.893.9743
f. 310.656.0041

Please consider the environment before printing this message.

Kraig Tambornini

From: John Tune
Sent: Friday, October 23, 2009 10:59 AM
To: Kraig Tambornini
Subject: RE: Sycamore Tree in front of BJ's

Hi Kraig,

What's the address of BJ's?

Require that they hire licensed and insured ISA certified tree trimmer. (International Society of Arboriculture)
Limit the amount of pruning to 25% of the total canopy.
Require that all pruning is done in accordance with ANSI A300 standards. (American National Standards Institute)

They will need to obtain a Temporary Encroachment Permit from Diane Decicio. She can be reached at 485-3360

If needed, I could meet with their trimmer to define the scope of work before they start.

John

From: Kraig Tambornini
Sent: Friday, October 23, 2009 10:18 AM
To: John Tune
Subject: Sycamore Tree in front of BJ's

John, Bjs restaurant wants to "trim" a couple of large trees in front of their restaurant and I was hoping you could advise me on how to control what they want to do. I want to make sure they hire a qualified arborist and only trim for health and windowing without removing substantial limbs. I was thinking of stating a diam limit on size of branches that could be cut. Can you suggest anything to help me place some limits on them so they don't brutalize the tree? Thanks

Kraig Tambornini, Senior Planner
City of San Rafael, Community Development
1400 Fifth Ave./PO Box 151560
San Rafael, CA 94901/94915-1560
Phone: (415) 485-3092
Fax: (415) 485-3184
kraig.tambornini@cityofsanrafael.org

Kraig Tambornini

From: Murphy, Timothy [Timothy.Murphy@macerich.com]
Sent: Thursday, October 22, 2009 6:36 PM
To: Kraig Tambornini
Subject: FW: Macerich - Northgate - Assign of Dev Agmt

Attachments: 401693678_3.pdf

401693678_3.pdf (114 KB)

Kraig

Please find the attached. The attached is a consent form from our Lender for the Northgate property. We are putting some financing on the property, and our Lender is looking for collateral assignment of the Development Agreement, meaning acknowledgement of our financial partner and their rights under the Development Agreement (which remains in full force and unchanged under this consent). The Lender just wants to iterate its rights in the event of a default on the loan, in which case they could assume Macerich's rights and obligations under the Development Agreement.

Please review or pass along to whoever needs to review this. I would be happy to facilitate a conference call with our attorney if you think it fit.

Best Regards

Timothy Murphy | Development Manager
. . . . . .
Macerich
401 Wilshire Blvd. Suite 700
Santa Monica, CA 90401
p. 310.899.6445
c. 310.893.9743
f. 310.656.0041

-----Original Message-----
From: Cutt, Sean
Sent: Thursday, October 22, 2009 7:48 AM
To: Murphy, Timothy
Subject: FW: Macerich - Northgate - Assign of Dev Agmt

Tim,

Can you work with the City and get the consent form executed? Please read Scott's narrative below.

Sean T. Cutt, CDP | Sr. Development Manager . . . . . .
.
Macerich
1175 Pittsford-Victor Road, Suite 220
Pittsford, New York 14534
p. 585 .249 .4458
f. 585 .218 .9849

-----Original Message-----
From: Kingsmore, Scott
Sent: Tuesday, October 20, 2009 10:12 PM
To: Cutt, Sean
Cc: Hamilton, Michael D.; Jensen, Jennifer
Subject: Macerich - Northgate - Assign of Dev Agmt

One more consent, this time from the City of SR regarding an assignment by Macerich of it's rights under the Development Agreement with the city. Please send to your contact. Their form of Consent is the last few pages, and our assignment of the Dev Agmt is the initial several pages

Thanks Sean

Scott Kingsmore | Senior VP, Finance
. . . . . .
Macerich
401 Wilshire Blvd. Suite 700
Santa Monica, CA 90401
p. (310) 899-6337

f. (310) 394-0632

MARIN MUNICIPAL
WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169
www.marinwater.org

July 24, 2009
Service No. 45782 et al
Map No. J19-13

Kraig Tamborrini
City of San Rafael Planning Dept
PO Box 151560
San Rafael CA 94915-1560

RECEIVED
JUL 27 2009
COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

RE: **WATER AVAILABILITY** – Northgate Mall Renovation
Assessor's Parcel No.: 175-060-12,-40,-59,-60 and -61
Location: 5800 Northgate Dr., San Rafael

Dear Mr. Tamborrini:

The above referenced parcels are currently being served. The purpose and intent of these services are to provide water to Northgate Mall. The proposed renovation will not impair the District's ability to continue service to these properties, although the District may require that recycled water be utilized for uses such as the toilets and urinals in new or renovated restrooms .

In addition, the District owns and maintains water facilities within an easement through the properties. Any conflict created by the new construction that encroaches upon or encumbers the District's easement may require the relocation of the existing water facilities. Please contact MMWD to locate the water piping so that it may be added to the utility plan. Once completed, the applicant shall submit the utility plan to the District for review. Please note, the proposed new use, including the addition of new restaurants, may require the purchase of additional water entitlement to meet the new demand.

All landscape and irrigation plans must be designed in accordance with District landscape Ordinance #385. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems. Any questions regarding the District's current water conservation and landscape Ordinance should be directed to Charlene Burgi at (415) 945 -1525.

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945 -1559.

The use of recycled water is required, where available, for all approved uses. Questions regarding the use of recycled water should be directed to Kenneth Feil (415) 945 -1558.

If you have any questions regarding this matter, please contact me at (415) 945-1531.

Very truly yours,

J.W. Eischens

Joseph Eischens
Engineering Technician

JE:dh

recycled
recyclable

C

C

CITY OF

San Rafael

Mayor
Albert J. Boro

Council Members
Greg Brockbank
Damon Connolly
Barbara Heller
Cyr N. Miller

July 20, 2009

Planning and Zoning Resource Corporation
100 NE 5th Street
Oklahoma City, OK 73104
Attn: Ashley Johnson

RE: Zoning Verification for Northgate Mall, 5800 Northgate Mall Drive, San Rafael, CA

The following information has been compiled for the above property pursuant to your request:

Current Zoning?	General Commercial (GC)	
Abutting Zoning?	NORTH:	General Commercial (GC); Office (O)
	SOUTH:	Office (O); Single-Family Residential (R7.5-EA); Multi-family Residential-Planned Development (PD)
	EAST:	General Commercial (GC); Office (O)
	WEST:	Office (O); Planned Development (PD1639)
Planned Unit Development?	No	

Special or overlay district? No

Complies with current Zoning? Yes

Legal nonconforming issues? Development exceeds the City's 0.30 maximum allowable Floor Area Ratio limit for this site. The legal nonconforming site FAR is 0.40.

Open zoning or building code violations at the present time? None

Zoning entitlements? Resolution 12479 approving: Master Use Permit (UP07-056), Environmental and Design Review Permit (ED07-090), Sign Program (SR07-091); and Ord. 1866 approving: Development Agreement (DA07-01). (copies attached).

Summary of approvals: The 44.75 acre site is comprised of 2 main parcels and ~~2~~ 1 pad parcels on assessor parcels 175-060-12, 40, 59, 60&61. The mall maintains 773,238 square feet of existing retail space. This consists of 470,608 sq. ft. for three anchor tenants (i.e., Macy's, Kohls, Sears, and Sears Automotive and seasonal sales outbuildings), 29,500 sq. ft. for Rite Aid retail pad building, and 273,130 sq. ft. main leasable mall building. Approvals were granted for the renovation of the main leasable mall building, Rite Aid store and related parking areas

Community Development Department
1400 Fifth Avenue, P.O. Box 151560, San Rafael, CA 94915-1560
Phone: (415) 485-3085 • Facsimile: (415) 485-3184

with sign program and tenant design criteria established for the mall tenants. The approvals recognize an existing 2200 seat theater within 45,000 sq. ft., allow 20% of retail area to be utilized for restaurant space, designate outdoor seating areas, and preserve existing parking space dimensions and configurations. The Development Agreement runs through June 2023 and preserves the ability to build-back floor area removed during the initial renovation work and requires a housing study of the site to be conducted.

Building Permits. Building permits were issued in 2008 for the renovation work, which is anticipated to be completed by November 2009.

Site Plans. A copy of the approved site plan is enclosed.

Please remit the Zoning Verification rasearch fee in the amount of $200.00.

If you have any questions or concerns, do not hesitate to contact me at (415) 485-3092. You may also reach me by email at: kraig.tambornini@cityofsanrafael.org.

Sincerely,

Kraig Tambornini
CITY OF SAN RAFAEL
Senior Planner

Attachments (3)
Resolution 12479
Ordinance 1866
Site Plan

Synopsis of the Northgate Mall Renovation Project Approvals, including Signage and Design Criteria (For In-Line Tenants), special Timelines and Processing procedures.

The Northgate Mall Renovation Project Approvals (DA07-01/UP07-56/ED07-90/SR07-91) were granted by Resolution 12479 in April 21, 2008 with the DA Ordinance 1866 is Effective June 4, 2008.

Site: 44.75 acre site comprised of 4 parcels, including postage stamp (footprint) parcels for Macy's and Mervyns. Total leasable space is 773,238 gross sf; consisting of 470,608 sf in 3 anchor stores, 273,130 in minor retail tenant space and 29,500 sf pad retail tenant.

Approved Retail Building Areas:

Sears Department Store (Unchanged – 3 levels + Seasonal Sales and Auto Service Outbuildings):	134,976 gross sq. ft.
Mervyns (Unchanged – 2 levels):	81,617 gross sq. ft.
Macy's (Unchanged – 3 levels):	254,015 gross sq. ft.
Rite Aid Drug Store Building (Existing 29,500 sq. ft.):	17,340 gross sq. ft.
Mall Leasable Building (Existing 273,130 sq. ft. 1-story w/ some mezzanine/2-story areas):	238,186 gross sq. ft.

Approved Uses and Conditions:

The mall is a regional retail shopping center (general retail) parked at 4 spaces/1000sf and *generally* operating from 10 am to 9 pm (anchor tenants and auto service use have longer hours as early as 8 am until 10 pm) with extended seasonal operating hours and parking management conditions, and with the following specific uses and limitations:

Use Permit

- A 45,000 sq. ft., 15 screen, 2600 seat (max) theater operating from 11 am to 1 am
- A drive-through at the new Rite Aid store operating from 9 am to 10 pm
- Up to 20% of general mall leasable building space may be used for large (2,000 sf or greater) sit-down restaurant uses with table service, with an additional 25% outdoor seating area permitted. Restaurant uses may open for breakfast at 6am and stay open on weekends until 1 pm, if authorized by City Traffic Engineer.
- Smaller "café" food service retail spaces are allowed by right, including a designated "food court" area.
- Ancillary outdoor seating areas may be provided; up to 50% of combined in-line café seating capacity.
- A 0.40 FAR may be maintained which allows build back of space that has been reduced as part of the renovation project without requiring GPA or rezoning, or payment of Traffic Mitigation fees, during the 10 year term of the agreement (until June 4, 2018). Build back space shall be subject to standard permit and discretionary entitlement review processes.
- Events may be programmed at the mall in outdoor areas.

- Parking for renovation is allowed to maintain 65-degree angle and 8.5 foot wide standard space. Building additions triggering need for additional parking spaces would be subject to current parking standards. 3% bicycle parking is also required. Note: staff has allowed bicycle parking to be installed in 2 phases; with second phase of install required as demand increases.

Development Agreement

- Within 2 years of issuance of building permit for Phase I (i.e.., August 2010 based on TI issued August 2008) developer shall indentify amount of build-back space available.
- Developer shall construct the 24' wide x 2300lf San Rafael Promenade section concurrent with site and building renovation. Path shall include 8' bike path, 6' sidewalk and interior and exterior landscaping planting (typ' 5' wide).
- Promenade public pathway may be secured through License Agreement.
- Developer shall provide 200sf office space for Police with internet access with direct access to common area.
- Developer shall provide $10,000 in funds for preparing Promenade design details
- Within 5 years (by June 4, 2013) developer shall provide matching funds up to $20k to fund a traffic study and complete housing studies.

Design and Signage

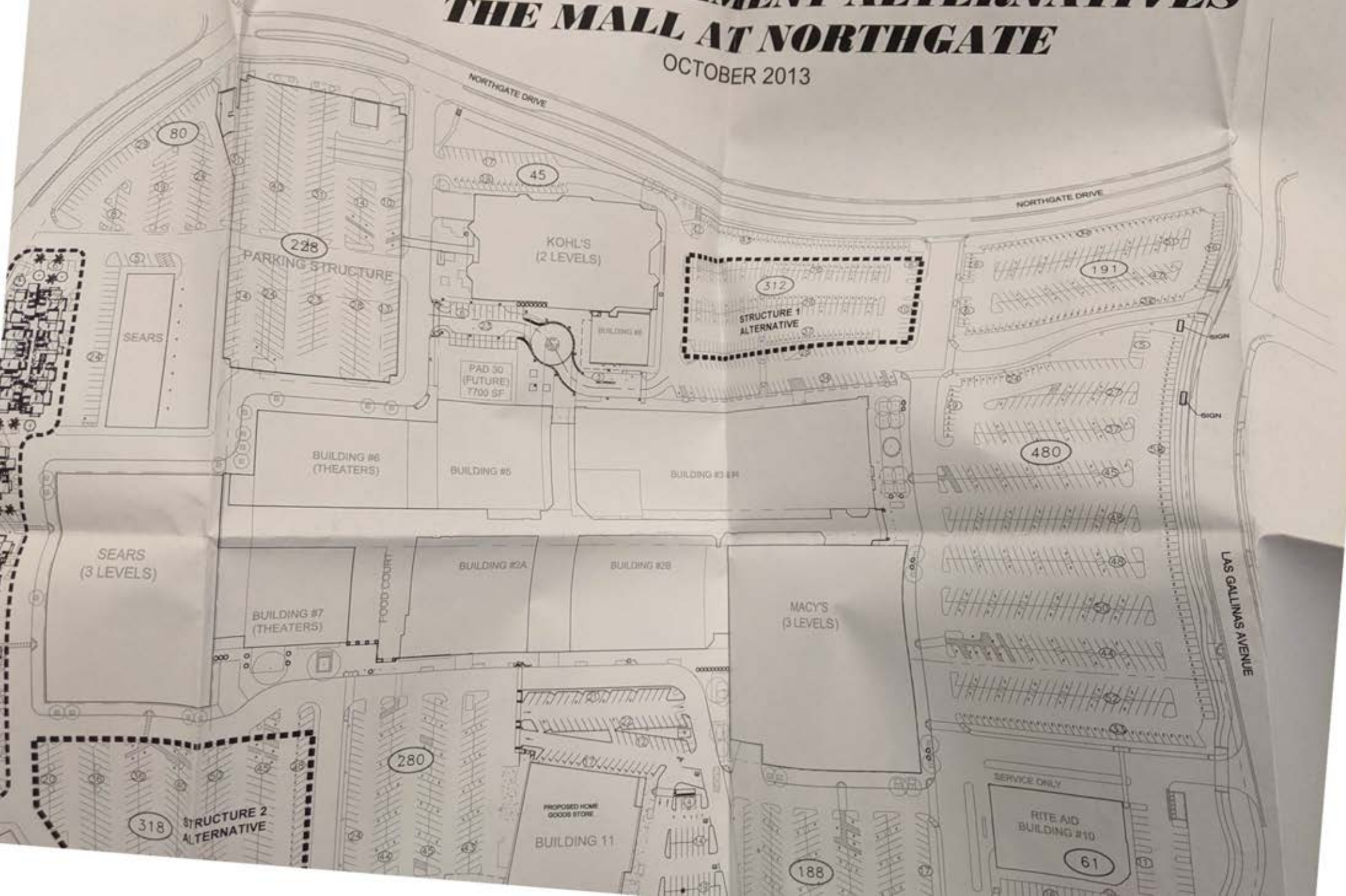
- Signage and design approvals for in-line tenants shall match Tenant Design Criteria (TDC), with prior approval by Macerich. Each tenant is allowed 1sf of signage per lf of frontage, with 1 wall sign, 1 blade sign and 1 marquee sign allowed. Sign Criteria is found on Page 36-42 of TDC. Design Criteria is on Pages 17-35. Staff shall issue sign permits for tenants. Designs for in-line tenants shall be checked with building permits. Major revisions to building designs for free-standing pad buildings, or for improvements outside of "tenant expression zones" shall require ED amendment.
- All in-line tenant signage shall be halo-lit and high quality (either push through logo/letter or reverse channel letter – not typical can channel letters and no illuminated faces).
- Anchor tenants may retain existing signage areas and designs. Theater may replace signage as indicated on approved plans. Monument signs for theater and Applebees may be retained until removed. Replacement of these signs shall require determination by staff.
- Sears may renovate their 10.4 acre site to match the mall renovation work.
- Mall identification and way finding signage shall be consistent with approvals. Level of review for major changes and minor changes shall be determined by staff, consistent with city codes and policies.

Building Permits

- Construction shall conform with City noise ordinance (Chapter 8).
- Plans submitted for permits shall bear approval stamp by Macerich, and shall include a base site map, exiting diagram and elevation diagram, as needed.

PARKING REPLACEMENT ALTERNATIVES
THE MALL AT NORTHGATE

OCTOBER 2013



CASE NO. 714 DATE March 22, 1963

CITY PLANNING COMMISSION, SAN RAFAEL, CALIFORNIA

APPLICATION FOR VARIANCE FROM PROVISIONS OF ZONING ORDINANCE, TITLE 14, S. R. M. C.

Non-returnable fee: $10.00 payable to the City of San Rafael.

PROPERTY at Between Northgate Drive, Los Ranchitos Road and Las Gallinas Avenue
(Street address or adjacent address and directions to locate.)

Assessor's number or legal description 175-010-26

Legal owner Title Insurance and Trust Co. (Equitable Owner - Draper Shopping Centers, Inc.)

Instructions to applicant:

1. Attach plot plan, to scale not smaller than 1" to 10', showing present and proposed improvements. Variance can only be granted based on plan submitted.
2. Stake all corners of lot in open or hill areas, so they may be easily seen from the street.
3. The law requires that applicant submit fee, statement, plans and evidence showing:
   (a) That there are exceptional or extraordinary circumstances or conditions applying to the property, which do not apply generally to property in the same district.
   (b) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.
   (c) That the granting of such application will not materially affect adversely the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements.

Applicant's statement as basis for granting Variance:

1) The exceptional circumstances applying to the subject property stem from the fact that this is the only parcel of land in San Rafael and in fact in Marin County of sufficient size, centrally located to serve a vast trade area, and possessed of appropriate highway access and identity. These are the underlying considerations which resulted in the selection of this site for the Northgate Regional Shopping Center. These same criteria influenced the Emporium-Capwell Company to select Northgate as the site for their long-awaited Marin branch.

2) The design of the Emporium-Marin was influenced principally by the dictates of proven merchandising concepts and by the necessity for an efficient interrelation of the many merchandise departments and sub-departments the assemblage of which constitutes a full line department store.

The exterior of the store represents a significant upgrading of quality over Emporium-Capwell Company stores in other Bay Area shopping centers. Recognizing that this store must conform to the high design standards for such a building anticipated by the people of Marin, the exterior was designed with care and sensitivity to the fulfillment of this anticipation.

The various merchandising departments together with stock and receiving rooms and rooms for the housing of mechanical equipment occupy the first and second floors of the Emporium building. The third floor contains additional mechanical equipment and allows for 61,000 square feet of floor area for future merchandising expansion. The overall height of the building is predicated on a height, floor-to-floor, of 18 feet for three stories together with a 2 foot-6 inch roof section and 8 foot-4 1/2 inch high elevator penthouse atop the main roof.

The design considerations which result in a total building height of 64 feet-10 1/2 inches are so basic that a functional department store design on the premises could not be achieved without the building going to this height.

3) The applicant cannot envision that the granting of this application would in any way adversely affect the health or safety of persons residing or working in the neighborhood and would not be detrimental to the public welfare or injurious to property or improvements.

The applicant suggests that the dominant architectural force of the Emporium building together with the carefully planned mall buildings and the unmatched environmental design of the shopping center as a whole will enhance not only the Terra Linda scene but shall create an architectural landmark for the entire County of Marin.

22. SUBDIVISION - LAS COLINDAS UNIT 9, NORTH OF UNIT 4 AND EAST OF UNIT 8, AND EXT. OF
(TENTATIVE MAP) LAS COLINDAS ROAD & PATRICIA WAY - P.J. TARRANT, OWNER & SUBDIVIDER -
PHILIP B. LYGREN, C.E. - "U" DISTRICT - 60 LOTS

Renewal of tentative map conditionally approved March 27, 1962.

This renewal incorporated the conditions set forth in the approval of the original tentative. A motion to approve the tentative renewal of Las Colindas Unit 9 was made by Commissioner Hendrickson, seconded by Commissioner Brown, and carried unanimously.

23. SUBDIVISION - MADRONA SUBDIVISION, N.W. CORNER OF MADRONA ST. & GREENWOOD AVENUE
(FINAL MAP) P.J. TARRANT, OWNER & SUBDIVIDER - LOCKTON-FUTSCHER, INC., C.E.
7 LOTS - R-1 DISTRICT

Tenative map conditionally approved November 13, 1962.

The final was found to be in conformity with the tentative, and a motion to approve the final map of Madrona Subdivision was made by Commissioner Brown, seconded by Commissioner Hendrickson, and carried unanimously.

24. SUBDIVISION - TERRA LINDA UNIT 19, ADJ. TO AND NORTH OF TERRA LINDA UNIT 18 AND
(FINAL MAP) EXTENSION OF MONTECILLO ROAD - ALAMEDA HOMES CORP., OWNERS & SUBDIVIDERS
CARLOS GONZALEZ, C.E. - 32 LOTS - "U" DISTRICT

Revised tentative map, also a renewal, approved January 23, 1963.

The final was in conformity with the tentative, and Commissioner Conti, seconded by Commissioner Brown, made a motion to approve the final map of Terra Linda Unit 19. The motion carried unanimously.

25. SUBDIVISION - TAMAL VISTA DRIVE, NORTH OF THE MIRACLE MILE, AND ADJ. TO THE SAN
ANSELMO CITY LIMITS - S. DEWEY - 2 LOTS - PARCEL NO. 10-251-10
R-1 DISTRICT

The status of the roadway on which this lot fronted was in doubt. The Subdivision Ordinance required that a lot front on a standard, dedicated street, but it was acknowledged that the necessary improvements could be made to fulfill these requirements. Commissioner O'Connor moved that this be put over until the next meeting, April 9, in order to determine the status of the roadway. The motion was seconded by Commissioner Conti, and carried unanimously.

26. VARIANCE PERMIT NO. 714 - THE EMPORIUM-CAPWELL CO. - NORTHGATE SHOPPING CENTER -
LAS GALLINAS AVE. & NORTHGATE DRIVE - C-2-H DISTRICT

Requests building height (including elevator shaft) of sixty four (64) feet (Required: maximum building height of fifty (50) feet).

This represents the first phase of the regional portion of the Northgate Shopping Center. The overall height of the building includes three 18 foot stories, plus a 2½ foot roof section, in addition to an elevator penthouse atop the roof which is slightly over 8 feet in height. The building will occupy approximately 90,000 square feet of the site. The Architectural Review Committee had recommended approval.

A motion was made by Commissioner Conti, seconded by Commissioner Brown, and carried unanimously, to grant Variance Permit No. 714.

27. ARCHITECTURAL APPROVAL - THE EMPORIUM-MARIN - NORTHGATE SHOPPING CENTER, LAS GALLINAS
AVENUE & NORTHGATE DRIVE - THE EMPORIUM-CAPWELL COMPANY -
PARCEL NO. 175-010-PTN.26 - C-2-H DISTRICT

It was noted that the parking ratio was about 2.5 to 1, but this would in all probability be increased at a later date. A motion was made by Commissioner Conti to approve the plans as drawn by Welton Becket and Associates and consisting of Sheets No. 1 through 28, dated March 1, 1963. Commissioner Hendrickson seconded the motion, and it carried unanimously.

.....

NORTHGATE MALL HOUSING STUDY

FINAL REPORT

SAN RAFAEL, CA
DECEMBER, 2016

CITY OF SAN RAFAEL
DEPARTMENT OF PUBLIC WORKS

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1 EXECUTIVE SUMMARY

This study analyzes the potential traffic impacts of a proposed **96** dwell-unit apartment, comprised of 36 1-bed room, 54 2-bed room and 6 3-bed room, within the existing **773,238**-square foot of Northgate Mall, herein referred to as the "project." The proposed project site is located on the south side of the Northgate Mall next to Sears. Access to the project site is provided via Northgate Drive, a total of **194** residential parking spaces are provided bellow the housing units.

This analysis evaluates all potential transportation-related impacts which may be caused by the proposed project. Traffic impacts are assessed at **19** critical intersections within 1 mile of the project for the following two scenarios:

- Baseline Conditions (existing traffic plus traffic associated with all approved projects);
- Project Conditions (Baseline Conditions plus the proposed project);

The approved projects used to develop Baseline Conditions are those projects that can reasonably be expected to be constructed in the near future; so the traffic volumes and roadway improvements associated with each of these projects is added to existing traffic counts to develop Baseline Conditions.

Traffic impacts are not assessed in the Cumulative Conditions because there is a housing project, which is larger than the proposed project (220-dwell unit apartment) in City's General Plan 2020.

The methodologies presented here are consistent with the City of San Rafael General Plan 2020.

1.1 Project Trip Generation

Trip generation for the proposed **96** dwell-unit apartment was estimated using the rates of Apartment (ITE 220) published in the Institute of Transportation Engineers' (ITE) Trip Generation, Eighth Edition.

The net trip increase caused by the project, after discounting the internal capture with the mall, will be **50** trips during the AM peak hour (10 inbound and 40 outbound), **62** trips during the PM peak hour (41 inbound and 21 outbound), and **649** trips daily.

The applicant shall submit a traffic mitigation fee of $475,552 for one hundred twelve (50 AM and 62 PM) additional peak hour trips.

1.2 Project Impacts and Mitigations

The analysis evaluates all potentially significant transportation-related impacts caused by the proposed project, and proposes mitigation measures where possible to restore acceptable operating conditions. There were **no potentially significant impacts** of the project and no mitigation measures were required.

1.3 Compare with the Recent Traffic Counts

Staff has collect counts at the intersection of Las Gallinas Avenue and Northgate Drive and found that they are lowest since 1999. Therefore, it is reasonable to conclude that the results of this study, based on the historic highest counts, are very conservative and represent the worst conditions.

2 SETTING

This section describes the existing transportation infrastructure within the vicinity of the proposed project site, including roadway, transit, bicycle, and pedestrian facilities.

2.1 Roadway Setting

The following regional and local roadways are key links in providing access to the project site.

Regional Facilities

U.S. 101 is a major north-south regional route serving the West Coast. U.S. 101 extends north from San Francisco through Marin and Sonoma Counties and continues into Oregon and Washington State. South of San Francisco, U.S. 101 extends through San Jose and the central California Coast into Southern California. In the vicinity of the project site, U.S. 101 is generally a six-lane facility plus an HOV lane in each direction. Average daily traffic on U.S. 101 southbound at Manuel T Freitas Parkway is approximately 191,000 vehicles, and on northbound is approximately 179,000 vehicles.[1]

Interstate 580 (I-580) is a four-lane freeway (two lanes in each direction). I-580 begins at the I-5 Junction in San Joaquin County, passing through Livermore, Pleasanton, Oakland, Berkeley and Richmond, ending at the U.S. 101 Junction in Marin County. Average daily traffic is approximately 58,000 in each direction between the U.S. 101 Junction and the Bellam Boulevard Interchange.[1]

The **Richmond/San Rafael Bridge** is a 5.5-mile long cantilever and truss bridge spanning the Southern end of San Pablo Bay connecting the cities of Richmond and San Rafael via I-580. There are two westbound lanes on the upper level and two eastbound lanes on the lower level. Average daily traffic on the bridge is approximately 68,000 vehicles per day each direction.[1]

Local Facilities

Northgate Drive, which provides direct access of the project site, is a two to four lane divided collector with turn pockets at various locations. Average daily traffic of Northgate Drive ranges from 4,200 to 9,500.

Los Ranchitos Road, which provides access of the Mall and project site, is a minor arterial and striped for two lanes. Average daily traffic ranges from 7,100 to 12,000.

Las Gallinas Avenue, another street which provides access of the Mall and project site, is a minor arterial and striped for two lanes. Average daily traffic ranges from 8,000 to 13,500.

Manuel T. Freitas Parkway is a 4 lane minor arterial divided by raised center median. Average daily traffic ranges from 7,300 to 22,000.

Merrydale Overcrossing is a 2 to 3 lane minor arterial with average daily traffic of 8,800.

Civic Center Drive is a 2 lane minor arterial with average daily traffic ranges from 7,600 to 10,900.

Redwood Highway is a 2 lane minor arterial with average daily traffic ranges from 9,200 to 11,000.

[1] Caltrans Traffic Volumes on the State Highway System, 2013.

North San Pedro Road is a major arterial. The roadway is 2 to 6 lanes with center median islands at sone locations. Average daily traffic ranges from 8,500 to 27,000.

2.2 Study Intersections

20 intersections are identified within 1 mile of the project site. 19 of them have been studied while intersection 1 as a dummy intersection is only used to present the net volume of the project. :

1 Project site & Northgate Drive (Dummy intersection; required for volume only)
2 Northgate Drive & Los Ranchitos Road
3 Merrydale Overcrossing & Las Gallinas Avenue/Los Ranchitos Road
4 Merrydale Overcrossing & Civic Center Drive/Scettrini Drive
5 Manual T. Freitas Parkway & Civic Center Drive/Redwood Highway
6 Manual T. Freitas Parkway & 101 Northbound Ramps
7 Manual T. Freitas Parkway & Del Presidio Boulevard/101 Southbound off Ramp
8 Manual T. Freitas Parkway & Northgate Drive
9 Manual T. Freitas Parkway & Las Gallinas Avenue
10 Las Gallinas Avenue & Nova Albion Way
11 Nova Albion Way & Arias Street
12 Las Gallinas Avenue & Northgate Drive
13 Las Gallinas Avenue & Del Presidio Boulevard
14 Redwood Highway & 101 Northbound On Ramp
15 Redwood Highway & Professional Center Parkway
16 Civic Center Drive & McInnis Parkway
17 Civic Center Drive & North San Pedro Road
18 North San Pedro Road & Merrydale Road
19 Merrydale Road & 101 Southbound Ramps
20 North San Pedro Road & Los Ranchitos Road

Figure 2-1 shows the location of the project and the selected study intersections. Peak traffic congestion in the region typically occurs during the commute periods between 7:00 and 9:00 AM and 4:00 and 6:00 PM. The peak hour is defined as the highest one-hour volume counted during each of the two-hour time periods.

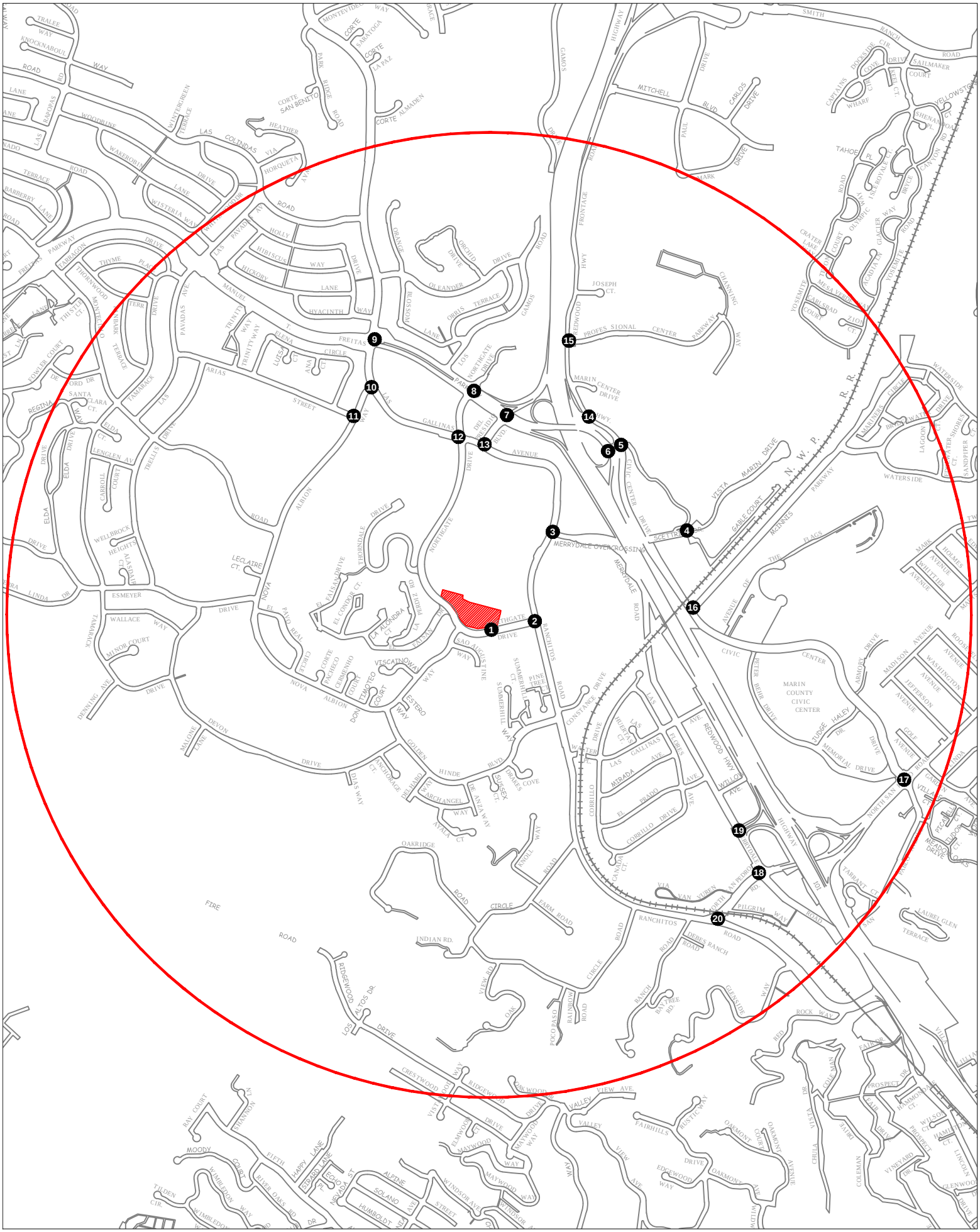

Figure 2-1: Study Intersections

2.3 Study Arterials

The following eight arterial segments were chosen for analysis:

1. Northgate Drive;
2. Los Ranchitos Road;
3. Las Gallinas Avenue;
4. Merrydale Overcrossing;
5. Manual T. Freitas Parkway;
6. Redwood Highway;
7. Civic Center Drive; and,
8. North San Pedro Road

2.4 Bicycle and Pedestrian Facilities

Sidewalks exist along both sides of all listed roadways, except, there are some gaps on the west side of the Civic Center Drive, and there are only sidewalks on east side of the Redwood Highway. Most intersections in the vicinity of the project site have crosswalks for pedestrian movements. Proposed bike path I or II or III are along all listed streets above.

2.5 Transit

Golden Gate Transit operates bus service in Marin County, providing both local service within Marin County and regional service connecting Marin County to San Francisco and Richmond.

There are 2 bus stations located on Las Gallinas Avenue 250 feet or 400 feet north of the Merrydale Overcrossing. The walking distance from the project site to the father station is under one third of a mile.

2.6 SMART

Sonoma-Marin Area Rail Transit (SMART) is a proposed project that would provide passenger rail service along approximately 70 miles of the existing Northwestern Pacific (“NWP”) rail corridor from Cloverdale in Sonoma County to Larkspur in Marin County, with 14 rail stations, several passing sidings, a rail maintenance facility and shuttle service at select locations. The proposed project also includes the implementation of a bicycle/pedestrian pathway generally within or adjacent to the rail corridor. The proposed bicycle/pedestrian pathway includes a combination of Class I and Class II facilities. The walking distance from the project site to the SMART station at Civic Center is in excess of a half mile.

3 ANALYSIS METHODOLOGY

3.1 Intersection Analysis Methodology

Intersection operating conditions are assessed through an evaluation of peak hour Levels of Service (LOS). The LOS methodology qualitatively characterizes traffic conditions through a measurement of overall congestion. There are six levels of operation or "grades," ranging from LOS A to LOS F. LOS A represents free-flowing traffic conditions, where motorists are affected little by other motorists, and the level of comfort and convenience to the motorist is high. LOS F is characterized by congested conditions, where motorists usually experience discomfort, inconvenience, and long delays and have little, if any, freedom to choose speeds or lanes of travel. **Table 3-1** shows the Level of Service criteria for signalized and unsignalized intersections.

Table 3-1: LOS Criteria for Signalized and Unsignalized Intersections

LOS	Description	Total Delay (seconds/vehicle)	
		Signalized Intersections	Unsignalized Intersections
A	Little or no delay	≤ 10.0	≤ 10.0
B	Short traffic delay	> 10.0 and ≤ 20.0	> 10.0 and ≤ 15.0
C	Average traffic delay	> 20.0 and ≤ 35.0	> 15.0 and ≤ 25.0
D	Long traffic delay	> 35.0 and ≤ 55.0	> 25.0 and ≤ 35.0
E	Very long traffic delay	> 55.0 and ≤ 80.0	> 35.0 and ≤ 50.0
F	Extreme traffic delay	> 80.0	> 50.0

Source: Highway Capacity Manual, Transportation Research Board, 2000

For all study intersections (signalized and unsignalized), traffic conditions were evaluated using Synchro software and the 2000 Highway Capacity Manual (HCM) operations methodology. The delays presented in this document represent average delays for all vehicles entering a given intersection.

The Synchro 6 software package was used to analyze the operating conditions and Level of Service for all intersection analysis scenarios.

3.2 Arterial Analysis Methodology

Level of Service for arterial streets is a measure of the average through-vehicle travel speed on a roadway segment. An arterial street segment is affected by the roadway's vehicle capacity, intersection delay, roadway classification, service volumes, and free flow speed. Like intersections, six levels of service grades are defined for arterial roadway segments. Letters designate each level, from A to F, with LOS A representing the best operating conditions and LOS F the worst. Each level of service represents a range of operating conditions and the driver's perception of those conditions. The level of service for arterial segments is based on the average travel speed between two points along the segment.

Table 3-2 shows the Level of Service criteria for arterial roadway segments.

Table 3-2: Arterial Roadway Segment Level of Service Criteria

Level of Service	Arterial Segment Speed (mph)
A	A ≤ 25.0
B	B > 25.0 and ≤ 19.0
C	C > 19.0 and ≤ 13.0
D	D > 13.0 and ≤ 9.0
E	E > 9.0 and ≤ 7.0
F	F > 7.0

Source: Highway Capacity Manual, Transportation Research Board, 2000

3.3 Level of Service Standards

The Circulation Element of the City of San Rafael General Plan 2020 establishes policies and standards for traffic levels of service. The Level of Service standard that applies to the study intersections would be that signalized intersections must maintain a LOS D during the peak hours of operation. Two exceptions are the intersection of Merrydale Overcrossing at Las Gallinas Avenue and Merrydale Overcrossing at Civic Center Drive, which have LOS E standard. Other signalized intersections must maintain a LOS D standard. There is no Level of Service standard for unsignalized intersections.

The arterial roadway Level of Service standards, as defined in the City of San Rafael General Plan 2020, stipulates that all arterial roadways must maintain a LOS D during both the AM and PM peak hours.

As stated in the City of San Rafael General Plan 2020, the City Traffic Engineer may apply arterial level of service analysis as the primary method of analysis for any proposed development project. The City Traffic Engineer will make this determination based on intersection spacing and other characteristics of the roadway system where conditions are better predicted by arterial analysis.

4 BASELINE CONDITIONS

Baseline Conditions includes traffic generated by other approved projects in the area which are expected to be constructed in the near-term. It is expected that these projects would be completed or be close to completion upon completion of the proposed project analyzed in this study.

The projected traffic volumes generated by the approved projects were distributed through the project study area traffic network using the City of San Rafael's traffic model. These traffic volumes were then added to the existing intersection and arterial roadway volumes to develop Baseline Conditions. **Figure 4-1** presents the Baseline Conditions study intersection turning movement volumes.

4.1 Baseline Conditions Intersection Levels of Service

A Baseline Level of Service analysis was conducted using Baseline Conditions traffic volumes, intersection geometry, and traffic control. **Table 4-1** summarizes Baseline Conditions traffic operations during the typical weekday AM and PM peak hours for the study area intersections.

As reported, results of the analysis indicate that none of signalized intersections operate below the Level of Service standard of LOS D (or E for Merrydale Overcrossing & Civic Center Drive) in the Baseline Conditions. City of San Rafael does not have Level of Service standard for unsignalized intersections, therefore the delay and Level of Service in Table 4-1 are for reference only.

Level of Service calculation sheets are included in **Appendix A**.

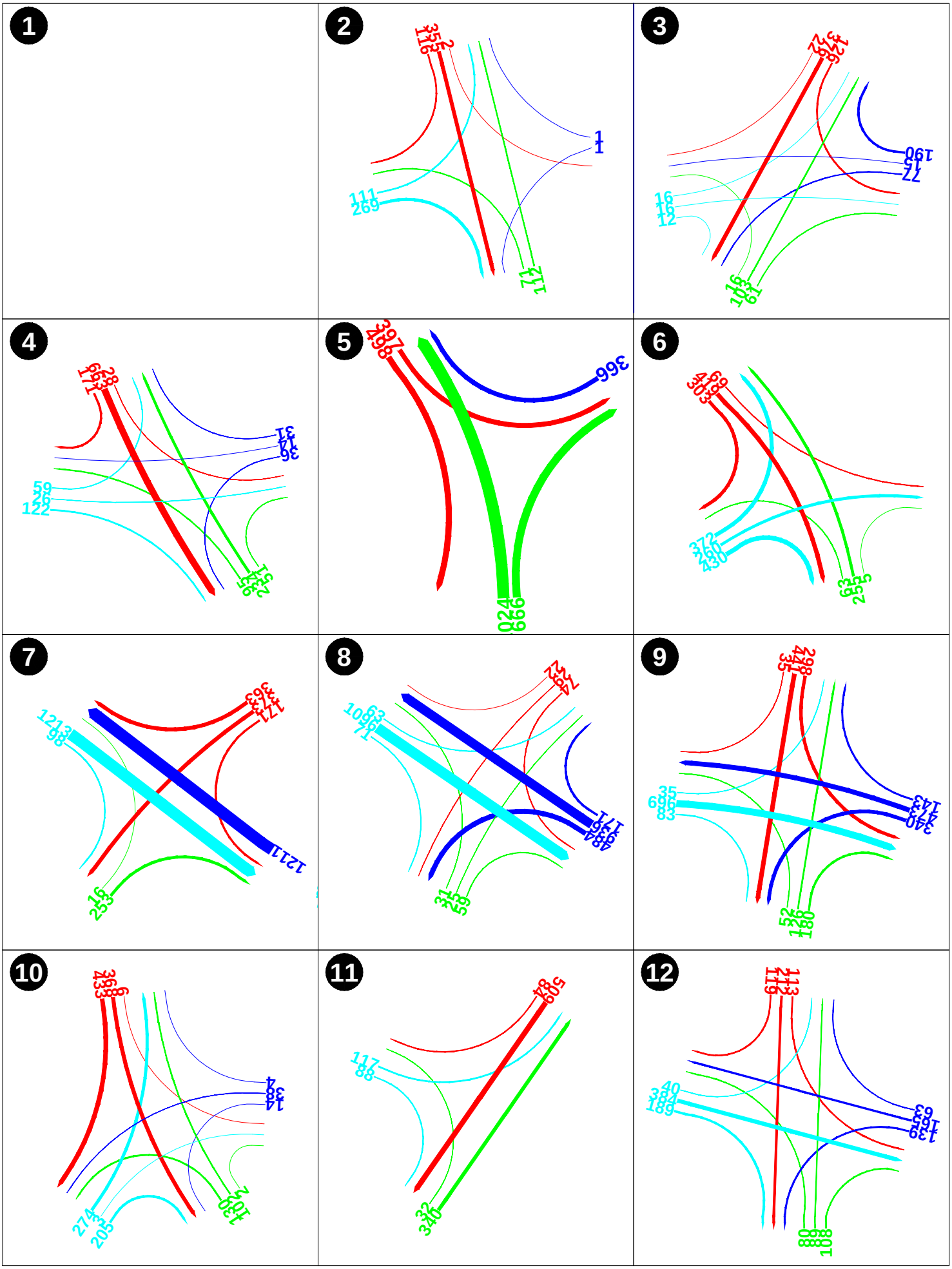

Figure 4-1: Baseline AM Volume

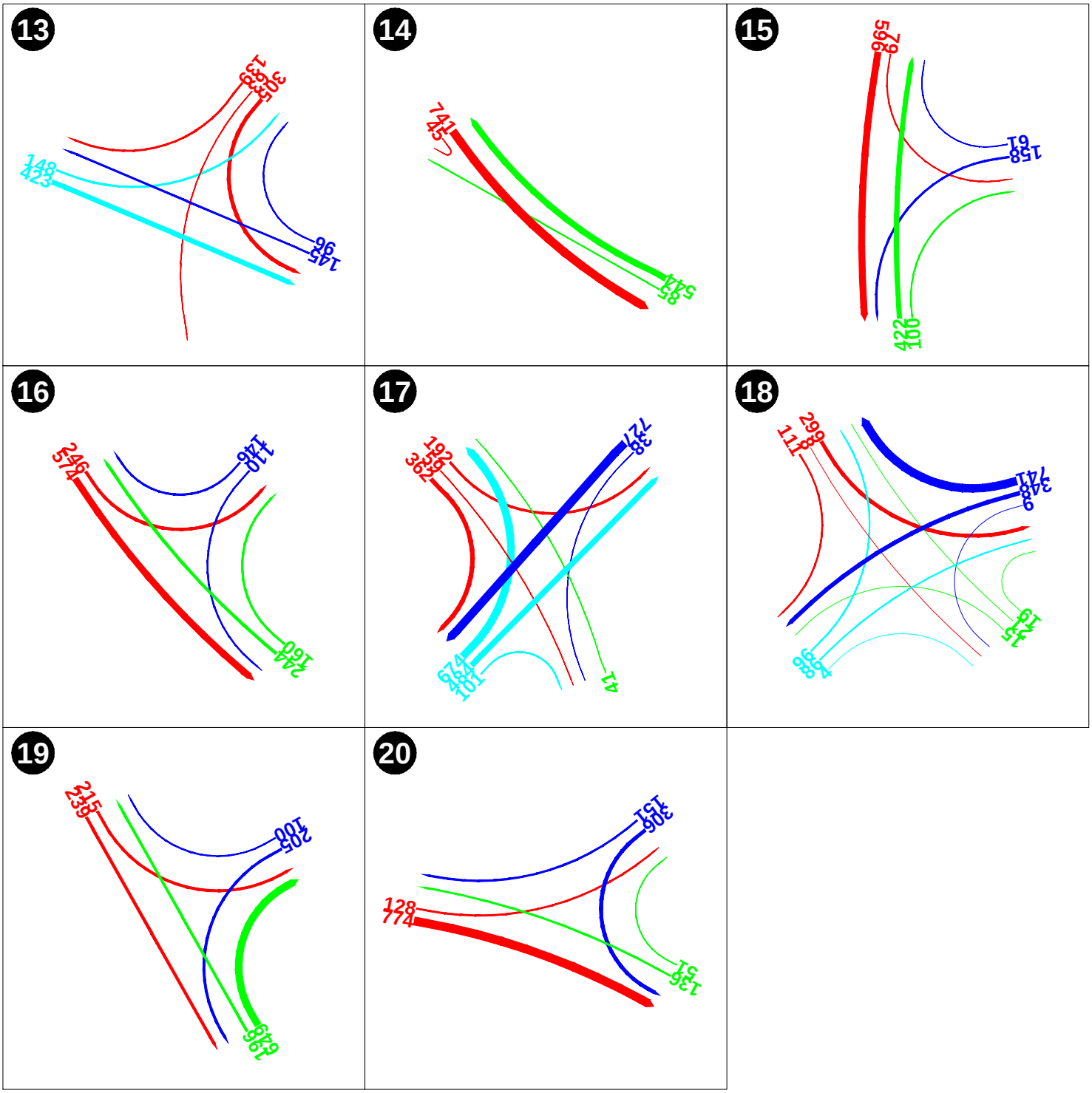

Figure 4-1: Baseline AM Volume

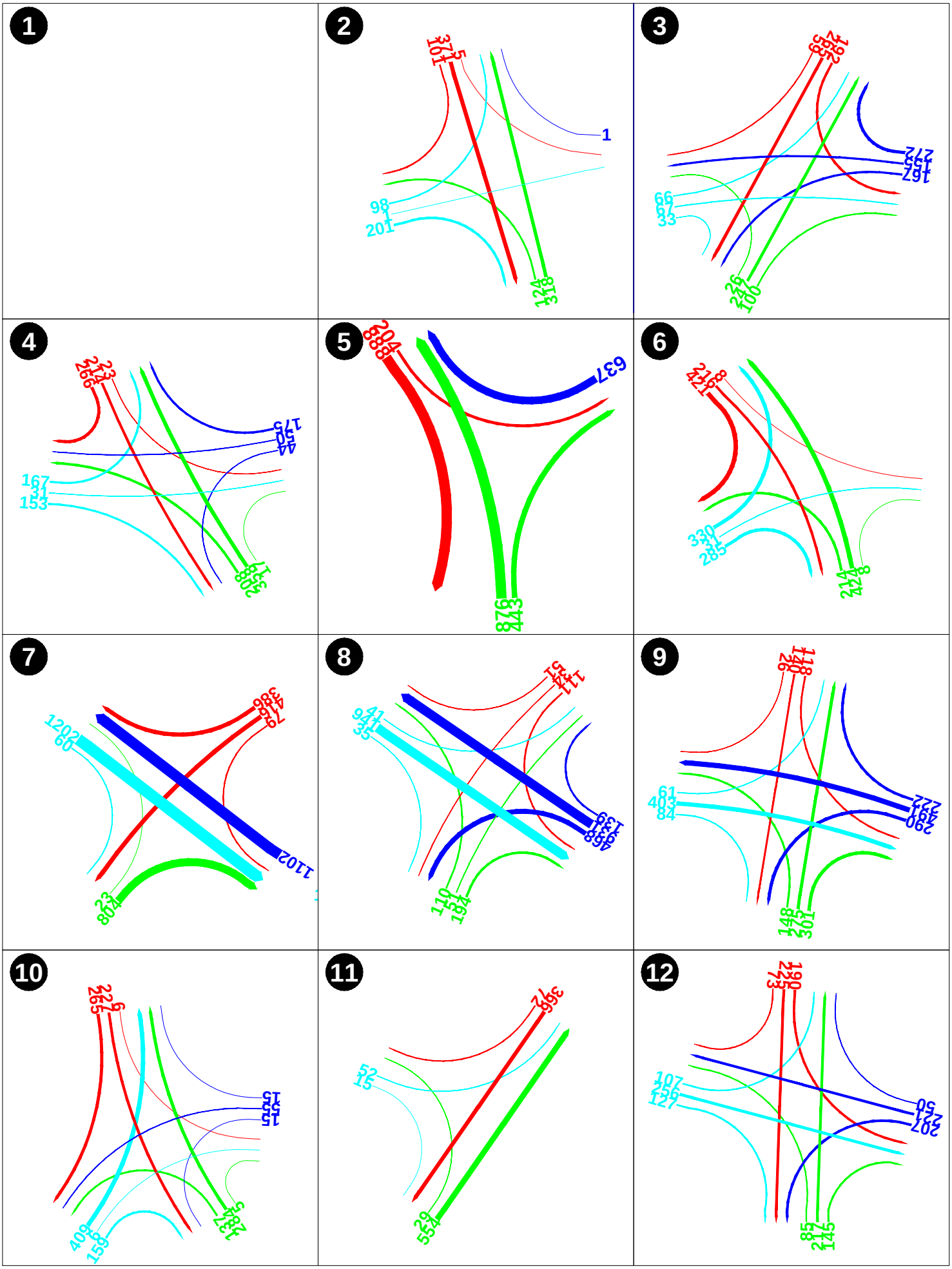

Figure 4-1: Baseline PM Volume

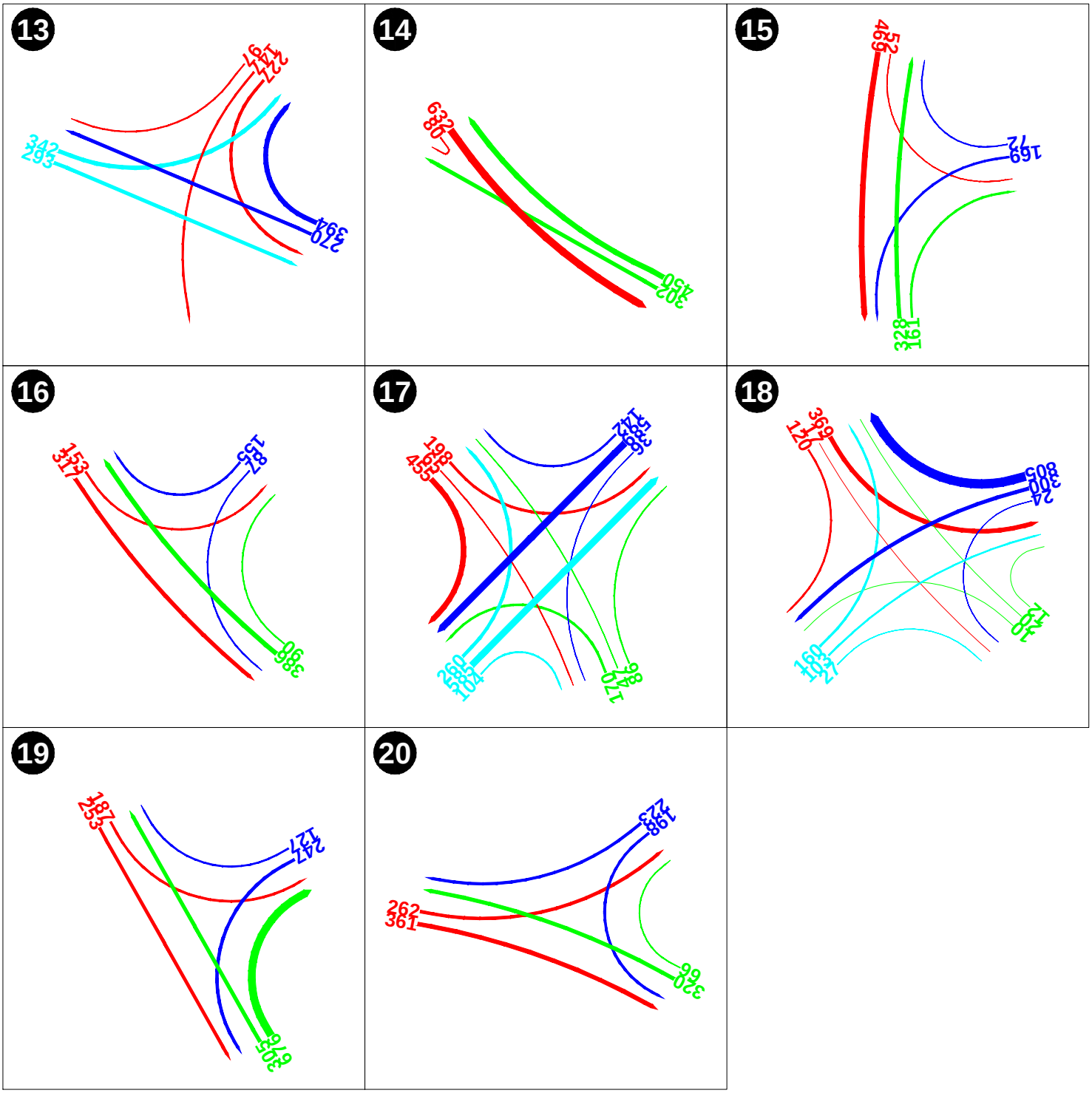

Figure 4-1: Baseline PM Volume

Table 4-1: Baseline Conditions Intersection Analysis

NO	Intersection	AM Peak Hour		PM Peak Hour	
		Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
Signalized Intersections					
2	Northgate & Los Ranchitos	13.7	B	15.0	B
3	Merrydale O.C. & Las Gallinas	20.2	C	44.9	D
4	Merrydale O.C. & Civic Ctr	65.5	E	51.7	D
7	Freitas & Del Presidio	13.0	B	41.1	D
8	Freitas & Northgate	20.1	C	21.7	C
9	Freitas & Las Gallinas	33.3	C	22.3	C
10	Nova Albion & Las Gallinas	32.2	C	28.1	C
11	Arias & Nova Albion	18.5	B	9.8	A
12	Las Gallinas & Northgate	17.8	B	23.3	C
13	Las Gallinas & Del Presiddio	16.4	B	19.1	B
15	Professional Ctr & Redwood	11.8	B	10.9	B
16	McInnis & Civic Ctr	19.5	B	13.7	B
17	N. San Pedro & Civic Ctr	27.3	C	18.3	B
18	N. San Pedro & Merrydale	22.1	C	25.2	C
20	N. San Pedro & Los Ranchitos	18.1	B	18.0	B
Unsignalized Intersections					
5	Freitas & Redwood*	23	C	34.9	D
6	Freitas & 101 NB*	104.4	**F**	79.2	**F**
14	Redwood Hwy & 101 NB On	0.7	A	2.5	A
19	101 SB & Merrydale	30.5	D	53.7	**F**

* Delays and LOSs are from SimTraffic.

4.2 Baseline Conditions Arterial Analysis

An arterial Level of Service analysis was conducted for the eight study area arterials during the AM and PM peak hour for Baseline Conditions. **Table 4-2** summarizes the results of the arterial Level of Service analysis.

As shown, Manual T. Freitas Parkway eastbound during both AM and PM peak hour and Merrydale Overcrossing westbound during PM peak hour operate below the operation standards presented earlier in the Analysis Methodology chapter.

Detailed Level of Service calculation sheets are included in **Appendix B.**

Table 4-2: Baseline Conditions Arterial Level of Service Summary

No	Arterial	Direction	AM Peak Hour		PM Peak Hour	
			Speed (mph)	LOS	Speed (mph)	LOS
1	Northgate	EB	14.4	C	18.3	C
		NB	14.1	C	13.7	C
2	Los Ranchitos	NB	20	B	18.7	C
		SB	20.4	B	21.6	B
3	Las Gallinas	NB	16.8	C	16.1	C
		SB	15	C	16.5	C
4	Merrydale Overpass	EB	10.6	D	11.2	D
		WB	12.9	D	8.6	**E**
5	Freitas	EB	13.6	**E**	13.4	**E**
		WB	21.8	C	19.2	C
6	Redwood	NB	19.9	B	18	C
		SB	18.1	C	17.8	C
7	Civic Ctr	NB	15.4	C	16.4	C
		SB	12.2	D	12.2	D
8	N. San Pedro	EB	17.1	C	16.6	C
		WB	13.3	C	13.9	C

4.3 Baseline Conditions Queue Analysis

A queuing analysis was performed at all applicable intersections, using the Synchro & SimTraffic software package.

Existing turning pocket storage capacity as well as the available storage between closely spaced intersections was compared against the 95th percentile queue lengths reported using the AM and PM peak hour turning movement volumes. The 95th percentile queue length represents the “worst case” queuing scenario and is the queue length that has a probability of being exceeded by five percent or less. During both the AM and PM peak analysis periods, many of the intersections do not have adequate storage capacity to accommodate Baseline Conditions traffic volumes.

5 PROJECT CONDITIONS

Project Conditions are defined as Baseline Conditions plus traffic generated by the addition of the proposed project. Project volumes were estimated and then added to the Baseline Conditions traffic volumes to develop Project Conditions peak hour traffic volumes.

5.1 Project Trip Generation

The original Northgate Mall is 773,238 square-foot which is expected to generate **443** AM and **1979** PM peak hour trips.

The project propose to build **96** dwell-unit apartment, comprised of 36 1-bed room, 54 2-bed room and 6 3-bed room on the south side of the Northgate Mall next to Sears.

Trip generation was estimated using the rates published in the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition.

Since the project is located on the south side of the Northgate Mall there is potential for interaction between the proposed apartment and the Mall, which is defined as internal capture, therefore the total generation of vehicle trips entering and exiting the project site should be reduce from simple apartment trip generation, especially during PM peak.

Table 5-1 summarizes the trip generation for the proposed project.

Table 5-1: Proposed Project Trip Generation

Landuse	Size	Units	AM Peak Hour				PM Peak Hour				ADT	
			Rate	In	Out	Total	Rate	In	Out	Total	Rate	Total
Apartment (ITE 220)	96	DU	0.53	10	41	51	0.73	46	24	70	7.34	705
Internal Capture with Northgate Mall			-2%	0	-1	-1	-11%	-5	-3	-8	-8%	-56
Net Project Volume				**10**	**40**	**50**		**41**	**21**	**62**		**649**

The applicant shall submit a **Traffic Mitigation Fee** of **$475,552** for 112 (50 AM and 62 PM) additional peak hour trips.

5.2 Project Trip Distribution

Trip distribution reflects the pattern of travel to and from the project during peak hours. It is expected that build-out of the project would attract trips both locally and regionally. Using the City of San Rafael's traffic model, project trips were distributed to the study area intersections, roadways, and freeway segments. Project trips assigned to the study intersections are illustrated in **Figure 5-1**.

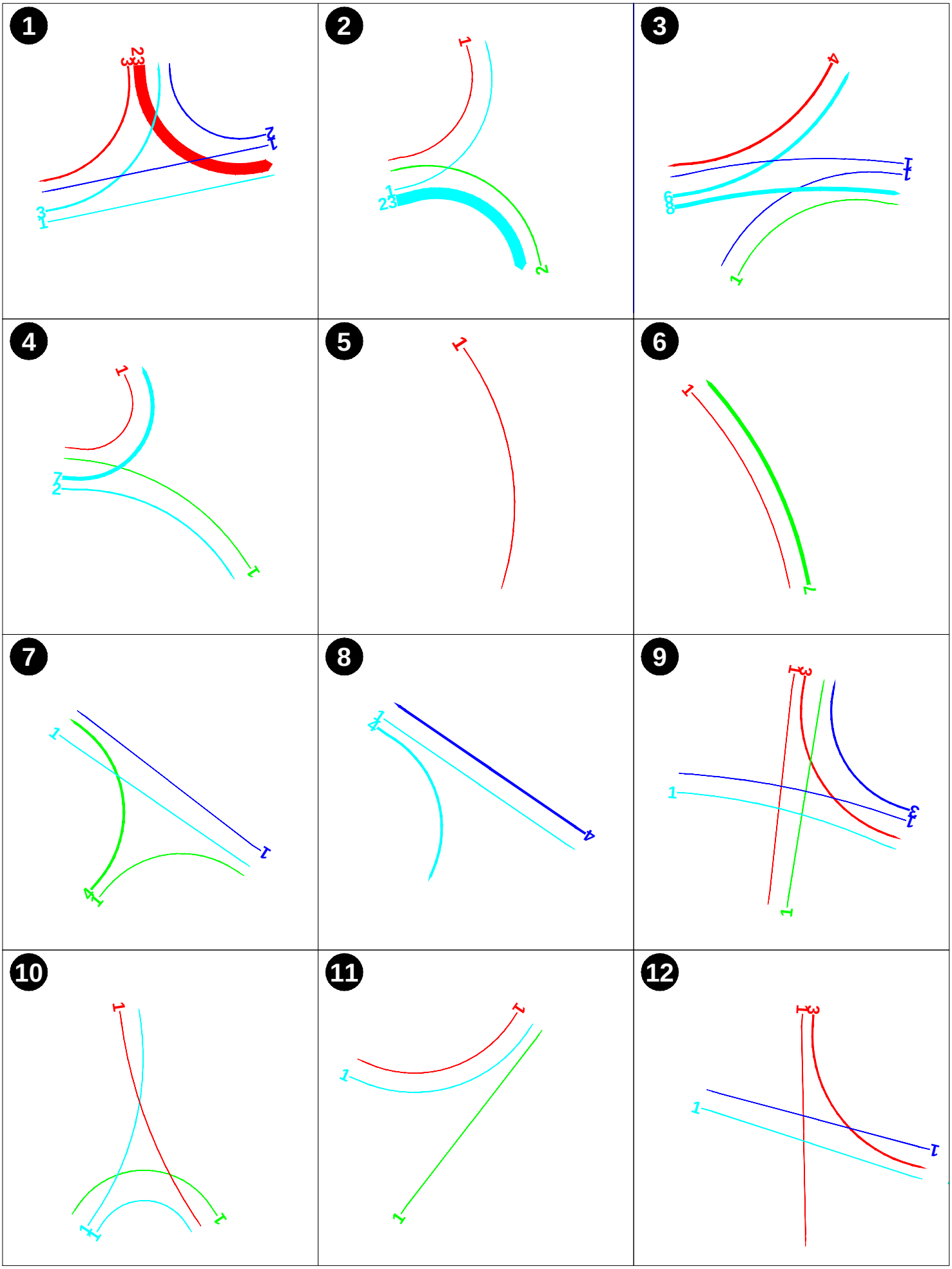

Figure 5-1: AM Projection Volume

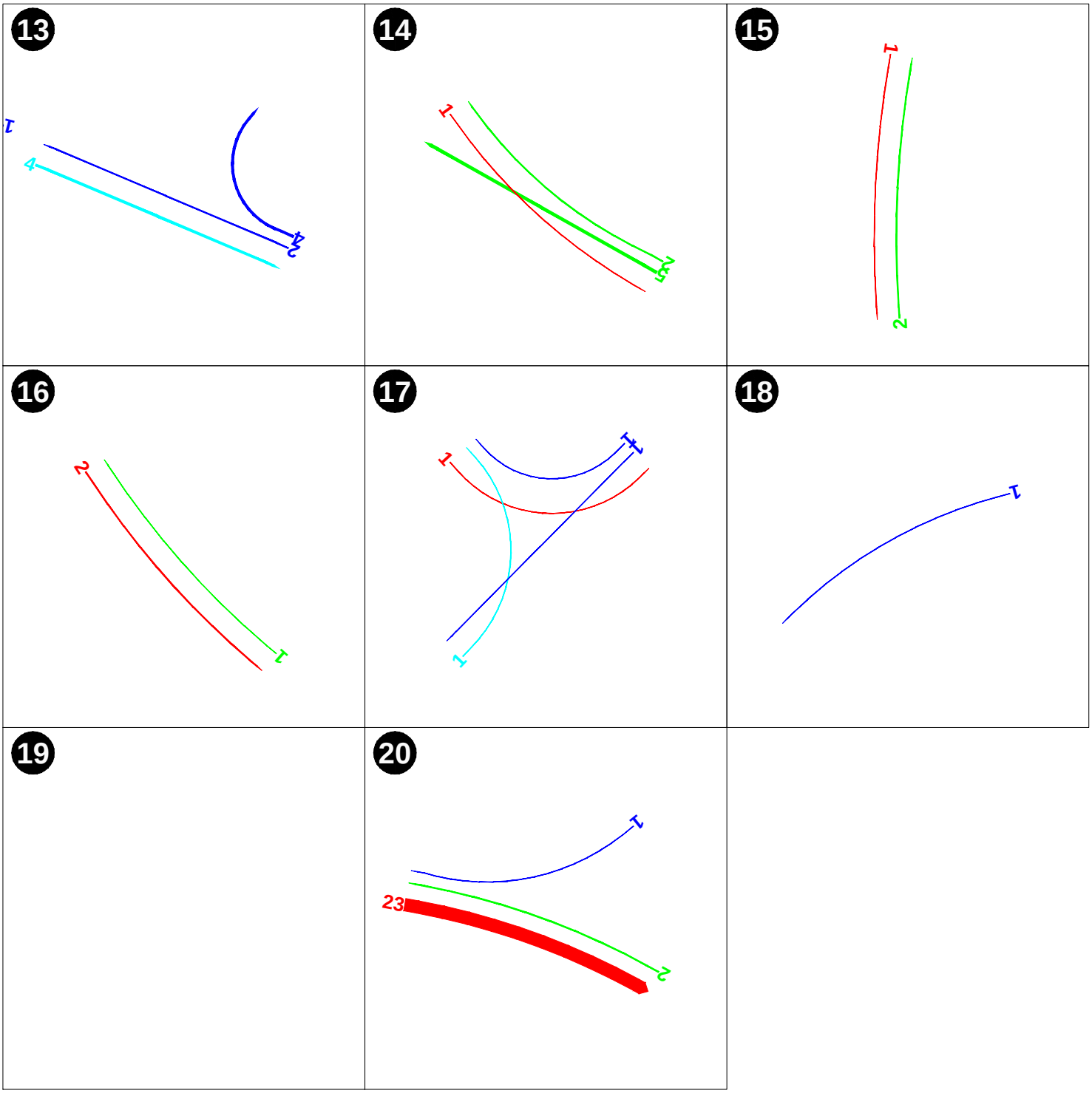

Figure 5-1: AM Projection Volume

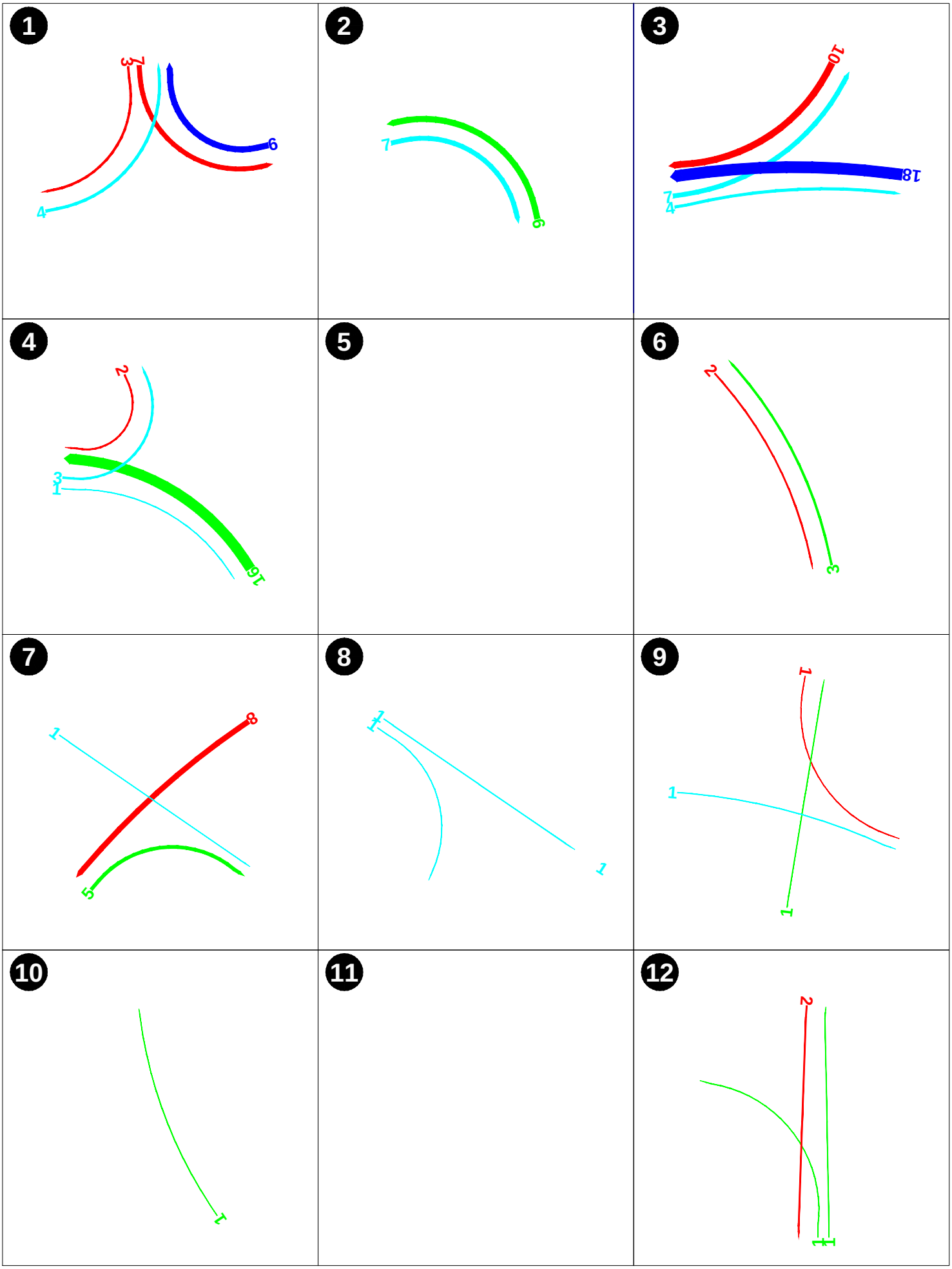

Figure 5-1: PM Projection Volume

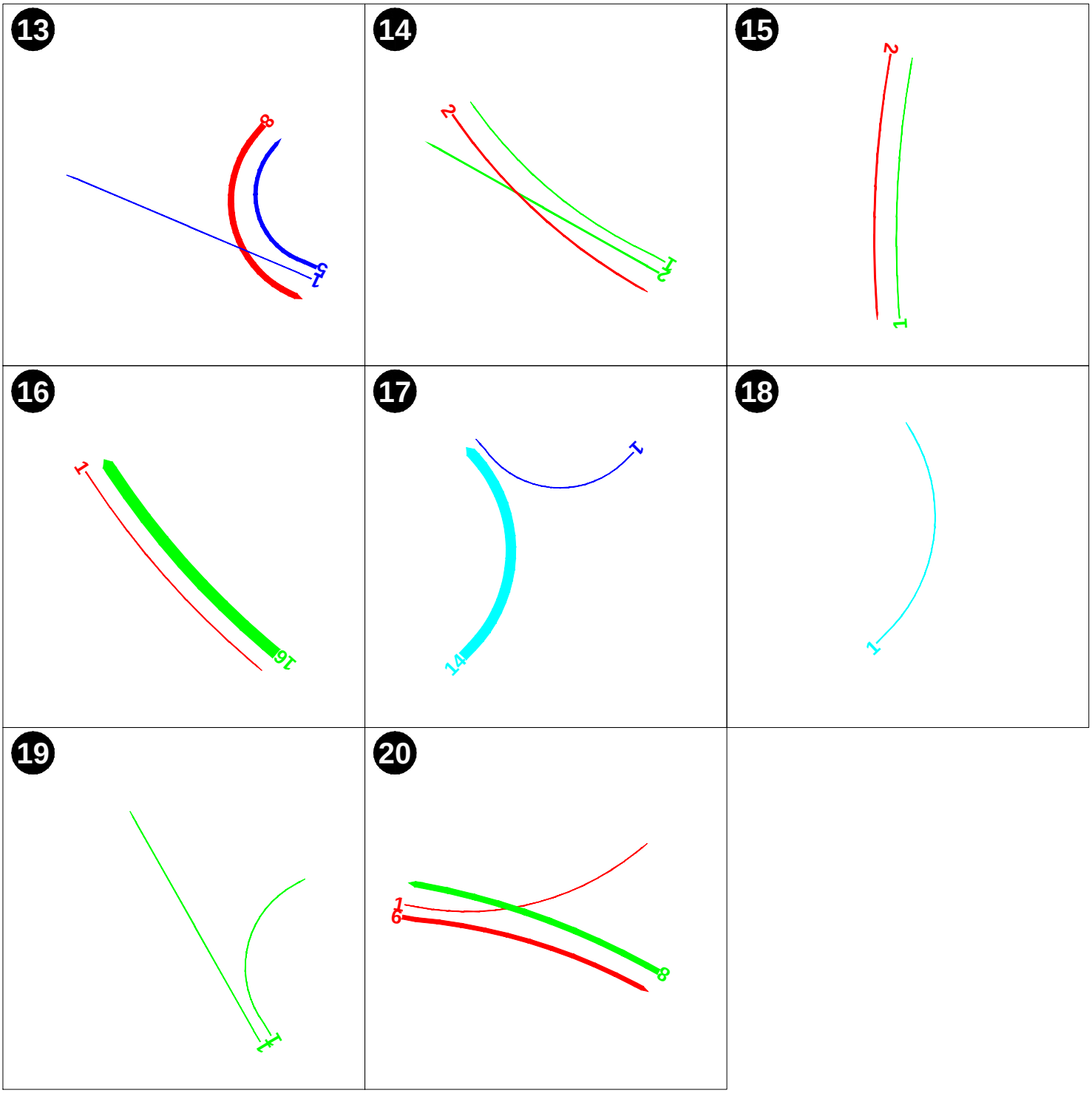

Figure 5-1: PM Projection Volume

5.3 Project Conditions Intersection Analysis

As previously mentioned, project trips were added to Baseline Conditions intersection volumes to establish Project Conditions volumes. **Figure 5-2** illustrates Project Conditions intersection volumes for the **20** study intersections. These volumes were analyzed using the previously described Synchro 6 software and Highway Capacity Manual (HCM) intersection analysis methodology to determine study intersection Level of Service. **Table 5-2** summarizes the Project Conditions intersection Level of Service, as well as a comparison between Baseline Conditions Level of Service.

As shown in **Table 5-2**, none of intersections operate below the Level of Service standard of LOS D (or E for Merrydale Overcrossing & Civic Center Drive) in the Baseline plus Project Conditions.

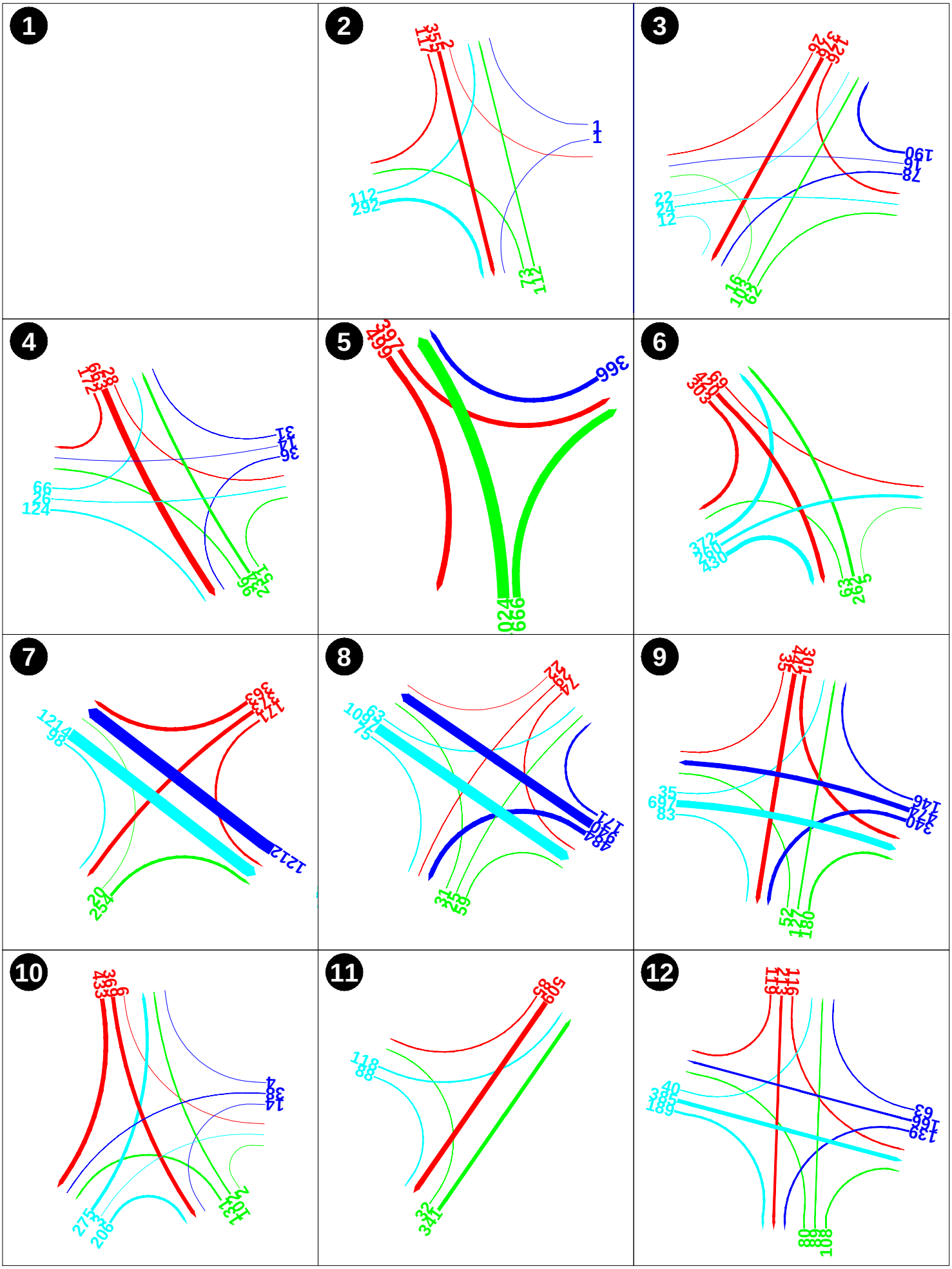

Figure 5-2: Baseline AM + Project Volume

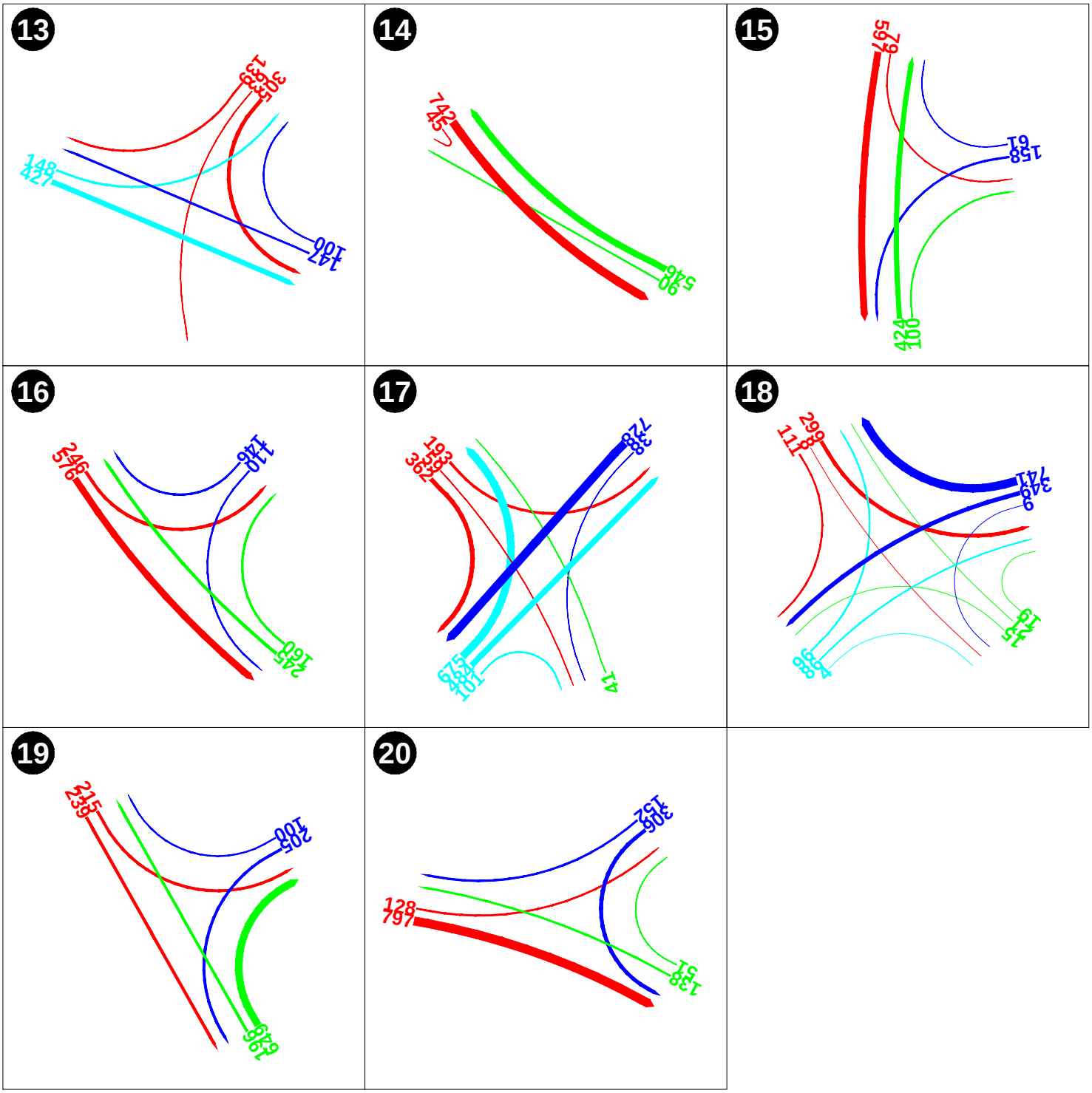

Figure 5-2: Baseline AM + Project Volume

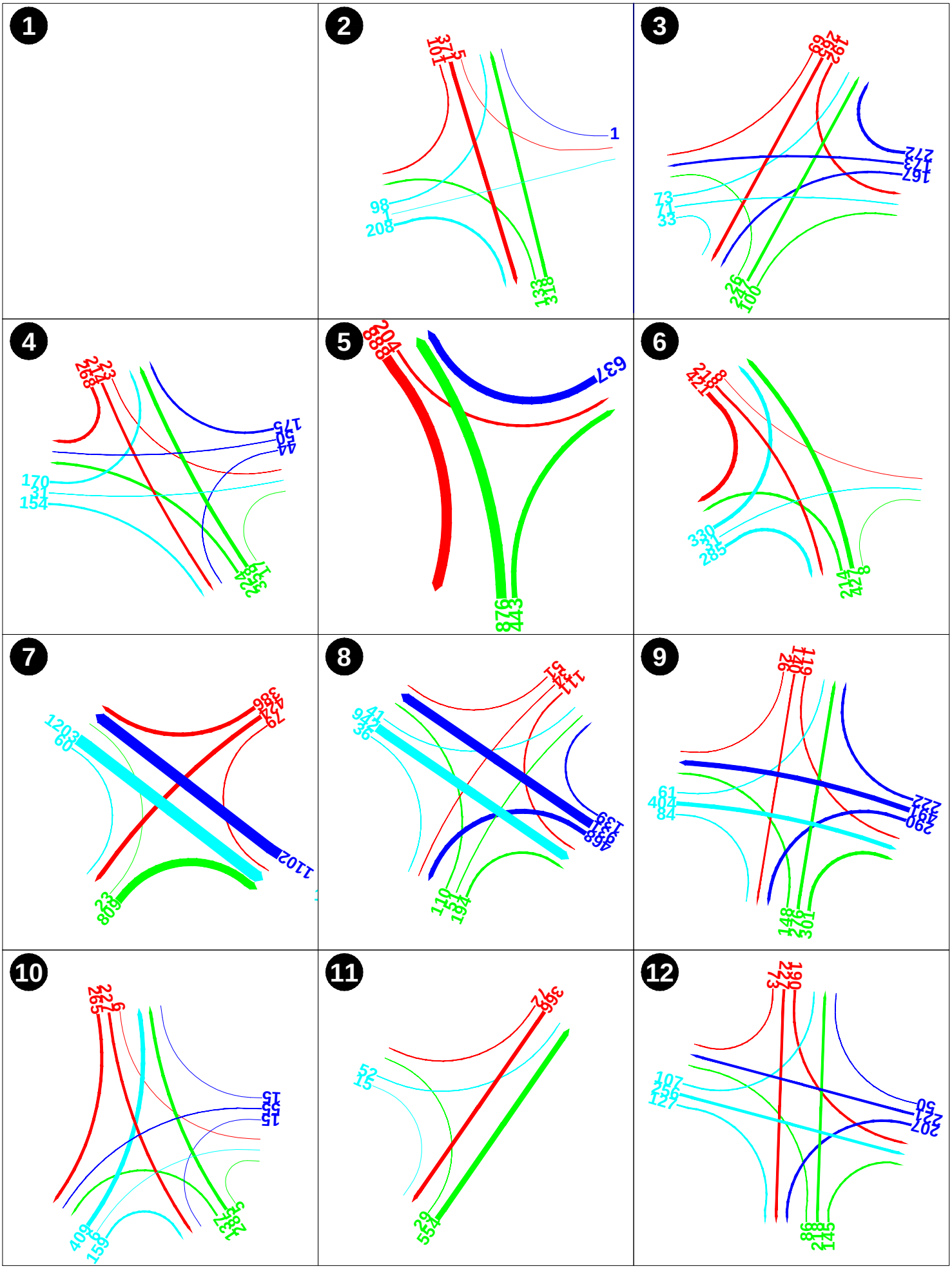

Figure 5-2: Baseline PM + Project Volume

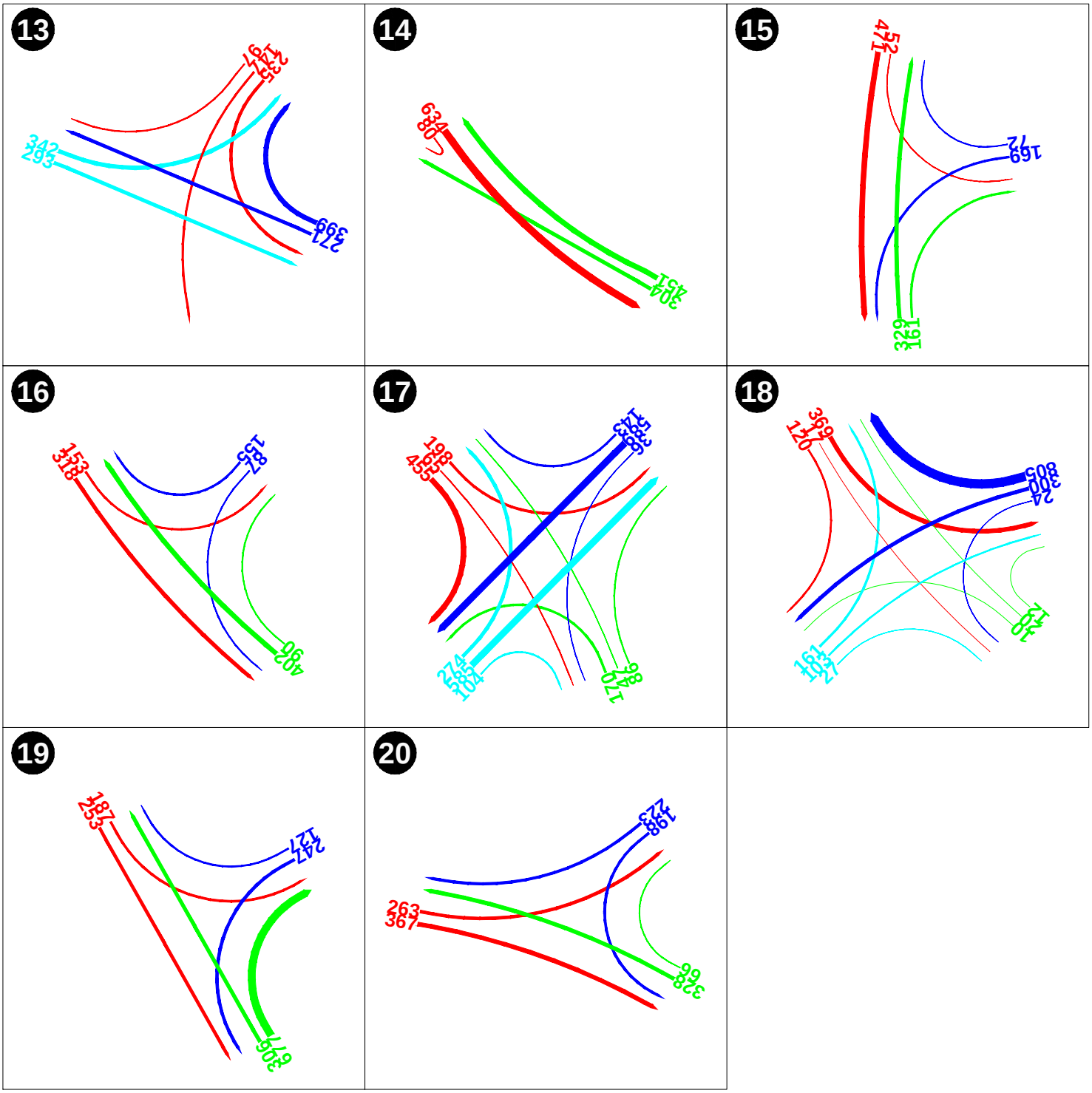

Figure 5-2: Baseline PM + Project Volume

Table 5-2: Project Conditions Intersection Level of Service Summary

NO	Intersection	Baseline Conditions				Project Conditions					
		AM Peak Hour		PM Peak Hour		AM Peak Hour			PM Peak Hour		
		Delay sec/veh	LOS	Delay sec/veh	LOS	Delay sec/veh	Δ	LOS	Delay sec/veh	Δ	LOS
Signalized Intersections											
2	Northgate & Los Ranchitos	13.7	B	15.0	B	13.6	-0.1	B	15.5	0.5	B
3	Merrydale O.C. & Las Gallinas	20.2	C	44.9	D	20.7	0.5	C	46.5	1.6	D
4	Merrydale O.C. & Civic Ctr	65.5	E	51.7	D	65.8	0.3	E	53.4	1.7	D
7	Freitas & Del Presidio	13.0	B	41.1	D	13.0	0	B	41.2	0.1	D
8	Freitas & Northgate	20.1	C	21.7	C	20.1	0	C	21.7	0	C
9	Freitas & Las Gallinas	33.3	C	22.3	C	33.5	0.2	C	22.4	0.1	C
10	Nova Albion & Las Gallinas	32.2	C	28.1	C	32.4	0.2	C	28.1	0	C
11	Arias & Nova Albion	18.5	B	9.8	A	18.5	0	B	9.8	0	A
12	Las Gallinas & Northgate	17.8	B	23.3	C	17.9	0.1	B	23.4	0.1	C
13	Las Gallinas & Del Presiddio	16.4	B	19.1	B	16.3	-0.1	B	19.2	0.1	B
15	Professional Ctr & Redwood	11.8	B	10.9	B	11.8	0	B	10.9	0	B
16	McInnis & Civic Ctr	19.5	B	13.7	B	19.5	0	B	14.0	0.3	B
17	N. San Pedro & Civic Ctr	27.3	C	18.3	B	27.3	0	C	18.5	0.2	B
18	N. San Pedro & Merrydale	22.1	C	25.2	C	22.1	0	C	25.3	0.1	C
20	N. San Pedro & Los Ranchitos	18.1	B	18.0	B	18.7	0.6	B	18.1	0.1	B
Unsignalized Intersections											
5	Freitas & Redwood*	23	C	34.9	D	23.9	0.9	C	33.6	-1.3	D
6	Freitas & 101 NB*	104.4	F	79.2	F	119.5	15.1	F	79.2	0	F
14	Redwood Hwy & 101 NB On	0.7	A	2.5	A	0.7	0	A	2.5	0	A
19	101 SB & Merrydale	30.5	D	53.7	F	30.5	0	D	53.9	0.2	F

* Delays and LOSs are from SimTraffic.

5.4 Project Conditions Arterial Analysis

Eight study arterial segments were analyzed under Project Conditions in order to quantify the effects or contributions that the project would have on arterial street congestion. **Table 5-3** summarizes the arterial Level of Service for Project Conditions, as well as a comparison to Baseline Conditions operations. As shown, for both Baseline and Project conditions, Merrydale Overpass westbound during PM peak hour and Freitas Parkway during both AM and PM peak hour operate below the operation standards presented earlier in the Analysis Methodology chapter. Since the speed changes are minimum and the volumes we based on for existing condition are historic highest and our recent count shown the current volumes are low compare to historic, the project impacts are insignificant. Detailed Level of Service sheets are included in **Appendix B**.

Table 5-3: Project Conditions Arterial Level of Service Summary

No	Roadway	Dir.	Baseline Conditions				Project Conditions					
			AM Peak Hour		PM Peak Hour		AM Peak Hour			PM Peak Hour		
			Speed (mph)	LOS	Speed (mph)	LOS	Speed (mph)	Δ	LOS	Speed (mph)	Δ	LOS
1	Northgate	EB	14.4	C	18.3	C	14.4	0	C	18.3	0	C
		NB	14.1	C	13.7	C	14.1	0	C	13.7	0	C
2	Los Ranchitos	NB	20	B	18.7	C	20	0	B	18.5	-0.2	C
		SB	20.4	B	21.6	B	20.4	0	B	21.5	-0.1	B
3	Las Gallinas	NB	16.8	C	16.1	C	16.8	0	C	16.1	0	C
		SB	15	C	16.5	C	15	0	C	16.5	0	C
4	Merrydale Overpass	EB	10.6	D	11.2	D	10.2	-0.4	D	11.1	-0.1	D
		WB	12.9	D	8.6	E	13.2	0.3	C	8.3	-0.3	E
5	Freitas	EB	13.6	E	13.4	E	13.5	-0.1	E	13.4	0	E
		WB	21.8	C	19.2	C	21.8	0	C	19.2	0	C
6	Redwood	NB	19.9	B	18	C	19.9	0	B	18	0	C
		SB	18.1	C	17.8	C	18.1	0	C	17.8	0	C
7	Civic Ctr	NB	15.4	C	16.4	C	15.4	0	C	16.3	-0.1	C
		SB	12.2	D	12.2	D	12.2	0	D	12	-0.2	D
8	N. San Pedro	EB	17.1	C	16.6	C	17.1	0	C	16.6	0	C
		WB	13.3	C	13.9	C	13.2	-0.1	C	13.9	0	C

5.5 Project Conditions Queue Analysis

A queuing analysis was performed, using the Synchro software package, at all study intersections that could be compared to the baseline conditions. Existing turning pocket storage capacity as well as the available storage between closely spaced intersections was compared against the 95th percentile queue lengths reported using the AM and PM peak hour turning movement volumes.

During both AM and PM peak, many of the intersections do not have adequate storage capacity to accommodate Project Conditions volumes. However, none of them are directly caused by the proposed project. The maximum increase of the queues are 2-car length on westbound Merrydale Overcrossing at Las Gallinas Avenue/Los Ranchitos Road during PM peak hour, and 1-car length on southbound Los Ranchitos Road at North San Pedro Road during AM peak hour. All the rest queue increases are less than 1-car length.

5.6 Parking

A total of **194** residential parking spaces are provided below the housing units, which meets the requirement of City of San Rafael Municipal Code.

5.7 Transit Impacts

There are 2 bus stations located on Las Gallinas Avenue, 250 feet or 400 feet north of the Merrydale Overcrossing. The walking distance from the project site to the further station is under one third of a mile.

Golden Gate Transit operates bus service in Marin County, providing both local service within Marin County and regional service connecting Marin County to San Francisco and Richmond.

It is expected that there would be sufficient capacity on bus routes to handle the minimal increase in transit ridership as a result of the proposed project.

5.8 Pedestrian and Bicycle Impacts

The addition of project-related pedestrian and bicycle volumes would not result in a significant impact to pedestrian or bicycle facilities, as the existing sidewalks, crosswalks and bikeways currently have capacity to accommodate new trips.

5.9 Project Impacts and Mitigations

There were **no potentially significant impacts** of the project and no mitigation measures were required

6 CUMULATIVE AND CUMULATIVE PROJECT CONDITIONS

Cumulative Conditions are defined as traffic conditions set forth by the City of San Rafael General Plan 2020, which focuses on achievable goals that can be implemented by 2020. Cumulative Conditions traffic volumes are existing traffic volumes plus Baseline Conditions traffic volumes plus other approved projects that are not constructed and were not considered as part of the Baseline Conditions entitled projects. These additional projects are part of the City of San Rafael traffic model which models General Plan 2020 expected volumes. There are 220 dwell-units apartment included in the City of San Rafael General Plan 2020 at this location, therefore, further analysis is unnecessary.

Gmail [redacted]

RE: New submission from Public Records Act Request Form

1 message

Brenna Nurmi <Brenna.Nurmi@cityofsanrafael.org> Thu, Feb 1, 2024 at 6:08 PM
To: [redacted]

Re: January 22, 2024 Public Records Act Request

Dear Petra Pless,

-

The City of San Rafael ("City") is in receipt of the Public Records Act request you submitted, received on January, 22, 2024 ("Request").

The City intends to cooperate to the fullest extent possible with the Public Records Act ("PRA") (Government Code section 7920.000 *et seq*.). Under established California law, the City is obliged to comply with a request for a public record so long as the requestor makes a specific and focused request for information, that information is maintained by the City in its ordinary course of business, the information is disclosable, and the record can be located with reasonable effort. The PRA provides for the inspection or copying of existing identifiable public records; it does not compel the City to respond directly to questions or create new records, lists, or reports in response to a request.

The City is typically afforded ten (10 days) from the date of receipt of your request to make a determination whether your request seeks disclosable public records. In accordance with the California Public Records Act, pursuant to Government Code section 7922.535(c)(1)-(4), the City will require an extension of that deadline of up to an additional fourteen (14) days to make such a determination because of the reasons checked as follows:

[X] The need to search for and collect the requested records from facilities separate from the office processing the request.

[ ] The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

[X] The need for consultation with another department or agency that has substantial interest in the response to the request.

[ ] The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

Accordingly, the City will determine whether it possesses records responsive to your Request on or before February 15, 2024.

Thank you,

Brenna Nurmi, CMC, CPMC | City of San Rafael
DEPUTY CITY CLERK II
1400 Fifth Avenue, Room 209
San Rafael, CA 94901
Office: 415.485.3066

SAN RAFAEL
THE CITY WITH A MISSION

From: notify@proudcity.com <notify@proudcity.com>
Sent: Monday, January 22, 2024 3:27 PM
To: Lindsay Lara <lindsay.lara@cityofsanrafael.org>; Brenna Nurmi <brenna.nurmi@cityofsanrafael.org>; Laraine Gittens <laraineg@cityofsanrafael.org>
Subject: New submission from Public Records Act Request Form

Date

01/22/2024

Name

Petra Pless

Address

[redacted]

Email

[redacted]

Phone

[redacted]

Preferred Method for Receiving Disclosable Documents:

Email

Records or Documents Requested:

Dear Lindsay,

I am a resident of Terra Linda at [redacted] and a member of Responsible Growth in Marin. In my professional capacity, I am a technical expert and consultant and would like to use my expertise in the areas air quality and greenhouse gas emissions for reviewing the Draft EIR for the Northgate Mall Redevelopment Project, SCH# 2021120187. (https://www.cityofsanrafael.org/northgate-town-square-environmental-review/.)

The Draft EIR relies on extensive background information to support its conclusions regarding the significance of impacts in sections 4.10, Air Quality, and 4.11, Greenhouse Gas Emissions. The supporting analyses for the Draft EIR's conclusions are presented in Appendix I, Air Quality and Greenhouse Gas Technical Report. Provided in Appendices A, B, and C to Appendix I are printouts of several spreadsheets and more than 10,000 pages of modeling data (CalEEMod, HARP, AIRMET, and AERMOD). As printouts, these spreadsheets and modeling files are of limited usefulness to a reviewer.

In order for me to meaningfully review the Draft EIR's air quality and greenhouse gas sections, I would like to review any Excel files prepared to support Appendix I (including summary tables to support Tables 1 through 29) as well as the input/output files for all modeling runs in their native electronic format. Please provide these files in unprotected format, either by posting them on the project website or by email.

Thank you for your help,
Petra

I agree to pay for all applicable fees and charges for copies of records I have requested:

- Yes

Office of the City Clerk
Lindsay Lara, City Clerk
Brenna Nurmi, Deputy City Clerk

Phone: (415) 485-3066
Email: city.clerk@cityofsanrafael.org

February 15, 2024

Petra Pless
440 Nova Albion Way
San Rafael, CA 94903
Petra.pless@gmail.com

RE: January 22, 2024 Public Records Request

Dear Petra Pless,

The City of San Rafael ("City") is in receipt of the following Public Records Act Requests you submitted on January 22, 2024 in which you requested "[e]xcel files prepared to support Appendix I (including summary tables to support Tables 1 through 29) as well as the input/output files for all modeling runs in their native electronic format" that are relied upon in the Draft Environmental Impact Report for the Northgate Mall Redevelopment Project."

The City intends to cooperate to the fullest extent possible with the Public Records Act ("PRA") (Government Code section 79200.000 et seq). Under established California law, the City is obliged to comply with a request for a public record so long as the requestor makes a specific and focused request for records or information, those records or information are maintained by the City in its ordinary course of business, the information is disclosable, and the record can be located with reasonable effort. The PRA provides for the inspection or copying of existing identifiable public records in the City's possession; it does not compel the City to respond directly to questions or create new records, lists, or reports in response to a request. Moreover, the PRA does not require the City to create a privilege log or any other list that identifies the specific records withheld.

The City has determined that it does not possess any other records responsive to your Request. All City documents which are subject to disclosure and support Appendix I of the Draft Environmental Impact Report are available at: https://www.cityofsanrafael.org/northgate-town-square-environmental-review/.

If you have any questions regarding the City's response or would like to discuss your Request, please contact me at Brenna.Nurmi@cityofsanrafael.org.

B. Nurmi

Deputy City Clerk

Kate Colin, **Mayor** • Eli Hill, **Vice Mayor** • Maribeth Bushey, **Councilmember** • Rachel Kertz, **Councilmember** • Maika Llorens Gulati, **Councilmember**

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MEMORANDUM

To:	Andrew Yancey, Latham & Watkins
From:	Jennifer Reed, Air Quality Services Manager, Dudek
Subject:	Public Records Act Request for the Newland Sierra Project – Air Quality and Greenhouse Gas Modeling Materials
Date:	October 3, 2017
cc:	Brian Grover, Project Manager, Dudek; David Deckman, Senior Air Quality Specialist, Dudek; Jennifer Sucha, Air Quality Specialist, Dudek
Attachments:	List of Electronic Modeling Files (refer to Sharefile transmittal for actual files)

1 INTRODUCTION

Dudek understands that a Public Records Act request from Latham & Watkins asks for "unlocked Excel spreadsheets supporting all emission calculations in Appendices G and K and electronic input and output files for all CalEEMod, AERMOD, and HARP runs." "Appendices G and K" refer to two Technical Appendices included in the Draft Environmental Impact Report (DEIR) for the Newland Sierra Project; and, specifically, Appendix G, the Air Quality Technical Report, and Appendix K, the Greenhouse Gas Emissions Technical Report.

The requested electronic input and output files are not "field notes, resource documents, or supplemental technical studies used in the preparation of the technical study/EIR," which are the materials Dudek traditionally provides to the County of San Diego (County) pursuant to the County's standard Memorandum of Understanding form. An example of "field notes" is found in Appendix A to our Noise Technical Report, which contains our field measurement data and associated notes. An example of "resource documents" is found in the documents used as resources in the preparation of our technical reports, and those resources have been cited in the References section of each technical report. Examples of "supplemental technical studies" are the silica dust analysis or the health risk assessment — both of which are included as appendices to our Air Quality Technical Report. Instead, Latham & Watkins has requested our internal electronic input and output files, which do not fall under any of the aforementioned categories.

We do not consider such files to be "public records." Nonetheless, we understand that Latham & Watkins has threatened to initiate litigation against the County under the Public Records Act in

an effort to obtain our internal files. We have decided to provide Latham & Watkins with our internal electronic files to avoid costly and time-consuming litigation. In doing so, however, we do not waive our rights concerning the proprietary nature of our electronic files, nor our position that our internal files do not constitute "public records" as defined in the Public Records Act. We also caution Latham & Watkins (and any third-party end user) to adhere to Dudek's explanation of the proper use of these files, which is set forth below. (The misuse of the information could result in inaccurate or misleading findings.)

The following items, which comprise the electronic modeling files requested by Latham & Watkins, are included as part of the October 3, 2017 transmittal to Latham & Watkins via Sharefile and listed in Attachment 1 to this memorandum. Also provided below, beginning in Section 2, is a description and detailed list of the specific electronic files and how they were used:

California Emissions Estimator Model (CalEEMod) Version 2016.3.1 Files:

- CalEEMod – Construction: Input file, output files
- CalEEMod – Operation: Input files, output files

American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) and Hotspots Analysis and Reporting Program Version 2 (HARP 2) Files:

- AERMOD – Construction: Input files, output files, plotfiles (input to HARP 2)
- AERMOD – Operation: Input files, output files, plotfiles (input to HARP 2)
- HARP 2 – Construction: Input files, output files
- HARP 2 – Operation: Input files, output files

Excel Workbooks:

- Construction Schedule and Assumptions
- Combined Construction Emission Calculations
- Construction Diesel Particulate Matter (DPM)
- Interstate 15 and Deer Springs Road (estimated motor vehicle Toxic Air Contaminant (TAC) emissions)
- Gas Station (estimated gasoline TAC emissions)
- Blasting Emissions
- Rock Crushing Emissions
- Energy Intensity Factor Adjustment 2020

Due to the complexity and intricate nature of the modeling required for this Project, this memorandum serves as a "road map" to assist the reviewer in understanding what models and software were used, the general approach to each modeling exercise, and how to appropriately use the files provided.

Notably, if the following explanations, instructions and processes are not followed precisely, the emissions estimates calculated by any third-party reviewer could be different than the results disclosed in the DEIR. To adequately replicate the process undertaken when the analysis was originally prepared and presented in the Project's Air Quality Technical Report (DEIR, Appendix G) and Greenhouse Gas Emissions Technical Report (DEIR, Appendix K), Latham & Watkins and any third-party reviewer must follow Dudek's explanations and instructions, and adhere to the methodologies used for each analysis. Failure to do so will result in emissions estimates and other results that differ from those disclosed in the DEIR and relevant appendices.

CalEEMod, in particular, has functionality issues. For example, when a native (original) input file is re-loaded into the model, the original inputs will sometimes be over-rode with default values without notification to the user. When this happens, and the model is then run without the original inputs, the emission estimates are calculated incorrectly and do not reflect the original model run. As a result, a third party reviewer may not achieve the same results by simply uploading the input file and hitting "go." Instead, each input must be checked in the model to ensure that no custom inputs were over-ridden following the input file upload process. If the model is run without carefully checking that each and every input matches the analysis that was originally conducted, the results may come out differently.

Similarly, in the event of a third party review, extreme care should be taken to ensure that all pathways to auxiliary files are correct. For example, the AERMOD input file will look for the meteorological data in a specific location. Also, several of the HARP 2 files direct the program to specific locations to find the relevant files. If those locations are not correctly identified, errors could occur. Electronic file names, as they are provided as part of this transmittal, should also not be altered because altering file names could result in errors when loading the files.

Finally, the methodology and approach for each type of analysis for which these models and files were used are described in extensive detail in the Project's Air Quality Technical Report (DEIR, Appendix G) and GHG Emissions Technical Report (DEIR, Appendix K). Because these methodological descriptions are provided in such detail, and additional inputs/support is provided in the technical appendices of Appendix G and Appendix K of the DEIR, additional explanation is not provided in this memorandum. Therefore, reference should be made to the

appropriate DEIR appendices for information relevant to the analyses completed with the files provided with this memorandum.

2 CRITERIA AIR POLLUTANT EMISSIONS

Construction Emissions

The construction schedule and construction parameters, prepared by Fuscoe Engineering, are provided in a stand-alone Excel workbook. Pertinent construction assumptions from this workbook were inputted into CalEEMod to assist in estimating construction emissions. This file is included as Appendix A to Appendix G of the Project's DEIR:

- Construction Schedule and Assumptions_Fuscoe.xlsx

As stated in Sections 3.1.1 and 3.2.1 of Appendix G (Air Quality Technical Report) of the Project's DEIR, the CalEEMod, Version 2016.3.1, was used to estimate construction-related criteria air pollutant emissions for the Project. The following CalEEMod input and output files were used in estimating and reporting criteria air pollutant emissions associated with construction of the Project, which are disclosed in Section 4.2.1.2 of Appendix G of the Project's DEIR:

- Construction_INPUT[1]
- Construction_Annual_OUTPUT
- Construction_Summer_OUTPUT
- Construction_Winter_OUTPUT

A single CalEEMod input file, as listed above, was used to run the model to estimate construction emissions. This input and associated model run generated annual, summer and winter output files, which are also listed above. The annual output file was used to identify the Project's diesel particulate matter (DPM) by construction year, which was used to inform the construction health risk assessment (HRA), as described below in Section 4 of this memorandum.

Since CalEEMod does not account for emissions associated with blasting and rock crushing activities, and because the Project would require this particular type of construction activity,

[1] "Construction_INPUT" is the same file used for both the criteria air pollutant and GHG emissions analysis.

these emissions were estimated primarily using Excel spreadsheets and emission factors from the U.S. Environmental Protection Agency's (EPA) *Compilation of Air Pollutant Emission Factors* (AP-42) as described in detail in Section 3.1.3 of DEIR Appendix G. The emissions from diesel engine-generators that would be used to power the rock crushing equipment were estimated using "generator" emission factors for the appropriate horsepower rating from CalEEMod, as also described in Section 3.1.3 of DEIR Appendix G. These files were provided in Appendix D of DEIR Appendix G, and were used in estimating criteria air pollutant emissions associated with blasting and rock crushing activities:

- Blasting Emissions.xlsx
- Rock Crushing Emissions.xlsx

These two Excel workbook files are stand-alone calculation worksheets and were not used as inputs into another model.

Operational Emissions

As stated in Section 3.2.1 of DEIR Appendix G, CalEEMod was used to estimate operational-related criteria air pollutant emissions for the Project. The following files were used to estimate the maximum Project-generated operational emissions in 2027:

Input file:

- 2027 Op_INPUT

Output files:

- 2027 Op_Smr_OUTPUT
- 2027 Op_Wtr_OUTPUT

Combined Construction and Operational Emissions

In addition to estimating year-by-year construction emissions and operational emissions in 2027, Section 4.2.2 of Appendix G includes an analysis of the combined construction and operational emissions associated with on-site residential units that would become operational while subsequent construction of future phases of the Project are on-going. These combined construction and operational emissions were estimated by year (i.e., 2021 through 2027). In addition to the construction and 2027 operational input and output files (listed previously), the following files were used to estimate combined construction and operational emissions by year:

Input files:

- 2021 Op_INPUT
- 2022 Op_INPUT
- 2023 Op_INPUT
- 2024 Op_INPUT
- 2025 Op_INPUT
- 2026 Op_INPUT

Output files:

- 2021 Op_Smr_OUTPUT
- 2021 Op_Wtr_OUTPUT
- 2022 Op_Smr_OUTPUT
- 2022 Op_Wtr_OUTPUT
- 2023 Op_Smr_OUTPUT
- 2023 Op_Wtr_OUTPUT
- 2024 Op_Smr_OUTPUT
- 2024 Op_Wtr_OUTPUT
- 2025 Op_Smr_OUTPUT
- 2025 Op_Wtr_OUTPUT
- 2026 Op_Smr_OUTPUT
- 2026 Op_Wtr_OUTPUT

During each calendar year (2021-2027), it was determined how many residential units and other land uses would be operational. That calendar year's operational emissions were added to the emissions from construction activity that would simultaneously be occurring in that same year.

3 GREENHOUSE GAS EMISSIONS

Construction GHG Emissions

As discussed above, the construction schedule and construction parameters, prepared by Fuscoe Engineering, are provided in a stand-alone Excel workbook. Pertinent construction assumptions from this workbook were inputted into CalEEMod to assist in estimating construction emissions. This file is included as Appendix B to Appendix K of the Project's DEIR:

- Construction Schedule and Assumptions_Fuscoe.xlsx

As stated in Section 5.1.1 of Appendix K (Greenhouse Gas Emissions Technical Report) of the Project's DEIR, CalEEMod was used to estimate construction-related GHG emissions for the Project. However, in addition to modeling the construction conditions provided by Fuscoe Engineering, one-time sequestration loss (i.e., vegetation removal) on the Project site was calculated as described in Section 6.1 of Appendix K. This vegetation change was calculated in a separate model run and only the vegetation change GHG emissions were taken from this output file; therefore, model defaults for all settings *except* vegetation were retained. As such, the construction schedule and all other construction and operational inputs that are shown in this CalEEMod output file (Vegetation Change Annual_OUTPUT) are not relevant and should not be taken into consideration during review, as these parameters and emissions were not used. A separate model run (Construction_Annual_OUTPUT) was conducted to analyze the specific construction parameters of the Project.

The following input and output files were used in estimating GHG emissions associated with construction of the Project, which are disclosed in Section 6.1 of Appendix K of the Project's DEIR:

Input files:

- Construction_INPUT[2]
- Vegetation Change_INPUT

Output files:

- Construction_Annual_OUTPUT
- Vegetation Change Annual_OUTPUT

[2] "Construction_INPUT" is the same file used for both the criteria air pollutant and GHG emissions analysis.

The total GHG emissions by year were inserted into an Excel workbook and the GHG emissions from the rock crushing engine-generators were added to the years when the generators would be in operation. The combined construction emissions are provided in the following Excel workbook:

- Combined Construction GHG Calculations.xlsx

Operational GHG Emissions

As stated in Section 5.2 of Appendix K (Greenhouse Gas Emissions Technical Report) of the Project's DEIR, CalEEMod was used to estimate operational-related GHG emissions for the Project. Operational GHG emissions were evaluated by land use. Each land use proposed under the Project was modeled individually, and the additive emissions were presented in Section 6.2 of DEIR Appendix K. All modeled land uses include the project design features described in Table 15 of Appendix K and these inputs are described in Section 5.2 of Appendix K. Modeled land uses include single-family residential, multifamily residential, age-qualified units, commercial, parks and asphalt, and school. In addition to individual modeled land uses, the Project as a whole was modeled without inclusion of the project design features, to allow the reader to see the comparison between Project GHG emissions with *and* without project design features.

The following input and output files were used in estimating GHG emissions associated with operation of the Project, which are disclosed in Section 6.2 of Appendix K of the Project's DEIR:

Input files:

- 2021 Buildout Op Without PF_INPUT
- 2021 Age Qualified Units Op WITH PF_INPUT
- 2021 Commercial Op WITH PF_INPUT
- 2021 Multifamily Op WITH PF_INPUT
- 2021 Parks_Asphalt Op WITH PF_INPUT
- 2021 School Op WITH PF_INPUT
- 2021 Single Fam Op WITH PF_INPUT

Output files:

- 2021 Buildout Op Without PF Anl_OUTPUT
- 2021 Age Qualified Units Op WITH PF Anl_OUTPUT
- 2021 Commercial Op WITH PF Anl_OUTPUT
- 2021 Multifamily Op WITH PF Anl_OUTPUT
- 2021 Parks_Asphalt Op WITH PF Anl_OUTPUT
- 2021 School Op WITH PF Anl_OUTPUT
- 2021 Single Fam Op WITH PF Anl_OUTPUT

Additionally, the energy intensity factor in CaleEEMod was adjusted to determine the appropriate energy intensity factor for the year 2020 considering existing and projected SDG&E energy portfolio mix, which was conservatively applied to the year 2021 operations, as shown in the following worksheet:

- Energy Intensity Factor Adjustment 2020.xlsx

The complete operational GHG inventory is tabulated in the following Excel workbook, which includes all modeled land uses described above:

- Final GHG Calcs Combined.xlsx

4 HEALTH RISK ASSESSMENTS

Construction Health Risk Assessment

As stated in Section 3.1.4 of Appendix G (Air Quality Technical Report) of the Project's DEIR, the EPA-approved dispersion model, AERMOD, and HARP 2 were used to estimate construction-related health risk for the Project. More specifically, using plotfiles generated by AERMOD, the HARP 2 Risk Assessment Standalone Tool (RAST) was used to estimate cancer risk at two locations: the maximally-exposed on-site and off-site residential receptors.

The following input and output files were used in estimating health risk associated with construction of the Project, which are disclosed in Section 4.4.1.2.2 of Appendix G of the Project's DEIR:

AERMOD Files

- MM10.ADI: AERMOD input file
- MM10.ROU: AERMOD receptor file
- MM10.ADO: AERMOD output file
- Escondido_10-12.SFC and Escondido_2010thru2012_v14134.PFL: AERMOD meteorological data files
- 01H1GALL.PLT and AN00GALL.PLT: AERMOD output plotfiles for hourly and annual averaging periods (input to HARP 2)

HARP 2/RAST Files

- On-SiteHRAInput.hra: RAST input file for on-site residential receptor
- On-SitePolDB.csv: RAST input file for on-site residential receptor
- On-SiteGLCList.csv[3]: RAST ground-level concentration of DPM for on-site residential receptor
- On-SiteOutput.txt: Informational summary of RAST parameters
- On-SiteCancerRisk.csv: RAST output file for on-site residential receptor cancer risk
- On-SiteNCChronicRisk.csv: RAST output file for on-site residential receptor noncancer chronic risk
- Off-SiteHRAInput.hra: RAST input file for off-site residential receptor
- Off-SitePolDB.csv: RAST input file for on-site residential receptor
- Off-SiteGLCList.csv: RAST ground-level concentration of DPM for off-site residential receptor
- Off-SiteOutput.txt: Informational summary of RAST parameters
- Off-SiteCancerRisk.csv: RAST output file for off-site residential receptor
- Off-SiteNCChronicRisk.csv: RAST output file for on-site residential receptor noncancer chronic risk

[3] Files denoted as *.csv are comma-delimited files but are readable by Excel. Thus, they may appear with an Excel icon in the file listing.

Operational Health Risk Assessment

As stated in Sections 3 and 4 of Appendix C (Health Risk Assessment) to DEIR Appendix G (Air Quality Technical Report), AERMOD and HARP 2 were used to estimate health risk for future residents of the Project due to motor vehicle emissions from Interstate 15 and Deer Springs Road and gasoline emissions from a nearby gas station.

The following Appendix C input and output files from September 2015 are available in their native format:

AERMOD Files

- Escondido_201X_v14134.SFC[4] and Escondido_201X_v14134.PFL: One set of meteorological data files for each year for AERMOD
- 01H1G001.PLT to 01H1G006.PLT and 01H1GALL.PLT: One set per meteorological year of hourly plotfiles for six sources and all sources generated by AERMOD to be used as input to HARP 2
- PE00G001.PLT to PE00G006.PLT and PE00GALL.PLT: One set per meteorological year of period (annual) plotfiles for six sources and all sources generated by AERMOD to be used as input to HARP 2

HARP 2 Files

- NS SCHOOLS 201X_GLCLIST.csv, NS SCHOOLS 201X_GLCPathway LIST.csv, NS SCHOOLS 201X_IMPORTEMS .csv, NS SCHOOLS 201X_IMPORTPLOT.csv, and NS SCHOOLS 201X_Pathway1.csv: HARP 2 input files for school receptors – one set per meteorological year[4] of emission rates for each source, exposure pathways, and other information to run HARP 2
- NEWLAND SIERRA 201X_GLCLIST.csv, NEWLAND SIERRA 201X_GLCPathway LIST.csv, NEWLAND SIERRA 201X_IMPORTEMS.csv, NEWLAND SIERRA 201X_IMPORTPLOT.csv, and NEWLAND SIERRA 201X_Pathway1.csv: HARP 2 input files for residential receptors – one set per meteorological year[4] of emission rates for each source, exposure pathways, and other information to run HARP 2 for unmitigated conditions; one set for 2010 mitigated condition

[4] "201X" indicates 2010, 2011, or 2012.

- 9yrSchoolCancer.csv, 9yrSchoolChronic.csv, 9yrSchoolAcute.csv: HARP 2 output files for cancer risks, chronic hazard indices, and acute hazard indices for unmitigated conditions
- 30yr-Cancer.csv, 30yr-Chronic.csv, 30yr-Acute.csv: HARP 2 output files for cancer risks, chronic hazard indices, and acute hazard indices for the unmitigated condition and corresponding files for 9-year and 70-year periods
- 30yrCancer-Mit.csv, 30yr-ChronicMit.csv, 30-yrAcuteMit.csv: HARP 2 output files for cancer risks, chronic hazard indices, and acute hazard indices for the mitigated condition and corresponding files for 9-year and 70-year periods

In the process of locating files for this transmittal, it was discovered that the following Appendix C input and output files from September 2015 were no longer available in their native format, because those files were inadvertently not saved by the air quality analyst who conducted the modeling; and that person has since left Dudek's employment to work for a public agency.

AERMOD Files

- *.ADI: AERMOD input files (a single input file was available in PDF format)
- *.ROU: Receptor file of XY (geographic) coordinates and elevations for residential and school receptors
- *.ADO: AERMOD output files for residential and school receptors

To provide the *.ADI, *.ROU and *.ADO electronic files requested, the single available PDF-formatted AERMOD input file (*.ADI) was converted into six text files (three each for the residential and school receptors corresponding to three years of meteorological data) and properly formatted for use with AERMOD corresponding to each meteorological data year (2010, 2011, and 2012). The receptor files (*.ROU) were replicated using the receptor data included in the AERMOD-generated plotfiles and the receptor locations contained therein were incorporated into the AERMOD input files. The AERMOD output files, while generated by AERMOD and provided herein, are not needed to run HARP 2, which relies on AERMOD-generated plotfiles.

The following AERMOD and HARP input files reflect the modeling parameters, inputs, and receptor locations used in the DEIR's September 2015 HRA. The files highlighted in bold text are those that were replicated with AERMOD or HARP 2 for the reasons discussed above.

School Receptors

AERMOD Files

- **NS_School.ADI**: AERMOD input, including receptor locations from the *.ROU file
- Escondido_201X_v14134.SFC[5] and Escondido_201X_v14134.PFL: One set of meteorological data files for each year for AERMOD

HARP 2 Files

- **NS SCHOOL_GLCLIST.CSV**, NS SCHOOL_GLCPathwayLIST.CSV, NS SCHOOL_IMPORTEMS.CSV, **NS SCHOOL_IMPORTPLOT.CSV**, NS SCHOOL_Pathway1.CSV, and **NS SCHOOL_INPUT.adm**: HARP 2 input files for school receptors – one set per meteorological year of hourly and annual emission rates, exposure pathways, and other information to run HARP 2
- Additional miscellaneous HARP 2 files too numerous to enumerate

Residential Receptors

AERMOD Files

- **NS_Ops.ADI**: AERMOD input file, including receptor locations from the *.ROU file
- Escondido_201X_v14134.SFC and Escondido_201X_v14134.PFL: One set of meteorological data files for each year for AERMOD

HARP 2 Files

- **NS OPS_GLCLIST.CSV**, NS OPS_GLCPathwayLIST.CSV, NS OPS_IMPORTEMS.CSV, **NS OPS_IMPORTPLOT.CSV**, NS OPS_Pathway1.CSV, and **NS OPS_INPUT.adm**: HARP 2 input files for residential receptors – one set per meteorological year of hourly and annual emission rates, exposure pathways, and other information to run HARP 2 for unmitigated condition; one set for 2010 mitigated condition
- Additional miscellaneous HARP 2 files too numerous to enumerate

When running the replicated files shown in bold text above, Dudek used AERMOD Version 14134, the same version of the model that used for the September 2015 HRA. The resultant

[5] "201X" indicates 2010, 2011, or 2012.

AERMOD plotfiles were input into HARP 2 and the cancer risks, chronic hazard indices, and acute hazard indices were generated using the same approach that the DEIR reported in order to replicate the full set of electronic files. The following files, which are again highlighted in bold text, are the replicated output files from AERMOD and HARP 2:

School Receptors

AERMOD Files

- **NS_School.ADO**: AERMOD output file – one set per meteorological year
- **01H1G001.PLT to 01H1G006.PLT and 01H1GALL.PLT**: Hourly plotfiles for six sources and all sources generated by AERMOD to be used as input to HARP 2
- **PE00G001.PLT to PE00G006.PLT and PE00GALL.PLT**: Period plotfiles for six sources and all sources generated by AERMOD to be used as input to HARP 2

HARP 2 Files

- **9yr-School-Output.txt**: Informational summary of HARP 2 parameters
- **9-yrSchoolCancer.xlsx, 9-yrSchoolChronic, 9-yrSchoolAcute**: HARP 2 output files for cancer risk, chronic hazard index, and acute hazard index
- Additional miscellaneous HARP 2 files too numerous to enumerate

Residential Receptors

AERMOD Files

- **NS_Ops.ADO**: AERMOD output file – one set per meteorological year
- **01H1G001.PLT to 01H1G006.PLT and 01H1GALL.PLT**: Hourly plotfiles for six sources and all sources generated by AERMOD to be used as input to HARP 2
- **PE00G001.PLT to PE00G006.PLT and PE00GALL.PLT**: Period plotfiles for six sources and all sources generated by AERMOD to be used as input to HARP 2

HARP 2 Files

- **30yr-Output.txt**: Informational summary of HARP 2 parameters
- **30yrCancer.xlsx, 30yrChronic, 30yrAcute**: HARP 2 output files for cancer risk, chronic hazard index, and acute hazard index for unmitigated and mitigated conditions and corresponding files for 9-year and 70-year periods
- Additional miscellaneous HARP 2 files too numerous to enumerate

The combination of original and replicated, native files produced HRA results for the chronic and acute hazard indices that are the same as those reported in Section 4.2 of Appendix C to DEIR Appendix G. The 30-year cancer risk results decreased slightly from those reported in Section 4.1 for residential uses. These results demonstrate that the combination of original and replicated, native files provide a reasonably accurate representation of the modeling summarized in Appendix C to DEIR Appendix G, with the DEIR reporting slightly more impactful results than now calculated.

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MEMORANDUM
ATTACHMENT 1: LIST OF ELECTRONIC MODELING FILES

Subject: Public Records Act Request for the Newland Sierra Project – Air Quality and Greenhouse Gas Modeling

Date: October 3, 2017

1 CalEEMod CRITERIA AIR POLLUTANTS

Construction

Input

- Construction_INPUT.xls

Outputs

- Construction_Summer_OUTPUT.xls
- Construction_Winter_OUTPUT.xls
- Construction_Annual_OUTPUT.xls

Operation

Inputs

- 2021 Op_INPUT.xls
- 2022 Op_INPUT.xls
- 2023 Op_INPUT.xls
- 2024 Op_INPUT.xls
- 2025 Op_INPUT.xls
- 2026 Op_INPUT.xls
- 2027 Op_INPUT.xls

Outputs

- 2021 Op_Smr_OUTPUT.xls
- 2021 Op_Wtr_OUTPUT.xls
- 2022 Op_Smr_OUTPUT.xls
- 2022 Op_Wtr_OUTPUT.xls
- 2023 Op_Smr_OUTPUT.xls
- 2023 Op_Wtr_OUTPUT.xls
- 2024 Op_Smr_OUTPUT.xls
- 2024 Op_Wtr_OUTPUT.xls
- 2025 Op_Smr_OUTPUT.xls

- 2025 Op_Wtr_OUTPUT.xls
- 2026 Op_Smr_OUTPUT.xls
- 2026 Op_Wtr_OUTPUT.xls
- 2027 Op_Smr_OUTPUT.xls
- 2027 Op_Wtr_OUTPUT.xls

2 CalEEMod GREENHOUSE GAS EMISSIONS

Construction

Inputs

- Construction_INPUT.xls
- Vegetation Change_INPUT.xls

Outputs

- Construction_Annual_OUTPUT.xls
- Vegetation Change Annual_OUTPUT.xls

Operation

Inputs

- 2021 Age Qualified Units Op WITH PF_INPUT.xls
- 2021 Buildout Op Without PF_INPUT.xls
- 2021 Commercial Op WITH PF_INPUT.xls
- 2021 Multifamily Op WITH PF_INPUT.xls
- 2021 Parks_Asphalt Op WITH PF_INPUT.xls
- 2021 School Op WITH PF_INPUT.xls
- 2021 Single Fam Op WITH PF_INPUT.xls

Outputs

- 2021 Age Qualified Units Op WITH PF Anl_OUTPUT.xls
- 2021 Buildout Op Without PF Anl_OUTPUT.xls
- 2021 Commercial Op WITH PF Anl_OUTPUT.xls
- 2021 Multifamily Op WITH PF Anl_OUTPUT.xls
- 2021 Parks_Asphalt Op WITH PF Anl_OUTPUT.xls
- 2021 School Op WITH PF Anl_OUTPUT.xls
- 2021 Single Fam Op WITH PF Anl_OUTPUT.xls

3 EXCEL WORKBOOKS

- Blasting Emissions.xlsx
- Combined Construction GHG Calculations.xlsx
- Construction Schedule and Assumptions_Fuscoe.xlsx

- Construction DPM.xlsx
- Energy Intensity Factor Adjustment 2020.xlsx
- Final GHG Calcs Combined.xlsx
- Rock Crushing Emissions.xlsx

4 HRA CONSTRUCTION

AERMOD

Main Folder

- MM10.ADI
- MM10.ADO
- MM10.ROU

MET Data

- Escondido_10-12.SFC
- Escondido_2010thru2012_v14134.PFL

PLT Files

- 01H1GALL.PLT
- AN00GALL.PLT

HARP 2

Main Folder

- Off-SiteCancerRisk.csv
- Off-SiteGLCList.csv
- Off-SiteHRAInput.hra
- Off-SiteNCChronicRisk.csv
- Off-SiteOutput.txt
- Off-SitePolDB.csv
- On-SiteCancerRisk.csv
- On-SiteGLCList.csv
- On-SiteHRAInput.hra
- On-SiteNCChronicRisk.csv
- On-SiteOutput.txt
- On-SitePolDB.csv

5 HRA OPERATION

AERMOD

NS_Ops 2010 – 14134

Main Folder
- NS_Ops.ADI
- NS_Ops.ADO

MET Data
- Escondido_2010_v14134.PFL
- Escondido_2010_v14134.SFC

PLT Files
- 01H1G001.PLT to 01H1G006.PLT (multiple)
- 01H1GALL.PLT
- PE00G001.PLT to PE00G006.PLT (multiple)
- PE00GALL.PLT

NS_Ops 2011 – 14134

Main Folder
- NS_Ops.ADI
- NS_Ops.ADO

MET Data
- Escondido_2011_v14134.PFL
- Escondido_2011_v14134.SFC

PLT Files
- 01H1G001.PLT to 01H1G006.PLT (multiple)
- 01H1GALL.PLT
- PE00G001.PLT to PE00G006.PLT (multiple)
- PE00GALL.PLT

NS_Ops 2012 – 14134

Main Folder
- NS_Ops.ADI
- NS_Ops.ADO

MET Data
- Escondido_2012_v14134.PFL
- Escondido_2022_v14134.SFC

PLT Files
- 01H1G001.PLT to 01H1G006.PLT (multiple)
- 01H1GALL.PLT
- PE00G001.PLT to PE00G006.PLT (multiple)
- PE00GALL.PLT

NS_School 2010 – 14134

Main Folder
- NS_School.ADI
- NS_School.ADO

MET Data
- Escondido_2010_v14134.PFL
- Escondido_2010_v14134.SFC

PLT Files
- 01H1G001.PLT to 01H1G006.PLT (multiple)
- 01H1GALL.PLT
- PE00G001.PLT to PE00G006.PLT (multiple)
- PE00GALL.PLT

NS_School 2011 – 14134

Main Folder
- NS_School.ADI
- NS_School.ADO

MET Data
- Escondido_2011_v14134.PFL
- Escondido_2011_v14134.SFC

PLT Files
- 01H1G001.PLT to 01H1G006.PLT (multiple)
- 01H1GALL.PLT
- PE00G001.PLT to PE00G006.PLT (multiple)
- PE00GALL.PLT

NS_School 2012 – 14134

Main Folder
- NS_School.ADI
- NS_School.ADO

MET Data
- Escondido_2012_v14134.PFL
- Escondido_2012_v14134.SFC

PLT Files
- 01H1G001.PLT to 01H1G006.PLT (multiple)
- 01H1GALL.PLT
- PE00G001.PLT to PE00G006.PLT (multiple)
- PE00GALL.PLT

HARP 2

NS Ops - 2010

Main Folder
- 9yrAcute.csv
- 9yrCancer.csv
- 9yrChronic.csv
- 30yrAcute.csv
- 30yrCancer.csv
- 30yrChronic.csv
- 70yrAcute.csv
- 70yrCancer.csv
- 70yrChronic.csv
- NS OPS_Input.adm

Data
- NS OPS_GLCLIST.csv
- NS OPS_GLCPathwayLIST.csv
- NS OPS_IMPORTEMS.csv
- NS OPS_IMPORTPLOT.csv
- NS OPS_Pathway1.csv

GLC
- Miscellaneous files

HRA
- Miscellaneous files

PLT
- Same plot files provided under "AERMOD"

NS Ops - 2011

Main Folder
- 9yrAcute.csv

- 9yrCancer.csv
- 9yrChronic.csv
- 30yrAcute.csv
- 30yrCancer.csv
- 30yrChronic.csv
- 70yrAcute.csv
- 70yrCancer.csv
- 70yrChronic.csv
- NS OPS_Input.adm

Data
- NS OPS_GLCLIST.csv
- NS OPS_GLCPathwayLIST.csv
- NS OPS_IMPORTEMS.csv
- NS OPS_IMPORTPLOT.csv
- NS OPS_Pathway1.csv

GLC
- Miscellaneous files

HRA
- Miscellaneous files

PLT
- Same plot files provided under "AERMOD"

NS Ops - 2012

Main Folder
- 9yrAcute.csv
- 9yrCancer.csv
- 9yrChronic.csv
- 30yrAcute.csv
- 30yrCancer.csv
- 30yrChronic.csv
- 70yrAcute.csv
- 70yrCancer.csv
- 70yrChronic.csv
- NS OPS_Input.adm

Data
- NS OPS_GLCLIST.csv
- NS OPS_GLCPathwayLIST.csv
- NS OPS_IMPORTEMS.csv
- NS OPS_IMPORTPLOT.csv
- NS OPS_Pathway1.csv

GLC
- Miscellaneous files

HRA
- Miscellaneous files

PLT
- Same plot files provided under "AERMOD"

NS Ops Mit - 2010

Main Folder
- 9yrAcute.csv
- 9yrCancer.csv
- 9yrChronic.csv
- 30yrAcute.csv
- 30yrCancer.csv
- 30yrChronic.csv
- 70yrAcute.csv
- 70yrCancer.csv
- 70yrChronic.csv
- NS OPS_Input.adm

Data
- NS OPS_GLCLIST.csv
- NS OPS_GLCPathwayLIST.csv
- NS OPS_IMPORTEMS.csv
- NS OPS_IMPORTPLOT.csv
- NS OPS_Pathway1.csv

GLC
- Miscellaneous files

HRA
- Miscellaneous files

PLT
- Same plot files provided under "AERMOD"

NS School - 2010

Main Folder
- 9-yrSchoolAcute.csv
- 9-yrSchoolCancer.csv
- 9-yrSchoolChronic.csv
- NS School_Input.adm

Data
- NS School_GLCLIST.csv
- NS School_GLCPathwayLIST.csv
- NS School_IMPORTEMS.csv
- NS School_IMPORTPLOT.csv
- NS School_Pathway1.csv

GLC
- Miscellaneous files

HRA
- Miscellaneous files

PLT
- Same plot files provided under "AERMOD"

NS School - 2011

Main Folder
- 9-yrSchoolAcute.csv
- 9-yrSchoolCancer.csv
- 9-yrSchoolChronic.csv
- NS School_Input.adm

Data
- NS School_GLCLIST.csv
- NS School_GLCPathwayLIST.csv
- NS School_IMPORTEMS.csv
- NS School_IMPORTPLOT.csv
- NS School_Pathway1.csv

GLC
- Miscellaneous files

HRA
- Miscellaneous files

PLT
- Same plot files provided under "AERMOD"

NS School - 2012

Main Folder
- 9-yrSchoolAcute.csv
- 9-yrSchoolCancer.csv
- 9-yrSchoolChronic.csv
- NS School_Input.adm

Data
- NS School_GLCLIST.csv
- NS School_GLCPathwayLIST.csv
- NS School_IMPORTEMS.csv
- NS School_IMPORTPLOT.csv
- NS School_Pathway1.csv

GLC
- Miscellaneous files

HRA
- Miscellaneous files

PLT
- Same plot files provided under "AERMOD"

COMMENT AUTHOR RESUME

Phyllis Fox, Ph.D, PE
Environmental Management
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Rockledge, FL 32955
321-626-6885
phyllisfox@gmail.com

Dr. Fox has over 40 years of experience in the field of environmental engineering, including air pollution control (BACT, BART, MACT, LAER, RACT), greenhouse gas emissions and control, cost effectiveness analyses, water quality and water supply investigations, hydrology, hazardous waste investigations, environmental permitting, nuisance investigations (odor, noise), environmental impact reports, CEQA/NEPA documentation, risk assessments, and litigation support.

EDUCATION

Ph.D. Environmental/Civil Engineering, University of California, Berkeley, 1980.
M.S. Environmental/Civil Engineering, University of California, Berkeley, 1975.
B.S. Physics (with high honors), University of Florida, Gainesville, 1971.

REGISTRATION

Registered Professional Engineer: Arizona (2001-2014: #36701; retired), California (2002-present; CH 6058), Florida (2001-2016; #57886; retired), Georgia (2002-2014; #PE027643; retired), Washington (2002-2014; #38692; retired), Wisconsin (2005-2014; #37595-006; retired)
Board Certified Environmental Engineer, American Academy of Environmental Engineers,
Certified in Air Pollution Control (DEE #01-20014), 2002-2014; retired)
Qualified Environmental Professional (QEP), Institute of Professional Environmental Practice (QEP #02-010007, 2001-2015: retired).

PROFESSIONAL HISTORY

Environmental Management, Principal, 1981-present
Lawrence Berkeley National Laboratory, Principal Investigator, 1977-1981
University of California, Berkeley, Program Manager, 1976-1977
Bechtel, Inc., Engineer, 1971-1976, 1964-1966

PROFESSIONAL AFFILIATIONS

American Chemical Society (1981-2010)
Phi Beta Kappa (1970-present)
Sigma Pi Sigma (1970-present)
Who's Who Environmental Registry, PH Publishing, Fort Collins, CO, 1992.
Who's Who in the World, Marquis Who's Who, Inc., Chicago, IL, 11th Ed., p. 371, 1993-present.

Who's Who of American Women, Marquis Who's Who, Inc., Chicago, IL, 13th Ed., p. 264, 1984-present.
Who's Who in Science and Engineering, Marquis Who's Who, Inc., New Providence, NJ, 5th Ed., p. 414, 1999-present.
Who's Who in America, Marquis Who's Who, Inc., 59th Ed., 2005.
Guide to Specialists on Toxic Substances, World Environment Center, New York, NY, p. 80, 1980.
National Research Council Committee on Irrigation-Induced Water Quality Problems (Selenium), Subcommittee on Quality Control/Quality Assurance (1985-1990).
National Research Council Committee on Surface Mining and Reclamation, Subcommittee on Oil Shale (1978-80)

REPRESENTATIVE EXPERIENCE

Performed environmental and engineering investigations, as outlined below, for a wide range of industrial and commercial facilities including: biomass, gas, and oil-fire boilers; petroleum refineries and upgrades thereto; reformulated fuels projects; refinery upgrades to process heavy sour crudes, including tar sands and light sweet crudes from the Eagle Ford and Bakken Formations; petroleum, gasoline and ethanol distribution terminals; coal, coke, and ore/mineral export terminals; LNG export, import, and storage terminals; crude-by-rail projects; shale oil plants; crude oil/condensate marine and rail terminals; coal gasification and liquefaction plants; oil and gas production, including conventional, thermally enhanced, hydraulic fracking, and acid stimulation techniques; underground storage tanks; pipelines; compressor stations; gasoline stations; landfills; railyards; hazardous waste treatment facilities; nuclear, hydroelectric, geothermal, wood, biomass, waste, tire-derived fuel, gas, oil, coke and coal-fired power plants; wind farms; solar energy facilities; battery energy storage systems (BESS); transmission lines; airports; hydrogen plants, including waste to hydrogen plants; petroleum coke calcining plants; coke plants; activated carbon manufacturing facilities; asphalt plants; cement plants; incinerators; flares; manufacturing facilities (e.g., semiconductors, electronic assembly, aerospace components, printed circuit boards, amusement park rides); lanthanide processing plants; lithium extraction from mining wastes and geothermal fluids; ammonia plants; nitric acid plants; urea plants; food processing plants; wineries; almond hulling facilities; composting facilities; grain processing facilities; grain elevators; ethanol production facilities; soy bean oil extraction plants; biodiesel plants; paint formulation plants; wastewater treatment plants; marine terminals and ports; gas processing plants; steel mills; iron nugget production facilities; pig iron plant, based on blast furnace technology; direct reduced iron plant; acid regeneration facilities; railcar refinishing facility; battery manufacturing plants; pesticide manufacturing and repackaging facilities; pulp and paper mills; olefin plants; methanol plants; ethylene crackers; alumina plants, desalination plants; data centers; covered lagoon anaerobic digesters with biogas generators and upgrading equipment to produce renewable natural gas and electricity; selective catalytic reduction (SCR)

systems; selective noncatalytic reduction (SNCR) systems; halogen acid furnaces; contaminated property redevelopment projects (e.g., Mission Bay, Southern Pacific Railyards, Moscone Center expansion, San Diego Padres Ballpark); residential developments; commercial office parks, campuses, and shopping centers; server farms; transportation plans; and a wide range of mines including sand and gravel, hard rock, limestone, nacholite, coal, molybdenum, gold, zinc, and oil shale.

EXPERT WITNESS/LITIGATION SUPPORT

- For plaintiffs-intervenors (Sierra Club), in civil action relating to alleged violations of the Clean Air Act, Prevention of Significant Deterioration, for historic modifications at Rush Island Units 1 and 2 and Labadie Energy Center, assist counsel in evaluating best available control technology (BACT) to reduce SO2 emissions, including wet and dry scrubbing, sorbent injection, and offsets. Case settled. *U.S. and Sierra Club vs. Ameren Missouri*, Case No. 4-11 CV 77 RWS, U.S. District Court, Eastern District of Missouri, Eastern Division, September 30, 2019.
- For the California Attorney General, assist in determining compliance with probation terms in the matter of People v. Chevron USA.
- For plaintiffs, assist in developing Petitioners' proof brief for National Parks Conservation Association et al v. U.S. EPA, Petition for Review of Final Administrative Action of the U.S. EPA, In the U.S. Court of Appeals for the Third Circuit, Docket No. 14-3147.
- For plaintiffs, expert witness in civil action relating to alleged violations of the Clean Air Act, Prevention of Significant Deterioration, for historic modifications (1997-2000) at the Cemex cement plant in Lyons, Colorado. Reviewed produced documents, prepared expert and rebuttal reports on PSD applicability based on NOx emission calculations for a collection of changes considered both individually and collectively. Deposed August 2011. *United States v. Cemex, Inc.*, In U.S. District Court for the District of Colorado (Civil Action No. 09-cv-00019-MSK-MEH). Case settled June 13, 2013.
- For plaintiffs, in civil action relating to alleged violations of the Clean Air Act, Prevention of Significant Deterioration, for historic modifications (1988 – 2000) at James De Young Units 3, 4, and 5. Reviewed produced documents, analyzed CEMS and EIA data, and prepared netting and BACT analyses for NOx, SO2, and PM10 (PSD case). Expert report February 24, 2010 and affidavit February 20, 2010. *Sierra Club v. City of Holland, et al.*, U.S. District Court, Western District of Michigan (Civil Action 1:08-cv-1183). Case settled. Consent Decree 1/19/14.
- For plaintiffs, in civil action alleging failure to obtain MACT permit, expert on potential to emit hydrogen chloride (HCl) from a new coal-fired boiler. Reviewed record, estimated HCl emissions, wrote expert report June 2010 and March 2013 (Cost to Install a Scrubber at the Lamar Repowering Project Pursuant to Case-by-Case MACT), deposed August 2010 and

March 2013. *Wildearth Guardian et al. v. Lamar Utilities Board,* Civil Action No. 09-cv-02974, U.S. District Court, District of Colorado. Case settled August 2013.

- For plaintiffs, expert witness on permitting, emission calculations, and wastewater treatment for coal-to-gasoline plant. Reviewed produced documents. Assisted in preparation of comments on draft minor source permit. Wrote two affidavits on key issues in case. Presented direct and rebuttal testimony 10/27 - 10/28/10 on permit enforceability and failure to properly calculate potential to emit, including underestimate of flaring emissions and omission of VOC and CO emissions from wastewater treatment, cooling tower, tank roof landings, and malfunctions. *Sierra Club, Ohio Valley Environmental Coalition, Coal River Mountain Watch, West Virginia Highlands Conservancy v. John Benedict, Director, Division of Air Quality, West Virginia Department of Environmental Protection and TransGas Development System, LLC*, Appeal No. 10-01-AQB. Virginia Air Quality Board remanded the permit on March 28, 2011 ordering reconsideration of potential to emit calculations, including: (1) support for assumed flare efficiency; (2) inclusion of startup, shutdown and malfunction emissions; and (3) inclusion of wastewater treatment emissions in potential to emit calculations.
- For plaintiffs, expert on BACT emission limits for gas-fired combined cycle power plant. Prepared declaration in support of CBE's Opposition to the United States' Motion for Entry of Proposed Amended Consent Decree. Assisted in settlement discussions. *U.S. EPA, Plaintiff, Communities for a Better Environment, Intervenor Plaintiff, v. Pacific Gas & Electric Company, et al.*, U.S. District Court, Northern District of California, San Francisco Division, Case No. C-09-4503 SI.
- Technical expert in confidential settlement discussions with large coal-fired utility on BACT control technology and emission limits for NOx, SO2, PM, PM2.5, and CO for new natural gas fired combined cycle and simple cycle turbines with oil backup. (July 2010). Case settled.
- For plaintiffs, expert witness in remedy phase of civil action relating to alleged violations of the Clean Air Act, Prevention of Significant Deterioration, for historic modifications (1998-99) at Gallagher Units 1 and 3. Reviewed produced documents, prepared expert and rebuttal reports on historic and current-day BACT for SO2, control costs, and excess emissions of SO2. Deposed 11/18/09. *United States et al. v. Cinergy, et al.*, In U.S. District Court for the Southern District of Indiana, Indianapolis Division, Civil Action No. IP99-1693 C-M/S. Settled 12/22/09.
- For plaintiffs, expert witness on MACT, BACT for NOx, and enforceability in an administrative appeal of draft state air permit issued for four 300-MW pet-coke-fired CFBs. Reviewed produced documents and prepared prefiled testimony. Deposed 10/8/09 and 11/9/09. Testified 11/10/09. *Application of Las Brisas Energy Center, LLC for State Air Quality Permit*; before the State Office of Administrative Hearings, Texas. Permit remanded 3/29/10 as LBEC failed to meet burden of proof on a number of issues including MACT.

Texas Court of Appeals dismissed an appeal to reinstate the permit. The Texas Commission on Environmental Quality and Las Brisas Energy Center, LLC sought to overturn the Court of Appeals decision but moved to have their appeal dismissed in August 2013.

- For defense, expert witness in unlawful detainer case involving a gasoline station, minimart, and residential property with contamination from leaking underground storage tanks. Reviewed agency files and inspected site. Presented expert testimony on July 6, 2009, on causes of, nature and extent of subsurface contamination. *A. Singh v. S. Assaedi,* in Contra Costa County Superior Court, CA. Settled August 2009.
- For plaintiffs, expert witness on netting and enforceability for refinery being upgraded to process tar sands crude. Reviewed produced documents. Prepared expert and rebuttal reports addressing use of emission factors for baseline, omitted sources including coker, flares, tank landings and cleaning, and enforceability. Deposed. *In the Matter of Objection to the Issuance of Significant Source Modification Permit No. 089-25484-00453 to BP Products North America Inc., Whiting Business Unit, Save the Dunes Council, Inc., Sierra Club., Inc., Hoosier Environmental Council et al., Petitioners, B. P. Products North American, Respondents/Permittee,* before the Indiana Office of Environmental Adjudication. Case settled.
- For plaintiffs, expert witness on BACT, MACT, and enforceability in appeal of Title V permit issued to 600 MW coal-fired power plant burning Powder River Basin coal. Prepared technical comments on draft air permit. Reviewed record on appeal, drafted BACT, MACT, and enforceability pre-filed testimony. Drafted MACT and enforceability pre-filed rebuttal testimony. Deposed March 24, 2009. Testified June 10, 2009. *In Re: Southwestern Electric Power Company*, Arkansas Pollution Control and Ecology Commission, Consolidated Docket No. 08-006-P. Recommended Decision issued December 9, 2009 upholding issued permit. Commission adopted Recommended Decision January 22, 2010.
- For plaintiffs, expert witness in remedy phase of civil action relating to alleged violations of the Clean Air Act, Prevention of Significant Deterioration, for historic modifications (1989-1992) at Wabash Units 2, 3 and 5. Reviewed produced documents, prepared expert and rebuttal report on historic and current-day BACT for NOx and SO2, control costs, and excess emissions of NOx, SO2, and mercury. Deposed 10/21/08. *United States et al. v. Cinergy, et al.*, In U.S. District Court for the Southern District of Indiana, Indianapolis Division, Civil Action No. IP99-1693 C-M/S. Testified 2/3/09. Memorandum Opinion & Order 5-29-09 requiring shutdown of Wabash River Units 2, 3, 5 by September 30, 2009, run at baseline until shutdown, and permanently surrender SO2 emission allowances.
- For plaintiffs, expert witness in liability phase of civil action relating to alleged violations of the Clean Air Act, Prevention of Significant Deterioration, for three historic modifications (1997-2001) at two portland cement plants involving three cement kilns. Reviewed produced documents, analyzed CEMS data covering subject period, prepared netting analysis for NOx, SO_2 and CO, and prepared expert and rebuttal reports. *United States v. Cemex California*

Cement, In U.S. District Court for the Central District of California, Eastern Division, Case No. ED CV 07-00223-GW (JCRx). Settled 1/15/09.

- For intervenors Clean Wisconsin and Citizens Utility Board, prepared data requests, reviewed discovery and expert report. Prepared prefiled direct, rebuttal and surrebuttal testimony on cost to extend life of existing Oak Creek Units 5-8 and cost to address future regulatory requirements to determine whether to control or shutdown one or more of the units. Oral testimony 2/5/08. Application for a Certificate of Authority to Install Wet Flue Gas Desulfurization and Selective Catalytic Reduction Facilities and Associated Equipment for Control of Sulfur Dioxide and Nitrogen Oxide Emissions at Oak Creek Power Plant Units 5, 6, 7 and 8, WPSC Docket No. 6630-CE-299.
- For plaintiffs, expert witness on alternatives analysis and BACT for NOx, SO2, total PM10, and sulfuric acid mist in appeal of PSD permit issued to 1200 MW coal fired power plant burning Powder River Basin and/or Central Appalachian coal (Longleaf). Assisted in drafting technical comments on NOx on draft permit. Prepared expert disclosure. Presented 8+ days of direct and rebuttal expert testimony. Attended all 21 days of evidentiary hearing from 9/5/07 – 10/30/07 assisting in all aspects of hearing. *Friends of the Chatahooche and Sierra Club v. Dr. Carol Couch, Director, Environmental Protection Division of Natural Resources Department, Respondent, and Longleaf Energy Associates, Intervener*. ALJ Final Decision 1/11/08 denying petition. ALJ Order vacated & remanded for further proceedings, Fulton County Superior Court, 6/30/08. Court of Appeals of GA remanded the case with directions that the ALJ's final decision be vacated to consider the evidence under the correct standard of review, July 9, 2009. The ALJ issued an opinion April 2, 2010 in favor of the applicant. Final permit issued April 2010.
- For plaintiffs, expert witness on diesel exhaust in inverse condemnation case in which Port expanded maritime operations into residential neighborhoods, subjecting plaintiffs to noise, light, and diesel fumes. Measured real-time diesel particulate concentrations from marine vessels and tug boats on plaintiffs' property. Reviewed documents, depositions, DVDs, and photographs provided by counsel. Deposed. Testified October 24, 2006. *Ann Chargin, Richard Hackett, Carolyn Hackett, et al. v. Stockton Port District*, Superior Court of California, County of San Joaquin, Stockton Branch, No. CV021015. Judge ruled for plaintiffs.
- For plaintiffs, expert witness on NOx emissions and BACT in case alleging failure to obtain necessary permits and install controls on gas-fired combined-cycle turbines. Prepared and reviewed (applicant analyses) of NOx emissions, BACT analyses (water injection, SCR, ultra low NOx burners), and cost-effectiveness analyses based on site visit, plant operating records, stack tests, CEMS data, and turbine and catalyst vendor design information. Participated in negotiations to scope out consent order. *United States v. Nevada Power*. Case settled June 2007, resulting in installation of dry low NOx burners (5 ppm NOx averaged over 1 hr) on four units and a separate solar array at a local business.

- For plaintiffs, expert witness in appeal of PSD permit issued to 850 MW coal fired boiler burning Powder River Basin coal (Iatan Unit 2) on BACT for particulate matter, sulfuric acid mist and opacity and emission calculations for alleged historic violations of PSD. Assisted in drafting technical comments, petition for review, discovery requests, and responses to discovery requests. Reviewed produced documents. Prepared expert report on BACT for particulate matter. Assisted with expert depositions. Deposed February 7, 8, 27, and 28, 2007. *In Re PSD Construction Permit Issued to Great Plains Energy, Kansas City Power & Light – Iatan Generating Station, Sierra Club v. Missouri Department of Natural Resources, Great Plains Energy, and Kansas City Power & Light.* Case settled March 27, 2007, providing offsets for over 6 million ton/yr of CO2 and lower NOx and SO_2 emission limits.
- For plaintiffs, expert witness in remedy phase of civil action relating to alleged violations of the Clean Air Act, Prevention of Significant Deterioration, for historic modifications of coal-fired boilers and associated equipment. Reviewed produced documents, prepared expert report on cost to retrofit 24 coal-fired power plants with scrubbers designed to remove 99% of the sulfur dioxide from flue gases. Prepared supplemental and expert report on cost estimates and BACT for SO2 for these 24 complaint units. Deposed 1/30/07 and 3/14/07. *United States and State of New York et al. v. American Electric Power*, In U.S. District Court for the Southern District of Ohio, Eastern Division, Consolidated Civil Action Nos. C2-99-1182 and C2-99-1250. Settlement announced 10/9/07.
- For plaintiffs, expert witness on BACT, enforceability, and alternatives analysis in appeal of PSD permit issued for a 270-MW pulverized coal fired boiler burning Powder River Basin coal (City Utilities Springfield Unit 2). Reviewed permitting file and assisted counsel draft petition and prepare and respond to interrogatories and document requests. Reviewed interrogatory responses and produced documents. Assisted with expert depositions. Deposed August 2005. Evidentiary hearings October 2005. *In the Matter of Linda Chipperfield and Sierra Club v. Missouri Department of Natural Resources.* Missouri Supreme Court denied review of adverse lower court rulings August 2007.
- For plaintiffs, expert witness in civil action relating to plume touchdowns at AEP's Gavin coal-fired power plant. Assisted counsel draft interrogatories and document requests. Reviewed responses to interrogatories and produced documents. Prepared expert report "Releases of Sulfuric Acid Mist from the Gavin Power Station." The report evaluates sulfuric acid mist releases to determine if AEP complied with the requirements of CERCLA Section 103(a) and EPCRA Section 304. This report also discusses the formation, chemistry, release characteristics, and abatement of sulfuric acid mist in support of the claim that these releases present an imminent and substantial endangerment to public health under Section 7002(a)(1)(B) of the Resource Conservation and Recovery Act ("RCRA"). *Citizens Against Pollution v. Ohio Power Company*, In the U.S. District Court for the Southern District of Ohio, Eastern Division, Civil Action No. 2-04-cv-371. Case settled 12-8-06.

- For petitioners, expert witness in contested case hearing on BACT, enforceability, and emission estimates for an air permit issued to a 500-MW supercritical Power River Basin coal-fired boiler (Weston Unit 4). Assisted counsel prepare comments on draft air permit and respond to and draft discovery. Reviewed produced file, deposed (7/05), and prepared expert report on BACT and enforceability. Evidentiary hearings September 2005. *In the Matter of an Air Pollution Control Construction Permit Issued to Wisconsin Public Service Corporation for the Construction and Operation of a 500 MW Pulverized Coal-fired Power Plant Known as Weston Unit 4 in Marathon County, Wisconsin*, Case No. IH-04-21. The Final Order, issued 2/10/06, lowered the NOx BACT limit from 0.07 lb/MMBtu to 0.06 lb/MMBtu based on a 30-day average, added a BACT SO2 control efficiency, and required a 0.0005% high efficiency drift eliminator as BACT for the cooling tower. The modified permit, including these provisions, was issued 3/28/07. Additional appeals in progress.
- For plaintiffs, adviser on technical issues related to Citizen Suit against U.S. EPA regarding failure to update New Source Performance Standards for petroleum refineries, 40 CFR 60, Subparts J, VV, and GGG. *Our Children's Earth Foundation and Sierra Club v. U.S. EPA et al.* Case settled July 2005. CD No. C 05-00094 CW, U.S. District Court, Northern District of California – Oakland Division. Proposed revisions to standards of performance for petroleum refineries published 72 FR 27178 (5/14/07).
- For interveners, reviewed proposed Consent Decree settling Clean Air Act violations due to historic modifications of boilers and associated equipment at two coal-fired power plants. In response to stay order, reviewed the record, selected one representative activity at each of seven generating units, and analyzed to identify CAA violations. Identified NSPS and NSR violations for NOx, SO_2, PM/PM10, and sulfuric acid mist. Summarized results in an expert report. *United States of America, and Michael A. Cox, Attorney General of the State of Michigan, ex rel. Michigan Department of Environmental Quality, Plaintiffs, and Clean Wisconsin, Sierra Club, and Citizens' Utility Board, Intervenors, v. Wisconsin Electric Power Company, Defendant*, U.S. District Court for the Eastern District of Wisconsin, Civil Action No. 2:03-CV-00371-CNC. Order issued 10-1-07 denying petition.
- For a coalition of Nevada labor organizations (ACE), reviewed preliminary determination to issue a Class I Air Quality Operating Permit to Construct and supporting files for a 250-MW pulverized coal-fired boiler (Newmont). Prepared about 100 pages of technical analyses and comments on BACT, MACT, emission calculations, and enforceability. Assisted counsel draft petition and reply brief appealing PSD permit to U.S. EPA Environmental Appeals Board (EAB). Order denying review issued 12/21/05. *In re Newmont Nevada Energy Investment, LLC, TS Power Plant*, PSD Appeal No. 05-04 (EAB 2005).
- For petitioners and plaintiffs, reviewed and prepared comments on air quality and hazardous waste based on negative declaration for refinery ultra low sulfur diesel project located in SCAQMD. Reviewed responses to comments and prepared responses. Prepared declaration and presented oral testimony before SCAQMD Hearing Board on exempt sources (cooling towers) and calculation of potential to emit under NSR. Petition for writ of mandate filed

March 2005. Case remanded by Court of Appeals to trial court to direct SCAQMD to re-evaluate the potential environmental significance of NOx emissions resulting from the project in accordance with court's opinion. California Court of Appeals, Second Appellate Division, on December 18, 2007, affirmed in part (as to baseline) and denied in part. *Communities for a Better Environment v. South Coast Air Quality Management District and ConocoPhillips and Carlos Valdez et al v. South Coast Air Quality Management District and ConocoPhillips.* Certified for partial publication 1/16/08. Appellate Court opinion upheld by CA Supreme Court 3/15/10. *(2010) 48 Cal.4th 310*.

- For amici seeking to amend a proposed Consent Decree to settle alleged NSR violations at Chevron refineries, reviewed proposed settlement, related files, subject modifications, and emission calculations. Prepared declaration on emission reductions, identification of NSR and NSPS violations, and BACT/LAER for FCCUs, heaters and boilers, flares, and sulfur recovery plants. *U.S. et al. v. Chevron U.S.A.*, Northern District of California, Case No. C 03-04650. Memorandum and Order Entering Consent Decree issued June 2005. Case No. C 03-4650 CRB.
- For petitioners, prepared declaration on enforceability of periodic monitoring requirements, in response to EPA's revised interpretation of 40 CFR 70.6(c)(1). This revision limited additional monitoring required in Title V permits. 69 FR 3203 (Jan. 22, 2004). *Environmental Integrity Project et al. v. EPA* (U.S. Court of Appeals for the District of Columbia). Court ruled the Act requires all Title V permits to contain monitoring requirements to assure compliance. *Sierra Club v. EPA*, 536 F.3d 673 (D.C. Cir. 2008).
- For interveners in application for authority to construct a 500 MW supercritical coal-fired generating unit before the Wisconsin Public Service Commission, prepared pre-filed written direct and rebuttal testimony with oral cross examination and rebuttal on BACT and MACT (Weston 4). Prepared written comments on BACT, MACT, and enforceability on draft air permit for same facility.
- For property owners in Nevada, evaluated the environmental impacts of a 1,450-MW coal-fired power plant proposed in a rural area adjacent to the Black Rock Desert and Granite Range, including emission calculations, air quality modeling, comments on proposed use permit to collect preconstruction monitoring data, and coordination with agencies and other interested parties. Project cancelled.
- For environmental organizations, reviewed draft PSD permit for a 600-MW coal-fired power plant in West Virginia (Longview). Prepared comments on permit enforceability; coal washing; BACT for SO_2 and PM10; Hg MACT; and MACT for HCl, HF, non-Hg metallic HAPs, and enforceability. Assist plaintiffs draft petition appealing air permit. Retained as expert to develop testimony on MACT, BACT, offsets, enforceability. Participate in settlement discussions. Case settled July 2004.
- For petitioners, reviewed record produced in discovery and prepared affidavit on emissions of carbon monoxide and volatile organic compounds during startup of GE 7FA combustion

turbines to successfully establish plaintiff standing. *Sierra Club et al. v. Georgia Power Company* (Northern District of Georgia).

- For building trades, reviewed air quality permitting action for 1500-MW coal-fired power plant before the Kentucky Department for Environmental Protection (Thoroughbred).
- For petitioners, expert witness in administrative appeal of the PSD/Title V permit issued to a 1500-MW coal-fired power plant. Reviewed over 60,000 pages of produced documents, prepared discovery index, identified and assembled plaintiff exhibits. Deposed. Assisted counsel in drafting discovery requests, with over 30 depositions, witness cross examination, and brief drafting. Presented over 20 days of direct testimony, rebuttal and sur-rebuttal, with cross examination on BACT for NOx, SO_2, and PM/PM10; MACT for Hg and non-Hg metallic HAPs; emission estimates for purposes of Class I and II air modeling; risk assessment; and enforceability of permit limits. Evidentiary hearings from November 2003 to June 2004. *Sierra Club et al. v. Natural Resources & Environmental Protection Cabinet, Division of Air Quality and Thoroughbred Generating Company et al.* Hearing Officer Decision issued August 9, 2005 finding in favor of plaintiffs on counts as to risk, BACT (IGCC/CFB, NOx, SO_2, Hg, Be), single source, enforceability, and errors and omissions. Assist counsel draft exceptions. Cabinet Secretary issued Order April 11, 2006 denying Hearing Offer's report, except as to NOx BACT, Hg, 99% SO2 control and certain errors and omissions.
- For citizens group in Massachusetts, reviewed, commented on, and participated in permitting of pollution control retrofits of coal-fired power plant (Salem Harbor).
- Assisted citizens group and labor union challenge issuance of conditional use permit for a 317,000 ft^2 discount store in Honolulu without any environmental review. In support of a motion for preliminary injunction, prepared 7-page declaration addressing public health impacts of diesel exhaust from vehicles serving the Project. In preparation for trial, prepared 20-page preliminary expert report summarizing results of diesel exhaust and noise measurements at two big box retail stores in Honolulu, estimated diesel PM10 concentrations for Project using ISCST, prepared a cancer health risk assessment based on these analyses, and evaluated noise impacts.
- Assisted environmental organizations to challenge the DOE Finding of No Significant Impact (FONSI) for the Baja California Power and Sempra Energy Resources Cross-Border Transmissions Lines in the U.S. and four associated power plants located in Mexico (DOE EA-1391). Prepared 20-page declaration in support of motion for summary judgment addressing emissions, including CO_2 and NH_3, offsets, BACT, cumulative air quality impacts, alternative cooling systems, and water use and water quality impacts. Plaintiff's motion for summary judgment granted in part. U.S. District Court, Southern District decision concluded that the Environmental Assessment and FONSI violated NEPA and the APA due to their inadequate analysis of the potential controversy surrounding the project, water impacts, impacts from NH_3 and CO_2, alternatives, and cumulative impacts. *Border Power Plant Working Group v. Department of Energy and Bureau of Land Management*, Case No. 02-CV-513-IEG (POR) (May 2, 2003).

- For Sacramento school, reviewed draft air permit issued for diesel generator located across from playfield. Prepared comments on emission estimates, enforceability, BACT, and health impacts of diesel exhaust. Case settled. BUG trap installed on the diesel generator.
- Assisted unions in appeal of Title V permit issued by BAAQMD to carbon plant that manufactured coke. Reviewed District files, identified historic modifications that should have triggered PSD review, and prepared technical comments on Title V permit. Reviewed responses to comments and assisted counsel draft appeal to BAAQMD hearing board, opening brief, motion to strike, and rebuttal brief. Case settled.
- Assisted California Central Coast city obtain controls on a proposed new city that would straddle the Ventura-Los Angeles County boundary. Reviewed several environmental impact reports, prepared an air quality analysis, a diesel exhaust health risk assessment, and detailed review comments. Governor intervened and State dedicated the land for conservation purposes April 2004.
- Assisted Central California city to obtain controls on large alluvial sand quarry and asphalt plant proposing a modernization. Prepared comments on Negative Declaration on air quality, public health, noise, and traffic. Evaluated process flow diagrams and engineering reports to determine whether proposed changes increased plant capacity or substantially modified plant operations. Prepared comments on application for categorical exemption from CEQA. Presented testimony to County Board of Supervisors. Developed controls to mitigate impacts. Assisted counsel draft Petition for Writ. Case settled June 2002. Substantial improvements in plant operations were obtained including cap on throughput, dust control measures, asphalt plant loadout enclosure, and restrictions on truck routes.
- Assisted oil companies on the California Central Coast in defending class action citizen's lawsuit alleging health effects due to emissions from gas processing plant and leaking underground storage tanks. Reviewed regulatory and other files and advised counsel on merits of case. Case settled November 2001.
- Assisted oil company on the California Central Coast in defending property damage claims arising out of a historic oil spill. Reviewed site investigation reports, pump tests, leachability studies, and health risk assessments, participated in design of additional site characterization studies to assess health impacts, and advised counsel on merits of case. Prepare health risk assessment.
- Assisted unions in appeal of Initial Study/Negative Declaration ("IS/ND") for an MTBE phaseout project at a Bay Area refinery. Reviewed IS/ND and supporting agency permitting files and prepared technical comments on air quality, groundwater, and public health impacts. Reviewed responses to comments and final IS/ND and ATC permits and assisted counsel to draft petitions and briefs appealing decision to Air District Hearing Board. Presented sworn direct and rebuttal testimony with cross examination on groundwater impacts of ethanol spills on hydrocarbon contamination at refinery. Hearing Board ruled 5 to 0 in favor of appellants, remanding ATC to district to prepare an EIR.

- Assisted Florida cities in challenging the use of diesel and proposed BACT determinations in prevention of significant deterioration (PSD) permits issued to two 510-MW simple cycle peaking electric generating facilities and one 1,080-MW simple cycle/combined cycle facility. Reviewed permit applications, draft permits, and FDEP engineering evaluations, assisted counsel in drafting petitions and responding to discovery. Participated in settlement discussions. Cases settled or applications withdrawn.
- Assisted large California city in federal lawsuit alleging peaker power plant was violating its federal permit. Reviewed permit file and applicant's engineering and cost feasibility study to reduce emissions through retrofit controls. Advised counsel on feasible and cost-effective NOx, SOx, and PM10 controls for several 1960s diesel-fired Pratt and Whitney peaker turbines. Case settled.
- Assisted coalition of Georgia environmental groups in evaluating BACT determinations and permit conditions in PSD permits issued to several large natural gas-fired simple cycle and combined-cycle power plants. Prepared technical comments on draft PSD permits on BACT, enforceability of limits, and toxic emissions. Reviewed responses to comments, advised counsel on merits of cases, participated in settlement discussions, presented oral and written testimony in adjudicatory hearings, and provided technical assistance as required. Cases settled or won at trial.
- Assisted construction unions in review of air quality permitting actions before the Indiana Department of Environmental Management ("IDEM") for several natural gas-fired simple cycle peaker and combined cycle power plants.
- Assisted coalition of towns and environmental groups in challenging air permits issued to 523 MW dual fuel (natural gas and distillate) combined-cycle power plant in Connecticut. Prepared technical comments on draft permits and 60 pages of written testimony addressing emission estimates, startup/shutdown issues, BACT/LAER analyses, and toxic air emissions. Presented testimony in adjudicatory administrative hearings before the Connecticut Department of Environmental Protection in June 2001 and December 2001.
- Assisted various coalitions of unions, citizens groups, cities, public agencies, and developers in licensing and permitting of over 110 coal, gas, oil, biomass, and pet coke-fired power plants generating over 75,000 MW of electricity. These included base-load, combined cycle, simple cycle, and peaker power plants in Alaska, Arizona, Arkansas, California, Colorado, Georgia, Florida, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Oklahoma, Oregon, Texas, West Virginia, Wisconsin, and elsewhere. Prepared analyses of and comments on applications for certification, preliminary and final staff assessments, and various air, water, wastewater, and solid waste permits issued by local agencies. Presented written and oral testimony before various administrative bodies on hazards of ammonia use and transportation, health effects of air emissions, contaminated property issues, BACT/LAER issues related to SCR and SCONOx, criteria and toxic pollutant emission estimates, MACT analyses, air quality modeling, water supply and water quality issues, and methods to reduce

water use, including dry cooling, parallel dry-wet cooling, hybrid cooling, and zero liquid discharge systems.

- Assisted unions, cities, and neighborhood associations in challenging an EIR issued for the proposed expansion of the Oakland Airport. Reviewed two draft EIRs and prepared a health risk assessment and extensive technical comments on air quality and public health impacts. The California Court of Appeals, First Appellate District, ruled in favor of appellants and plaintiffs, concluding that the EIR "2) erred in using outdated information in assessing the emission of toxic air contaminants (TACs) from jet aircraft; 3) failed to support its decision not to evaluate the health risks associated with the emission of TACs with meaningful analysis," thus accepting my technical arguments and requiring the Port to prepare a new EIR. See *Berkeley Keep Jets Over the Bay Committee, City of San Leandro, and City of Alameda et al. v. Board of Port Commissioners* (August 30, 2001) 111 Cal.Rptr.2d 598.
- Assisted lessor of former gas station with leaking underground storage tanks and TCE contamination from adjacent property. Lessor held option to purchase, which was forfeited based on misrepresentation by remediation contractor as to nature and extent of contamination. Remediation contractor purchased property. Reviewed regulatory agency files and advised counsel on merits of case. Case not filed.
- Advised counsel on merits of several pending actions, including a Proposition 65 case involving groundwater contamination at an explosives manufacturing firm and two former gas stations with leaking underground storage tanks.
- Assisted defendant foundry in Oakland in a lawsuit brought by neighbors alleging property contamination, nuisance, trespass, smoke, and health effects from foundry operation. Inspected and sampled plaintiff's property. Advised counsel on merits of case. Case settled.
- Assisted business owner facing eminent domain eviction. Prepared technical comments on a negative declaration for soil contamination and public health risks from air emissions from a proposed redevelopment project in San Francisco in support of a CEQA lawsuit. Case settled.
- Assisted neighborhood association representing residents living downwind of a Berkeley asphalt plant in separate nuisance and CEQA lawsuits. Prepared technical comments on air quality, odor, and noise impacts, presented testimony at commission and council meetings, participated in community workshops, and participated in settlement discussions. Cases settled. Asphalt plant was upgraded to include air emission and noise controls, including vapor collection system at truck loading station, enclosures for noisy equipment, and improved housekeeping.
- Assisted a Fortune 500 residential home builder in claims alleging health effects from faulty installation of gas appliances. Conducted indoor air quality study, advised counsel on merits of case, and participated in discussions with plaintiffs. Case settled.

- Assisted property owners in Silicon Valley in lawsuit to recover remediation costs from insurer for large TCE plume originating from a manufacturing facility. Conducted investigations to demonstrate sudden and accidental release of TCE, including groundwater modeling, development of method to date spill, preparation of chemical inventory, investigation of historical waste disposal practices and standards, and on-site sewer and storm drainage inspections and sampling. Prepared declaration in opposition to motion for summary judgment. Case settled.
- Assisted residents in east Oakland downwind of a former battery plant in class action lawsuit alleging property contamination from lead emissions. Conducted historical research and dry deposition modeling that substantiated claim. Participated in mediation at JAMS. Case settled.
- Assisted property owners in West Oakland who purchased a former gas station that had leaking underground storage tanks and groundwater contamination. Reviewed agency files and advised counsel on merits of case. Prepared declaration in opposition to summary judgment. Prepared cost estimate to remediate site. Participated in settlement discussions. Case settled.
- Consultant to counsel representing plaintiffs in two Clean Water Act lawsuits involving selenium discharges into San Francisco Bay from refineries. Reviewed files and advised counsel on merits of case. Prepared interrogatory and discovery questions, assisted in deposing opposing experts, and reviewed and interpreted treatability and other technical studies. Judge ruled in favor of plaintiffs.
- Assisted oil company in a complaint filed by a resident of a small California beach community alleging that discharges of tank farm rinse water into the sanitary sewer system caused hydrogen sulfide gas to infiltrate residence, sending occupants to hospital. Inspected accident site, interviewed parties to the event, and reviewed extensive agency files related to incident. Used chemical analysis, field simulations, mass balance calculations, sewer hydraulic simulations with SWMM44, atmospheric dispersion modeling with SCREEN3, odor analyses, and risk assessment calculations to demonstrate that the incident was caused by a faulty drain trap and inadequate slope of sewer lateral on resident's property. Prepared a detailed technical report summarizing these studies. Case settled.
- Assisted large West Coast city in suit alleging that leaking underground storage tanks on city property had damaged the waterproofing on downgradient building, causing leaks in an underground parking structure. Reviewed subsurface hydrogeologic investigations and evaluated studies conducted by others documenting leakage from underground diesel and gasoline tanks. Inspected, tested, and evaluated waterproofing on subsurface parking structure. Waterproofing was substandard. Case settled.
- Assisted residents downwind of gravel mine and asphalt plant in Siskiyou County, California, in suit to obtain CEQA review of air permitting action. Prepared two declarations analyzing

air quality and public health impacts. Judge ruled in favor of plaintiffs, closing mine and asphalt plant.

- Assisted defendant oil company on the California Central Coast in class action lawsuit alleging property damage and health effects from subsurface petroleum contamination. Reviewed documents, prepared risk calculations, and advised counsel on merits of case. Participated in settlement discussions. Case settled.
- Assisted defendant oil company in class action lawsuit alleging health impacts from remediation of petroleum contaminated site on California Central Coast. Reviewed documents, designed and conducted monitoring program, and participated in settlement discussions. Case settled.
- Consultant to attorneys representing irrigation districts and municipal water districts to evaluate a potential challenge of USFWS actions under CVPIA section 3406(b)(2). Reviewed agency files and collected and analyzed hydrology, water quality, and fishery data. Advised counsel on merits of case. Case not filed.
- Assisted residents downwind of a Carson refinery in class action lawsuit involving soil and groundwater contamination, nuisance, property damage, and health effects from air emissions. Reviewed files and provided advice on contaminated soil and groundwater, toxic emissions, and health risks. Prepared declaration on refinery fugitive emissions. Prepared deposition questions and reviewed deposition transcripts on air quality, soil contamination, odors, and health impacts. Case settled.
- Assisted residents downwind of a Contra Costa refinery who were affected by an accidental release of naphtha. Characterized spilled naphtha, estimated emissions, and modeled ambient concentrations of hydrocarbons and sulfur compounds. Deposed. Presented testimony in binding arbitration at JAMS. Judge found in favor of plaintiffs.
- Assisted residents downwind of Contra Costa County refinery in class action lawsuit alleging property damage, nuisance, and health effects from several large accidents as well as routine operations. Reviewed files and prepared analyses of environmental impacts. Prepared declarations, deposed, and presented testimony before jury in one trial and judge in second. Case settled.
- Assisted business owner claiming damages from dust, noise, and vibration during a sewer construction project in San Francisco. Reviewed agency files and PM10 monitoring data and advised counsel on merits of case. Case settled.
- Assisted residents downwind of Contra Costa County refinery in class action lawsuit alleging property damage, nuisance, and health effects. Prepared declaration in opposition to summary judgment, deposed, and presented expert testimony on accidental releases, odor, and nuisance before jury. Case thrown out by judge, but reversed on appeal and not retried.

- Presented testimony in small claims court on behalf of residents claiming health effects from hydrogen sulfide from flaring emissions triggered by a power outage at a Contra Costa County refinery. Analyzed meteorological and air quality data and evaluated potential health risks of exposure to low concentrations of hydrogen sulfide. Judge awarded damages to plaintiffs.
- Assisted construction unions in challenging PSD permit for an Indiana steel mill. Prepared technical comments on draft PSD permit, drafted 70-page appeal of agency permit action to the Environmental Appeals Board challenging permit based on faulty BACT analysis for electric arc furnace and reheat furnace and faulty permit conditions, among others, and drafted briefs responding to four parties. EPA Region V and the EPA General Counsel intervened as amici, supporting petitioners. EAB ruled in favor of petitioners, remanding permit to IDEM on three key issues, including BACT for the reheat furnace and lead emissions from the EAF. Drafted motion to reconsider three issues. Prepared 69 pages of technical comments on revised draft PSD permit. Drafted second EAB appeal addressing lead emissions from the EAF and BACT for reheat furnace based on European experience with SCR/SNCR. Case settled. Permit was substantially improved. See *In re: Steel Dynamics, Inc.*, PSD Appeal Nos. 99-4 & 99-5 (EAB June 22, 2000).
- Assisted defendant urea manufacturer in Alaska in negotiations with USEPA to seek relief from penalties for alleged violations of the Clean Air Act. Reviewed and evaluated regulatory files and monitoring data, prepared technical analysis demonstrating that permit limits were not violated, and participated in negotiations with EPA to dismiss action. Fines were substantially reduced and case closed.
- Assisted construction unions in challenging PSD permitting action for an Indiana grain mill. Prepared technical comments on draft PSD permit and assisted counsel draft appeal of agency permit action to the Environmental Appeals Board challenging permit based on faulty BACT analyses for heaters and boilers and faulty permit conditions, among others. Case settled.
- As part of a consent decree settling a CEQA lawsuit, assisted neighbors of a large west coast port in negotiations with port authority to secure mitigation for air quality impacts. Prepared technical comments on mobile source air quality impacts and mitigation and negotiated a $9 million CEQA mitigation package. Represented neighbors on technical advisory committee established by port to implement the air quality mitigation program. Program successfully implemented.
- Assisted construction unions in challenging permitting action for a California hazardous waste incinerator. Prepared technical comments on draft permit, assisted counsel prepare appeal of EPA permit to the Environmental Appeals Board. Participated in settlement discussions on technical issues with applicant and EPA Region 9. Case settled.

- Assisted environmental group in challenging DTSC Negative Declaration on a hazardous waste treatment facility. Prepared technical comments on risk of upset, water, and health risks. Writ of mandamus issued.
- Assisted several neighborhood associations and cities impacted by quarries, asphalt plants, and cement plants in Alameda, Shasta, Sonoma, and Mendocino counties in obtaining mitigations for dust, air quality, public health, traffic, and noise impacts from facility operations and proposed expansions.
- For over 100 industrial facilities, commercial/campus, and redevelopment projects, developed the record in preparation for CEQA and NEPA lawsuits. Prepared technical comments on hazardous materials, solid wastes, public utilities, noise, worker safety, air quality, public health, water resources, water quality, traffic, and risk of upset sections of EIRs, EISs, FONSIs, initial studies, and negative declarations. Assisted counsel in drafting petitions and briefs and prepared declarations.
- For several large commercial development projects and airports, assisted applicant and counsel prepare defensible CEQA documents, respond to comments, and identify and evaluate "all feasible" mitigation to avoid CEQA challenges. This work included developing mitigation programs to reduce traffic-related air quality impacts based on energy conservation programs, solar, low-emission vehicles, alternative fuels, exhaust treatments, and transportation management associations.

SITE INVESTIGATION/REMEDIATION/CLOSURE

- Technical manager and principal engineer for characterization, remediation, and closure of waste management units at former Colorado oil shale plant. Constituents of concern included BTEX, As, 1,1,1-TCA, and TPH. Completed groundwater monitoring programs, site assessments, work plans, and closure plans for seven process water holding ponds, a refinery sewer system, and processed shale disposal area. Managed design and construction of groundwater treatment system and removal actions and obtained clean closure.
- Principal engineer for characterization, remediation, and closure of process water ponds at a former lanthanide processing plant in Colorado. Designed and implemented groundwater monitoring program and site assessments and prepared closure plan.
- Advised the city of Sacramento on redevelopment of two former railyards. Reviewed work plans, site investigations, risk assessment, RAPS, RI/FSs, and CEQA documents. Participated in the development of mitigation strategies to protect construction and utility workers and the public during remediation, redevelopment, and use of the site, including buffer zones, subslab venting, rail berm containment structure, and an environmental oversight plan.

- Provided technical support for the investigation of a former sanitary landfill that was redeveloped as single family homes. Reviewed and/or prepared portions of numerous documents, including health risk assessments, preliminary endangerment assessments, site investigation reports, work plans, and RI/FSs. Historical research to identify historic waste disposal practices to prepare a preliminary endangerment assessment. Acquired, reviewed, and analyzed the files of 18 federal, state, and local agencies, three sets of construction field notes, analyzed 21 aerial photographs and interviewed 14 individuals associated with operation of former landfill. Assisted counsel in defending lawsuit brought by residents alleging health impacts and diminution of property value due to residual contamination. Prepared summary reports.
- Technical oversight of characterization and remediation of a nitrate plume at an explosives manufacturing facility in Lincoln, CA. Provided interface between owners and consultants. Reviewed site assessments, work plans, closure plans, and RI/FSs.
- Consultant to owner of large western molybdenum mine proposed for NPL listing. Participated in negotiations to scope out consent order and develop scope of work. Participated in studies to determine premining groundwater background to evaluate applicability of water quality standards. Served on technical committees to develop alternatives to mitigate impacts and close the facility, including resloping and grading, various thickness and types of covers, and reclamation. This work included developing and evaluating methods to control surface runoff and erosion, mitigate impacts of acid rock drainage on surface and ground waters, and stabilize nine waste rock piles containing 328 million tons of pyrite-rich, mixed volcanic waste rock (andesites, rhyolite, tuff). Evaluated stability of waste rock piles. Represented client in hearings and meetings with state and federal oversight agencies.

REGULATORY (PARTIAL LIST)

- In October 2022, researched and wrote 43 pages of comments on the Lancaster Waste to Renewable Hydrogen Project on (a) significant construction emissions; (b) construction mitigation; unenforceable operational criteria pollutant and GHG emissions; (c) significant construction and operational health impacts and mitigation; and (d) significant health risks of Valley Fever and mitigation.
- In August 2022, researched and wrote 8 pages of comments on Heliogen Holdings' Application for Authority to Contstruct and Permit to Operate for the Polaris Solar Energy Project on significant operational PM10 emissions and Valley Fever;
- In June-July, 2022, Researched and wrote 29 pages of comments on the IS/MND for the SFPP Bradshaw Terminal Renewable by Rail Project on (a) significant and underestimated locomotive emissions; (*b*) omitted operational emission sources (on-site fugitive emissions, rail car transit emissions, emissions in other air districts); (c) significant construction health

risks (acute, cancer); (*d*) significant operational cancer risks; (*e*) mitigation for significant health impacts; and (f) significant construction NOx and PM10 emissions and mitigation

- In February-March 2022, researched and wrote 19 pages of responses to comments on construction impacts, risk of upset, and cumulative impacts of the Heber 1 Geothermal Repower Project IS/MND.
- In January 2022, researched and wrote 9 pages of comments on the DEIR for the San Jose Data Center on greenhouse gas emissions and the SPPE exemption.
- In January 2022, researched and wrote 30 pages of comments on the RDEIR for the Estrella Substation and Paso Robles Area Reinforcement project on (a) EMF health risks; (b) emissions from BESS charging; (c) emissions and mitigation for heliocopter emissions; and (d) Valley Fever mitigation.
- In January 2022, research and wrote 12 pages of responses to comments on the revised IS/ND for the World Energy Terminal on: (a) construction emission impacts; (b) operational VOC emissions; (c) revised tank emissions; and (d) increase in Terminal throughput.
- In December 2021, researched and wrote 20 pages of comments on the IS/MND for the North Central Valley Battery Energy Storage Facility on: (a) greenhouse gas emissions; (b) risk of upset; and (c) cumulative impacts.
- In November 2021, researched and wrote 46 pages of comments on the IS/MND for the California Renewable Carbon Williams Production Facility on: (a) construction air quality impacts; (b) operational emissions; and (c) construction and operational health risks.
- In November 2021, researched and wrote 11 pages of comments on the Final Supplemental Impact Report for the ExxonMobil Interim Trucking Phased Restart Project on: (a) crude oil truck NOx emissions; (b) tanker transport fire impacts; and (c) impacts of and mitigation for off-site accidental spills.
- In October 2021, researched and wrote 13 pages of technical comments on the Draft Supplemental Environmental Impact Report for the Casa Diablo IV geothermal power plant on the proposed LDAR program.
- In June 2021, researched and wrote 26 pages of technical comments on IS/MND for the Regional San BioGeneration Facility on: (a) significant construction air quality impacts; (b) significant operational air quality impacts; and (d) cumulative impacts.
- In May 2021, researched and wrote 64 pages of comments on the IS/MND for the Heber 1 Geothermal Repower Project on: (a) construction air quality impacts; (b) operational air quality impacts; (c) cumulative air quality impacts; (d) health impacts; (d) Valley Fever; (e) hazard and hazardous materials; (f) geologic impacts; and (g) impacts of extended operational lifetime.

- In February 2021, researched and wrote 41 pages of technical comment on the IS/MND for the Heber 2 Geothermal Repower Project on: (a) risk of upset impacts; (b) tanker truck accidents; (c) valley fever impacts; (d) construction and operational air quality impacts; (d) water use; and (e) cumulative impacts.
- In December 2020, researched and wrote 23 pages of comments on the Draft Supplemental Recirculated Environmental Impact Report for Revisions to the Kern County Zoning Ordinance – 2020 A, Focused on Oil and Gas Local Permitting on: (a) significant and unmitigated construction emissions; (b) significant and unmitigated operational emissions; (c) public health and biological impacts of criteria pollutants emissions and ozone; (d) offsets not valid CEQA mitigation.
- In October and December 2020, researched and wrote 46 pages of comments on underestimated and unsupported construction emissions, omitted construction emission sources, failure to consider unique site geotechnical conditions; revised construction emissions; significant construction and operational GHG emissions; GHG mitigation; construction and operational health risks; risk of upset; and cumulative impacts for a facility proposed to upgrade landfill gas to pipeline quality natural gas.
- In October and November 2020, researched and wrote 37 pages of comments on significant construction impacts, significant operational VOC emissions, and significant public health impacts of new internal floating roof storage tanks at a marine terminal at the Port of Long Beach.
- In September to November 2020, review proposed permit amendment to add HCN emissions from the FCCU to Title V permit for a Houston Refinery and research and write report on methods to measure HCN from FCCUs in situ and remotely.
- In September and October 2020, researched and wrote 14 pages of comments on proposed Leak Detection and Repair (LDAR) program for controlling VOC emissions from a geothermal power plant.
- In August to October 2020, researched and wrote comments on grid-based impacts of San Francisco's proposed building code mandating that new construction be all electric.
- In July and August 2020, researched and wrote comments on groundwater impacts of sea level rise for Final SEIR on crude oil trucking proposal.
- In June to August 2020, researched and wrote 69 pages of comments on inadequate project description, construction impacts, operational air quality impacts, cumulative air quality impacts, public health impacts, valley fever, hazards, geologic impacts, water use, CEC licensing, and extended lifetime impacts for the repower of a geothermal power plant in Imperial County.
- In June 2020, review revised quarry reclamation plan and draft 27 pages of comments on proposed modification.

- In June and July 2020, researched and wrote 23 pages of comments on cement terminal at Port of Stockton on construction impacts, emission baseline, operational emissions, and greenhouse gas mitigation.
- In May to June 2020, review reclamation plan amendment for quarry and research and write 17 page report on hydrology and water quality impacts of proposed amendment.
- In May 2020, researched and wrote 10 pages of comments on FEIR for a new apartment project in Contra Costa County on GHG emissions from vegetation removal, mobile sources, and water use and mitigation for same.
- In March/April 2020, researched and wrote 50 pages of comments on IS/MND for battery energy storage project in San Jose (Hummingbird) on inadequate project description, criteria pollutant and GHG emissions, significant and unmitigated energy impacts, cumulative impacts, construction impacts, public health impacts from BESS accidents, and battery handling and transportation accidents. Wrote 15 pages of responses to comments on vendor specifications, battery composition, cumulative impacts, construction impacts, fire control methods, and battery accidents.
- In April 2020, researched and wrote 47 pages of comments on IS/MND for data center in Santa Clara (SV1) on operational NOx emissions; out-of-district emissions; interbasin pollutant transport; omitted emission sources; GHG compliance with plans, policies and regulations; indirect GHG emissions; air quality impacts; construction emissions; cumulative impacts; and risk of upset from battery accidents.
- In March 2020, researched and wrote 30 pages of comments on IS/MND for data center in San Jose (Hummingbird) on operational GHG and criteria pollutant emissions, cumulative impacts, and public health risks. Research and write responses to comments.
- In February-March 2020, researched and wrote 30 pages on an IS/MND for a data center in San Jose (Stack) on operational NOx and GHG emissions, cumulative impacts, heath risks, and odor.
- In February 2020, researched and wrote 33 pages of comments on Initial Study for a battery storage facility in Ventura County (Orni) on criteria pollutant and GHG emissions, worker and public health impacts, cumulative impacts, valley fever, and consistency with general plan.
- In February 2020, researched and wrote 20 pages of comments on valley fever in response to applicant's global response to comments on Valley Fever for a wind project in San Diego County.
- In January 2020, researched and wrote 32 pages of comments on the Orni battery storage facility (BESS) on incomplete project description, cumulative GHG and NOx impacts, BESS accidents, and health impacts, including soil contamination and valley fever.

- In January 2020, research and wrote 41 pages of comments on the DEIR for the NuStar Port of Stockton Liquid Bulk Terminal on operational emission calculations, significant NOx emissions, significant GHG emissions. GHG mitigation, and cumulative impacts.
- In December 2019, researched and wrote 3 pages of comments on the Silverstrand Grid battery storage facility on greenhouse gas emissions.
- In December 2019, researched and wrote 15 pages of comments on the Initial Study for the K2 Pure – Chlorine Rail Transportation Curtailment Project, including on air quality baseline, project description, emissions, cancer risks, risk of upset.
- In November 2019, reviewed agency files and researched and wrote 42 pages of comments on the Belridge Solar Project on compliance with local zoning ordinances, water quality impacts, air quality impacts, and worker and public health impacts due to soil contamination and valley fever.
- In October 2019, researched and wrote 49 pages of comments on IS/MND for data center in Santa Clara, CA on operational criteria pollutants (mobile sources, off-site electricity generation, emergency generators), ambient air quality impacts, greenhouse gas emissions and mitigation, and cumulative impacts.
- In October 2019, researched and wrote 9 pages of comments on the Application, Statement of Basis and draft Permit to Construct and Temporary Permit to Operate for proposed changes at the Paramount Refinery to facilitate refining of biomass-based feedstock to produce renewable fuels.
- In September 2019, reviewed City of Sunnyvale's file on Google's proposed Central Utility Plant and researched and wrote 34 pages of comments on construction and operational air quality impacts, cumulative impacts, and battery fire and explosion impacts. In October 2019, researched and wrote 15 pages of responses to comments.
- In August 2019, research and wrote 37 pages of comments on the DSEIR for the Le Conte Battery Energy Storage System on GHG emissions, hazards and hazardous material impacts, and health impacts.
- In August 2019, researched and wrote 38 pages of comments on IS/MND for the Hanford-Lakeside Dairy digester Project, Kings County, on project description (piecemealing), cumulative impacts, construction impacts, air quality impacts, valley fever and risk of upset.
- In July 2019, researched and wrote 48 pages of comments on IS/MND for the Five Points Pipeline Dairy Digester Cluster Project, including on air quality, cumulative impacts, worker and public health impacts (including on pesticide-contaminated soils), Valley Fever, construction air quality impacts, and risk of upset.
- In June 2019, researched and wrote 15 pages of responses to comments on IS/MND for SV1 Data Center, including operational NOx emissions, air quality analyses, construction

emissions, battery hazards, and mitigation plans for noise, vibration, risk management, storm water pollution, and emergency response and evacuation plans.

- In June 2019, researched and wrote 30 pages of comments on DEIR for the Humboldt Wind Energy Project on fire and aesthetic impacts of transmission line, construction air quality impacts and mitigation, and greenhouse gas emissions.
- In May 2019, researched and wrote 25 pages of comments on the DEIR for the ExxonMobil Interim Trucking for Santa Ynez Phased Restart Project on project description, baseline, and mitigation.
- In April 2019, researched and wrote a 16 page letter critiquing the adequacy of the FEIR for CalAm Desalination Project to support a Monterey County Combined Development Permit, consisting of a Use Permit, an Administrative Permit, and Design Approval for the Desalination Plant and Carmel Valley Pump Station.
- In April 2019, researched and wrote 22 pages of comments on DEIR for the Eco-Energy Liquid Bulk Terminal at the Port of Stockton on emissions, air quality impact mitigation, and health risk assessment.
- In March 2019, researched and wrote 43 pages of comments on DEIR for Contanda Renewable Diesel Bulk Liquid Terminal at the Port of Stockton on operational emissions, air quality impacts and mitigation and health risks.
- In February 2019, researched and wrote 36 pages of comments on general cumulative impacts, air quality, accidents, and valley fever for IS/MND for biogas cluster project in Kings County.
- In January 2019, researched and wrote 30 pages of comments on air quality and valley fever for IS/MND for energy storage facility in Kings County.
- In December 2018, researched and wrote 11 pages of comments on air quality for IS/MND for biomass gasification facility in Madera County.
- In December 2018, researched and wrote 10 pages of responses to comments on IS/MND for a wind energy project in Riverside County.
- In December 2018, researched and wrote 12 pages of responses to comments on IS/MND for a large Safeway fueling station in Petaluma. The Planning Commission voted unanimously to require an EIR.
- In November 2018, researched and wrote 30 pages of comments on IS/MND on wind energy project in Riverside County on construction health risks, odor impacts, waste disposal, transportation, construction emissions and mitigation and Valley Fever.
- In November 2018, researched and wrote 32 pages of comments on the DEIR for a solar energy generation and storage project in San Bernardino County on hazards, health risks, odor, construction emissions and mitigation, and Valley Fever.

- In September 2018, researched and wrote 36 pages of comments on the FEIR for the Newland Sierra Project including on greenhouse gas emissions, construction emissions, and cumulative impacts.
- In August 2018, researched and wrote 20 pages of comments on the health risk assessment in the IS/MND for a large Safeway fueling station in Petaluma.
- In August 2018, researched and wrote responses to comments on DEIR for the Newland Sierra Project, San Diego County on greenhouse gas emissions, construction emissions, odor, and Valley Fever.
- In July/August 2018, researched and wrote 12 pages of comments on DEIR for proposed Doheny Desal Project, on GHG, criteria pollutant, and TAC emissions and public health impacts during construction and indirect emissions during operation.
- In June 2018, researched and wrote 12 pages of technical comments rebutting NDDH responses to comments on Meridian Davis Refinery.
- In April 2018, researched and wrote 26 pages of comments on greenhouse gas emissions and mitigation as proposed in the San Diego County Climate Action Plan.
- In April 2018, researched and wrote 24 pages of comments on the FEIR for Monterey County water supply project, including GHG mitigation, air quality impacts and mitigation, and Valley Fever.
- In March-June 2018, researched and wrote 37 pages of comments on the IS/MND for the 2305 Mission College Boulevard Data Center, Santa Clara, California and responded to responses to comments.
- In March 2018, researched and wrote 40 pages of comments on the IS/MND for the Diablo Energy Storage Facility in Pittsburg, California.
- In March 2018, researched and wrote 19 pages of comments on Infill Checklist/Mitigated Negative Declaration for the Legacy@Livermore Project on CalEEMod emission calculations, including NOx and PM10 and construction health risk assessment, including Valley Fever.
- In January 2018, researched and wrote 28 pages of comments on draft Permit to Construct for the Davis Refinery Project, North Dakota, as a minor source of criteria pollutants and HAPs.
- In December 2017, researched and wrote 19 pages of comments on DEIR for the Rialto Bioenergy Facility, Rialto, California.
- In November and December 2017, researched and wrote 6 pages of comments on the Ventura County Air Pollution Control District's Preliminary Determination if Compliance (PDOC) for Mission Rock Energy Center.

- In November 2017, researched and wrote 11 pages of comments on control technology evaluation for the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry Residual Risk and Technology Review.
- In September and November 2017, prepared comments on revised Negative Declaration for Delicato Winery in San Joaquin County, California.
- In October and November 2017, researched and wrote comments on North City Project Pure Water San Diego Program DEIR/DEIS to reclaim wastewater for municipal use.
- In August 2017, reviewed DEIR on a new residential community in eastern San Diego County (Newland Sierra) and research and wrote 60 pages of comments on air quality, greenhouse gas emissions and health impacts, including Valley Fever.
- In August 2017, reviewed responses to comments on Part 70 operating permit for IGP Methanol's Gulf Coast Methanol Complex, near Myrtle Grove, Louisiana, and researched and wrote comments on metallic HAP issues.
- In July 2017, reviewed the FEIS for an expansion of the Port of Gulfport and researched and wrote 10 pages of comments on air quality and public health.
- In June 2017, reviewed and prepared technical report on an Application for a synthetic minor source construction permit for a new Refinery in North Dakota.
- In June 2017, reviewed responses to NPCA and other comments on the BP Cherry Point Refinery modifications and assisted counsel in evaluating issues to appeal, including GHG BACT, coker heater SCR cost effectiveness analysis, and SO_2 BACT.
- In June 2017, reviewed Part 70 Operating Permit Renewal/Modification for the Noranda Alumina LC/Gramercy Holdings I, LLC alumina processing plant, St. James, Louisiana, and prepared comments on HAP emissions from bauxite feedstock.
- In May and June 2017, reviewed FEIR on Tesoro Integration Project and prepared responses to comments on the DEIR.
- In May 2017, prepared comments on tank VOC and HAP emissions from Tesoro Integration Project, based on real time monitoring at the Tesoro and other refineries in the SCAQMD.
- In April 2017, prepared comments on Negative Declaration for Delicato Winery in San Joaquin County, California.
- In March 2017, reviewed Negative Declaration for Ellmore geothermal facility in Imperial County, California and prepared summary of issues.
- In March 2017, prepared response to Phillips 66 Company's Appeal of the San Luis Obispo County Planning Commission's Decision Denying the Rail Spur Extension Project Proposed for the Santa Maria Refinery.

- In February 2017, researched and wrote comments on Kalama draft Title V permit for 10,000 MT/day methanol production and marine export facility in Kalama, Washington.
- In January 2017, researched and wrote 51 pages of comments on proposed Title V and PSD permits for the St. James Methanol Plant, St. James Louisiana, on BACT and enforceability of permit conditions.
- In December 2016, researched and wrote comments on draft Title V Permit for Yuhuang Chemical Inc. Methanol Plant, St. James, Louisiana, responding to EPA Order addressing enforceability issues.
- In November 2016, researched and wrote comments on Initial Study/Mitigated Negative Declaration for the AES Battery Energy Storage Facility, Long Beach, CA.
- In November 2016, researched and wrote comments on Campo Verde Battery Energy Storage System Draft Environmental Impact Report.
- In October 2016, researched and wrote comments on Title V Permit for NuStar Terminal Operations Partnership L.P, Stockton, CA.
- In October 2016, prepared expert report, Technical Assessment of Achieving the 40 CFR Part 423 Zero Discharge Standard for Bottom Ash Transport Water at the Belle River Power Plant, East China, Michigan. Reported resulted in a 2 year reduction in compliance date for elimination of bottom ash transport water. 1/30/17 DEQ Letter.
- In September 2016, researched and wrote comments on Proposed Title V Permit and Environmental Assessment Statement, Yuhuang Chemical Inc. Methanol Plant, St. James, Louisiana.
- In September 2016, researched and wrote response to "Further Rebuttal in Support of Appeal of Planning Commission Resolution No. 16-1, Denying Use Permit Application 12PLN-00063 and Declining to Certify Final Environmental Impact Report for the Valero Benicia Crude-by-Rail Project.
- In August 2016, reviewed and prepared comments on manuscript: Hutton et al., Freshwater Flows to the San Francisco Bay-Delta Estuary over Nine Decades: Trends Evaluation.
- In August/September 2016, researched and wrote comments on Mitigated Negative Declaration for the Chevron Long Wharf Maintenance and Efficiency Project.
- In July 2016, researched and wrote comments on the Ventura County APCD Preliminary Determination of Compliance and the California Energy Commission Revised Preliminary Staff Assessment for the Puente Power Project.
- In June 2016, researched and wrote comments on an Ordinance (1) Amending the Oakland Municipal Code to Prohibit the Storage and Handling of Coal and Coke at Bulk Material Facilities or Terminals Throughout the City of Oakland and (2) Adopting CEQA Exemption

Findings and supporting technical reports. Council approved Ordinance on an 8 to 0 vote on June 27, 2016.

- In May 2016, researched and wrote comments on Draft Title V Permit and Draft Environmental Impact Report for the Tesoro Los Angeles Refinery Integration and Compliance Project.
- In March 2016, researched and wrote comments on Valero's Appeal of Planning Commission's Denial of Valero Crude-by-Rail Project.
- In February 2016, researched and wrote comments on Final Environmental Impact Report, Santa Maria Rail Spur Project.
- In February 2016, researched and wrote comments on Final Environmental Impact Report, Valero Benicia Crude by Rail Project.
- In January 2016, researched and wrote comments on Draft Programmatic Environmental Impact Report for the Southern California Association of Government's (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy.
- In November 2015, researched and wrote comments on Final Environmental Impact Report for Revisions to the Kern County Zoning Ordinance – 2015(C) (Focused on Oil and Gas Local Permitting), November 2015.
- In October 2015, researched and wrote comments on Revised Draft Environmental Report, Valero Benicia Crude by Rail Project.
- In September 2015, prepared report, "Environmental, Health and Safety Impacts of the Proposed Oakland Bulk and Oversized Terminal, and presented oral testimony on September 21, 2015 before Oakland City Council on behalf of the Sierra Club.
- In September 2015, researched and wrote comments on revisions to two chapters of EPA's Air Pollution Control Cost Manual: Docket ID No. EPA-HQ-OAR-2015-0341.
- In June 2015, researched and wrote comments on DEIR for the CalAm Monterey Peninsula Water Supply Project.
- In April 2015, researched and wrote comments on proposed Title V Operating Permit Revision and Prevention of Significant Deterioration Permit for Arizona Public Service's Ocotillo Power Plant Modernization Project (5 GE LMS100 105-MW simple cycle turbines operated as peakers), in Tempe, Arizona; Final permit appealed to EAB.
- In March 2015, researched and wrote "Comments on Proposed Title V Air Permit, Yuhuang Chemical Inc. Methanol Plant, St. James, Louisiana". Client filed petition objecting to the permit. EPA granted majority of issues. In the Matter of Yuhuang Chemical Inc. Methanol Plant, St. James Parish, Louisiana, Permit No. 2560-00295-V0, Issued by the Louisiana Department of Environmental Quality, Petition No. VI-2015-03, Order Responding to the

Petitioners' Request for Objection to the Issuance of a Title V Operating Permit, September 1, 2016.

- In February 2015, prepared compilation of BACT cost effectiveness values in support of comments on draft PSD Permit for Bonanza Power Project.
- In January 2015, prepared cost effectiveness analysis for SCR for a 500-MW coal fire power plant, to address unpermitted upgrades in 2000.
- In January 2015, researched and wrote comments on Revised Final Environmental Impact Report for the Phillips 66 Propane Recovery Project. *Communities for a Better Environment et al. v. Contra Costa County et al. Contra Costa County (Superior Court, Contra Costa County, Case No. MSN15-0301, December 1, 2016).*
- In December 2014, researched and wrote "Report on Bakersfield Crude Terminal Permits to Operate." In response, the U.S. EPA cited the Terminal for 10 violations of the Clean Air Act. The Fifth Appellate District Court upheld the finding in this report in CBE et al v. San Joaquin Valley Unified Air Pollution Control District and Bakersfield Crude Terminal LLC et al, Super. Ct. No. 284013, June 23, 2017.
- In December 2014, researched and wrote comments on Revised Draft Environmental Impact Report for the Phillips 66 Propane Recovery Project.
- In November 2014, researched and wrote comments on Revised Draft Environmental Impact Report for Phillips 66 Rail Spur Extension Project and Crude Unloading Project, Santa Maria, CA to allow the import of tar sands crudes.
- In November 2014, researched and wrote comments on Draft Environmental Impact Report for Phillips 66 Ultra Low Sulfur Diesel Project, responding to the California Supreme Court Decision, *Communities for a Better Environment v. South Coast Air Quality Management Dist. (2010) 48 Cal.4th 310.*
- In November 2014, researched and wrote comments on Draft Environmental Impact Report for the Tesoro Avon Marine Oil Terminal Lease Consideration.
- In October 2014, prepared: "Report on Hydrogen Cyanide Emissions from Fluid Catalytic Cracking Units", pursuant to the Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards, 79 FR 36880.
- In October 2014, researched and wrote technical comments on Final Environmental Impact Reports for Alon Bakersfield Crude Flexibility Project to build a rail terminal to allow the import/export of tar sands and Bakken crude oils and to upgrade an existing refinery to allow it to process a wide range of crudes.
- In October 2014, researched and wrote technical comments on the Title V Permit Renewal and three De Minimus Significant Revisions for the Tesoro Logistics Marine Terminal in the SCAQMD.

- In September 2014, researched and wrote technical comments on the Draft Environmental Impact Report for the Valero Crude by Rail Project.
- In August 2014, for EPA Region 6, prepared technical report on costing methods for upgrades to existing scrubbers at coal-fired power plants.
- In July 2014, researched and wrote technical comments on Draft Final Environmental Impact Reports for Alon Bakersfield Crude Flexibility Project to build a rail terminal to allow the import/export of tar sands and Bakken crude oils and to upgrade an existing refinery to allow it to process a wide range of crudes.
- In June 2014, researched and wrote technical report on Initial Study and Draft Negative Declaration for the Tesoro Logistics Storage Tank Replacement and Modification Project.
- In May 2014, researched and wrote technical comments on Intent to Approve a new refinery and petroleum transloading operation in Utah.
- In March and April 2014, prepared declarations on air permits issued for two crude-by-rail terminals in California, modified to switch from importing ethanol to importing Bakken crude oils by rail and transferring to tanker cars. Permits were issued without undergoing CEQA review. One permit was upheld by the San Francisco Superior Court as statute of limitations had run. The Sacramento Air Quality Management District withdrew the second one due to failure to require BACT and conduct CEQA review.
- In March 2014, researched and wrote technical report on Negative Declaration for a proposed modification of the air permit for a bulk petroleum and storage terminal to the allow the import of tar sands and Bakken crude oil by rail and its export by barge, under the New York State Environmental Quality Review Act (SEQRA).
- In February 2014, researched and wrote technical report on proposed modification of air permit for midwest refinery upgrade/expansion to process tar sands crudes.
- In January 2014, prepared cost estimates to capture, transport, and use CO2 in enhanced oil recovery, from the Freeport LNG project based on both Selexol and Amine systems.
- In January 2014, researched and wrote technical report on Draft Environmental Impact Report for Phillips 66 Rail Spur Extension Project, Santa Maria, CA. Comments addressed project description (piecemealing, crude slate), risk of upset analyses, mitigation measures, alternative analyses and cumulative impacts.
- In November 2013, researched and wrote technical report on the Phillips 66 Propane Recovery Project, Rodeo, CA. Comments addressed project description (piecemealing, crude slate) and air quality impacts.
- In September 2013, researched and wrote technical report on the Draft Authority to Construct Permit for the Casa Diablo IV Geothermal Development Project Environmental Impact Report and Declaration in Support of Appeal and Petition for Stay, U.S. Department of the

Interior, Board of Land Appeals, Appeal of Decision Record for the Casa Diablo IV Geothermal Development Project.

- In September 2013, researched and wrote technical report on Effluent Limitation Guidelines for Best Available Technology Economically Available (BAT) for Bottom Ash Transport Waters from Coal-Fired Power Plants in the Steam Electric Power Generating Point Source Category.
- In July 2013, researched and wrote technical report on Initial Study/Mitigated Negative Declaration for the Valero Crude by Rail Project, Benicia, California, Use Permit Application 12PLN-00063.
- In July 2013, researched and wrote technical report on fugitive particulate matter emissions from coal train staging at the proposed Coyote Island Terminal, Oregon, for draft Permit No. 25-0015-ST-01.
- In July 2013, researched and wrote technical comments on air quality impacts of the Finger Lakes LPG Storage Facility as reported in various Environmental Impact Statements.
- In July 2013, researched and wrote technical comments on proposed Greenhouse Gas PSD Permit for the Celanese Clear Lake Plant, including cost analysis of CO2 capture, transport, and sequestration.
- In June/July 2013, researched and wrote technical comments on proposed Draft PSD Preconstruction Permit for Greenhouse Gas Emission for the ExxonMobil Chemical Company Baytown Olefins Plant, including cost analysis of CO2 capture, transport, and sequestration.
- In June 2013, researched and wrote technical report on a Mitigated Negative Declaration for a new rail terminal at the Valero Benicia Refinery to import increased amounts of "North American" crudes. Comments addressed air quality impacts of refining increased amounts of tar sands crudes.
- In June 2013, researched and wrote technical report on Draft Environmental Impact Report for the California Ethanol and Power Imperial Valley 1 Project.
- In May 2013, researched and wrote comments on draft PSD permit for major expansion of midwest refinery to process 100% tar sands crudes, including a complex netting analysis involving debottlenecking, piecemealing, and BACT analyses.
- In April 2013, researched and wrote technical report on the Draft Supplemental Environmental Impact Statement (DSEIS) for the Keystone XL Pipeline on air quality impacts from refining increased amount of tar sands crudes at Refineries in PADD 3.
- In October 2012, researched and wrote technical report on the Environmental Review for the Coyote Island Terminal Dock at the Port of Morrow on fugitive particulate matter emissions.

- In October 2012-October 2014, review and evaluate Flint Hills West Application for an expansion/modification for increased (Texas, Eagle Ford Shale) crude processing and related modification, including netting and BACT analysis. Assist in settlement discussions.
- In February 2012, researched and wrote comments on BART analysis in PA Regional Haze SIP, 77 FR 3984 (Jan. 26, 2012). On Sept. 29, 2015, a federal appeals court overturned the U.S. EPA's approval of this plan, based in part on my comments, concluding "..we will vacate the 2014 Final Rule to the extent it approved Pennsylvania's source-specific BART analysis and remand to the EPA for further proceedings consistent with this Opinion." Nat'l Parks Conservation Assoc. v. EPA, 3d Cir., No. 14-3147, 9/19/15.
- Prepared cost analyses and comments on New York's proposed BART determinations for NOx, SO2, and PM and EPA's proposed approval of BART determinations for Danskammer Generating Station under New York Regional Haze State Implementation Plan and Federal Implementation Plan, 77 FR 51915 (August 28, 2012).
- Prepared cost analyses and comments on NOx BART determinations for Regional Haze State Implementation Plan for State of Nevada, 77 FR 23191 (April 18, 2012) and 77 FR 25660 (May 1, 2012).
- Prepared analyses of and comments on New Source Performance Standards for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units, 77 FR 22392 (April 13, 2012).
- Researched and wrote comments on CASPR-BART emission equivalency and NOx and PM BART determinations in EPA proposed approval of State Implementation Plan for Pennsylvania Regional Haze Implementation Plan, 77 FR 3984 (January 26, 2012).
- Researched and wrote comments and statistical analyses on hazardous air pollutants (HAPs) emission controls, monitoring, compliance methods, and the use of surrogates for acid gases, organic HAPs, and metallic HAPs for proposed National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units, 76 FR 24976 (May 3, 2011).
- Prepared cost analyses and comments on NOx BART determinations and emission reductions for proposed Federal Implementation Plan for Four Corners Power Plant, 75 FR 64221 (October 19, 2010).
- Prepared cost analyses and comments on NOx BART determinations for Colstrip Units 1- 4 for Montana State Implementation Plan and Regional Haze Federal Implementation Plan, 77 FR 23988 (April 20, 2010).
- For EPA Region 8, prepared report: Revised BART Cost Effectiveness Analysis for Tail-End Selective Catalytic Reduction at the Basin Electric Power Cooperative Leland Olds Station Unit 2 Final Report, March 2011, in support of 76 FR 58570 (Sept. 21, 2011).

- For EPA Region 6, prepared report: Revised BART Cost-Effectiveness Analysis for Selective Catalytic Reduction at the Public Service Company of New Mexico San Juan Generating Station, November 2010, in support of 76 FR 52388 (Aug. 22, 2011).
- For EPA Region 6, prepared report: Revised BART Cost-Effectiveness Analysis for Flue Gas Desulfurization at Coal-Fired Electric Generating Units in Oklahoma: Sooner Units 1 & 2, Muskogee Units 4 & 5, Northeastern Units 3 &4, October 2010, in support of 76 FR 16168 (March 26, 2011). My work was upheld in: *State of Oklahoma v. EPA*, App. Case 12-9526 (10th Cri. July 19, 2013).
- Identified errors in N_2O emission factors in the Mandatory Greenhouse Gas Reporting Rule, 40 CFR 98, and prepared technical analysis to support Petition for Rulemaking to Correct Emissions Factors in the Mandatory Greenhouse Gas Reporting Rule, filed with EPA on 10/28/10.
- Assisted interested parties develop input for and prepare comments on the Information Collection Request for Petroleum Refinery Sector NSPS and NESHAP Residual Risk and Technology Review, 75 FR 60107 (9/29/10).
- Technical reviewer of EPA's "Emission Estimation Protocol for Petroleum Refineries," posted for public comments on CHIEF on 12/23/09, prepared in response to the City of Houston's petition under the Data Quality Act (March 2010).
- Researched and wrote comments on SCR cost effectiveness for EPA's Advanced Notice of Proposed Rulemaking, Assessment of Anticipated Visibility Improvements at Surrounding Class I Areas and Cost Effectiveness of Best Available Retrofit Technology for Four Corners Power Plant and Navajo Generating Station, 74 FR 44313 (August 28, 2009).
- Researched and wrote comments on Proposed Rule for Standards of Performance for Coal Preparation and Processing Plants, 74 FR 25304 (May 27, 2009).
- Prepared comments on draft PSD permit for major expansion of midwest refinery to process up to 100% tar sands crudes. Participated in development of monitoring and controls to mitigate impacts and in negotiating a Consent Decree to settle claims in 2008.
- Reviewed and assisted interested parties prepare comments on proposed Kentucky air toxic regulations at 401 KAR 64:005, 64:010, 64:020, and 64:030 (June 2007).
- Prepared comments on proposed Standards of Performance for Electric Utility Steam Generating Units and Small Industrial-Commercial-Industrial Steam Generating Units, 70 FR 9706 (February 28, 2005).
- Prepared comments on Louisville Air Pollution Control District proposed Strategic Toxic Air Reduction regulations.
- Prepared comments and analysis of BAAQMD Regulation, Rule 11, Flare Monitoring at Petroleum Refineries.

- Prepared comments on Proposed National Emission Standards for Hazardous Air Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electricity Utility Steam Generating Units (MACT standards for coal-fired power plants).
- Prepared Authority to Construct Permit for remediation of a large petroleum-contaminated site on the California Central Coast. Negotiated conditions with agencies and secured permits.
- Prepared Authority to Construct Permit for remediation of a former oil field on the California Central Coast. Participated in negotiations with agencies and secured permits.
- Prepared and/or reviewed hundreds of environmental permits, including NPDES, UIC, Stormwater, Authority to Construct, Prevention of Significant Deterioration, Nonattainment New Source Review, Title V, and RCRA, among others.
- Participated in the development of the CARB document, *Guidance for Power Plant Siting and Best Available Control Technology*, including attending public workshops and filing technical comments.
- Performed data analyses in support of adoption of emergency power restoration standards by the California Public Utilities Commission for "major" power outages, where major is an outage that simultaneously affects 10% of the customer base.
- Drafted portions of the Good Neighbor Ordinance to grant Contra Costa County greater authority over safety of local industry, particularly chemical plants and refineries.
- Participated in drafting BAAQMD Regulation 8, Rule 28, Pressure Relief Devices, including participation in public workshops, review of staff reports, draft rules and other technical materials, preparation of technical comments on staff proposals, research on availability and costs of methods to control PRV releases, and negotiations with staff.
- Participated in amending BAAQMD Regulation 8, Rule 18, Valves and Connectors, including participation in public workshops, review of staff reports, proposed rules and other supporting technical material, preparation of technical comments on staff proposals, research on availability and cost of low-leak technology, and negotiations with staff.
- Participated in amending BAAQMD Regulation 8, Rule 25, Pumps and Compressors, including participation in public workshops, review of staff reports, proposed rules, and other supporting technical material, preparation of technical comments on staff proposals, research on availability and costs of low-leak and seal-less technology, and negotiations with staff.
- Participated in amending BAAQMD Regulation 8, Rule 5, Storage of Organic Liquids, including participation in public workshops, review of staff reports, proposed rules, and other supporting technical material, preparation of technical comments on staff proposals, research

on availability and costs of controlling tank emissions, and presentation of testimony before the Board.

- Participated in amending BAAQMD Regulation 8, Rule 18, Valves and Connectors at Petroleum Refinery Complexes, including participation in public workshops, review of staff reports, proposed rules and other supporting technical material, preparation of technical comments on staff proposals, research on availability and costs of low-leak technology, and presentation of testimony before the Board.
- Participated in amending BAAQMD Regulation 8, Rule 22, Valves and Flanges at Chemical Plants, etc, including participation in public workshops, review of staff reports, proposed rules, and other supporting technical material, preparation of technical comments on staff proposals, research on availability and costs of low-leak technology, and presentation of testimony before the Board.
- Participated in amending BAAQMD Regulation 8, Rule 25, Pump and Compressor Seals, including participation in public workshops, review of staff reports, proposed rules, and other supporting technical material, preparation of technical comments on staff proposals, research on availability of low-leak technology, and presentation of testimony before the Board.
- Participated in the development of the BAAQMD Regulation 2, Rule 5, Toxics, including participation in public workshops, review of staff proposals, and preparation of technical comments.
- Participated in the development of SCAQMD Rule 1402, Control of Toxic Air Contaminants from Existing Sources, and proposed amendments to Rule 1401, New Source Review of Toxic Air Contaminants, in 1993, including review of staff proposals and preparation of technical comments on same.
- Participated in the development of the Sunnyvale Ordinance to Regulate the Storage, Use and Handling of Toxic Gas, which was designed to provide engineering controls for gases that are not otherwise regulated by the Uniform Fire Code.
- Participated in the drafting of the Statewide Water Quality Control Plans for Inland Surface Waters and Enclosed Bays and Estuaries, including participation in workshops, review of draft plans, preparation of technical comments on draft plans, and presentation of testimony before the SWRCB.
- Participated in developing Se permit effluent limitations for the five Bay Area refineries, including review of staff proposals, statistical analyses of Se effluent data, review of literature on aquatic toxicity of Se, preparation of technical comments on several staff proposals, and presentation of testimony before the Bay Area RWQCB.
- Represented the California Department of Water Resources in the 1991 Bay-Delta Hearings before the State Water Resources Control Board, presenting sworn expert testimony with

cross examination and rebuttal on a striped bass model developed by the California Department of Fish and Game.

- Represented the State Water Contractors in the 1987 Bay-Delta Hearings before the State Water Resources Control Board, presenting sworn expert testimony with cross examination and rebuttal on natural flows, historical salinity trends in San Francisco Bay, Delta outflow, and hydrodynamics of the South Bay.
- Represented interveners in the licensing of over 20 natural-gas-fired power plants and one coal gasification plant at the California Energy Commission and elsewhere. Reviewed and prepared technical comments on applications for certification, preliminary staff assessments, final staff assessments, preliminary determinations of compliance, final determinations of compliance, and prevention of significant deterioration permits in the areas of air quality, water supply, water quality, biology, public health, worker safety, transportation, site contamination, cooling systems, and hazardous materials. Presented written and oral testimony in evidentiary hearings with cross examination and rebuttal. Participated in technical workshops.
- Represented several parties in the proposed merger of San Diego Gas & Electric and Southern California Edison. Prepared independent technical analyses on health risks, air quality, and water quality. Presented written and oral testimony before the Public Utilities Commission administrative law judge with cross examination and rebuttal.
- Represented a PRP in negotiations with local health and other agencies to establish impact of subsurface contamination on overlying residential properties. Reviewed health studies prepared by agency consultants and worked with agencies and their consultants to evaluate health risks.

WATER QUALITY/RESOURCES

- Directed and participated in research on environmental impacts of energy development in the Colorado River Basin, including contamination of surface and subsurface waters and modeling of flow and chemical transport through fractured aquifers.
- Played a major role in Northern California water resource planning studies since the early 1970s. Prepared portions of the Basin Plans for the Sacramento, San Joaquin, and Delta basins including sections on water supply, water quality, beneficial uses, waste load allocation, and agricultural drainage. Developed water quality models for the Sacramento and San Joaquin Rivers.
- Conducted hundreds of studies over the past 40 years on Delta water supplies and the impacts of exports from the Delta on water quality and biological resources of the Central Valley, Sacramento-San Joaquin Delta, and San Francisco Bay. Typical examples include:

    1. Evaluate historical trends in salinity, temperature, and flow in San Francisco Bay and upstream rivers to determine impacts of water exports on the estuary;

2. Evaluate the role of exports and natural factors on the food web by exploring the relationship between salinity and primary productivity in San Francisco Bay, upstream rivers, and ocean;
3. Evaluate the effects of exports, other in-Delta, and upstream factors on the abundance of salmon and striped bass;
4. Review and critique agency fishery models that link water exports with the abundance of striped bass and salmon;
5. Develop a model based on GLMs to estimate the relative impact of exports, water facility operating variables, tidal phase, salinity, temperature, and other variables on the survival of salmon smolts as they migrate through the Delta;
6. Reconstruct the natural hydrology of the Central Valley using water balances, vegetation mapping, reservoir operation models to simulate flood basins, precipitation records, tree ring research, and historical research;
7. Evaluate the relationship between biological indicators of estuary health and down-estuary position of a salinity surrogate (X2);
8. Use real-time fisheries monitoring data to quantify impact of exports on fish migration;
9. Refine/develop statistical theory of autocorrelation and use to assess strength of relationships between biological and flow variables;
10. Collect, compile, and analyze water quality and toxicity data for surface waters in the Central Valley to assess the role of water quality in fishery declines;
11. Assess mitigation measures, including habitat restoration and changes in water project operation, to minimize fishery impacts;
12. Evaluate the impact of unscreened agricultural water diversions on abundance of larval fish;
13. Prepare and present testimony on the impacts of water resources development on Bay hydrodynamics, salinity, and temperature in water rights hearings;
14. Evaluate the impact of boat wakes on shallow water habitat, including interpretation of historical aerial photographs;
15. Evaluate the hydrodynamic and water quality impacts of converting Delta islands into reservoirs;
16. Use a hydrodynamic model to simulate the distribution of larval fish in a tidally influenced estuary;
17. Identify and evaluate non-export factors that may have contributed to fishery declines, including predation, shifts in oceanic conditions, aquatic toxicity from

pesticides and mining wastes, salinity intrusion from channel dredging, loss of riparian and marsh habitat, sedimentation from upstream land alternations, and changes in dissolved oxygen, flow, and temperature below dams.

- Developed, directed, and participated in a broad-based research program on environmental issues and control technology for energy industries including petroleum, oil shale, coal mining, and coal slurry transport. Research included evaluation of air and water pollution, development of novel, low-cost technology to treat and dispose of wastes, and development and application of geohydrologic models to evaluate subsurface contamination from in-situ retorting. The program consisted of government and industry contracts and employed 45 technical and administrative personnel.
- Coordinated an industry task force established to investigate the occurrence, causes, and solutions for corrosion/erosion and mechanical/engineering failures in the waterside systems (e.g., condensers, steam generation equipment) of power plants. Corrosion/erosion failures caused by water and steam contamination that were investigated included waterside corrosion caused by poor microbiological treatment of cooling water, steam-side corrosion caused by ammonia-oxygen attack of copper alloys, stress-corrosion cracking of copper alloys in the air cooling sections of condensers, tube sheet leaks, oxygen in-leakage through condensers, volatilization of silica in boilers and carry over and deposition on turbine blades, and iron corrosion on boiler tube walls. Mechanical/engineering failures investigated included: steam impingement attack on the steam side of condenser tubes, tube-to-tube-sheet joint leakage, flow-induced vibration, structural design problems, and mechanical failures due to stresses induced by shutdown, startup and cycling duty, among others. Worked with electric utility plant owners/operators, condenser and boiler vendors, and architect/engineers to collect data to document the occurrence of and causes for these problems, prepared reports summarizing the investigations, and presented the results and participated on a committee of industry experts tasked with identifying solutions to prevent condenser failures.
- Evaluated the cost effectiveness and technical feasibility of using dry cooling and parallel dry-wet cooling to reduce water demands of several large natural-gas fired power plants in California and Arizona.
- Designed and prepared cost estimates for several dry cooling systems (e.g., fin fan heat exchangers) used in chemical plants and refineries.
- Designed, evaluated, and costed several zero liquid discharge systems for power plants.
- Evaluated the impact of agricultural and mining practices on surface water quality of Central Valley steams. Represented municipal water agencies on several federal and state advisory committees tasked with gathering and assessing relevant technical information, developing work plans, and providing oversight of technical work to investigate toxicity issues in the watershed.

AIR QUALITY/PUBLIC HEALTH

- Prepared or reviewed the air quality and public health sections of hundreds of EIRs and EISs on a wide range of industrial, commercial and residential projects.
- Prepared or reviewed hundreds of NSR and PSD permits for a wide range of industrial facilities.
- Designed, implemented, and directed a 2-year-long community air quality monitoring program to assure that residents downwind of a petroleum-contaminated site were not impacted during remediation of petroleum-contaminated soils. The program included real-time monitoring of particulates, diesel exhaust, and BTEX and time integrated monitoring for over 100 chemicals.
- Designed, implemented, and directed a 5-year long source, industrial hygiene, and ambient monitoring program to characterize air emissions, employee exposure, and downwind environmental impacts of a first-generation shale oil plant. The program included stack monitoring of heaters, boilers, incinerators, sulfur recovery units, rock crushers, API separator vents, and wastewater pond fugitives for arsenic, cadmium, chlorine, chromium, mercury, 15 organic indicators (e.g., quinoline, pyrrole, benzo(a)pyrene, thiophene, benzene), sulfur gases, hydrogen cyanide, and ammonia. In many cases, new methods had to be developed or existing methods modified to accommodate the complex matrices of shale plant gases.
- Conducted investigations on the impact of diesel exhaust from truck traffic from a wide range of facilities including mines, large retail centers, light industrial uses, and sports facilities. Conducted traffic surveys, continuously monitored diesel exhaust using an aethalometer, and prepared health risk assessments using resulting data.
- Conducted indoor air quality investigations to assess exposure to natural gas leaks, pesticides, molds and fungi, soil gas from subsurface contamination, and outgasing of carpets, drapes, furniture and construction materials. Prepared health risk assessments using collected data.
- Prepared health risk assessments, emission inventories, air quality analyses, and assisted in the permitting of over 70 1 to 2 MW emergency diesel generators.
- Prepare over 100 health risk assessments, endangerment assessments, and other health-based studies for a wide range of industrial facilities.
- Developed methods to monitor trace elements in gas streams, including a continuous real-time monitor based on the Zeeman atomic absorption spectrometer, to continuously measure mercury and other elements.
- Performed nuisance investigations (odor, noise, dust, smoke, indoor air quality, soil contamination) for businesses, industrial facilities, and residences located proximate to and downwind of pollution sources.

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Webinar: Coal-to-Gas Switching: What You Need to Know to Make the Investment, sponsored by PennWell Power Engineering Magazine, March 14, 2013. Available at: https://event.webcasts.com/viewer/event.jsp?ei=1013472.

Response to Letter B-8B

Responsible Growth in Marin
Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith
Attachment 1 to Letter B-8A, Phyllis Fox
March 4, 2024

Response B-8B-1

This introductory comment, which provides the qualifications of the commenter and references an attached resume, is noted. The comment also generally summarizes the commenter's opinion that the Draft EIR is inadequate and does not provide sufficient mitigation measures, in particular due to reliance on an improper baseline. As such, the commenter states that impacts related to traffic, noise, and air quality among other topics, are underestimated. More specific comments provided later in Letter B-8B are responded to in subsequent responses. Refer to Responses B-8B-3 through B-8B-53. Refer to Response B-3-15 regarding Public Records Act (PRA) requests. Also refer to Master Responses 3 and 4 regarding the environmental baseline and transportation methodology, respectively, and Master Response 8 regarding the adequacy of the Draft EIR.

Letter B-8B also includes a number of attachments and these are noted.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-2

This comment, which primarily summarizes existing conditions in the project area and the proposed project as described in the Draft EIR and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Footnotes 9 and 13 claim that the Draft EIR inaccurately describes the number of stories for the existing RH Outlet and Macy's buildings. It is true that the interior spaces of these retail buildings include three levels of merchandise and support space. However, from the exterior, the buildings appear as two stories and are at heights consistent with a two-story building. This difference in the description of interior and exterior levels/stories does not materially affect the analysis in the Draft EIR because existing conditions photos are accurately represented and the total square footage of demolition debris is also accurately calculated.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-3

This comment, which states the Draft EIR fails to adequately describe the proposed project and fails to properly establish the project's environmental setting, is noted. Specific comments related to this concern are provided later in Letter B-8B and are responded to in Responses B-8B-4 through

B-8B-10. Also refer to Master Response 3 regarding the environmental baseline and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-4

This comment states that the Draft EIR does not adequately consider the buildout schedule for Phase 2 development of the proposed project, based on the commenter's assumption that construction and operation of Phase 2 could occur sooner or later than described in the Draft EIR, or even that construction of Phase 2 could overlap with construction of Phase 1. The proposed project construction and phasing schedules are clearly identified in Chapter 3.0, Project Description, of the Draft EIR. As described throughout the Draft EIR, Phase 1 represents the immediate demolition, construction, and operational plans for redevelopment of the site, which would be initiated as soon as entitlements are approved. Although this initial phase could occur later than described in the Draft EIR, the analysis is conservative in that an earlier start date represents a "worst case" scenario in terms of emissions outputs, as the commenter correctly notes that emissions are reduced over time as vehicle fleets become cleaner and more stringent standards are applied. The same is true for development of Phase 2, which represents the longer term vision for the proposed project buildout. Phase 2 is assumed to begin no sooner than 2030, although the construction start date could be later depending on when Phase 1 is completed. The Draft EIR analyzes the project as proposed, including the potential phasing of demolition, construction, and occupancy for both the 2025 Master Plan and 2040 Vision Plan. The Draft EIR does not need to analyze every possible scenario, but must analyze the project as proposed, and any reasonably foreseeable project outcome. At this time, there is no proposal for concurrent construction of Phase 1 or 2 and no proposal to begin Phase 2 any sooner than 2030. In the event that the development phasing plan substantially changes (e.g., overlapping construction of Phases 1 or 2, or any other substantial deviation from the project application as described in Chapter 3.0, Project Description, and analyzed in the Draft EIR), additional environmental review may be required. It would be overly speculative to evaluate earlier construction of Phase 2 and there is no basis for selecting a different start date; in fact, the comment notes that the lease for Macy's may delay Phase 2 beyond 2030 (footnote 22).

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-5

This comment states that the Draft EIR does not include visual simulations of the project as seen from within the project site. As described in previous responses, the analysis focuses on baseline existing conditions, and CEQA does not evaluate the impacts of a project on itself, absent an applicable City policy or regulation governing such an effect. This is a comment on the project design; please refer to Master Response 2 regarding the merits of the project. Further, see Responses B-2-3 and B-6-6, which further address the purpose and selection of visual simulations to aid in the analysis of project impacts to visual resources.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-6

This comment states that the visual simulations of the project are inadequate, do not consider the views and privacy of residents on Nova Albion Way and Sao Augustine Way, and do not depict the proposed Residential Parcel 4 building as seen from Las Gallinas Avenue.

As explained on page 4.3-20 of the Draft EIR, private views are not protected scenic views pursuant to CEQA and are not discussed in the Draft EIR analysis. Further, Viewpoint 6 depicts the representative existing and proposed project views as seen from public vantage points within the residential neighborhood along Nova Albion Way, and it was determined that the project's impacts on scenic vistas from these locations would be less than significant. Also refer to Responses B-2-3 and B-6-6, which further address the purpose and selection of visual simulations to aid in the analysis of project impacts to visual resources. As described in those responses, visual simulations of the project as seen from immediately surrounding roadways would not aid in the analysis of visual impacts or change the impact conclusion. See Viewpoint 4 for a view simulation of the project from Merrydale Road, which depicts the proposed Residential Parcel 4 building at a distance that provides a meaningful visualization of the change to scenic vistas. Regarding the comment that the proposed Residential Parcel 4 building along with the existing Mt. Olivet San Rafael Cemetery would create a tunnel-like effect on Las Gallinas Avenue, this comment relates to the project design and setbacks. Refer to Master Response 2 regarding the merits of the project. Refer to Response B-6-7 regarding story poles, which are not required by the City.

Regarding privacy of existing residences, this also is not a CEQA impact but is addressed through General Plan Policy CDP-1.5: Views, and corresponding Program CDP-1.5A, Evaluating View Impacts, which are identified as applicable policies and programs on page 4.3-17 of the Draft EIR. The Draft EIR correctly states that privacy would not be greatly reduced for the residential neighborhoods surrounding the site primarily because of the existing topography and vegetation. Regarding the one-story, single-family residences on Nova Albion Way near the intersection of Northgate Drive, and similar residences along Sao Augustine Way that are immediately across from the project site and the location of the proposed Residential Parcel 2 buildings, privacy for these homes would also not be greatly reduced. Many of these homes are already screened from Northgate Drive by existing mature vegetation and fencing. The Residential Parcel 2 buildings would be no taller than 35 feet in height and would be set back from Northgate Drive. Street trees would provide additional screening and line Northgate Drive, which is approximately 58 feet in width. Similarly, the proposed Residential 3 building, at 68 feet in height, would be farther away from these residences and similarly screened at the property line. Further, the six-story building would be across from a three-story elder care facility and not directly across from the single-family homes. Due to the height of the proposed structures, existing and proposed vegetation, and the distance between the proposed buildings and the existing residences, a reduction in privacy would be minimized to the extent feasible, consistent with General Plan Policy and Program CDP-1.5A. Although the comment states that privacy for these homes would be reduced, the comment does not provide any evidence that

this would be the case. Refer to Master Response 6 regarding speculation without substantial evidence.

Further, as noted on page 4.1-1 of the Draft EIR, policy conflicts are considered to be environmental impacts when the policies were adopted for the purpose of avoiding or reducing environmental impacts and the conflicts would result in direct physical effects. City decision-makers will evaluate the proposed project in the context of the General Plan and, as part of the development review process for the proposed project, will consider policy conflicts (if any) independently of the environmental review process.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-7

This comment references additional application materials that are available on the City's website for the proposed project (https://www.cityofsanrafael.org/northgate-town-square-rev/). All project application materials are incorporated into the Draft EIR by reference (refer to Draft EIR page 3-26) and do not need to be individually cited. Regarding additional materials that depict the design of the proposed project, these materials will be reviewed by the Planning Commission as it considers the project design and potential project approval, which is a separate process from the Final EIR certification. Regarding the file size and accessibility of the project plans on the City website, this comment is noted. Paper copies of the project plans are also available at the City during regular business hours.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-8

This comment summarizes various aspects of the proposed project and highlights the potential use of "fire features" as described throughout the Draft EIR. These features are included in the project design as evaluated in the Draft EIR, but would be prohibited through implementation of Mitigation Measure GHG-1. Furthermore, the revised project no longer includes fire pits fueled by natural gas or any other source; therefore, this measure has effectively been implemented in the revised project plans (refer to Chapter 2.0, Revised Project, of this RTC Document).

The comment further states that for Mitigation Measure GHG-1 to achieve its intent of reducing greenhouse gas (GHG) emissions by prohibiting the use of fossil fuels in recreational fire features (or fire pits), it must, in addition to natural gas, also prohibit the use of other fossil fuels such as propane, charcoal, and coal that could be used alternatively. The Bay Area Air Quality Management District's (BAAQMD's) rationale for limiting new installation of natural gas lines is based on their determination that this design element would need to be incorporated into the project in order to lay the foundation for achieving carbon neutrality by 2045. Because GHG emissions from the land use sector come primarily from building energy use and from transportation, these are the areas

that need to be evaluated to ensure that the project can and will be carbon neutral. With respect to building energy use, this can be achieved by replacing natural gas with electric power and by eliminating inefficient or wasteful energy usage. According to the BAAQMD, this will support California's transition away from fossil fuel–based energy sources and will bring the project's GHG emissions associated with building energy use down to zero as the State's electric supply becomes 100 percent carbon free. Therefore, as part of the BAAQMD's design element thresholds, which are described on page 4.11-17 of the Draft EIR, in order for a project to have a less than significant impact related to GHG emissions, a project must not include natural gas appliances or natural gas plumbing, which is a requirement of Mitigation Measure GHG-1 for the recreational use (which has since been eliminated from the project design). The BAAQMD thresholds do not address the use of other fuels such as propane, charcoal, or coal. However, the use of these fuel sources are controlled by BAAQMD under Regulation 8, Rule 1, which limits the emissions of organic compounds to the atmosphere.[31] Current regulations do not prohibit these other fuels at this time. As such, identification and analysis of additional measures suggested in the comment would not be required.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-9

This comment generally states that the Draft EIR does not properly establish the environmental setting because it relies on baseline conditions that are inaccurate and thus project impacts related to transportation and air quality, among others, are underestimated. The comment also references various data and studies and provides an opinion that the Northgate Mall site and other malls in the country are experiencing a decline; these comments are noted. The comment also includes photographs of vacant parking lots and food court areas at Northgate Mall; these photographs are noted although the time and date of the photographs could not be independently verified by the City. Further, parking lot vacancies are not an indicator of actual mall vacancies.

Please refer to Master Responses 3 and 4 regarding the baseline environmental setting and the transportation methodology relied upon in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-10

This comment, which provides data and cites past studies that discuss roadway operations in the vicinity of the site and seems to suggest that these studies should be considered in the more recent transportation analysis methodology utilized for the proposed project in the Draft EIR, is noted. The

[31] Bay Area Air Quality Management District (BAAQMD). 2021. Regulation 8 Organic Compounds, Rule 1 General Provisions. November 3. Website: https://www.baaqmd.gov/~/media/dotgov/files/rules/refinery-rules-definitions/rg0801_20211103-pdf.pdf?rev=06d430b39596487e8b921f0421f6558f&sc_lang=en (accessed May 2024).

comment also requests more information related to a "September 2021 study." Please note that there is no separate study in addition to the Transportation Impact Study (TIS) and Transportation Operations Study (TOS) referenced in the Draft EIR and included as Appendices F and H.

The transportation analysis for the proposed project began in July 2021, when a Memorandum of Traffic Assumptions (MTA) was prepared containing a project description, trip generation and distribution assumptions, outline of future volume derivation and analysis methodologies, study area and periods, and a list of tasks to be included in the study effort. This MTA was presented to the City, and the City provided comments resulting in adjustments to the trip generation and distribution assumptions. The MTA was then updated by the project sponsor on October 11, 2021, and subsequently approved by the City. After the MTA was approved, the project underwent some minor adjustments to residential unit counts and retail square footage; the trip generation and resulting volumes were updated accordingly though it is noted that the methodology used has not been modified since the MTA. It is further noted that model-generated volumes that reflect full development of the area were used in the analysis. These volumes exceed the intersection counts used for existing conditions and are generally quite conservative. Even under these higher volumes the project was determined to have no adverse effects on operation that could not be addressed. Please refer to Master Response 4 regarding the transportation analysis methodology in the Draft EIR and the use of the 2021 traffic counts that were conducted for the project.

This comment does not provide evidence that the analysis is inadequate or explain how the studies mentioned would change conclusions in the Draft EIR, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-11

This comment, which states that the supporting modeling output data included in Appendix I, Air Quality and Greenhouse Gas Emissions (AQ/GHG) Technical Report, of the Draft EIR is difficult to review due to the volume and presentation of the data, is noted. As stated on page 4.10-37 of the Draft EIR, the full methodology for the construction Health Risk Assessment (HRA) is provided on pages 51 through 53 in Appendix I, and the principal parameters of the modeling are presented in Table 14. Additionally, Appendix B of the AQ/GHG Technical Report identifies a table of contents for the HRA appendix files and provides summary tables on pages 2 through 4. The PDF files consist of the HRA model output.

Reviewing the California Emissions Estimator Model (CalEEMod) report results as PDFs is the recommended review approach to understand all key inputs and outputs that support the proposed project's air quality and GHG emissions analyses. Because the detailed result PDFs were generated at the time of analysis preparation, this is the most accurate method for review because the inputs and outputs were generated using the same CalEEMod version. It is important to note that CalEEMod input files uploaded today may not produce the same results provided in the Draft EIR analysis prepared for the project, as further explained below.

The current version of CalEEMod is web-based (available here: https://www.caleemod.com/). The web-based version is frequently updated by the host, which provides release notes regarding

updates and version history (available here: https://www.caleemod.com/release-notes). The current version of CalEEMod is Version 2022.1.1.26, released July 7, 2024. The version of CalEEMod used for the Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report (August 2023) was CalEEMod Version 2022.1.1.16, released August 8, 2023.

Currently, there is no way to access older model versions of CalEEMod to run a parallel analysis as conducted for the project's air quality and GHG emissions analyses. The technical specialists that prepared the Technical Report cannot guarantee that CalEEMod input *.json files when uploaded into the current CalEEMod web-based version will result in the same estimated emissions as presented in the project's air quality and GHG emissions analyses for all pollutants and all result types. Regardless, the technical specialists used the current, best available industry standard model at the time the Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report was prepared. Discrepancies between CalEEMod results from uploading provided *.json files could occur, but this does not represent an error in modeling or associated analysis.

Prior to the 2022 release of CalEEMod, the model was a desktop version, which was less frequently updated than the current web-based version. Major CalEEMod updates that occurred after its initial release in 2011 included updates in 2013, 2016, and 2020. Smaller updates occurred to fix bugs in between the more substantial updates. For each model version, including both major and minor updates, users could access and operate prior CalEEMod versions if running a parallel analysis was desired. While it was not guaranteed that the CalEEMod versions 2011 through 2020 would result in the same emissions for all pollutants under all scenarios, because the user was able to access a previous desktop version, there was a higher probability that results would be the same or similar. Because CalEEMod 2022 has been updated 25 times since its soft release in May 2022, which included some substantial bug fixes, and users cannot access previous web-based versions, the probability that results would be the same when users are uploading prior version-created *.json files is substantially reduced compared to the previous desktop version. Accordingly, current CalEEMod-review recommendations are to review the PDF results generated at the time the CalEEMod run was completed rather than uploading an older *.json file into the current CalEEMod version.

Given the above, it is neither required nor appropriate to provide model input files in their raw form. Further, as stated in Section 15147 of the *State CEQA Guidelines*, "The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR." As such, the appropriate supporting documentation was included and available to reviewers of the Draft EIR. Also refer to Response B-3-15 regarding PRA requests.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-12

This comment incorrectly states that the Draft EIR does not provide printouts for the spreadsheets that were prepared to support the summary tables for construction and operational emissions presented in Section 4.10, Air Quality. Model output spreadsheets that support the summary tables for construction and operational emissions presented in Section 4.10, Air Quality, of the Draft EIR (Tables 4.10.E through 4.10.H in the Draft EIR and Tables 15 through 17 in the Air Quality and Greenhouse Gas Emissions [AQ/GHG] Technical Report) were provided, though the Excel spreadsheets were not (and are not typically provided; refer to Response B-8B-11). The data in Tables 4.10.E through 4.10.H in the Draft EIR (and Tables 15 through 17 in the AQ/GHG Technical Report) are based on the CalEEMod output sheets contained in Appendix A of the AQ/GHG Technical Report (Appendix I of the Draft EIR). Additionally, as demonstrated in Table 4.10.E of the Draft EIR, mitigation was only required for construction of Phase 1 and was not required for construction of Phase 2; therefore, mitigated CalEEMod runs were not needed for Phase 2. As such, all CalEEMod output files were included in Appendix A of the AQ/GHG Technical Report and providing CalEEMod outputs as a PDF instead of an Excel spreadsheet is appropriate.

Further, as discussed on pages 10 and 11 of the CalEEMod User's Guide for CalEEMod version 2022.1, CalEEMod was designed to allow the user to change the defaults to reflect site- or project-specific information when available. As discussed in the CalEEMod User's Guide, if the user chooses to modify any defaults, an explanation will be required in the Justification box. Modifications to defaults and the explanations are noted in the output report. Further, the User's Guide states that comments are important because they show the user's justification for the modifications, which allows reviewers the ability to determine whether the modifications are appropriate and sufficiently supported. Section 8.0, User Changes to Default Data, of the CalEEMod outputs identifies the user changes that were made to CalEEMod. As such, the reviewer has the ability to see any changes to model defaults and the raw Excel files are not necessary for the public or decision-makers to adequately review and evaluate the methodology and data. Also refer to Response B-8B-11.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-13

This comment claims that the Draft EIR does not provide any tables for the contribution of individual project phases, activities, or equipment to support the summary tables with total estimated emissions presented in Section 4.10, Air Quality and Section 4.11, Greenhouse Gas Emissions, of the Draft EIR. For construction, the commenter claims that such supporting tables should include emission estimates for construction equipment, haul trucks, worker commuter vehicles, and architectural coatings. For operations, the commenter claims that supporting tables should include, for example, estimates for emissions to provide electricity, water and waste disposal; refrigerant emissions; area source emissions (e.g., from consumer products); and stationary sources (e.g., generators).

The commenter is incorrect that estimated project emissions need to be broken down by construction equipment, haul trucks, worker commuter vehicles, and architectural coatings for

construction. CalEEMod has built-in default assumptions for off-road construction equipment usage, on-road vehicle travel, material movement, demolition, architectural coating, paving, and electricity consumption. These emission sources are associated with the different construction phases evaluated as part of the proposed project and are shown in the CalEEMod output (Appendix A of the Air Quality and Greenhouse Gas Emissions [AQ/GHG] Technical Report [Appendix I of the Draft EIR]). However, the BAAQMD thresholds are based on average construction emissions. As such, the construction emissions summary data shown in Tables 4.10.E and 4.10.F of the Draft EIR provides the emissions by year, consistent with the BAAQMD guidelines. The annual construction emissions are calculated based on the average emissions for each construction phase and the associated emission sources. Therefore, annual emissions account for all construction equipment including haul trucks, worker commuter vehicles, and architectural coatings for construction and do not need to be further broken down.

Additionally, as shown in Table 4.10.F, with implementation of Mitigation Measure AIR-3a (as modified; refer to Responses B-8B-26 and B-8B-42), which requires the use of Tier 4 Final engines during operation of construction equipment, and Mitigation Measure AIR-3b, which requires that interior paints and other architectural coatings be low-volatile organic compounds (VOC) coatings, limited to 50 grams per liter or less of VOCs, construction criteria pollutant emissions associated with the proposed project would be reduced to below the established thresholds. In addition, as discussed on page 4.11-22 of the Draft EIR, GHG emissions generated during construction of the proposed project would be short term in nature, lasting only for the duration of the construction period, and would not represent a long-term source of GHG emissions. Further, as discussed on page 4.11-22, the BAAQMD has not addressed emissions thresholds for construction in its CEQA Air Quality Guidelines; however, the BAAQMD encourages quantification and disclosure. Therefore, an estimate of the potential GHG emissions that could result from implementation of the proposed project was completed for the proposed project and is included in the AQ/GHG Technical Report (Appendix I) for reference. Further, the CalEEMod output provides construction emissions details by project construction phase (e.g., demolition, site preparation, grading, building construction, paving, and architectural coating) in Section 3.0, Construction Emissions Details. As such, the Draft EIR properly evaluated the proposed project's potential construction-related air quality and GHG impacts.

This comment also states that for operations, supporting tables should include, for example, estimates for emissions to provide electricity, water, and waste disposal; refrigerant emissions; area source emissions (e.g., from consumer products); and stationary sources (e.g., generators). Tables 4.10.G and 4.10.H of the Draft EIR provide the proposed project's estimated long-term air pollutant emissions impacts associated with area, energy, and mobile source emissions. No new generators are proposed. As shown in the CalEEMod output, CalEEMod does not provide criteria pollutant emissions associated with water or waste sources. Additionally, as discussed on page 4.11-22 of the Draft EIR, the GHG emissions impact analysis for the proposed project focuses on comparing the project design to the recommended project design thresholds established by the BAAQMD. However, the estimated operational emissions from the proposed project were estimated using CalEEMod and are included in the AQ/GHG Technical Report (Appendix I) for informational purposes. The proposed project's estimated GHG emissions shown in Table 29 of the AQ/GHG Technical Report present the area, energy, mobile, waste, water, and refrigerant source emissions.

As such, the Draft EIR properly evaluated the proposed project's potential operational air quality and GHG impacts.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-14

This comment states that the City did not provide all of the underlying technical data supporting the Draft EIR analysis, specifically electronic Excel files related to the air quality and GHG analyses modeling data, and states the opinion that these files are necessary to review the analysis and conclusions presented in the Draft EIR. The City provided all requested information in its possession, or in the possession of its consultants, either as part of the Draft EIR and supporting appendices, or in response to the PRA requests. Further, the comment references the City's EIR consultant scope of work, which details the peer review of all applicant-prepared studies that are used to support the Draft EIR analysis. As discussed in Responses B-8B-12 and B-8B-13, the raw Excel files are not necessary to properly review the assumptions, methodology, or conclusions presented in the Air Quality and Greenhouse Gas Emissions (AQ/GHG) Technical Report and these files were not requested or reviewed by, nor are they in the possession of, the City's technical EIR consultants or the City. The City and its EIR consultants did not rely on the data in this form in order to deem the technical studies to be adequate for use in the CEQA analysis or require the data to prepare the Draft EIR analysis, and having data in this form is not necessary for the Draft EIR analyses and conclusions to be accurate. Therefore, the raw Excel data were not used to prepare the Draft EIR and are therefore not part of the Administrative Record.

Additionally, such files are complex and could easily be misinterpreted or misused to arrive at false conclusions, and therefore are not commonly shared as part of an Administrative Record supporting a CEQA document. Occasionally, responsible agencies with jurisdiction over the air quality and GHG emissions generated by a project, such as the BAAQMD in this case, may request such data to aid in their review of a CEQA document; however, the BAAQMD did not request this data for the proposed project. While other agencies may voluntarily provide such information, the City is not obligated to produce new records or reports (e.g., the Excel files or a user guide) in response to a PRA request.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-15

This introductory comment, which claims that the Draft EIR's analysis and mitigation of impacts related to air quality is inadequate and includes inaccuracies, is noted. More specific comments related to this concern are addressed in Responses B-8B-16 through B-8B-42.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-16

This comment states that the Phase 1 construction durations presented in the air quality and noise analyses are inconsistent (19 months versus 28 months). This comment also explains that the Draft EIR provides average daily emissions for Phase 1 and Phase 2 construction in pounds per day (lbs/day) for unmitigated emissions in Table 4.10.E for each project construction component. In Table 4.10.F, the Draft EIR presents average daily mitigated emissions for each building that would be constructed during Phase 1. The comment states that the Draft EIR explains how these emissions were calculated in notes below Tables 4.10.E and 4.10.F, which state that the values shown are average daily emissions based on total overall tons of construction emissions, converted to pounds, and divided by the estimated active workdays. The comment claims that this method of calculating average daily emissions is not consistent with guidance provided by the BAAQMD's 2022 CEQA Air Quality Guidelines, which require that average daily emissions be evaluated separately for each year of the construction period.

The Notice of Preparation (NOP) for the project was published December 9, 2021. Although the 2022 BAAQMD CEQA Air Quality Guidelines are referenced in the Draft EIR, the methodology used to estimate construction emissions in the Air Quality and Greenhouse Gas Emissions (AQ/GHG) Technical Report was based on guidance available at the time of the NOP. Based on the 2017 BAAQMD CEQA Air Quality Guidelines,[32] following quantification of project-generated construction emissions, the total average daily emissions of each criteria pollutant and precursor should be compared with the applicable threshold of significance. This guidance included a recommendation that the project construction emissions be compared to the average daily emissions of the proposed project, but was not specific in the calculation methodology. Section 4.10, Air Quality of the Draft EIR and the supporting AQ/GHG Technical Report (Appendix I of the Draft EIR) includes a methodology whereby the total construction emissions for the project are divided by the estimated active workdays. The estimated emissions are presented in Table 4.10.E of the Draft EIR. While the updated BAAQMD guidance[33] includes a specific recommendation that the annual modeling outputs for each year of construction be divided by the working days of construction in each year, this guidance was not included in the former version of the BAAQMD CEQA Air Quality Guidelines and was not in place at the time that the NOP was published or at the time that the technical study was prepared. The methodology utilized in the Draft EIR analysis is consistent with the available guidance and modeling of the time of the analysis and accurately represents construction emissions generated by the project.

This comment goes on to state that the commenter calculated revised estimates for average daily mitigated construction emissions during Phase 1, based on CalEEMod output in the Draft EIR, Appendix A to Appendix I, following BAAQMD's instructions, and based on the number of working days for each construction phase as provided in the CalEEMod output. The calculations are

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32 Bay Area Air Quality Management District (BAAQMD). 2017. CEQA Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en (accessed May 2024).

33 Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines (accessed May 2024).

provided. The commenter claims that the revised mitigated average daily reactive organic gases (ROG) emissions would exceed the BAAQMD's threshold, claiming that ROG emissions during construction of Phase 1 in 2025 results in a significant impact that the Draft EIR fails to identify and mitigate. However, the commenter's calculations are incorrect. As shown in Table 1 provided in Comment Letter B-8B, construction of Phase 1 in 2025 would run from January 1, 2025, to September 25, 2025, resulting in a total of 237 days of construction for Phase 1 in 2025. The commenter then incorrectly calculates the average construction emissions by each building's construction duration for the year 2025. This is incorrect because the whole of the Phase 1 action must be considered, which would be construction over 237 days. Additionally, in the case of Table 2 in Comment Letter B-8B, the sum of the daily emissions is incorrect because the sum of the emissions assumes that the emissions would all occur on the same day, which is incorrect.

As noted above, the analysis contained in the Draft EIR considered the average emissions over the duration of the construction phase, which spanned from 2024 to 2025. However, if 2025 emissions were considered independent of the Phase 1 2024 emissions, as suggested by the commenter, average daily ROG emissions would be 46.44 lbs/day and would remain below the BAAQMD thresholds, as shown in Table 4.E, below.

Table 4.E: Phase 1 Mitigated Construction Emissions for 2025

Building	ROG tons/yr (2025)	Average Daily ROG Emissions 2025 (lbs/day)
Residential Parcel 1	0.31	2.61
Residential Parcel 2	0.76	6.41
Residential Parcel 3	1.56	13.16
Residential Parcel 4	2.6	21.90
Retail 1	0.28	2.36
	Total Emissions	**46.44**

Source: LSA Associates, Inc. (2024).
lbs/day = pounds per day
ROG = reactive organic gases
tons/yr = tons per year

As shown in Table 4.E, if averaged over the year of construction rather than by total phase construction, mitigated ROG emissions would be slightly greater than those reported in the Draft EIR; however, emissions would remain below the BAAQMD's level of significance of 54 lbs/day. The comment is incorrect, and a significant impact would not occur.

As described above, the analysis methodology was based on the guidance available at the time the analysis was prepared and is correct. CEQA recognizes that standards and regulations may change during the course of EIR preparation and adoption, which would cause repeated cycles of revision and delay if implemented mid-course. EIRs are allowed to rely on the requirements in effect at the time of NOP publication (see *State CEQA Guidelines* Section 15125)**.**

Further, although CEQA does not require that the analysis performed to reflect worst-case conditions, the proposed project's air quality analysis assumed simultaneous construction of various phases to reflect a conservative or maximum emissions scenario. For example, for the 2025 Master

Plan, Residential Parcel 1 (3/1/2024 to 1/10/2025), Residential Parcel 2 (1/1/2024 to 4/7/2025), Residential Parcel 3 (3/1/2024 to 3/26/2025), Residential Parcel 4 (2/6/2024 to 4/14/2025), and Retail 1 (3/1/2024 to 9/25/2025) are all assumed to occur concurrently for emissions modeling purposes. In reality, five components of construction may not occur simultaneously; instead, construction may be staggered with different start and end dates, resulting in a longer than 19-month construction scenario. The total criteria air pollutant emissions would be the same under a staggered, longer construction schedule; however, the average daily emissions would be less if overlapping activity was reduced. The 19-month construction scenario is simply the total duration from the emission modeling assumption start until the end.

The construction schedule is less relevant for GHG emissions modeling, which evaluates total construction GHG emissions over the construction duration, so concurrent construction assumptions would not change the total GHG emissions. However, assuming the earliest start year for construction of each building represents the worst-case scenario for both criteria air pollutant and GHG emissions because equipment and vehicle emission factors for later years would be slightly less due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet turnover replacing older equipment and vehicles in later years.

The Draft EIR's noise analysis assumes a longer total construction period for the 2025 Master Plan that may be more likely than the compressed schedule assumed for air quality and GHG purposes. Use of a 19-month rather than a 28-month schedule would not change the highest construction noise levels at sensitive receptors, meaning the potentially significant impacts and corresponding mitigation needs from usage of the schedules assumed in the air quality analysis would not be greater than those presented in the Noise Technical Report and corresponding Draft EIR noise analysis. Thus, the noise impact significance findings and corresponding needs for mitigation would not change with respect to decibel magnitudes, but the durations of anticipated impacts and associated mitigation needs may slightly differ.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-17

This introductory comment, which claims that the emissions modeling output provided in the Draft EIR analysis is not supported and underestimates construction emissions, is noted. More specific comments related to this concern are addressed in Responses B-8B-16 through B-8B-21.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-18

This comment states that the permitted hours and days of construction for the proposed project are longer than the construction days and hours assumed in the air quality analysis; therefore, the annual emissions and construction health risks are underestimated in the air quality analysis.

Further, this comment claims that impacts to sensitive receptors will increase because many more individuals will be present near the construction site during Saturdays, thereby increasing the exposure to construction emissions and noise.

The comment incorrectly assumes that all construction equipment would operate simultaneously during all of the hours between 7:00 a.m. and 6:00 p.m. (11 hours) Monday through Friday and between 9:00 a.m. and 6:00 p.m. (9 hours) on Saturdays. Page 4.12-11 of the Draft EIR states that per Section 8.13.050.A of the Municipal Code (and treated as a standard exception to the general exterior noise limits shown in Table 4.12.E), construction activity and its noise emission is allowed during those days and times, provided the noise level at any point outside of the property plane of the project shall not exceed 90 dBA L_{max} (maximum instantaneous noise level measured in A-weighted decibels). Further, all such activities shall be precluded on Sundays and holidays. Nothing in these construction hour limits indicates how many hours per day that particular air pollutant- and noise-generating construction equipment will actually operate. Project construction information is listed on pages 3-43 and 3-53 in Chapter 3.0, Project Description, of the Draft EIR. As discussed on pages 3-43 and 3-53, the construction grading, demolition, and phasing is known; however, the working days per week and working hours per day are not known. As such, the use of CalEEMod defaults is appropriate and is consistent with standard practice, as further explained below.

Construction assumptions are based on identifying the work needed to construct a project, then identifying the types of construction equipment needed to do that work, and then calculating the total number of hours each piece of equipment will need to operate. In terms of daily emissions, CalEEMod's default assumption, applied for this project, is that each piece of equipment will operate for up to 8 hours per day. This assumption is conservative; absent nighttime construction, which is not included in the proposed project, any given piece of exhaust and/or noise emitting equipment will normally operate on average for 8 or fewer hours per day because construction equipment operators work 8-hour days and take lunch and other breaks. If work is delayed on a particular day, some overtime might be worked the next day, but the total construction hours needed from each piece of equipment do not change. The developers of the CalEEMod model based the 8-hour assumption on a survey and observations of numerous construction sites of various sizes in California.[34] Therefore, these default specifications from the model are reflective of construction activities that are anticipated for the proposed project.

Thus the 8-hour assumption in CalEEMod is unrelated to the times of day a local jurisdiction does or does not allow construction activity. Here, as for similar projects in other jurisdictions, the noise ordinance allows construction between the hours of 7:00 a.m. and 6:00 p.m. During that span, various construction equipment operators arrive at various times, work their shifts, and shut off their equipment. Construction crews do not arrive simultaneously at 7:00 a.m. and keep their equipment running for 11 hours. Nor, contrary to the suggestion in the comment, does CalEEMod assume that "construction will only occur five days per week for 8 hours per day"; instead it

[34] California Air Pollution Control Officers Association (CAPCOA). 2022. CalEEMod User Guide. April. Website: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf (accessed April 2024).

assumes that each individual piece of construction equipment will operate for an average of up to 8 hours per day on the days that it is needed.

It is also noted that the Draft EIR's assumption that each piece of equipment would operate for an average of up to 8 hours during an 11-hour construction day is the same as the assumption made in the analysis of the Vivian Residential Project approved by the City in 2022 and cited elsewhere by the commenter: https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/11/88-Vivian-Acoustical-Analysis.pdf.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-19

This comment claims that comparison of the CalEEMod outputs show that the model was not run with the construction scenario presented in the Air Quality and Greenhouse Gas Emissions (AQ/GHG) Technical Report (Appendix I to the Draft EIR) and that there are several discrepancies, including:

- Table 6 for Residential Parcel 2, Table 8 for Residential Parcel 4, and Table 9 for Retail 2025 indicate that the demolition phases would include one piece of 220 horsepower (HP) crushing/ processing equipment for 8 hours per day. The comment claims that this equipment was not included in the CalEEMod runs for construction of these buildings.

- Table 4 for Residential 4 indicates that site preparation would only require one excavator when the CalEEMod default is two. The comment claims that the Draft EIR provides no explanation for why the default assumption was overridden. Further, the Draft EIR does not limit construction to one excavator.

First, the commenter is incorrect that the CalEEMod output doesn't include the 220 HP crushing/processing equipment. As demonstrated in Section 5.2, Off Road Equipment, of the CalEEMod output for Residential Parcel 2 and Retail 2025, CalEEMod includes a 220 HP "other construction equipment" category to represent the 220 HP crushing/processing equipment. The inclusion of the 220 HP crushing/processing equipment for these phases is consistent with the project equipment list provided by the project applicant.

Table 4 of the AQ/GHG Technical Report (Appendix I of the Draft EIR) includes the Air Quality Thresholds of Significance. Therefore, it is assumed that the commenter is referring to Table 8, which provides the Residential Parcel 4 construction scenario assumptions. Additionally, Table 8 doesn't include any excavators during site preparation; therefore, it is assumed that the commenter is referring to the excavator that would be used during the grading phase. However, as demonstrated in Section 5.2, Off Road Equipment, of the CalEEMod output for Residential Parcel 4, CalEEMod does include one excavator during grading, consistent with Table 8. As such, the equipment list included in CalEEMod is consistent with the construction assumptions identified in the AQ/GHG Technical Report.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-20

This comment states that the Draft EIR assumes CalEEMod default values for construction worker trips at 11.7 miles per trip, and that this default worker trip length underestimates actual trip lengths for project construction, given the large number of highly skilled construction workers that would be required to operate the various specialized equipment that would be required to build the project. This comment also states that it is likely that the construction work force does not live close by but instead may commute long distances to the project site, based on a survey by the Building and Construction Trades Council in Silicon Valley that indicated more and more construction workers were commuting at least 50 miles one way.

A majority of CalEEMod's default data associated with locations and land use are derived from surveys of existing land uses. For any project that substantially deviates from the types and features included in the surveys, site-specific data that are supported by substantial evidence should be used, if available. The model provides several opportunities for the user to change the defaults in the model; however, users are required to provide justification for all changes made to the default settings (e.g., reference more appropriate data sources). Per the BAAQMD CEQA Air Quality Guidelines, CalEEMod default assumptions should only be changed when project-specific information is available and can be documented as part of the project. Because the construction workers who would be constructing the proposed project are not yet known, project-specific construction worker trip length data are not available. The CalEEMod User Guide states that the default construction trip data are based on the project characteristics (location and urbanization) and are based on the 2015 California Statewide Travel Demand Model (CSTDM) and regional travel demand models from local Metropolitan Planning Organizations (MPOs) or Regional Transportation Planning Agencies (RTPAs), where available, which the California Air Pollution Control Officers Association (CAPCOA), as the developers of the model, found to be the best available data for trip data. As such, based on CalEEMod defaults, the CalEEMod modeling prepared for the proposed project assumes a 11.7-mile trip length for construction workers. As such, since a project-specific construction worker trip length is not yet known, the use of CalEEMod defaults is appropriate and is consistent with standard practice and BAAQMD guidance.

Additionally, it should be noted that the City's analysis of the Vivian Residential Development, approved in 2022, assumed construction worker trip lengths of only 10.8 miles. The Draft EIR's reliance on the Statewide model rather than this local precedent is more conservative.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-21

This comment states that the vendor trip rates used in the Draft EIR analysis were based on CalEEMod defaults, which are 8.4 miles per one-way trip. This comment claims that the size of the

project would likely require much larger amounts of supplies than are available locally, thereby requiring imports from distant sources that are much greater than the 8.4-mile vendor one-way trip rate assumed in the Draft EIR. This comment also claims that the Draft EIR does not address the sources and amounts of construction materials that it would require.

Refer to Response B-12-20 above. Because the number and distance of construction vendor trips is not yet known, the analysis relies on CalEEMod defaults for vendor trips and trip lengths. The use of CalEEMod defaults is appropriate and is consistent with standard practice when project-specific information is not yet known. Per *State CEQA Guidelines* Section 15145, speculative analysis shall not be included in an EIR. Also refer to Master Response 6 regarding speculation without substantiation.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-22

This comment states the opinion that Mitigation Measure AIR-2 is inadequate to reduce the generation of fugitive dust to a less than significant level and that enforcement of and implementation requirements for this measure are not detailed.

As discussed on page 4.10-27 of the Draft EIR, the BAAQMD has established standard measures for reducing fugitive dust emissions (particulate matter less than 10 microns in size [PM_{10}]). With the implementation of these Basic Construction Mitigation Measures, fugitive dust emissions from construction activities would not result in adverse air quality impacts. Therefore, in order to reduce construction particulate matter less than 2.5 microns in size ($PM_{2.5}$) and PM_{10} fugitive dust impacts to a less than significant level, the BAAQMD requires the implementation of BAAQMD Basic Construction Mitigation Measures. Mitigation Measure AIR-2 would be required for all phases of project construction and would require implementation of dust controls during project construction.

Additionally, the measures listed in Mitigation Measure AIR-2 are consistent with the BAAQMD's Basic Best Management Practices for Construction-Related Fugitive Dust Emissions listed in Table 5-2 of the BAAQMD's CEQA Air Quality Guidelines.[35] As stated on page 5-5 of the BAAQMD's CEQA Air Quality Guidelines, for a project to have a less than significant criteria air pollutant impact related to construction-related fugitive dust emissions, it must implement all basic Best Management Practices (BMPs) listed in Table 5-2. As such, since the Draft EIR requires the implementation of Mitigation Measure AIR-2 consistent with the BAAQMD's CEQA Air Quality Guidelines, the comment is incorrect that the Draft EIR's finding of a less than significant impact is not supported. Therefore, revisions to Mitigation Measure AIR-2 would not be necessary. Refer to Master Response 7 regarding CEQA mitigation requirements and enforcement of mitigation measures, which occur through development and implementation of a Mitigation Monitoring and Reporting Program (MMRP).

[35] Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. April.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-23

This comment states that in addition to the nine Basic Best Management Practices for Construction-Related Fugitive Dust Emissions identified by Mitigation Measure AIR-2, the BAAQMD encourages enhanced BMPs to achieve further reductions in the generation of fugitive dust and that these measures should be required due to the scale of the proposed project and proximity of sensitive receptors. The commenter lists these measures as recommended by the BAAQMD.

As demonstrated on pages 4.10-27 through 4.10-33 of the Draft EIR, with implementation of Mitigation Measure AIR-2, which requires the BAAQMD's Basic Best Management Practices for Construction-Related Fugitive Dust Emissions, fugitive dust emissions associated with the proposed project would be reduced to below the established thresholds. In addition to the BAAQMD's Basic Best Management Practices for Construction-Related Fugitive Dust Emissions, the BAAQMD encourages the implementation of enhanced BMPs to further control fugitive dust emissions. The BAAQMD states that these enhanced measures are important when there are schools, residential areas, or other sensitive land uses located near the construction site. However, these measures are encouraged, not required, and as discussed above, construction-related criteria pollutant emissions, including fugitive dust, would be less than significant. Therefore, the enhanced BMPs would not be required to reduce emissions to a less than significant level and there is no nexus to require additional measures. However, it should be noted that Enhanced BMP E-2 (wind breaks) would be advanced by required construction noise barriers, and the goal of Enhanced BMP E-4 (erosion control measures) would be advanced by required stormwater pollution prevention requirements. Refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-24

This introductory comment, which claims that the Draft EIR underestimates mitigated construction equipment exhaust emissions and does provide enforceable mitigation measures, is noted. More specific comments related to this concern are addressed in Responses B-8B-25 through B-8B-29.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-25

This comment states that Mitigation Measure AIR-3a does not meet the objective of reducing emissions, claims that the estimates for mitigated emissions are unsupported for various reasons, and provides an opinion that the measure is unenforceable and constitutes deferral of mitigation.

Further, the comment claims that NO_X, ROG, and PM_{10} emissions would be higher than identified in the Draft EIR. This comment also identifies various California Air Resources Board (CARB) regulations, programs, and guidelines, and these are noted.

Requiring the use of Tier 4 Final equipment is a common method of reducing construction emissions and is applied to development projects throughout the Bay Area. This equipment is readily available across fleet sizes, equipment types, and horsepower bins.[36] Further, the project sponsor is committed to meeting the mitigation requirements as outlined in the Draft EIR and will be responsible for mitigation implementation through the MMRP. As such, Mitigation Measure AIR-3a is revised as specified in Response B-8B-26, below.

In addition, the air quality analysis contained in the Draft EIR was prepared based on BAAQMD guidelines and recommendations, including the BAAQMD's 2017 CEQA Air Quality Guidelines and later BAAQMD guidance to utilize CalEEMod as the updated modeling software from the previously recommended URBEMIS software. The methodology utilized in the Draft EIR is also consistent with new guidance issued by BAAQMD, including the 2022 CEQA Air Quality Guidelines, Appendix D: Using CalEEMod for Bay Area Projects.[37] As stated on page D-12 of BAAQMD CEQA Air Quality Guidelines Appendix D, the Off-Road Equipment Emissions Factor screen summarizes the emissions factors for the off-road pieces that were loaded on the previous screen. These emissions factors are pulled from an OFFROAD database based on the construction years, equipment types, engine tier (default or tier), fuel type (e.g., diesel), and horsepower range. If equipment-specific emissions factor information is known, then the BAAQMD recommends that the user edit this information. However, because the specific construction equipment that would be used on site is not yet known, project-specific emission factors are not available. As such, the analysis utilizes CalEEMod default values for the construction equipment mix and emission factors. CalEEMod default values are based on the user inputs for the project land use type and size; therefore, CalEEMod default values are representative of the proposed project size and development. Additionally, the model relies on surveyed data gathered from air districts to develop the default construction equipment list. Therefore, the use of CalEEMod defaults is appropriate and consistent with standard practice when project-specific information is not available. The modeling assumptions and results provided in the comment are not appropriate for use in the analysis, and additional mitigation measures are not required to ensure that emissions reductions are achieved and that the impact would be less than significant.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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36 Emission standards are phased in over time. As of 2015, newly manufactured engines across all horsepower sizes are required to meet Tier 4 final emissions standards.

37 Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines, Appendix D: Using CalEEMod for Bay Area Projects. April.

Response B-8B-26

This comment claims that Mitigation Measure AIR-4 conflicts with Mitigation Measure AIR-3a. Mitigation Measure AIR-3a requires the use of Tier 4 Final engines to be utilized during operation of construction equipment while Mitigation Measure AIR-4 requires the use of (at a minimum) level 3 diesel particulate filter emissions standards or equivalent (including Tier 4 Final) engines on construction equipment. The use of Tier 4 Final equipment would satisfy both the requirements of Mitigation Measure AIR-3a and Mitigation Measure AIR-4, and the project sponsor has agreed to require use of Tier 4 Final engines for construction equipment for all phases of the project.

Therefore, Mitigation Measure AIR-3a on page 4.10-31 of the Draft EIR is revised as follows:

Mitigation Measure AIR-3a: ~~**Phase 1**~~ **Construction Equipment Requirements.** Prior to the commencement of ~~Phase 1~~ construction activities, the project sponsor shall require its construction contractor to demonstrate that all ~~75~~ 50 HP or greater diesel-powered equipment are powered with California Air Resources Board (CARB)-certified Tier 4 Final engines.

~~An exemption from this requirement may be granted by the City of San Rafael (City) if: (1) the project sponsor documents that equipment with Tier 4 Final engines are not reasonably available; and (2) the required corresponding reductions in criteria air pollutant emissions can be achieved for the project from other combinations of construction equipment.~~

~~Before an exemption may be granted, the project sponsor's construction contractor shall (1) demonstrate that at least two construction fleet owners/operators in Marin County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Marin County during the desired construction schedule; and (2) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model (CalEEMod) or another industry-standard emission estimation method and the documentation provided to the City to confirm that necessary project-generated emissions reductions are achieved.~~

Mitigation Measure AIR-4 on page 4.10-38 of the Draft EIR is also revised as follows:

Mitigation Measure AIR-4: ~~**Construction Equipment Standards.** During construction of the proposed project, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project construction at a minimum meets the California Air Resources Board (CARB) Tier 2 with level 3 diesel particulate filters emissions standards or equivalent, including Tier 4 Final engines.~~ Implement Mitigation Measure AIR-3a.

Also refer to Response B-8B-42. These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-27

This concluding comment summarizes the concerns and comments provided earlier in Letter B8. These comments are responded to in Responses B-8B-25 and B-8B-26.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-28

This comment states that Mitigation Measure AIR-3b does not meet the objective of reducing emissions, provides an opinion that the measure is unenforceable, and states that the measure is internally inconsistent. As stated in Mitigation Measure AIR-3b, to address the impact relative to ROG emissions during Phase 1 construction, all interior paints and other architectural coatings shall be limited to 50 grams per liter or less of VOCs, which is consistent with BAAQMD Regulation 8, Rule 3 (Architectural Coatings). The project sponsor's construction contractor shall procure architectural coatings from a supplier in compliance with the requirements. This is a commonly required measure for development projects throughout the Bay Area, and materials are readily available to meet this requirement. The City would be responsible for verifying that the mitigation requirements are met through implementation of the MMRP. Refer to Master Response 7 regarding CEQA mitigation requirements.

However, to provide clarification that the project sponsor's construction contractor shall procure architectural coatings that meet the 50 grams per liter or less VOC content, Mitigation Measure AIR-3b on page 4.10-31 of the Draft EIR has been slightly modified for clarification as follows:

Mitigation Measure AIR-3b: **Phase 1 Architectural Coatings and Interior Paints.** To address the impact relative to reactive organic

gas (ROG) emissions during Phase 1 construction, all interior paints and other architectural coatings shall be limited to 50 grams per liter or less of volatile organic compounds (VOCs). The project sponsor's construction contractor shall procure architectural coatings from a supplier in compliance with the requirements of BAAQMD Regulation 8, Rule 3 (Architectural Coatings), that meet the 50 grams per liter or less VOC content. (LTS)

This revision represents a minor change to the Draft EIR in order to clarify the Draft EIR analysis. The revision does not change the conclusions or analysis of impacts in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-29

This comment states that the Draft EIR does not adequately mitigate construction equipment exhaust emissions, and that additional mitigation beyond Mitigation Measure AIR-3a is needed.

As demonstrated in the Draft EIR analysis and in Responses B-8B-23 through B-8B-28, with implementation of Mitigation Measure AIR-2, Mitigation Measure AIR-3a, and Mitigation Measure AIR-3b, construction criteria pollutant emissions associated with the proposed project would be reduced to below the established thresholds. In addition, with implementation of Mitigation Measure AIR-4 (revised to require implementation of revised Mitigation Measure AIR-3a; refer to Responses B-8B-26 and B-8B-42), construction of the proposed project would not exceed BAAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations. As such, additional mitigation measures, as identified by the commenter, are either not feasible or have already been captured in Mitigation Measure AIR-2 through Mitigation Measure AIR-4. Therefore, the identification and analysis of additional mitigation measures would not be required to further reduce criteria pollutant emissions to a less than significant level. Regarding fugitive dust emission, refer to Responses B-8B-22 and B-8B-23.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-30

This comment, which suggests that community input should inform preparation of a construction plan, as recommended by CAPCOA for large-scale construction projects in the vicinity of sensitive receptors, is noted. The comment goes on to identify additional CAPCOA recommendations regarding maintenance of the existing alternative transportation network during project construction and identifies potential reporting and enforcement actions for nuisance complaints related to construction.

As described throughout the Draft EIR, impacts of construction on sensitive receptors, as evaluated against baseline conditions and pursuant to established significant thresholds, would be less than significant with implementation of identified mitigation measures. The proposed project would also be required to coordinate construction activities with the City's Public Works Department to ensure emergency and thorough access to and around the site, as is standard City practice for construction projects that would occur in the public right-of-way. Additionally, Mitigation Measure AIR-2 requires that a publicly-visible sign be posted with the telephone number and person to contact at the City of San Rafael regarding dust complaints, and the City staff person shall respond and take corrective action within 48 hours. The measure also requires that the BAAQMD's phone number also be visible to ensure compliance with applicable regulations. As such, Mitigation Measure AIR-2 satisfies CAPCOA's recommendations for enforcement of nuisance issues. Furthermore, preparation of a Construction Management Plan (CMP) is a standard City requirement, and is to be provided prior to issuance of a building permit. This will be included in the project conditions of approval. It is also standard to require a pre-construction meeting prior to issuance of the permit for each parcel, although this meeting will take place between the project development and construction team and City staff, and is not typically a public meeting. Therefore, there is no nexus to require additional mitigation; refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-31

This introductory comment, which claims that the Draft EIR does not adequately evaluate and disclose operational air quality impacts for various reasons, is noted. More specific comments related to this concern are addressed in Responses B-8B-32 through B-8B-35. Also refer to Master Responses 3 and 4 regarding the baseline environmental setting and the transportation methodology relied upon in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-32

This comment claims that the Draft EIR improperly concludes that cumulative operational project impacts were determined to be less than significant because project impacts would be less than significant, without considering the project's contribution to other development. The comment also provides excerpts from the BAAQMD CEQA Air Quality Guidelines, which are noted. As stated on page 4.10-27 of the Draft EIR, the Air Basin is currently designated as a nonattainment area for State and national ozone standards and national particulate matter ambient air quality standards (AAQS). The nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to individually result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing or projected cumulatively significant adverse air quality impacts. If a project's

contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

As described on page 4.10-27 of the Draft EIR, the BAAQMD's CEQA Air Quality Guidelines provides project-level thresholds of significance for criteria air pollutants for which the Air Basin is in non-attainment at levels for which the BAAQMD has determined an individual project's contribution to the cumulative impact (non-attainment) would be cumulatively considerable.

As such, the Draft EIR properly determines that because the daily and annual emissions associated with project operational trip generation, energy, and area sources would be less than the BAAQMD's significance thresholds, operational impacts related to a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable National Ambient Air Quality Standard (NAAQS) or California Ambient Air Quality Standard (CAAQS) would be less than significant. Documentation related to this finding are shown in Tables 4.10.G and 4.10.H of the Draft EIR and further evidence, including the modeling files, is provided in Appendix I of the Draft EIR. Further analysis is not required. The comment does not present evidence to the contrary. Therefore, the Draft EIR properly determined that the proposed project would not result in any significant project-level or cumulative impacts related to operational air quality. Refer to Master Response 6 regarding speculation without substantial evidence.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-33

This comment states that the Draft EIR relies on an improper baseline to develop the trip generation for the proposed project; therefore, evaluation of operational air quality impacts, which rely on the trip generation assumptions, is inadequate and the impacts are underestimated. Refer to Master Responses 3 and 4 regarding the baseline environmental setting and the transportation methodology relied upon in the Draft EIR.

The comment also provides a separate and simplified analysis assuming a baseline of approximately 80 percent occupancy of the Northgate Mall. This assumption is not supported. Refer to Master Response 6 regarding speculation without substantial evidence. Also refer to Response B-8B-8E regarding modeling input files, Response B-8B-9 regarding baseline assumptions, and Response B-8B-32 regarding the cumulative analysis of project operational impacts.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-34

This comment states that the proposed project would install new backup generators but that the Draft EIR analysis does not disclose the specifications and use for this equipment. Additionally, the comment claims that the Draft EIR fails to account for reasonably foreseeable criteria pollutant and precursor emissions (and toxic air pollutant emissions) associated with the proposed diesel generators.

Although Section 4.8, Hazards and Hazardous Materials, states equipment installed at the project site (e.g., hydraulic elevator systems and backup generators) may involve the storage of hydraulic fluid, fuels, and other hazardous materials, the proposed project would not include the installation of any new backup generators. However, existing backup generators may be replaced with new and cleaner equipment independent of the proposed project. Existing generators would be replaced on an as-needed basis and the specifications and testing frequency would be subject to BAAQMD permitting requirements. As stated on page 4.10-39 of the Draft EIR, the proposed project would not result in any long-term sources of toxic air contaminants (TACs). Further, the proposed project would result in the demolition of existing uses on site that have permitted stationary sources (i.e., emergency diesel generators at the existing main mall building, Sears, Macy's, and Kohl's), which would reduce the generation and exposure of TACs in the vicinity of the proposed project site compared to existing conditions. New additional backup generators are not proposed as part of the project; therefore, any such emissions are not required to be included as part of the Draft EIR analysis.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-35

This comment states that the Draft EIR does not identify mitigation measures for operational criteria pollutant and precursor emissions and recommends the inclusion of several measures. As demonstrated on pages 4.10-34 through 4.10-36 of the Draft EIR, operational impacts associated with implementation of the proposed project would not exceed the BAAQMD's significance criteria and would result in a less than significant impact; the comment does not present evidence to the contrary. Therefore, the Draft EIR properly determined that the proposed project would not result in any significant impacts related to operational air quality. As such, there is no nexus for the identification and analysis of the mitigation measures suggested in the comment to further reduce impacts. Additionally, as demonstrated on pages 4.10-24 through 4.10-27 of the Draft EIR, the proposed project would comply with the Clean Air Plan Goals and would implement project design features aimed at reducing operational emissions associated with transportation, energy, and building control measures. Therefore, additional mitigation measures related to the project design, as suggested by the commenter, would not be required to reduce emissions to a less than significant level. Refer to Responses B-8B-32 through B-8B-34 above, which address the commenter's claims that operational air quality impacts would be significant. Refer to Master Responses 3 and 4 regarding the baseline environmental setting and the transportation methodology relied upon in the Draft EIR. Also refer to Master Response 6 regarding speculation without substantial evidence and Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-36

This introductory comment claims that the Draft EIR's assessment of local health risks is inadequate and is based on emissions that are underestimated; therefore, impacts are not identified and mitigated. Refer to Responses B-8B-32 through B-8B-35 above, which address the commenter's claims that operational air quality impacts would be significant. More specific and substantive comments related to this concern are also addressed in Responses B-8B-37 through B-8B-42.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-37

This comment incorrectly states that the Draft EIR does not adequately disclose the results of the project's HRA and does not include the appropriate supporting data in a format preferred by the commenter (isopleth maps). The Air Quality and Greenhouse Gas Emissions (AQ/GHG) Technical Report, included in Appendix I of the Draft EIR, includes supporting data for both construction and cumulative operational HRA impacts. This data accurately shows the emission outputs from the modeling used to conduct the HRA analysis. Modeling results are further evaluated in Section 4.10, Air Quality, on pages 4.10-37 through 4.10-39. Isopleth maps are used as a visual representation of the modeling outputs to simplify information, but they do not contain any new or additional information. As such, isopleths are not required to be part of the analysis because they do not include additional information that would have not already been included in the tabular outputs. The comment claims isopleths are "typically" provided, but does not offer support showing they are required by CEQA. Also refer to Response B-8B-11 regarding presentation of highly technical data.

Furthermore, the HRA analysis focuses on the sensitive receptor closest to the project site and conservatively evaluates the Maximally Exposed Individual (MEI). The MEI represents the receptor that would have the *highest* exposure. As shown in Table 4.10.J. of the Draft EIR, with implementation of Mitigation Measure AIR-4 (revised to require implementation of revised Mitigation Measure AIR-3a; refer to Responses B-8B-26 and B-8B-42), construction of the proposed project would not exceed BAAQMD thresholds at the MEI. Also refer to Response B-8B-42 for revisions to Draft EIR Table 4.10.J. Therefore, all other receptors would also not be exposed to substantial pollutant concentrations, and the impact would be less than significant.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-38

This comment incorrectly states that the Draft EIR does not identify cumulative thresholds of significance to determine maximum cumulative health risks. As shown in Table 4.10.K and in the paragraph that follows the table on page 4.10-41 of the Draft EIR, the BAAQMD's cumulative thresholds include a cumulative cancer risk threshold of 100 in 1 million, a cumulative Hazard Index threshold of 10.0, and cumulative $PM_{2.5}$ concentration threshold of 0.8 microgram per cubic inch ($\mu g/m^3$).

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-39

This comment states that a number of sensitive receptors in the vicinity of the project site were omitted from the analysis. These receptors range from approximately 200 to 1,000 feet from the project site. Sensitive receptors are defined as residential uses, schools and school yards, daycare centers and preschools, nursing homes, parks and playgrounds, and medical centers. Individuals particularly vulnerable to diesel particulate matter (DPM) are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to DPM. While the receptors identified in this comment are consistent with the BAAQMD definition of sensitive receptors, the HRA focuses on the sensitive receptors closest to the project site, which are most likely to be impacted by the proposed project construction activities, and conservatively evaluates the MEI (see Response B-8B-37). The MEI represents the receptor that would have the *highest* exposure. As shown in Table 4.10.J of the Draft EIR, with implementation of Mitigation Measure AIR-4 (revised to require implementation of revised Mitigation Measure AIR-3a; refer to Responses B-8B-26 and B-8B-42), construction of the proposed project would not exceed BAAQMD thresholds at the MEI. Therefore, all other receptors nearby the project site, including those identified in the comment, would have the same or less exposure and thus also would not be exposed to substantial pollutant concentrations.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-40

The comment claims that the Draft EIR's identification of existing stationary sources dates back to 2018, and that at least one more emergency generator has been permitted by the BAAQMD since 2018 (Marin Specialty Surgery Center ([SCA Marin Surgical Center; BAAQMD Facility ID# 201875]) at 1 Thorndale Drive. This comment states that emissions from this existing stationary source must be included in the cumulative HRA for the project.

The "Stationary Source Risk and Hazards Screening Report" in Appendix C of Appendix I has a time stamp of January 28, 2022. However, as noted on the BAAQMD Stationary Source Screening Map, data may be updated periodically. As such, Table 4.10.K on page 4.10-41 of the Draft EIR is revised

to add the permitted emergency generator noted by the commenter at the Marin Specialty Surgery Center at 1 Thorndale Drive, as well as updated health risk values for project construction based on revisions to the dispersion modeling in response to Comment B-8B-42 below.

As such, page 4.10-41 of the Draft EIR is revised as follows:

Table 4.10.K: Maximum Cumulative Health Impacts – On-Site Receptors

Source[1]	Carcinogenic Inhalation Health Risk in 1 Million	Chronic Inhalation Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Macy's West Stores Inc.	8.87	0.0046	0.012
Villa Marin Homeowners' Association	0.43	0.00067	0.00055
AlmaVia of San Rafael	0.29	0.00041	0.00037
Kohl's Department Store	0.076	0.000020	0.00019
Guide Dogs for the Blind Inc.	8.74	0.0023	0.011
The Pasha Group	0.011	0.000042	0.000013
Chevron Station	0.81	0.0036	—
Fuel 24:7 at Northgate	0.50	0.0022	—
Terra Linda 76	0.31	0.0013	—
Northgate Shell	0.44	0.0019	—
Gateway Gas One	0.36	0.0016	—
Marin Specialty Surgery Center	0.43	0.00016	0.00064
US-101	7.58	—[2]	0.17
Major Roadways	0.62	—[2]	0.01
Railroad	0.33	—[2]	0.0004
Future on-site residents during Phase 2 Construction	~~7.09~~ 11.08	~~0.0073~~0.010	~~0.1067~~0.16
Total Cumulative Health Risk	**~~36.46~~40.89**	**~~0.026~~0.029**	**~~0.31~~0.36**
BAAQMD Cumulative Significance Criteria	*100*	*10*	*0.8*
Exceed Threshold?	**No**	**No**	**No**

Source: Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report (Dudek 2023) and Supplemental Air Quality Analysis Technical Memorandum (Dudek August 2024).

[1] Screening health risk levels for all stationary sources, US-101, major roadways, and railroad were obtained from the BAAQMD. Per BAAQMD recommendations, the BAAQMD Distance Adjustment Multiplier Tools for Gasoline Dispensing Facilities and for Diesel Internal Combustion Engines were used to estimate the risk from the stationary sources based on distance to the proposed residential parcels.

[2] According to BAAQMD, chronic health risk from these sources was not included in the raster files because risk was found to be low and exceedances were not likely.

$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
BAAQMD = Bay Area Air Quality Management District
US-101 = United States Route 101

As shown in Table 4.10.K, the cumulative cancer risk from all sources within 1,000 feet of the proposed project boundary would be approximately ~~36.46~~ 40.89 in 1 million, which would be below the BAAQMD cumulative threshold of 100 in 1 million, and therefore less than significant. The cumulative Hazard Index from all such sources would be approximately ~~0.026~~ 0.029, which would be below the significance threshold of 10, and would therefore be less than significant. The cumulative $PM_{2.5}$ concentration would be approximately ~~0.31~~ 0.36 $\mu g/m^3$, which

would be below the significance threshold of 0.8 µg/m^3 and hence would be less than significant. Since receptors on Residential 4 would be exposed to the maximum health risk, the health risk impacts at the other proposed residential receptors on site would also be **less than significant.**

These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis and are further documented in the Supplemental Air Quality Analysis Technical Memorandum[38] provided in Appendix A to this RTC Document. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-41

This comment states that the project would include backup generators and that emissions from the backup generators must be included in the health risk modeling. Please refer to Response B-8B-34, which addresses this comment.

Response B-8B-42

This comment states that the meteorological data used in the Draft EIR analysis is not representative of the project site; therefore, the HRA results provided in the Draft EIR are incorrect. As noted in this comment, the Draft EIR analysis includes data from the Napa County Airport rather than the Marin County Airport at Gnoss Field. Although the data available when the proposed project's technical analysis was initiated used Napa County Airport data, in response to this comment, Sonoma Baylands meteorological data has been added and new modeling results have been provided in a Supplemental Air Quality Analysis Technical Memorandum[39] (Appendix A to this RTC Document). As shown in the updated analysis, mitigated health risk impacts remain less than significant with the use of Tier 4 Final engines for all construction equipment 50 HP and above (refer to revised Mitigation Measures AIR-3a and AIR-4 as outlined in Response B-8B-26). The project sponsor has committed to requiring the use of such equipment.

As such, Table 4.10.I on page 4.10-37 and the text that follows on page 4.10-38 of the Draft EIR is revised as follows:

[38] Dudek. 2024. *Northgate Mall Redevelopment Project – Supplemental Air Quality Analysis Technical Memorandum*. August 13.

[39] Dudek. *Northgate Mall Redevelopment Project – Supplemental Air Quality Analysis Technical Memorandum*. August 13.

Table 4.10.I: Unmitigated Inhalation Health Risks from Project Construction

	Carcinogenic Inhalation Health Risk in 1 Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximally Exposed Individual (MEI) Off Site	~~11.58~~ 18.60	~~0.0061~~ 0.010	0	~~0.072~~ 0.12
Phase 2 MEI On Site	~~7.09~~ 11.08	~~0.0073~~ 0.010	0	~~0.11~~ 0.16
Threshold	**10**	**1**	**1**	**0.3**

Source: Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report (Dudek 2023) and *Supplemental Air Quality Analysis Technical Memorandum* (Dudek August 2024).
$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = particulate matter less than 2.5 microns in size

As shown in Table 4.10.I, the risk associated with project construction for the maximally exposed individual (MEI) off site would be ~~11.58~~ 18.60 in 1 million, which would exceed the BAAQMD cancer risk of 10 in 1 million. The total chronic Hazard Index would be ~~0.0061~~ 0.010, which would not exceed the threshold of 1.0. In addition, the total acute Hazard Index would be 0.000, which would also not exceed the threshold of 1.0. The results of the analysis indicate that the total $PM_{2.5}$ concentration would be ~~0.072~~ 0.12 $\mu g/m^3$, which would also not exceed the BAAQMD significance threshold of 0.30 $\mu g/m^3$.

For future on-site sensitive receptors, the risk associated with project construction at the on-site MEI would be ~~7.09~~ 11.08 in 1 million, which would ~~not~~ exceed the BAAQMD cancer risk of 10 in 1 million. The total chronic hazard index would be ~~0.0073~~ 0.010, which would not exceed the threshold of 1.0. In addition, the total acute Hazard Index would be 0.000, which would also not exceed the threshold of 1.0. The results of the analysis indicate that the total $PM_{2.5}$ concentration would be ~~0.11~~ 0.16 $\mu g/m^3$, which would also not exceed the BAAQMD significance threshold of 0.30 $\mu g/m^3$. Therefore, without Tier 4 Final construction equipment, there would be a ~~less than~~ potentially significant risk to off-site and future (Phase 2) sensitive receptors on the project site.

Impact AIR-4 Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations through exceeding the carcinogenic inhalation health risk threshold. (S)

As indicated above, the cancer risk of ~~11.58~~18.60 in 1 million would exceed BAAQMD thresholds. Therefore, implementation of Mitigation Measure AIR-4 would be required to reduce substantial pollutant concentrations during project construction.

The text on page 4.10-38 and Table 4.10.J that follows on page 4.10-39 of the Draft EIR is revised as follows:

> Mitigation Measure AIR-4~~, which~~ requires implementation of Mitigation Measure AIR-3a, which requires the use of (at a minimum) ~~level 3 diesel particulate filters emissions standards or equivalent (including~~ Tier 4 Final~~)~~ engines on all 50 HP or greater diesel-powered equipment, which ~~on construction equipment,~~ shall be implemented to reduce DPM during construction. Table 4.10.J summarizes the results of the HRA for project construction after mitigation.
>
> As shown in Table 4.10.J, the mitigated cancer risk at the off-site MEI would be ~~4.85~~ 5.10 in 1 million, which would not exceed the BAAQMD cancer risk of 10 in 1 million. The mitigated cancer risk at the on-site MEI would be 4.06 in 1 million, which would not exceed the BAAQMD cancer risk of 10 in 1 million. Therefore, with implementation of Mitigation Measure AIR-4, construction of the proposed project would not exceed BAAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations. This impact would be **less than significant with mitigation.**

Table 4.10.J: Mitigated Inhalation Health Risks from Project Construction to Off-Site Receptors

	Carcinogenic Inhalation Health Risk in 1 Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximally Exposed Individual (MEI) Off Site	~~4.85~~ 5.10	~~0.0026~~ 0.0028	0.000	~~0.056~~ 0.089
Phase 2 MEI On Site	4.06	0.0037	0.000	0.13
Threshold	**10.0**	**1.0**	**1.0**	**0.30**

Source: Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report (Dudek 2023) and Supplemental Air Quality Analysis Technical Memorandum (Dudek 2024).
$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = particulate matter less than 2.5 microns in size

Also refer to Response to Comment B-8B-26 regarding modifications to Mitigation Measures AIR-3a and AIR-4. These revisions represent a minor change to the Draft EIR and do not change the conclusions in the Draft EIR. This comment and the Draft EIR revisions do not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-43

This comment states that the Draft EIR fails to adequately assess and mitigate GHG emissions from project construction and recommends implementation of the BMPs recommended by the BAAQMD. The comment also states that the Draft EIR does not adequately assess and mitigate GHG emissions from operation; operation of the project is addressed below in Response B-8B-44.

As stated on page 6-7 of the BAAQMD CEQA Air Quality Guidelines, because construction emissions are temporary and variable, the BAAQMD has not developed a quantitative threshold of significance for construction-related GHG emissions. However, the Lead Agency should quantify and disclose GHG emissions that would occur during construction. The BAAQMD states that even though the significance of construction-related GHG emissions is not determined, in order to minimize GHG emissions and emissions of other air quality pollutants, projects should incorporate the BMPs for reducing GHG emissions listed in Table 6-1 (of the BAAQMD's CEQA Air Quality Guidelines) to reduce emissions from construction-related activities. Consistent with the BAAQMD's recommendation, construction-related GHG emissions are qualitatively addressed on page 4.11-22 of the Draft EIR, and an estimate of the potential GHG emissions that could result from implementation of the proposed project was completed and is included in the Air Quality and Greenhouse Gas Emissions (AQ/GHG) Technical Report (Appendix I).

Additionally, as discussed on page 4.11-22 of the Draft EIR, implementation of construction mitigation measures included in Section 4.10, Air Quality, would also serve to reduce GHG emissions in some cases (e.g., the requirement for Tier 4 Final engines to be utilized in construction equipment), as included in Mitigation Measure AIR-3a (as modified; refer to Responses B-8B-26 and B-8B-42). The use of Tier 4 Final engines is consistent with the BAAQMD's BMPs for Construction-Related GHG Emissions (Table 6-1 of the BAAQMD's CEQA Air Quality Guidelines), which also includes a measure to require all diesel-fueled off-road construction equipment be equipped with EPA Tier 4 Final compliant engines or better as a condition of the contract. However, since the BAAQMD does not have a threshold of significance for construction-related GHG emissions, the Draft EIR properly determined that the proposed project would not result in any significant impacts related to construction-related GHG emissions. As such, identification and analysis of additional BMPs or mitigation measure strategies suggested in the comment would not be required to reduce emissions to a less than significant level.

Additionally, as noted in Response B-8B-16, the NOP for the project was published December 9, 2021. Although the 2022 BAAQMD CEQA Air Quality Guidelines are referenced in the Draft EIR, the methodology used to estimate construction emissions in the AQ/GHG Technical Report was based on guidance available at the time of the NOP. The 2017 BAAQMD CEQA Air Quality Guidelines did not include any measures to reduce GHGs associated with construction emissions. As previously described, the analysis methodology was based on the guidance available at the time the analysis was prepared and is correct. CEQA recognizes that standards and regulations may change during the course of EIR preparation and adoption that would cause repeated cycles of revision and delay if implemented mid-course; EIRs are allowed to rely on the requirements in effect at the time of NOP publication (see *State CEQA Guidelines* Section 15125)**.**

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-44

This comment states that the Draft EIR does not require adequate mitigation to reduce the significant and unavoidable impact associated with GHG emissions from project operation, that use

of natural gas in commercial kitchens should be prohibited, and that other feasible mitigation measures are available, including off-site mitigations.

As stated in the BAAQMD's *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* document, the California Energy Commission (CEC) analysis shows that only the most aggressive electrification scenario will put the building sector on track to reach carbon neutrality by 2045. Anything that hinders such aggressive efforts will jeopardize California's chances of achieving full building decarbonization by 2045 and impair the State's ability to reach its long-term climate goals. Installing natural gas infrastructure in new buildings will do so because it will add even more infrastructure that will need to be retrofitted with electricity between now and 2045. New projects therefore need to eliminate natural gas in order to implement their "fair share" of achieving the long-term 2045 carbon neutrality goal. If a project does not use natural gas in its buildings, then a Lead Agency can conclude that it is consistent with achieving the 2045 carbon neutrality goal and will not have a cumulatively considerable impact on climate change. If a project does use natural gas, then it will hinder California's ability to decarbonize its building sector. In that case, the Lead Agency should conclude that it will make a cumulatively considerable impact and treat it as significant.

As stated on pages 4.11-22 and 4.11-23 of the Draft EIR, the project design includes natural gas connections for commercial kitchen uses in restaurants, and this would result in a significant impact pursuant to the thresholds recommended by the BAAQMD. As discussed on pages 4.11-24 and 4.11-25 of the Draft EIR, the City has determined that requiring compliance with the BAAQMD design threshold to completely prohibit natural gas usage for projects is inconsistent with the City's municipal code, specifically the reach code ordinance,[40] which prohibits natural gas for residential uses but allows installation of new natural gas connections and operations with natural gas for commercial kitchen uses. With adoption of the reach code, the City found that a ban on natural gas usage was infeasible due to cost-effectiveness considerations, based in part on 2022 studies conducted by the California Public Utilities Commission (CPUC) and the CEC.[41] Furthermore, the legal precedence of prohibiting natural gas has been recently challenged in litigation,[42] and the court ruled that a municipal ordinance to ban natural gas usage violates federal law, specifically the Energy Policy and Conservation Act. For these reasons, the City, as Lead Agency for the environmental review of the proposed project, has found that requiring mitigation to prohibit the

[40] In December 2022, the San Rafael City Council approved a reach code ordinance, codified as Chapter 12.245.020, Amendments, of the City's Municipal Code. The amendments prohibit new fuel gas and oil piping in new construction unless for use in emergency electrical generation when required by the code, commercial kitchen for preparing food, commercial laundry for laundry, or in an approved industrial process. Furthermore, at the discretion of the building official, the building official may approve fuel gas in new construction or expand fuel gas in existing construction when replacing with electric has been demonstrated to be technically infeasible or has a disproportionate cost to the project, thereby causing an insurmountable hardship.

[41] Southern California Edison (SCE). 2022. *2019 Reach Code Cost-Effectiveness Analysis. Full Service and Quick-Service Restaurants.* February.

[42] *California Restaurant Association v. City of Berkeley*. 547 F. Supp. 3d 878, 891 (N.D. Cal. 2021).

usage of all natural gas, or in this case, natural gas in the proposed commercial kitchens, is not feasible. As such, the Draft EIR properly determined impacts would be significant and unavoidable.

Other BAAQMD-recommended measures that could be implemented on site would generally reduce GHG emissions generated by other sources (i.e., electricity use) and are not related to natural gas use; therefore, there is no nexus to require such mitigations to reduce the impact related to GHG emissions that would be generated by natural gas use. Additionally, as a result of the speculative nature of quantifying potential GHG emissions reductions that would be achievable by off-site mitigation and that the proposed project would still result in a significant and unavoidable impact, purchasing offsets would not reduce the project's emissions to a less than significant level. Offsets do not reduce emissions at the source (the project site); therefore, such mitigation is not practical. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-45

This comment disagrees with the cumulative analysis assumptions provided in the Draft EIR. It claims the Draft EIR is incorrect, that there are no applications for other projects on file, and identifies a project that it argues should have been considered. Even if the comment is correct about other projects, the Draft EIR properly relied on projections of development based on the General Plan, as authorized by CEQA instead of a projects-based cumulative analysis. Due to the long-term and phased approach of project construction, it is unknown whether or when project construction activities might overlap with future projects that are not yet known, and it would be overly speculative to attempt to analyze potential cumulative effects. Please refer to Response B-2-20, which addresses the concerns raised in this comment related to the cumulative analysis for the proposed project. Also see Response B-2-11, which addresses the planned roundabout at Manuel T. Freitas Parkway and Civic Center Drive, which was not contemplated at the time that the NOP was published for the proposed project.

Also please note that, as stated in this comment, the NOP for the Terra Linda High School Capital Improvements Project EIR was issued on August 27, 2023. Given that the NOP for the Northgate Mall Development Project was published approximately 2 years earlier, on December 9, 2021, it is appropriate that the Terra Linda High School Capital Improvements Project EIR would include the Northgate Mall Development Project in its cumulative analysis, but the reverse is not correct.

Regarding the Nazareth House at 245 Nova Albion Way, although this site is contemplated for future housing, at this time there is no application on file for redevelopment of the site. Similar to the other housing projects discussed in Response B-2-20, future housing on this site is considered in the General Plan buildout assumptions and does not need to be separately considered in the Draft EIR for the Northgate Mall Development Project, which is also within the General Plan's growth projections.

As explained above, the Draft EIR relied on the General Plan projection-based approach to cumulative analysis and was not required to consider the other individual projects cited in the comment.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-46

This introductory comment claims that the Draft EIR defers analyses that could result in additional impacts to air quality, human health, and noise, among other topics and also defers identification of mitigation measures. More specific and substantive comments related to this concern are addressed in Responses B-8B-47 through B-8B-53. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-47

This comment states that Mitigation Measure GEO-1, which requires the review of the proposed bioretention planter lining designs by a geotechnical engineer to confirm whether the design adequately addresses expansive soil conditions, constitutes deferral of mitigation and that additional impacts could result based on this future review. As discussed on page 4.7-22 of the Draft EIR, infiltration of stormwater into the subsurface of the project site is limited by shallow bedrock and/or near-surface clayey soils underlying the project site, which are not conducive to infiltration. Therefore, lining the bottom of bioretention planters, if/where necessary, would result in only a minor increase in stormwater discharge rates, and any modifications to stormwater control and treatment systems, if necessary, would also be minor. Such design modifications would result in negligible changes to construction durations and truck trips (if any) and would not increase the severity of impacts related to noise or air quality. Further, Mitigation Measure GEO-1 outlines the performance standards that must be met for installation and operation of the bioretention planters. The final project design will be reviewed along with a design-level final geotechnical report, and any substantive changes could result in further environmental review if new or more severe impacts are identified. However, it is common for later evaluation to occur based on final design and construction details, and this does not constitute improper deferral of analysis or mitigation. Mitigation Measure GEO-1 outlines the applicable performance standards. With typical project refinements, there is little risk of new or greater impacts that were not already studied in the Draft EIR. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-48

This comment claims that Mitigation Measure GEO-2 (which requires preparation of and compliance with the recommendations of a design-level geotechnical report that would determine the full extent of engineered fill on the site and confirm the extent of required excavation and construction methods) constitutes deferral of mitigation, and that additional impacts could result based on this future review and any recommended changes to total excavation amounts that were not evaluated in the Draft EIR.

The Geotechnical Investigation described in Section 4.6, Geology and Soils, of the Draft EIR provides adequate information to analyze and mitigate the impacts of the project related to geology and soils, and it is common practice for environmental review to be performed prior to the development of a final design-level geotechnical report as certain details of a project design (such as final building designs and loading) are often not available at the project's conceptual design stage.[43] Implementation of Mitigation Measure GEO-2 and preparation of a design-level geotechnical report would not result in additional excavation activities or placement of additional fill materials beyond what was already planned for the project and analyzed in the Draft EIR. The use of interlocking sheet piles for shoring (which would require pile driving) was just one example of potential shoring options that can limit dewatering if the design-level geotechnical report finds that dewatering could result in subsidence/settlement-related damage to existing improvements. Mitigation Measure GEO-2 also identifies soil-cement cut-off walls as a potential shoring option that could reduce dewatering, and construction of soil-cement cut-off walls does not require pile driving. The analysis of construction impacts related to trucking, air quality, and noise accounted for excavation and shoring activities that may be performed with the exception of pile driving, because the use of pile driving is not anticipated. Refer to Response B-2-6. If pile driving is selected as a preferred shoring method for the project, subsequent environmental review would be required for the project as it would be a substantial change from the project as it is analyzed in this Draft EIR. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-49

This comment states that Mitigation Measure HYD-1, which requires (1) the project sponsor to coordinate with the appropriate regulatory agency to evaluate whether groundwater beneath the site has been contaminated by a release of hazardous materials, (2) evaluate whether the proposed dewatering activities could result in migration of off-site groundwater contamination, and (3) modify shoring and dewatering plans if necessary to prevent such migration, constitutes deferral of mitigation. The commenter goes on to state that additional impacts could result based on this future

[43] Note that it is common for environmental review pursuant to CEQA to be conducted at the conceptual design stage as, among other factors, such environmental review can result in mitigation requirements that can change a project's final design.

review and any recommended changes to total excavation or required changes to shoring or dewatering systems that were not evaluated in the Draft EIR.

The Draft EIR acknowledges that groundwater contamination from petroleum hydrocarbons has been identified in the southern portion of the project site, including the location of the Sears Auto Center, and indicates that preparation and implementation of a Soil and Groundwater Management Plan (SGMP) under regulatory oversight, as required by Mitigation Measure HAZ-2, would address the potential for migration of contaminated groundwater from on-site sources, as discussed on pages 4.7-18 and 4.7-19 of the Draft EIR. Further, the 2021 Phase I Environmental Site Assessment (ESA) recommends that environmental concerns at the Sears site be investigated further during redevelopment and after existing buildings are demolished. As discussed on page 4.8-8 of the Draft EIR, the Regional Water Quality Control Board (RWQCB) ultimately did not open a Cleanup Program case or require further action from the project sponsor. As discussed on page 4.8-2 of the Draft EIR, in 2020 the RWQCB concurred with a request for case closure for the former dry cleaner at 412 Las Gallinas Avenue. Therefore, the project sponsor has had no reason to further investigate the off-site property at 412 Las Gallinas Avenue or at the Sears location until it would be required for site development. The need for additional evaluation related to the off-site property is based on potential impacts associated with dewatering as identified in the Draft EIR and discussed in Response B-8B-47. Refer to Response B-8B-48 above regarding excavation and shoring. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-50

This comment states that Mitigation Measure HAZ-1 does not specify testing requirements for all potential materials containing polychlorinated biphenyls (PCBs) and that a Hazardous Building Materials Survey (HBMS) should have been completed prior to the Draft EIR analysis. The comment further states that without this information, Mitigation Measure HAZ-1 constitutes deferral of mitigation and that additional impacts (e.g., increased construction duration and truck trips associated with additional construction activities) that were not evaluated in the Draft EIR could occur.

While this comment includes a portion of Mitigation Measure HAZ-1, the first part of the mitigation measure, presented on page 4.8-22 of the Draft EIR, is omitted. Mitigation Measure HAZ-1 requires the project sponsor to perform a comprehensive HBMS for the structures to be demolished or renovated that would document the presence or lack thereof of PCB-containing equipment and materials and any other hazardous building materials. As discussed on page 4.8-21 of the Draft EIR, the potential presence of PCBs in older electrical equipment, light ballasts, and certain building materials (e.g., caulking and window seals) is a well-known issue. Testing for PCBs in such equipment and building materials as part of a comprehensive HBMS is standard practice and therefore would be performed by a qualified environmental professional as required by Mitigation Measure HAZ-1, and such studies and their follow-up requirements commonly occur just prior to demolition and site preparation activities. Mitigation Measure HAZ-1 explicitly requires testing for PCBs at other specific

features of concern (including hydraulic equipment and potentially affected concrete) which are not as commonly tested for PCBs. See Response B-3-9 and B-3-11, which address why an HBMS has not yet been performed and how disposal of demolition waste (which includes hazardous building materials) was already accounted for in the analysis of the Draft EIR. In addition to the Bay Area landfills that accept asbestos waste as discussed in Responses B-3-9 and B-3-11 above, other hazardous building materials (including PCB-containing materials) may be disposed of at various permitted treatment, storage, and disposal facilities in the Bay Area that collect and consolidate hazardous waste prior to transportation for disposal at appropriately permitted facilities. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-51

This comment states that Mitigation Measure HAZ-2, which requires preparation of and compliance with the recommendations of a SGMP that could require remedial actions for soil and groundwater contamination if identified on the site, constitutes deferral of mitigation, and that additional impacts could result if the plan recommends additional actions that could lengthen the construction period or require additional excavation beyond what was evaluated in the Draft EIR.

As discussed on page 4.8-2 of the Draft EIR, the transformer oil release in 1997 was from a Pacific Gas & Electric Company (PG&E) transformer, and the release was reportedly contained and cleaned up by PG&E. Refer to Response B-8B-49 above regarding how the RWQCB ultimately did not open a Cleanup Program case or require further action from the project sponsor to address known subsurface contamination issues at the project site. Based on the information above, the project sponsor has had no reason to prepare an SGMP until it would be required for development of the project site. Also refer to Response B-8B-50 above regarding disposal of hazardous building materials.

Based on the low subsurface mobility of some of the known and potential contaminants (e.g., hydraulic oil and PCBs), and the isolated detections and concentrations of other contaminants (e.g., VOCs in soil vapor), areas of subsurface contamination at the project site are expected to be localized and limited in extent. Given the nature and extent of subsurface contamination identified at the project site, it is highly unlikely that in-situ groundwater remediation would be required or performed, and this potential remedial action was only listed in Mitigation Measure HAZ-2 to provide a comprehensive list of optional remedial actions that could be considered. If in-situ groundwater treatment were to be performed, it would most likely consist of adding treatment compounds to groundwater within excavations to help speed up the natural breakdown of contaminants, which would not result in additional construction activities or durations.

The areas of known subsurface contamination at the project site are within the Phase 1 development area. As described on page 3-43 of the Draft EIR, Phase 1 development would include a total of approximately 62,416 cubic yards of soil to be excavated, approximately 39,738 cubic yards of which would be used on the project site and the remaining approximately 22,678 cubic yards

would be exported. The volume of contaminated soil that would be excavated and exported from the project site is expected to be only a small fraction of the soil volume already planned to be exported. There is no previous sampling data that suggests that soil excavated from the project site would need to be disposed of as a hazardous waste. Soil contaminated by petroleum compounds and VOCs can typically be disposed of as non-hazardous waste at various municipal landfills throughout the Bay Area. Some areas of subsurface contamination may be within areas already planned for excavation (e.g., as part of general site grading or for foundations/utilities or subsurface parking), and any additional excavation for removal of contaminated soil would be expected to be limited in extent and duration and would not materially increase the severity of impacts related to noise or air quality. Any additional excavations created for removal of contaminated soil would be backfilled with clean soil generated from the project site, which was originally planned to be exported; therefore, removal of contaminated soil would not alter the export/import soil volumes or the associated truck trips and air quality/noise impacts from what was evaluated in the Draft EIR. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-52

This comment states that additional analysis of potential operational noise impacts to off-site receptors should have been included in the Draft EIR and lists the documentation and project design and equipment specifications that would be included in such an analysis for stationary noise sources. These design-level details, including the exact location of some equipment (e.g., heating, ventilation, and air conditioning [HVAC] systems), are not available at this conceptual stage of the project. Operational impacts to off-site receptors that could occur due to on-site stationary sources are evaluated on pages 4.12-23 through 4.12-28 of the Draft EIR, and these impacts were determined to be less than significant. However, it was determined that impacts to on-site receptors would occur, and Mitigation Measure NOI-2 was identified. Mitigation Measure NOI-2 outlines the performance standards that must be met when project design details and equipment specifications are identified (refer to Chapter 5.0, Draft EIR Text Revisions of this RTC Document for minor clarifications to this measure). While intended to reduce impacts to on-site receptors, these measures would also further lower noise generated by stationary sources to the surrounding community. Compliance with this measure through the MMRP and the building permit approval process would ensure that the project would reduce operational noise to the extent feasible. However, as stated on page 4.12-31 of the Draft EIR, given that it is not possible to confirm that the noise levels would absolutely be below the applicable standards set forth by the City, this impact would be significant and unavoidable, such that project approval would require City approval of a Statement of Overriding Considerations. Also refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8B-53

This concluding comment reiterates previous statements that the Draft EIR defers future studies and mitigation requirements, which could result in additional impacts beyond those identified in the Draft EIR. Refer to Responses B-8B-47 through B-8B-52, which address this concern. Also refer to Master Response 7 regarding CEQA mitigation requirements and Master Response 8 regarding the adequacy of the Draft EIR.

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ATTACHMENT
2

SMITH ENGINEERING & MANAGEMENT

February 26, 2024

Gloria Smith, Esq.
Law Offices of Gloria D Smith
48 Rosemont Place
San Francisco, CA 94103

Subject: Northgate Mall Redevelopment Project DEIR (SCH #2021120187)

Dear Ms. Smith:

At your request and on behalf of the Responsible Growth in Marin ("RGM"), I reviewed the Draft Environmental Impact Study (the "DEIR") for the Northgate Mall Redevelopment Project (the "Project") in the City of San Rafael (the "City"). My review is with respect to transportation and circulation considerations.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California, over 50 years professional consulting practice in these fields and both preparation and review of the traffic and transportation components of numerous environmental documents prepared under the California Environmental Quality Act ("CEQA"). My professional resume is attached hereto. **B-8C-1**

My comments below address the DEIR's trip generation analysis, the level of service ("LOS") transportation operations study, and the traffic impact fee assessment, and other topics.

A Central Issue in These Comments Is the City's Adoption of a Hypothetical Traffic Baseline That Assumes Full Occupancy of and Normal Activity at the Existing Shopping Center

Rather than relying on existing conditions based on conducting traffic counts at the time the Notice of Preparation for the Draft EIR was published (the so-called baseline), as is typically assumed for CEQA, the City and its consultants have chosen to estimate a hypothetical traffic baseline for the project site. This hypothetical baseline is based on typical traffic generation rates for shopping centers from the Institute of Traffic Engineers ("ITE") manual (ITE Code 820 Shopping Center >150k Gross Floor Area), assuming that the entire existing 766,507-square foot floor area at the mall is fully occupied and generating traffic at typical rates. (DEIR, Appx. F, p. 11.) The problem with this assumption is **B-8C-2**

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that, according to RGM's observations, considerable portions of the mall have been vacant for a number of years, even before Covid, and the remaining retail as well as the two anchors, Macy's and Kohl's, have been struggling and attracted patronage and traffic at less than typical rates.

Based on the information in the DEIR (Table 3.A, Table 3.B, Figure 3-3, Figure 3-16, and Appx. F, Figure 3-3) and observations and documentation reviewed by RGM, approximately 20 percent of the retail floor area was vacant at the time the Notice of Preparation (NOP) for the DEIR was published in December, 2021.[1] (The DEIR, Appx. G, p. 1, claims that in September 2021, Northgate Mall operated at 88% occupancy; however, this appears to assume that RH Outlet occupies the entire floor area at the former Sears building when it occupies only one of three floors.[2]).

Moreover, in the current national trend toward similar retail shopping center vacancy due primarily to the increasing pervasiveness of e-commerce retail shopping, there is little chance of the empty retail space being consistently reoccupied and the probability is that further retail space will be vacated in the near future.

Furthermore, based on years of close observations and review of documents obtained from the City, newspaper articles, and other research, RGM concludes that the two anchor department stores, Kohl's and Macy's, that currently remain operational and comprise about 43 percent of Northgate's retail and commercial floor area have been operating at customer activity levels of about 70 percent or less of the normal for such stores for years.[3] In other words, these stores probably only generate about 70 percent (or less) as much traffic as the typical ITE manual trip generation rates for a shopping center of this size suggest. **B-8C-2 (cont.)**

It is obvious that the DEIR analysis avoided counting, or disclosure if counts have been done, to avoid revealing to the public how different the actual trip generation at the existing Northgate Mall is from the hypothetical baseline the

[1] [(Major 1 unoccupied: 4,551 sqft) + (Sears Seasonal: 12,200 sqft) + (Sears Auto Center: 16,300 sqft) + (RH Outlet: occupies only one of three floors with 106,476 sqft total, assumed at 2/3 vacant) + (Mall Shops East: 58,860 sqft assumed at 1/4 vacant) + (Mall Shops West: 140,932 sqft assumed at 1/4 vacant)] / (766,507 total leasable floor area) = 20.1%.

[2] Personal communication with RGM: the Draft EIR claims that the former Sears building is a 2-story building whereas documents obtained from the City identify the building as having 3 stories.

[3] Personal communication with RGM.

DEIR employs. This failure to disclose is improper. Even if the theoretical baseline the DEIR employs was legally supported, which it is not, the DEIR must disclose to the public what the actual existing trip generation of Northgate Mall is.

The DEIR's traffic analyses, specifically the Transportation Impact Study (Appendix F), Signal Warrant Analysis (Appendix G), and Transportation Operations Analysis (Appendix H), compare the Project's forecast traffic to this hypothetical traffic baseline that has not existed in many years, if ever, and is unlikely to exist in a 'no-build' future. As a result, the analyses presented in these documents do not provide fair guidance in this matter and the DEIR fails to inform the public about the real traffic impacts that would result with buildout of the Project. As such, the DEIR fails as an informational document under CEQA. This baseline assumption impacts each of the trip generation analysis, the Level of Service ("LOS") intersection traffic operations analysis and the traffic impact fee assessment. (This issue also potentially affects the DEIR's air quality/greenhouse gas analysis, a topic outside of my particular expertise, and is left for others to comment on.) This and other issues with the DEIR's analyses are addressed below. **B-8C-2 (cont.)**

Implications of the Difference Between Assuming Northgate at Full Occupancy and Typical Trip Generation Rates Versus Estimating the Existing Facility's Trips at Realistic Existing Occupancy and Operating Levels

I found the trip generation rates, land use totals, and trip totals reported in DEIR Appendix F, Tables 1 and 2, Appendix H, Tables 2 and 3, and DEIR, Tables 4.9.C and 4.9.D consistent. With few exceptions, I do not dispute the land use quantities and categories employed, the trip generation data source, or the math of the tables.[4] However, vacant spaces and underperforming spaces are treated as if they were occupied and generating trips at full typical rates for **B-8C-3**

[4] Exceptions are two matters that need to be explained. One is why the analysis appears to apply the attracted passerby discount to the residential component as well as the shopping center in both Project scenarios. It seems illogical that meaningful numbers of trips to residences would be attracted from pass-by traffic at all. The other is the question of why the pass-by discount increases from 6 percent daily, 4 percent in the AM peak and 15 percent in the PM peak for the theoretical existing scenario to 9 percent daily, 6 percent in the AM peak and 20 percent in the PM peak for the 2025 Master Plan scenario and 14 percent daily, 9 percent in the AM peak and 32 percent in the PM peak for the 2040 Vision Plan Scenario. This seems illogical since the retail component, which would account for virtually all of the pass-by attraction shrinks from the existing condition to the Master Plan scenario and more so in the 2040 Vision Plan scenario. Please explain and correct.

the selected land use category and gross leasable area, which I believe to be improper.

To the point, the trip generation analysis (Appendix F, Table 2), finds that the existing shopping center generates 24,324 daily trips, 563 AM peak hour trips and 2,079 PM peak hour trips, all exclusive of attracted pass-by trips. However, as discussed above, about 20 percent of the mall's gross floor area was vacant at the time the NOP was published and the occupied retail at the mall only attracted shoppers and vehicle trips at about 70 percent or less than typical for similarly sized shopping centers. Based on RGM's experience and observations, the actual baseline trip generation rates of the existing Northgate Mall are considerably lower than assumed by the DEIR. Assuming a 10% vacancy and 70% activity, the daily baseline trip generation is 15,324 and in the AM and PM peak hours are 355 and 1,310 trips, respectively.[5] Assuming 20% vacancy and 70% activity, the daily baseline trip generation is 13,621 and in the AM and PM peak hours are 315 and 1,164 trips, respectively.[6]

What this means for the Phase 1 or Master Plan 2025 scenario (assuming 10% to 20% vacancy and 70% activity) is as follows: **B-8C-3 (cont.)**

- Instead of resulting in a 3,585 daily trip reduction, the Project results in a daily vehicle trip *increase* of 5,415 to 7,118 trips over baseline conditions;
- Instead of resulting in an AM peak trip growth of only 172 trips, the Project would result in an *increase* of 380 to 420 AM peak hour trips over baseline conditions; and
- Instead of resulting in a reduction of 345 PM peak hour trips, the Project would result in an *increase* of 424 to 570 PM peak hour trips over baseline conditions.[7]

What this means for the Phase 2 or 2040 Vision Plan scenario (assuming 10% to 20% vacancy and 70% activity) is as follows:

- Instead of resulting in a reduction of 8,384 daily vehicle trips, the Project would result in an *increase* of 616 to 2,319 daily vehicle trips over baseline conditions;

[5] (Daily, AM peak hour, and PM peak hour trip generation from DEIR, Appx. Table 2) × 0.9 × 0.7.

[6] (Daily, AM peak hour, and PM peak hour trip generation from DEIR, Appx. Table 2) × 0.8 × 0.7.

[7] DEIR, Appx. F, Table 2, Proposed Total minus above calculated revised baseline trip generation.

- Instead of resulting in an increase of only 177 daily trips in the AM peak period, the Project would result in an *increase* of 385 to 425 AM peak hour trips over baseline conditions; and
- Instead of a decrease of 886 PM peak trips, the Project would result in a *decrease of only* 177 to an *increase* of 29 PM peak hour trips over baseline conditions.[8]

B-8C-3 (cont.)

In sum, the DEIR substantially underestimated trip generation for the Project based on the hypothetical assumption of a fully occupied mall operating at full capacity and, consequently underestimates traffic impacts.

The DEIR's Vehicle Miles Traveled Analysis Is Not Supported

Several aspects of the DEIR's vehicle miles traveled ("VMT") analysis merit additional comment.

B-8C-4

First, the DEIR's VMT analysis relies on modeling using the Transportation Authority of Marin Demand Model ("TAMDM"), which was allegedly prepared by Kittelson and Associates. (DEIR, Appx. F, p. 25.) The DEIR cites to "TAMDM, Kittelson & Associates, W-Trans 2022" but fails to provide this document (DEIR, p. 4.9-23, and Appendix F, p. 26); it is also not provided in the reference documents for the DEIR on the City's website for the Project. As a result, neither the baseline average VMT per capita rate or the modeled results for Phase 1 and Phase 2 are supported or can be verified.

Second, the DEIR assumes that construction of Phase 2 would begin in 2030, lasting approximately 60 months and is anticipated to be fully operational and occupied by 2035. (DEIR, p. 3-53). Yet, the Draft EIR does not provide an analysis of 2035 traffic but rather defers analysis of the traffic impacts of full buildout under the 2040 Vision Plan until the year 2040.

B-8C-5

Third, it appears that the DEIR relies on an inconsistent set of statistics derived from the TAMDM. Consider the VMT per capita data presented on Table 7 at page 26 of DEIR Appendix F. The table indicates the residential component of the 2025 Master Plan would have 2,391 residents plus the existing theoretical 2019 baseline assumed by the DEIR would generate 11.0 VMT/capita. However, by 2040 the same 2,391 residents plus the baseline would generate only 9.0 VMT/capita, an 18.2 percent decline. However, if by 2040 the Vision Plan

[8] DEIR, Appx. F, Table 3, Proposed Total minus above calculated revised baseline trip generation.

was carried out and 1,271 additional residents are added to the 2040 Master Plan total (net 3,662 persons), the rate including the baseline would ratchet up to 10.7 VMT/capita. This sort of apparent instability in the TAMDM results requires explanation and it is insufficient to simply say 'that is what TAMDM predicts'. The results also appear to suggest that housing too many residents on this site would force all of them to travel further to satisfy the reason for their travelling. **B-8C-5 (cont.)**

The DEIR's Transportation Operations Study Failed to Assess All Intersections of the Access Driveways of Northgate Mall with Bounding Public Streets

The LOS Analysis provided in the DEIR relies on traffic counts in the vicinity of Northgate Mall collected in September, 2021 to establish existing conditions. (I note that the DEIR fails to provide this September 2021 study and the City declined to provide it to RGM upon request.) However, the DEIR presents traffic counts and operational calculations for only 3 of the 10 existing access/egress points to the mall and detailed information is only presented for the AM peak hour.[9]

In an attempt to justify not counting and analyzing all of the mall's traffic access/egress points, Appendix H, p. 4, cites an obscure article of the CA Vehicle Code (§ 365) that states: "An 'intersection' is the area embraced within the prolongation of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways, of two highways which join one another at approximately right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict." All text on page 5 of Appendix H to the effect that where Northgate's driveways meet bounding public streets are not intersections unless they join intersections of two public streets are the simply unsupported opinions of the consultants who prepared the analysis. **B-8C-6**

In my over 50 years of professional engineering consulting in California, I have never seen this rationalization used before to evade counting and analyzing the intersections of the access driveways of a major shopping center with bounding public streets. Furthermore, I cannot remember a single study of a large shopping center that failed to count and analyze all the shopping center driveways, even where they intersected with only just one public street. Moreover, Caltrans *Highway Design Manual* includes topics like Private Road

[9] See DEIR, Appx. H, p. 16, Tables 5, 6, and 7: Northgate Drive/Thorndale Drive, Northgate Drive/El Faisan Drive, and Northgate Drive/Nova Albion Way.

Connections, Urban Driveways, Driveways on Frontage Roads and in Rural Areas and Expressway Openings. Clearly, Northgate Mall's access roads that meet with only a single public street cannot just be summarily dismissed from trip generation related counts and analysis. It is my opinion all of the entries and exits to Northgate Mall should have been counted and modeling should have included the other 7 ingress/egress points to the site. **B-8C-6 (cont.)**

The DEIR Traffic Operations Level of Service Analysis Fails to Disclose Impacts Due to Its Reliance on the Hypothetical Baseline

The DEIR Appendix H. estimates traffic levels of service ("LOS") at 17 selected intersections in the Project vicinity. Because of the large disparity between the existing Northgate trips in the hypothetical estimate that the DEIR relies on and the condition that RGM demonstrated, the Appendix H LOS analysis seriously understates the effects the Project may have at key intersections. That is to say, because the DEIR overstates the numbers of trips that would be eliminated from the current use, it understates the net new trips that the Project would contribute to each study intersection. If all of the existing Northgate Mall retail were to be eliminated (which is not proposed), the net new vehicle trips the Project would generate could be over 50 percent greater than is disclosed in the current DEIR. The LOS analysis must be revised based on an accurate counting of the trip generation of Northgate Mall. This is critical because in some of the 2040 scenarios, the LOS standards at the intersection of Freitas Parkway and Las Gallinas Avenue could be exceeded with the addition of relatively few additional net new Project trips. **B-8C-7**

I also note that the analysis failed to perform a PM peak hour analysis on the grounds that the net new trips generated by the Project in the AM peak hour was greater. This ignores the possibility that the non-Project traffic in the PM peak hour may be greater or more concentrated on critical movements or that differences in directionality in Project traffic between AM and PM peak hours might place more Project traffic on critical movements and be more consequential even though the trip totals are less. Appendix H should also perform a PM peak analysis.

Based on the Hypothetical Baseline, the Developer Attempts to Evade Traffic Mitigation Fees

The City of San Rafael charges a development impact fee of $4246.00 per added AM and PM peak hour trip. Because of the above-discussed high hypothetical trip generation estimate for the existing development in the DEIR offsetting **B-8C-8**

Project trips, the 2025 Master Plan and the 2040 Vision Plan are both alleged to result in net negative peak hour trip totals, and hence incur no peak hour transportation mitigation fees. (DEIR, Appx. H, p. 28.) However, if the actual trip generation of the existing Northgate development is, as shown above, the AM and PM peak hour trip totals for the 2025 Master Plan would be 380 to 420 and 424 to 570, respectively, for a total of 804 to 990 peak hour trips. The corresponding traffic mitigation fee would be $3,413,784.00 to $4,199,294.00. For the 2040 Vision Plan, the AM and PM peak hour trip totals would be 385 to 425 and -117 to 29, respectively, for a total of 268 to 454 peak hour trips. The corresponding traffic mitigation fee would be $1,137,928.00 to $1,927,684.00. **B-8C-8 (cont.)**

It is in the City's interest to base the net new trip calculations on accurate counts of existing peak hour traffic at the existing Northgate Mall to ensure that the Project pays its fair share of traffic mitigation fees, which will certainly be needed to address the significant increase in traffic generated by the Project.

Potential Additional Traffic Mitigation

Almost no one wants to see a dying retail center preserved unchanged and virtually everyone recognizes the need for more residential development. The key issue is what mix of residential and retail development is appropriate for this site. However, the significant impacts with respect to traffic shown above indicate that the Project is simply too large to be absorbed by the surrounding street network. **B-8C-9**

Potential mitigation to reduce vehicle trips could include eliminating drive-through restaurants, which unnecessarily attract traffic from the freeway only to then continue their drive; reducing the number of residential units; and providing on-site grocery stores and other on-site amenities that would allow residents to stay on site rather than having to access off-site facilities. Any additional measures? It is important to include all viable solutions.

Conclusion

Given the large differences between the historic baseline traffic at the existing Northgate Mall as discussed above is and the hypothetical baseline the DEIR has assumed, it is obvious that there would not be sufficient trip generation from existing retail removed to offset all of the new trips generated by the new residential use and the retail that remains. **B-8C-10**

I recommend that the City prepare and recirculate a revised DEIR based on traffic counts at *all* entries and exits at the existing Northgate Mall development and based on a more realistic baseline that reflects operation of the mall before the pandemic. In addition, the revised DEIR must include additional mitigation measures for public review. **B-8C-10 (cont.)**

Sincerely,

Smith Engineering & Management
A California Corporation

Daniel T. Smith Jr., P.E.
President

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DANIEL T. SMITH, Jr.
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California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21'st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

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Comment Letter B-8C

Transportation Centers. Project manager for Daly City Intermodal Study which developed a $7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al*. Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard et al., U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

Response to Letter B-8C

Responsible Growth in Marin
Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith
Attachment 2 to Letter B-8A, Daniel Smith
February 26, 2024

Response B-8C-1

This introductory comment, which provides the qualifications of the commenter and references an attached resume, is noted. The comment also generally states that the comments in Letter B-8C address the Draft EIR trip generation, level of service (LOS), and traffic impact fee assessments. Responses to more substantive comments provided later in Letter B-8C that are related to these topics are provided in Responses B-8C-2 through B-8C-10.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8C-2

This comment raises concerns related to the environmental baseline utilized in the Draft EIR, in particular related to how the existing trip generation at the site was determined, and states that the comments in Letter B-8C are generally related to this issue. Please refer to Master Response 3 and Response B-8B-9 regarding the environmental baseline used in the Draft EIR, including a description of mall occupancy assumptions, as well as Master Response 4 regarding the transportation analysis methodology.

The comment also makes general assertions related to perceived occupancy rates, retail sales, and general market conditions. Also refer to Master Response 6 regarding speculation without substantial evidence. Refer to Response B-8B-2 regarding existing building heights/levels.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8C-3

This comment provides hypothetical calculations of project trip generation by applying an alternative approach for determining a baseline condition that reflects existing mall vacancy rates and other assumptions. The results of these hypothetical calculations are suggested to indicate that project trip generation and traffic impacts are underestimated in the Draft EIR. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, including a description of mall occupancy assumptions, as well as Master Response 4 regarding the transportation analysis methodology. Also refer to Master Response 6 regarding speculation without substantial evidence.

Regarding the pass-by traffic methodology as noted in Footnote 4 of the comment, it is noted that larger shopping centers tend to have lower pass-by rates as they act more as primary destinations.

Therefore, only data points with areas within 150,000 square feet of each shopping center size were used, resulting in average pass-by rates of 21 percent for the existing 766,512-square-foot shopping center, 27 percent for the 2025 Master Plan shopping center of 533,766 square feet, and 35 percent for the 2040 Vision Plan shopping center of 250,200 square feet. The pass-by rates of 10 percent for the AM peak hour and 15 percent daily were assigned in full to the 2040 Vision Plan shopping center, then reduced proportionately relative to the PM peak-hour, pass-by rates. The reductions for pass-by trips were applied to the trip generation for the shopping center component of the project only after deducting internal capture trips. At the proposed project, pass-by trips would in essence be "captured" from traffic on Las Gallinas Avenue or Northgate Drive.

Furthermore, pass-by reductions were not applied to the residential component. In Tables 4.9.C and 4.9.D of the Draft EIR, the number of trips for the shopping center is decreased by the internal capture percentage (5 percent) before any pass-by reduction (6 percent) is applied. For example, in the case of the AM peak hour in Table 4.9.C, there are 389 trips for "shopping center", and a 5 percent reduction yields 369, which in turn has a 6 percent pass-by applied to it to yield a 22-trip reduction, which is the number of pass-by trips stated in the table. If one were to go through that same calculation exercise for the "subtotal" that includes residential, it would not yield the same result. Furthermore, the relationship between the size of a retail use and the number of trips it generates is inversely proportional: the higher the square footage, the lower the trip generation per square foot. The same is true for pass-by rates since these are based on the trip generation, which increases per unit as the size decreases. For example, a small retail shop is more likely to have customers stop by on their way to somewhere else (a pass-by trip) compared to a large regional shopping mall where visitors travel there as a destination (a primary trip). This is why the pass-by rate increases under Phase 2 with less retail space compared to Phase 1.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8C-4

This comment states that several aspects of the vehicle miles traveled (VMT) analysis provided in the Draft EIR are unsupported. These comments are addressed in this response as well as Response B-8C-5.

The comment states that the Transportation Authority of Marin Demand Model (TAMDM), referenced in Appendix F, Transportation Impact Study (TIS) (credited as a source for data provided in Table 7) was not provided in the reference materials. Kittelson & Associates is credited as the developer of the model; that firm did not prepare anything specific to the proposed project or contribute to the analysis in the Draft EIR or any of its supporting documentation. The TAMDM is a sub-regional activity-based travel forecasting model developed by the Transportation Authority of Marin (TAM) and is operated and maintained by TAM and its contractors. Access to the model is

available to qualified contractors through a use agreement with TAM and is not available to the public. Also refer to Response B-8C-5.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8C-5

This comment states that although construction of Phase 2 of the project would be fully operational and occupied by 2035, a future scenario VMT analysis is performed for 2040 not 2035. It is common practice to assess VMT impacts at a future horizon consistent throughout the Draft EIR analysis. Furthermore, the TAMDM model year 2040 incorporates changes envisioned by the San Rafael General Plan 2040. It is most sensible to assess VMT for a horizon year of 2040. This comment also suggests that the VMT results of the TAMDM for the 2040 model scenarios (included in the Draft EIR Appendix F, page 26) appear to be incongruent, especially with respect to per capita VMT relationship to population figures for 2040 scenarios.

As described on page 4.9-20 of the Draft EIR, the TAMDM is a set of mathematical procedures and equations that represent the variety of trips taken on the transportation network. The 2040 model scenario incorporates changes envisioned by long-range land use plans in Marin County, including the San Rafael General Plan 2040. The decrease in VMT per capita between 2019 and 2040 with the Master Plan is attributable to regional shifts in land use and transportation patterns as forecast by the TAMDM. Such differences between model base and forecast years are typical, and in the case of the modeling performed for the proposed project, are not associated with any changes in assumptions about the characteristics of Phase 1 of the project. Compared to Phase 1 of the project, Phase 2 substantially reduces retail square footage while substantially increasing the residential population. Such shifts in a project's land use quantities invariably affect travel patterns and per capita VMT, particularly in cases like the project where the jobs/housing balance on the site changes. The reported differences in VMT per capita for Phases 1 and 2 are expected, rather than the result of instability in the TAMDM model as hypothesized by the commenter. While TAMDM is a highly complex model and it would be inappropriate to cite only one factor as a determinant of VMT projections, it is possible that the jobs/housing balance associated with Phase 1 is somewhat less efficient from a VMT perspective than that associated with Phase 2, leading to higher VMT per capita. Both project phases are, however, projected to result in VMT per capita levels that are below the significance thresholds established by the City. In both cases the project would have a less than significant impact on residential VMT.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8C-6

This comment states that the Transportation Operations Study (TOS) should have included modeling of all project site access driveways that connect to public streets. As stated in Response A-2-11, while it can be helpful to understand how the project may influence localized traffic patterns, the

TOS (Appendix H to the Draft EIR) analyzes vehicle congestion and other metrics that are not related to CEQA transportation significance criteria, and was produced for informational purposes. As such, this comment does not address the adequacy of the information or analysis provided in the Draft EIR.

Nevertheless, it should be noted that three of the expected busiest access points for the project were evaluated (Intersection #10 – Las Gallinas Avenue/Del Presidio Boulevard, Intersection #11 – Las Gallinas Avenue/Merrydale Road, and #13 – Northgate Drive/Thorndale Drive), and no operational deficiencies were found. These intersections (especially Intersections #10 and #11) represent what are likely the busiest access points to the mall. So, by implication, if there are no deficiencies at these locations, the lower volume driveways would also not have deficiencies. Also, the Highway Capacity Manual (HCM) that governs traffic analysis practices does not have in its methodology a way to analyze driveways by themselves. All this said, there was still the possibility for safety impacts of driveways based on volumes. This is why warrants for left-turn lanes and sight distance reviews were performed for all driveways.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8C-7

This comment states that the LOS analysis performed in the TOS (Draft EIR, Appendix H) minimizes impacts due to its reliance on a baseline that assumes full occupancy of the existing mall, and suggests that the LOS analysis should be performed based on existing trip generation that accounts for current occupancy rates. This comment also suggests that the TOS should perform a PM peak-hour LOS analysis to account for the fact that there may be differences in vehicle movements between AM and PM peak time periods.

Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, including a description of mall occupancy assumptions, as well as Master Response 4 regarding the transportation analysis methodology, including peak-hour trip rates and methodology. Also refer to Response A-2-11 regarding use of LOS as a congestion metric.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8C-8

This comment, which raises the concern that the project will not pay any traffic impact fee given the environmental baseline assumptions used in the Draft EIR analysis, is noted. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8C-9

This concluding comment, which relates to the merits of the project, is noted. Refer to Master Response 2 regarding the merits of the project and Master Response 8 regarding the adequacy of the Draft EIR. As demonstrated in Responses B-8C-2 through B-BC-8, no new impacts related to transportation have been identified in the comments provided in Letter B-8C or elsewhere in this RTC Document. As such, no additional mitigation measures are required; refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8C-10

This concluding comment, which summarizes the concerns addressed in Responses B-8C-1 through B-8C-9, is noted. Refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, including a description of mall occupancy assumptions, as well as Master Response 4 regarding the transportation analysis methodology. Refer to Master Response 6 regarding speculation without substantiation and Master Response 7 regarding CEQA mitigation requirements. Refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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ATTACHMENT
3

SMITH ENGINEERING & MANAGEMENT

March 1, 2024

Gloria Smith, Esq.
Law Offices of Gloria D Smith
48 Rosemont Place
San Francisco, CA 94103

Subject: Northgate Mall Redevelopment Project DEIR (SCH #2021120187)

Dear Ms. Smith:

This letter supplements my comments on the Northgate Mall Redevelopment Project ("Northgate") dated February 26, 2024.

Subsequent to preparing those comments, I obtained a copy of the City of San Rafael Transportation Impact Analysis Guidelines ('the Guidelines") dated March, 2021 which I believe to be the current operative guidance on preparing the transportation components of environmental documents and Transportation Operations Studies. I compared the Northgate DEIR and the Appendix H Transportation Operations Study to those Guidelines. I noticed the following inconsistencies: **B-8D-1**

At page 16, the Guidelines provide that no credit for an existing use should be given for uses that were unoccupied for the prior three years, presumably prior to the Notice of Preparation, although this is not specified. However, the Northgate DEIR, as shown in my comments of February 26, despite long term vacancies and operating stores underperforming norms, at full ITE trip generation rates typical for a shopping center of Northgate's size. [1] The City made no effort in the DEIR analysis to determine how much of Northgate's floor area was vacant for the 3 years prior to preparation of the DEIR. Hence, the DEIR is inconsistent with San Rafael's own 2021 Guidelines. **B-8D-2**

At page 24, the City's Guidelines provide that proposed projects should be evaluated for both the weekday morning and weekday evening peak periods. They also explicitly provide that "retail commercial projects that are 100,000 square feet or larger should evaluate operations for Saturday mid-day peak hour conditions, in addition to the standard weekday morning and evening peak periods." However, inexplicably, the DEIR's Traffic Operations Study dismissed **B-8D-3**

[1] The Institute of Traffic Engineers' manual (ITE Code 820 Shopping Center>150k Gross Floor Area.

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doing the weekday evening peak period analysis based on its flawed trip generation analysis[2] and made no attempt to do a Saturday mid-day analysis. Again, the DEIR and its appendices are inconsistent with San Rafael's own Transportation Impact Analysis Guidelines, and should be reconciled in a revised and recirculated EIR. **B-8D-3 (cont.)**

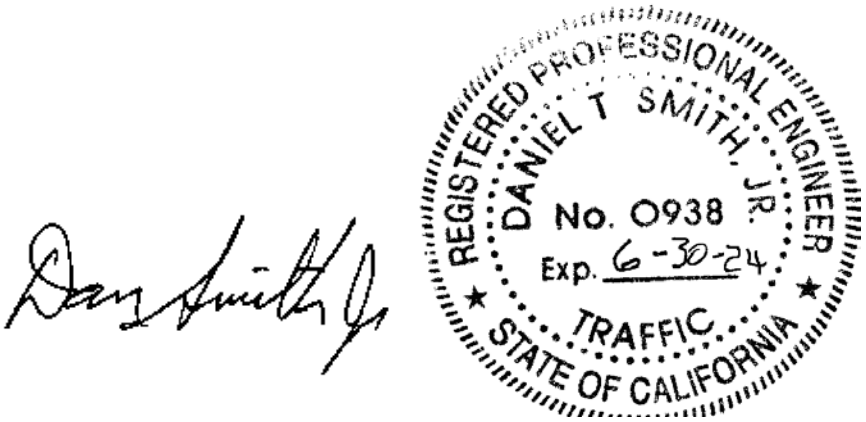
Finally, at page 40, the City's Guidelines provide that the significance criterion for vehicle miles traveled (VMT) impact for Retail use is "Project Total VMT rate exceeds 15 percent below existing Regional average rate (per employee)". The Guidelines also provide that for Mixed Use Projects, "each land use type evaluated individually against residential, office, and retail thresholds", so the retail threshold would still apply in a mixed-use project like the Northgate Redevelopment project. Again, the DEIR and its appendices are inconsistent with San Rafael's own Transportation Impact Analysis Guidelines. **B-8D-4**

Conclusion

The DEIR and its transportation appendices are inconsistent with San Rafael's own Transportation Impact Analysis Guidelines. These inconsistencies must be corrected and new analyses reflected in a revised and recirculated EIR. **B-8D-5**

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E., President

[2] As I pointed out in my February 26 comment letter, even if the DEIR's trip generation analysis were correct, the Project would still have significant impacts because of the more sharply peaked directional flow of its residential component combined with the growth of future non-project traffic.

Response to Letter B-8D

Responsible Growth in Marin
Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith
Attachment 3 to Letter B-8A, Daniel Smith
March 1, 2024

Response B-8D-1

This introductory comment, which states that Letter B-8D is a supplement to the comments included in Letter B-8C, is noted. The commenter relied on City of San Rafael Transportation Analysis Guidelines (TA Guidelines), dated March 2021 to claim inconsistencies between the TA Guidelines and the Transportation Operations Study (TOS). However, the TA Guidelines were not finalized until June 2021; thus, it appears the commenter relied on an earlier draft. In any case, the March and June 2021 TA Guidelines are not materially different. Responses B-8D-2 through B-8D-4 address the more substantive comments raised in Letter B-8D regarding this concern.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8D-2

This comment quotes page 16 of the draft version of the TA Guidelines stating that no trip generation credit for an existing use is to be applied for land uses that have not been active for the past 3 years, and states the Draft EIR is not consistent with this guideline because the TOS does not account for the existing occupancy rate of the mall and instead utilizes full mall occupancy as a baseline scenario. (The language cited actually is on page 17 of the final version.) However, the TA Guidelines still were in draft form and had not yet been finalized when the City and the preparers of the transportation analyses consulted and agreed upon the methodology to be used for the proposed project.[44] Nevertheless, the Draft EIR treats the project site as an active Shopping Center use with vacancies typical of the hundreds of other shopping centers that form the basis for ITE trip generation rates. The City's TA Guidelines provide that, specifically for total vehicle miles traveled (VMT) purposes, existing use credit will not be given for a "use" that was vacant for three full years. Only 18,648 square feet of space were vacant in the fourth quarter of 2019 (immediately pre-COVID-19), which is the maximum square footage that could have remained vacant for 3 years prior to the intersection counts taken in September 2021 and the Notice of Preparation (NOP) date of November 2021. This 2.4 percent vacancy rate (i.e., 18,648/766,507) is typical of a normally operating shopping mall and therefore is already captured by the Institute of Transportation Engineers (ITE) trip generation rates. Even had the Draft EIR in effect double-counted this vacancy and denied trip generation credit for this 18,648 square feet, the change to total VMT would have been de minimis. This methodology was reviewed and confirmed as sound and appropriate by the City's in-house transportation consultants as well as the Draft EIR preparers. Refer to Master Response 3 and Response B-8B-9 regarding the environmental baseline used in the Draft EIR,

[44] W-Trans. 2021. Updated Memorandum of Traffic Assumptions for the Northgate Town Square Project. October 11.

including a description of mall occupancy assumptions, as well as Master Response 4 regarding the transportation analysis methodology.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8D-3

This comment suggests that the TOS should be required to perform analysis for additional time periods, including PM peak and weekend periods, based on page 24 of the TA Guidelines categorization for retail commercial projects 100,000 square feet or larger. However, the project is not a retail commercial project. On the contrary, the mixed-use project substantially reduces the existing retail footprint of the mall. Therefore, this component of the TA Guidelines would not apply to this mixed-use project. Also refer to Master Response 4 regarding the transportation analysis methodology in the Draft EIR and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8D-4

This comment refers to page 40 of the TA Guidelines, and notes that a retail threshold would apply to the VMT analysis for a mixed-use development such as the project. The Draft EIR does indeed apply a retail threshold to the VMT analysis. This analysis and results are listed on page 4.9-23 of the Draft EIR and on pages 26 and 27 of the Transportation Impact Study (TIS), included as Appendix F to the Draft EIR. The Draft EIR includes a description of the threshold of significance for the retail land use VMT analysis, and concludes that the project's retail component is considered to have a less than significant impact on VMT.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8D-5

This concluding comment, which summarizes the concerns addressed in Responses B-8D-1 through B-8D-4, is noted. Refer to Master Response 4 regarding the transportation analysis methodology and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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ATTACHMENT
4

Comment Letter B-8E

Responsible Growth in Marin

Date: March 5, 2024

Via Email

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

cc: Micah Hinkle, Community Development Director
Margaret Kavanaugh-Lynch, Planning Manager
April Talley, Northgate Project Manager

Re: Writ en Comments on Northgate Town Square Mall Redevelopment Project
Draft Environmental Impact Report, Noise Impacts (Section 4.12 and Appendix J)

Dear Planning Division,

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 Mall Redevelopment Project to provide needed housing, create a town center/urban village, and prove new outdoor amenities and open spaces. However, we are concerned that, among other things,[1] the DEIR's assessment of noise impacts, including Appendix J, does not adequately assess the massive noise impacts from construction and operation of the Northgate Town Square Project on existing residents and neighbors, as well as the nearby senior living facilities of Alma Via and Villa Marin. We find that the noise analysis conducted for the DEIR is severely flawed and, consequently, the DEIR fails to identify and mitigate significant impacts, as shown below. **B-8E-1**

Measurements for Pre-Project Noise Levels (Baseline)

Although the DEIR acknowledged that traffic is one of the biggest sources of ambient noise, very few average ambient sound pressure level measurement were taken to establish the existing pre-project (baseline) ambient noise levels in the vicinity of the project site: only one 15-minute measurement was taken at each of four locations on the south and west sides of the mall, between 2:30 and 4:00 pm on Wednesday December 1, 2021 plus one 24-hour long measurement taken at either the west side of the site or at the north parking lot from 2:40 pm **B-8E-2**

[1] RGM also submit ed comment let ers on the DEIR's traffic, air quality and greenhouse gas emissions analyses.

on December 1, 2021 through 1:40 pm on December 2.[2] Based on these measurements, the Draft EIR established the existing ambient noise level at either 62.0 Leq dBA (Table 2 of App. J) or 64.3 Leq dBA (Table 7 of App. J).[3] These measurements of existing sound pressure level, and consequently, the establishment of the baseline for the DEIR's noise analysis, are severely flawed.

B-8E-2 (cont.)

Specifically, the four locations for the 15-minute measurements were at Alma Via at intersection of Northgate Drive and Las Gallinas Avenue; the intersection of Northgate Drive and Nova Albion Way; Las Perdiz Court in Quail Hill; and at Villa Marin. Generally speaking, these locations are the closest existing residential properties to the site. However, the time period chosen for the noise measurements was during a peak period for students leaving Terra Linda High School (about half a mile away), who are driving down Nova Albion Way (often speeding in excessively loud cars or trucks such as teenagers tend to drive and often with the music turned up loud and open windows), and then turning either left or right onto Northgate Drive and driving past either Quail Hill and Villa Marin or Alma Via, respectively. Thus, the four short-term noise measurements in the afternoon were conducted during an exceptionally busy time of the day and are not representative for most of the rest of the day.

In fact, the 24-hour noise level measurements on Northgate Drive near Villa Marin show spikes during the times high school students travel to and from school, as shown below. The block level times for Wednesdays at Terra Linda High School are as follows:

> **0 Period: 7:25 am – 8:25 am**
> **2nd Period: 8:30 am – 10:00 am**
> Brunch: 10:00 am – 10:15 am
> Tutorial: 10:20 am – 11:20 am*
> 4th Period: 11:25 am – 12:55 pm
> **Lunch: 12:55 pm – 1:35 pm**
> **6th Period: 1:40 pm – 3:10 pm**

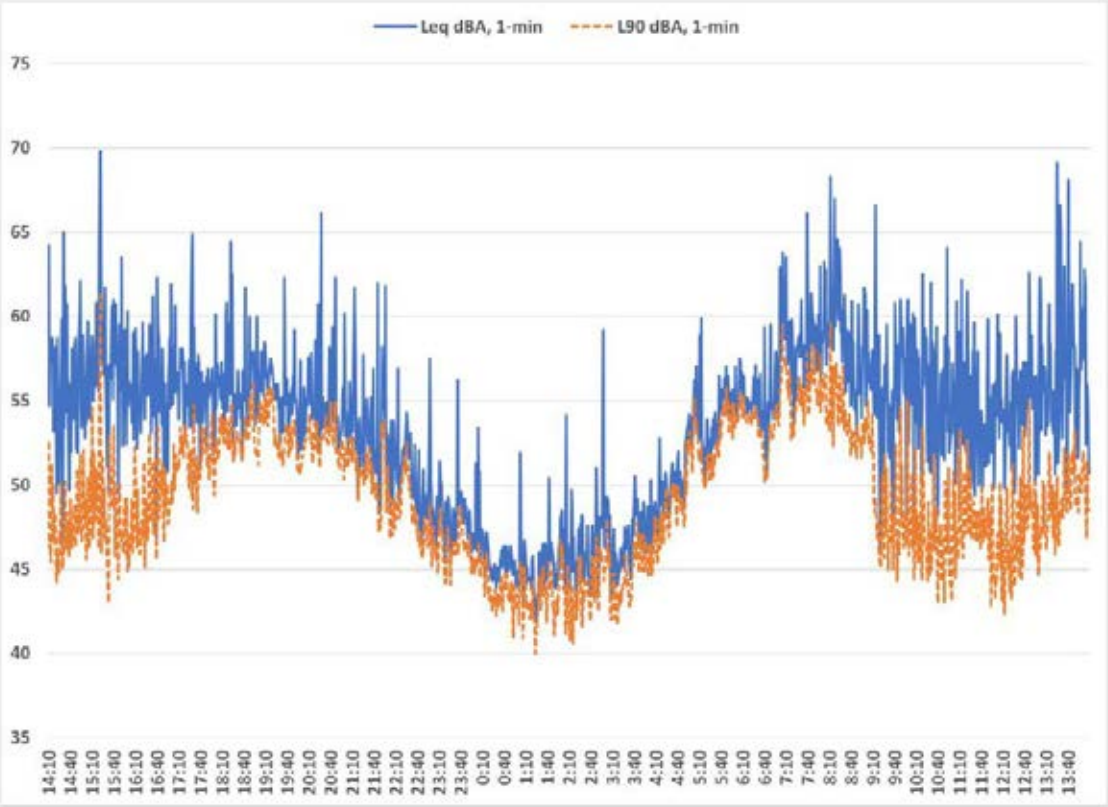
See Terra Linda High School, Block and Bell Schedule, ht ps://terralinda.srcs.org/19021_2 (emphasis added).

The figure below is from the Draft EIR, Appendix J, for the 24-hour ambient sound level measurements on Northgate Drive near Villa Marin.

[2] The field notes for this measurement state it was taken at the "Northside Parking Lot" (*see* Appendix A to Appendix J (p. 88/164)) whereas the map of the measurement locations shows it was on Northgate Drive between El Faisan Drive and Thorndale Drive (*see* Exhibit A to Appendix J, p. 8 (21/164)). For the purpose of this analysis, we are assuming the position shown on Exhibit A is correct.

[3] It's worth noting that the two tables state different numbers – a 15-minute measurement of 62.0 average dBA somehow translates to an hourly measurement of 64.3 dBA.

Exhibit B. Outdoor Ambient Sound Levels Measured Onsite from December 1, 2021 to December 2, 2021



Source: Dudek 2021

As shown, the large spike in the Leq dBA between 15:10 and 15:40 (3:10 pm and 3:40 pm) coincides with the end of the 6th block period (3:10 pm), when students are leaving school for the day. Similarly, the spikes between 7:10 and 7:40 am and 8:10 and 8:30 am coincide with the beginning of the 0 and 2nd block bell schedule (7:25 am and 8:30 am), respectively, when students arrive at school in the morning. Finally, the spike between 13:10 and 13:40 (1:10 pm and 1:40 pm) coincides with the school's lunch break (12:55 pm – 1:35 pm) during which students often drive somewhere. My neighbors and I can at est to this traffic pat ern from years of observations. After-school activities such as sports practice often also lead to bursts of traffic from the school in the late afternoon/early evening. **B-8E-2 (cont.)**

This pat ern of students driving to and from the high school affecting traffic and noise levels along Nova Albion Way and Northgate Drive can also be corroborated by comparing traffic counts. For example, the DEIR's traffic count for the Nova Albion Way/Northgate Drive location was 118 vehicles in the 15-minute measurement period for this location from 2:52 pm through 3:08 pm on December 1, 2021 (*see* Appendix A to Appendix J of the DEIR). I personally counted vehicles and collected noise data multiple times on different days at that location, as summarized in the chart below. **B-8E-3**

Date	Time	Vehicle Count	Leq dBA
Monday 2/6/2024	10:40-10:55 am	48	55.1
Monday 2/6/2024	2:00-2:15 pm	87	59.6
Monday 2/8/2024	3:54-4:09 pm	104	59.6
Friday 2/9/2024	9:28-9:43 am	37	54.3
Tuesday 2/13/2024	9:01-9:16 am	62	58.2

B-8E-3 (cont.)

The number of vehicles varied from 37 (at around 9:30 am) to 87 in the early afternoon to 104 around 4 pm and the Leq dBA measurements I took were never at or above 60 Leq dBA and in the mornings in the mid 50's. These noise measurements were taken using the National Institute for Occupation Safety and Health Sound Level Meter app described as a "relatively reliable means of measuring noise exposure levels" by documents in the National Library of Medicine, with an accuracy rating of 97%).[4] Counting vehicles simply requires a pen and paper. It is undeniable that on average, fewer vehicles translates to less noise.

As noted, the City and the DEIR agree that traffic is one of the biggest sources of ambient noise. In sum, then, the Draft EIR's determination of existing pre-project ambient noise levels in the vicinity of the project site is not supported, and therefore its conclusions regarding noise impacts are flawed.

Construction Noise Impacts

B-8E-4

The DEIR acknowledges that the unmitigated combined ambient and construction noise levels at the intersection of Nova Albion and Northgate Drive (RNA1), Alma Via (RND1), and at nearby Sao Augustine Way (RSA1) will at times be approximately 80 dBA Leq, an overall increase over existing noise levels (as determined by the DEIR) of about 18 dBA.[5] (*See* Table 4.12.H of the DEIR.) The construction noise experienced on Quail Hill (RLP1) will at times be above 70 dBA Leq (*see* App. J at p. 27) – an overall increase of perceived noise of about 18 dBA Leq. The DEIR accordingly finds that project construction would result in significant impacts and proposes implementation of Mitigation Measure NOI-1. (DEIR, pp. 4.12-16 and -17.)

[4] *See* ht ps://pubmed.ncbi.nlm.nih.gov/32108336/#)

[5] It is unknown what the combined noise levels will be at the senior living facility of Villa Marin since inexplicably, no estimations were made for that location despite it being designated as a sensitive receiver and despite current ambient noise measurements being taken there.

The Draft EIR specifies the following noise mitigation measure for construction noise:

> **Mitigation Measure NOI-1 Sound Barriers.** The City of San Rafael (City) Director of Community Development, or designee, shall verify prior to issuance of demolition or grading permits that the approved plans require that the construction contractor implement the following measures during project construction activities:
>
> - Temporary noise barriers or shrouds shall be installed (featuring materials and methods of assembly and installation that yields a sound transmission class [STC] of 20 or bet er) near the operating equipment in a safe, feasible, and practical manner to break sound paths between it and the on-site noise-sensitive receptors (e.g., single or multi-family residences) of concern.
>
> - During Phase 1 of construction, the temporary barriers shall be a minimum of 10 feet tall.
>
> - During Phase 2 of construction, the barriers shall be a minimum of 11 feet tall. (LTS)

B-8E-4 (cont.)

With implementation of this mitigation measure, the Draft EIR finds that noise impacts would be less than significant. (DEIR, p. 4.12-17.) As discussed below, this mitigation measure is not enforceable and fails to support the Draft EIR's conclusion that construction noise would be reduced to less than the significance threshold. Therefore, the Draft EIR's conclusion of less-than-significant noise impacts from construction with implementation of Mitigation Measure NOI-1 is flawed and not supported.

First, Mitigation Measure NOI-1 provides no monitoring of construction noise to ensure that the assumed reductions in noise through temporary sound barriers would, indeed, occur.

Second, the Draft EIR fails to provide any support for its assumption that the use of temporary sound barriers would decrease noise to a less than significant level. Specifically, Appendix J states, at page 42, that decreases of 3 to 9 dBA "**can commonly be achieved**" using the following proposed mitigation measures:

> Install temporary noise barriers or shrouds (featuring materials and method of assembly and installation that yields a sound transmission class [STC] of 20 or bet er) near the operating equipment in a safe, feasible, and practical manner to occlude sound paths between it and the onsite noise-sensitive receptors (e.g., single or multi-family residences) of concern. Blocking direct line-of-sight (LoS) between the operating equipment and a distant receptor should yield a minimum of 3 to 5 dB noise reduction, but noise reduction of 9 dB or more can commonly be achieved with the right combination of installed barrier height with respect to source and receptor locations and barrier horizontal extent (to avoid "flanking" around its vertical edges).

The document provides no substantial evidence for the claim that these measures ***will*** achieve a decrease of 3 to 9 dBA.

Third, even if those reductions in noise levels were to be achieved (and there is no guarantee that they will be), that still leaves the noise levels during construction at three of those locations at levels as high as 71 to 77 dBA – potentially well in excess of the 10 dBA increase over existing conditions (63.4 dBA) established by the DEIR as the applicable significance threshold for construction noise (even if the 63.4 dBA existing sound level was accurate, which it is not, as already shown). Therefore, the DEIR's determination that implementation of Mitigation Measure NOI-1 would reduce construction noise to less than significant is not supported. The City must revise the noise analysis accordingly.[6] **B-8E-4 (cont.)**

Fourth, the DEIR allows for construction to be ongoing from 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays. During Phase 1, construction would last for at least 28 months (*See* Appendix J Table 6 – showing increased noise levels at the Nova Albion Way location[7] through June 2026, assuming construction started in February of this year). (I note that the DEIR is internally inconsistent as it elsewhere indicates that Phase 1 construction would only take 19 months. *See* DEIR, p. 4.10-30.) Yet, the DEIR did not provide ambient noise level measurements for Saturdays. Thus, any conclusions regarding the significance of construction noise impacts with respect to an increase of 10 dBA over the baseline are not supported. **B-8E-5**

Fifth, even if the DEIR's inadequate noise level measurements were accurate (which they are not), the more than 10 dBA increase (***after*** mitigation) means the nearby neighbors will suffer a doubling of perceived sound as recorded at one of the loudest times of the day and a tripling of noise at quieter times of day. Those neighbors could be subjected to this huge increase in ambient noise for 11 hours a day Monday to Friday and for 9 hours a day on Saturdays, for multiple years. This is simply not an "acceptable noise level" as required by the City's General Plan 2040 ("GP2004") (*see* GP2040 at pp. 9-10; DEIR at p. 4.12-10). **B-8E-6**

Sixth, the City's noise ordinance states that no construction noise is permit ed to exceed a maximum of 90 dbA at any point outside the project boundary (Lmax). The DEIR recognizes that the nearest single-family residences on Sao Augustine Way and Nova Albion Way are only approximately 90 feet south of the proposed project site and the senior living facility of Alma Via is approximately 95 south of the proposed project site). (*See* DEIR at pp. 4.10-36 and -37). The DEIR maintains that the maximum noise will not exceed 88 dBA at the project boundary. The DEIR addresses this issue with the example of a jackhammer 150 feet away from **B-8E-7**

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[6] To put these noise levels in perspective, it is widely accepted that a 10 dB increase is a doubling of perceived sound. (*See* DEIR at p. 4.12-3). Therefore, ***71 dBA is twice the level*** of intermit ent noise permit ed by the City's Noise Ordinance of 60 dBA, and ***77 dBA is about three and a half times*** the permit ed noise level. This is especially problematic for existing elderly neighboring residents.

[7] It is unclear why the Nova Albion Way location is shown as suffering 28 months of noise increase while all the other locations are shown to suffer noise increase for at most 8 months. *See* Appendix J Table 7 (pp. 27-28).

the project site boundary plus five additional less noisy pieces of equipment 50 feet from the boundary, concluding that the noise level at the boundary would not exceed 88 dBA:

> Therefore, the logarithmic sum of noise emission from these two equipment types at 150 feet and noise emission from the five other equipment types at a distance of 50 feet would not exceed 88 dBA Lmax at the project boundary. For this reason, and because all other phases or groupings of concurrently operating noise-emitting construction processes would involve fewer and/or quieter pieces of equipment, the project would comply with the City's significance threshold of 90 dBA Lmax at the project boundary.

B-8E-7 (cont.)

DEIR at p. 4.12-17

Construction noise, comprised of multiple sources between 150 and 50 feet from the boundary, would only at enuate by approximately 6 dBA for each doubling of distance from the source. (*See* Appendix J at pages 5-6). It seems doubtful that noise levels of 88 dBA would at enuate by 28 dBA simply by crossing 90 – 95 feet of hard surface open space across Northgate Drive to the nearest residences, which is what would be required in order to meet the maximum increase of 10 dBA over existing conditions established as the significance threshold.

Special additional mitigation methods should be implemented to protect the residents of those nearby houses, many of whom are senior citizens who have lived in their homes for decades, and the residents of Alma Via and Drake's Terrace. This additional mitigation requirement is part of GP2040:

> The term "ambient noise" describes the composite noise from all sources at a given location. The US Environmental Protection Agency suggest that ideally, outdoor ambient noise levels be no greater than 60 dB Ldn in residential areas. The US Department of Housing and Urban Development has a minimum outdoor noise standard of 65 DB Ldn for residential uses. When housing is located in areas with ambient noise that exceeds this level, special insulating measures are usually required to reduce interior noise.

GP2040 at p. 9-2.[8] The DEIR and Appendix J acknowledge that the ambient noise, even after implementation of the mitigation methods those documents suggest, will rise to noise levels between 70 and 77 dBA Leq on an ongoing basis for a very significant period of time.

The above-discussed existing noise levels determined by the DEIR of 62.0 Leq dBA (Table 2 of App. J) or 64.3 Leq dBA (Table 7 of App. J) exceed the above the limits laid down in San Rafael's Noise Ordinance – which limits noise to only 50 dBA constant or 60 dBA intermit ent at

[8] However, it should also be noted that additional sound mitigation applied to nearby houses will do nothing to insulate residents from the noise bombardment when they are in their yards.

residential property boundary lines. In its discussion of "Construction Noise" and "Project-At ributed Change to Roadway Traffic Noise", the DEIR concludes that because the ambient noise levels already exceed the maximum permit ed, neither construction noise nor increased traffic noise during or following construction are bound by those limits. Instead, the DEIR argues that it is only bound by the limit of a 10 dBA increase in noise (*see* DEIR at p. 4.12-13). **B-8E-7 (cont.)**

Operational Traffic Noise

Traffic noise is a predominant cause of background ambient noise for the Project area (*see* DEIR at p. 4.12-5). The City's General Plan requires that "New development shall not increase noise levels by more than 3 dB Ldn in a residential area" (*see* GP2040 Policy N-1.2 (a)) (p. 9-10) and that increased noise from larger projects "include any noise that would be generated by additional traffic associated with the new development." (*Id*. at (c)) However, the DEIR completely ignores the effect of the number of large trucks that will service the site during the period of construction, plus the vehicles of construction workers arriving and leaving each day.

The DEIR compares projected traffic noise from Project operations to the above-discussed baseline and finds virtually no increase in traffic noise due to the proposed Northgate Mall Redevelopment Project . (*See* DEIR at Tables 4.12.K and 4.12.L, pp. 4.12-22 and -23). Consequently, the DEIR finds that the Project would not result in significant noise impacts. **B-8E-8**

This conclusion is not supported because the analysis relied on noise measurements that are not representative for weekdays, as discussed above. Further, the Draft EIR cannot draw any conclusions for noise impacts on weekend days because it did not measure noise on weekends and failed to establish a weekend baseline.

Additional Requirements Beyond Compliance with Noise Ordinance

The "absolutes" of the City's noise ordinance do not work for every scenario. The general exceptions, such as construction noise, are intended to allow for short-term noise, not ongoing noise six days a week for years during both project construction and operation. Because of this, the City's GP 2040 puts additional specific requirements on large construction projects.

The General Plan 2040 states that "[l]arger projects may be subject to specific requirements to avoid potential conflicts." (GP2040 at p. 9-6.) The Northgate Mall Redevelopment Project is unquestionably a "larger project" which will cause significant noise well in excess of normal limits for the nearby neighbors, for years. As such, the City must require additional mitigation measures for both project construction and operations to protect the nearby neighbors from this long-term massive and invasive increase in everyday noise. **B-8E-9**

Failure to Provide Adequate Analyses

The DEIR and Appendix J omit ed important information that must be included in a revised EIR. . **B-8E-10**

For example, missing from any analysis of noise impacts are the multi-family apartment complexes Terra Linda Manor on Nova Albion Way and Northview Apartments at the

intersection of Las Gallinas Avenue and Nova Albion Way); single-family homes between Elena Circle and Las Gallinas Avenue and single-family homes between Orange Blossom Lane and Manuel T. Freitas Parkway, which were ***all*** listed as sensitive receptors in the DEIR at p. 4.12-6 and in Appendix J at p. 11. **B-8E-10 (cont.)**

Additionally, of the locations that are shown to have significant noise impacts, only the Nova Albion Way location is shown to have significant noise impacts for 28 months. The DEIR does not explain why the Alma Via and Sao Augustine Way locations shown to have "significant impacts" only from a theoretical start date of February 2024 through June 2024 compared with significant impacts to the Nova Albion Way location from February 2024 to June 2026 (see DEIR at Table 4.12.H, p. 4.12-18). Sao Augustine Way abuts Nova Albion Way and all three of these locations are shown to have the same existing ambient noise levels. *Id.;* Appendix J at Table 7 (pp. 27-28). The Alma Via and Sao Augustine Way locations are shown on the tables with an entry for "remaining schedule" of "less than significant impact" following the July-September 2024 time period, whereas Nova Albion Way has an extra time period of November 2024 to June 2026 with significantly higher noise impacts. Further, the Alma Via senior living facility is less than 100 feet from the where the massive, 6-story Residential 3 building with underground parking will be built. On their face, these estimations make no sense. **B-8E-11**

Additionally, the time periods for the Nova Albion Way location on both tables completely omit the month of October 2024. *Id*.

This leads to the conclusion that predictions of future noise levels shown in Appendix J, which were prepared by Dudek, are either incomplete or deficient, and that LSA's peer review of Dudek's work failed to identify these omissions. **B-8E-12**

Conclusion

In sum, the DEIR's analyses of noise impacts during both construction and operation are substantially deficient, and, as a result, the DEIR fails to identify and mitigate significant impacts with respect to noise. The City must undertake additional testing and measurements of existing ambient noise that are representative of actual existing conditions and include the results in a revised EIR. **B-8E-13**

Further, bet er, and more focused noise mitigation methods are needed, particularly for the nearby neighbors who will be most impacted. These mitigation methods should include:

- Providing additional noise insulation for the existing nearby neighbors in the Eichler houses on Nova Albion Way and Sao Augustine Way who will be most impacted by the construction noise (many of these houses, which were built around 1960, retain their original single-pane windows, which do lit le to dampen sound);
- Ensure that the sound barriers fit ed around loud machinery also at enuate noise rising upwards, to reduce the noise impacts on Quail Hill and at Villa Marin, which are located significantly higher than the project's ground level;

- Providing advance warning of major noise events (and also traffic stopping events);
- Restrict construction activities to between 8:00 am and 5:00 pm on weekdays and disallow construction on weekend days; and
- Ensure that a site manager responsible for all mitigation measures be on site at all times that demolition or construction operations are taking place, with signage indicating how to contact that person (including by phone).

B-8E-13 (cont.)

We request that the City revise and recirculate the Draft EIR to address the above discussed issues. Thank you for your consideration and review.

David Smith, President
Responsible Growth in Marin

Response to Letter B-8E

Responsible Growth in Marin
Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith
Attachment 4 to Letter B-8A, David Smith
March 5, 2024

Response B-8E-1

This introductory comment, which states that Responsible Growth in Marin (RGM) supports the overall objectives of the proposed project but expresses concern that the noise assessment in the Draft EIR does not adequately evaluate construction and operation impacts, is noted. More substantive comments related to this concern are addressed in Responses B-8E-2 through B-8E-13. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-2

This comment implies that additional noise measurements should have been taken to adequately establish baseline ambient noise levels in the vicinity of the project site. Additionally, the comment states that the time period chosen for the short-term measurements included an unusually high volume of traffic and other noise associated with students leaving Terra Linda High School at the end of the school day. The comment goes on to state that the long-term noise measurements capture these spikes in ambient noise conditions and support the claim that the short-term noise measurements were conducted during a period of unusually high noise volumes. The comment provides a link to the Terra Linda High School schedule, which is noted.

The four short-term (ST) outdoor ambient sound level measurement locations, listed in Table 2 and presented on Figure 1 of the Noise Technical Report, were chosen because they were representative of the nearest noise-sensitive receivers, which are located generally south and west of the project site. While there are other pre-existing, off-site, noise-sensitive receivers in the project vicinity (e.g., those north and northwest of the project site, including those listed in Section 2.2.2 of the Noise Technical Report), these others are farther from the project site and would reasonably be expected to experience lower construction and operation noise level exposures. Additionally, some of the more distant receivers are partially “shielded” from the project site by topographical features (e.g., the hill or ridge atop which Villa Marin sits).

The long-term (LT, 24-hour) noise monitoring location, appearing in Exhibit A of the Noise Technical Report, is geographically centered amongst the four ST monitoring locations. The mid-afternoon period (from 2:28 p.m. to 4:08 p.m.) of the ST survey would be expected to yield outdoor ambient sound level samples that are quieter than morning or late afternoon rush-hour periods, thus yielding generally quieter and more conservative values for purposes of assessing a project-attributed increase over ambient impact significance. Field noise measurement data sheets provided in Appendix A of the Noise Technical Report include investigator counts of traffic and noteworthy

observations with respect to witnessed or perceived acoustical contributors. Table 2 shows the reader that the four ST locations share comparable lowest time-weighted sound level (L_{min}) values (within a very slim 1.2-decibel [dB] range), which could be explained by comparable distance to the US-101 highway and exposure to an amalgam of indistinct sources comprising the background sound level. The measured equivalent continuous sound level (L_{eq}) at ST2 is only 62 A-weighted decibels (dBA), within a decibel of the preceding measured L_{eq} at ST1 (61.1 dBA), and both L_{eq} values are several decibels less than many of the apparent 1-minute duration L_{eq} "spikes" appearing in the daytime hours between morning rush hour and late-afternoon rush hour. Therefore, the ST measurement samples are valid and useful for the purposes of supporting the noise assessment in the Draft EIR.

Further, the commenter claims that the Draft EIR's LT measurement over a 24-hour period includes a "large spike" occurring from 3:10 p.m. to 3:40 p.m., but this occurred after the ST2 measurement was concluded. Such spikes may indeed correlate with localized traffic flows on Nova Albion Way as the commenter observes, and the commenter's presented measurements of 59.6 dBA (see table in Comment Letter B-8E-3) during afternoon sampling times before and after the ST2 measurement period (2:52 p.m. to 3:08 p.m.) on different days are within 3 dB (a barely perceptible difference) of the 62 dBA measured at ST2. However, it must be noted that any "spikes" appearing on Exhibit A are due to the displayed 1-minute interval granularity. For purposes of assessment as shown in the Noise Technical Report, hourly L_{eq} averages or day-night average noise levels (L_{dn}) were applied.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-3

This comment provides further commentary on the effects of school operations on traffic noise levels and additionally provides traffic counts and noise level measurements gathered with a cell phone application, which is noted. The comment states that the Draft EIR identifies traffic noise as the primary source of ambient noise conditions and that the Draft EIR's baseline noise levels are unsupported. Therefore, it is the commenter's opinion that the Draft EIR's evaluation of operation period noise impacts is flawed.

This comment includes information that was gathered by the commenter related to their own observations, which the Draft EIR preparers are unable to verify; however, this information is noted. While the application used by the commenter to establish noise measurements might have the correct methodology and settings for gathering noise levels, the microphone on a smartphone is not capable of accurately measuring sound levels. A sound level meter must be a Type 1 or Type 2 to be considered accurate for environmental noise monitoring. The sound level meter should also be calibrated before use. Lastly, the data in the long-term measurement discussed under Response B-8E-3 above does support typical traffic noise patterns and does support the concept of traffic noise being a significant source of ambient noise.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-4

This comment suggests that Mitigation Measure NOI-1 does not demonstrate how the required construction noise reductions can be achieved and is not enforceable. However, the Draft EIR analysis on pages 4.12-15 through 4.12-22, and additional information in the Noise and Vibration Technical Report (Draft EIR Appendix J) describes how the required sound barriers and other measures would achieve the required reductions to ensure that construction noise would be below the established thresholds and that this impact would be less than significant. Enforcement of this measure through the Mitigation Monitoring and Reporting Program (MMRP) and the construction permit approval and compliance process would ensure that the project would not exceed the construction noise standards set forth by the City. Further, consistent with General Plan policies, construction noise activities are subject to standard conditions, including posting of the contact information for noise complaints. Depending on community reporting, the City could determine that additional noise measurements or monitoring is warranted, and additional noise reduction measures could be imposed to meet the performance thresholds in the event that the sound barriers and other measures are determined to be ineffective.

Appendix B in the Noise Technical Report (Appendix J of the Draft EIR) includes construction noise calculation worksheets for both Phase 1 and Phase 2 of the proposed project that exhibit quantified demonstrations of temporary construction noise barrier installation at the indicated minimum heights. On this basis, Mitigation Measure NOI-1 has ample quantitative support that proper installation of these barriers would indeed reduce noise exposures to lower L_{max} or L_{eq} values as described in the Draft EIR's noise assessment.

No additional mitigation measures are required because mitigation sufficient to reduce impacts to less than significant are identified in the Draft EIR. Construction noise has been comprehensively analyzed from multiple on-site activity locations, with predicted aggregate exposure levels at the nearest off-site sensitive receptors. Other off-site receptors will be substantially more distant from project construction activities than those studied in the Draft EIR. Additionally, the Draft EIR lists Best Management Practices (BMPs) from the City's General Plan Noise Element that would be applied to on-site construction activities and help ensure that noise emissions are properly managed, including "authorized representatives for the City and the contractor that are assigned to respond in the event of a noise or vibration complaint."

Without mitigation, as shown in Table 4.12.H of the Draft EIR, construction noise could increase ambient noise at sensitive receptors by more than 10 dBA during the first 8 to 9 months of demolition and construction activity. However, with 9 dBA L_{eq} sound reductions, which as stated in the Draft EIR are feasible with the mitigation measures described, no sensitive receptor would experience a 10 dBA L_{eq} construction noise increase (see Draft EIR Table 4.12.H); the maximum construction noise increase would be 18.5 dBA L_{eq} (18.5 dBA - 9 dBA = 9.5 dBA). This comment does not provide evidence that the analysis is inadequate, that there would be any new significant

impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-5

This comment states that construction activities could occur on Saturdays, resulting in additional noise impacts that were not identified in the Draft EIR. Please note that there is no requirement for ambient noise level measurements to be gathered on a specific day of the week as long as the average daily condition is established. Further, the commenter's assertion that Saturday outdoor ambient noise may be lower than on weekdays is speculative. The Draft EIR and Noise Technical Report's collection and usage of outdoor ambient sound levels during weekdays, and not weekend days, is consistent with the approach adopted by the San Rafael 2040 General Plan EIR noise section that bases its assessment on a comprehensive outdoor sound level measurement survey across San Rafael, which includes 48-hour LT monitoring conducted at 10 different locations during weekday periods (https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/01/4.13_Noise.pdf). Also refer to Response B-8B-16 regarding the construction duration assumptions.

Because the existing shopping mall on the project site includes an operating cinema, restaurants, and other retail establishments that represent potential weekend recreational opportunities for visitors who are otherwise busy during weekdays, it could be said that more patronage (and thus associated generation of greater local roadway traffic and consequently higher levels of outdoor ambient noise) might occur during a typical Saturday than other days of the week. With respect to this recreational aspect of a shopping mall to attract and entertain patrons, the California Department of Transportation (Caltrans) acknowledges that "in recreational areas, weekend traffic may be higher than on weekdays."[45]

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-6

This comment suggests that surrounding sensitive uses would be subjected to substantial noise increases for 11 hours a day during the week and 9 hours a day on Saturdays for multiple years. The comment then suggests this is not an acceptable level as required by the City's General Plan. CEQA-related aspects of noise impacts are addressed in the preceding responses; the City notes the comment regarding the General Plan. The comment appears to associate a "more than 10 dBA increase (after mitigation)" over ambient construction noise condition with the stated durations on weekdays and Saturdays, but ignores the quantitative support (i.e., worksheets within Appendix B of the Noise Technical Report [Appendix J of the Draft EIR]) and Draft EIR Table 4.12.H summarized results showing that such increases would not be greater than 10 dB for the mitigated scenarios.

[45] California, State of, Department of Transportation. 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. Website: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf (accessed September 19, 2024). September.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-7

This comment suggests that the construction noise levels at the residences across Northgate Drive would exceed the applicable 10 dBA increase over ambient threshold. The comment then goes on to suggest that additional mitigation measures should be applied to address impacts to nearby senior residences. (The one mitigation mentioned—adding insulation—is not practical regarding existing housing and not warranted for temporary construction noise.) The comment also suggests that construction would continue for a significant period of time and would exceed the City's Noise Ordinance standards for constant or intermittent sources.

The comment confuses L_{max}, L_{eq}, and L_{dn} noise metrics, resulting in inaccurate conclusions. L_{max} measures the loudest instantaneous noise; 90 dBA L_{max} at the property line is the construction noise limit in the City's noise ordinance. L_{eq}, which is the average noise over a given time period (here 1 hour), is lower than L_{max} and is used for the Draft EIR's construction noise increase threshold of 10 dBA L_{eq}. L_{dn} is average noise over a 24-hour period with a "penalty" for nighttime noise and is used to assess operational rather than construction noise impacts. Accordingly, 88 dBA L_{max} cannot be compared to a 10 dBA L_{eq} increase standard, as the comment proposes. Similarly, L_{eq} measurements cannot be compared to L_{dn} levels, as the comment proposes.

In addition, the comment states that "The DEIR and Appendix J acknowledge that the ambient noise, even after implementation of the mitigation methods those documents suggest, will rise to noise levels between 70 and 77 dBA L_{eq} on an ongoing basis for a very significant period of time." This statement is incorrect. A noise mitigation of 9 dB would result in a maximum combined ambient and construction noise level at two of the sensitive receptors of 71.1 dBA L_{eq} (80.1 dBA L_{eq} per Table 4.12.H minus 9.0 dBA L_{eq}) for up to 3 months each.

The analysis in the Draft EIR and Noise and Vibration Technical Report (Appendix J to the Draft EIR) determined that construction period impacts would be less than significant with implementation of identified mitigation measures and compliance with the Municipal Code and other applicable policies and conditions. Senior residences are considered sensitive receptors and are not treated differently than other sensitive receptors when determining noise-related impacts. Refer to Master Response 7 regarding CEQA mitigation requirements. Lastly, the City's Noise Ordinance specifically exempts construction noise levels from compliance with the constant and intermittent noise standards reserved for non-construction activities.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-8

This comment suggests that the off-site traffic analysis does not consider the effect of the number of large trucks that will service the site during the construction period, plus the vehicles of

construction workers arriving and leaving each day. Additionally, the comment suggests that the Draft EIR compares projected traffic noise from project operations to the baseline and finds no increase in traffic noise due to the proposed project. The comment goes on to suggest this conclusion is not supported because the analysis relied on noise measurements that are not representative for weekdays and the Draft EIR cannot draw any conclusions for noise impacts on weekend days because it did not measure noise on weekends and failed to establish a weekend baseline.

Although the comment indicates a concern with "operational traffic noise," this comment pertains only to construction noise. The City does not apply a 3 dB L_{dn} noise increase threshold to construction traffic. In any event, construction traffic would be limited to approved haul routes, among several BMPs relating to managing construction activity per the City's General Plan Noise Element and as summarized in the narrative following Mitigation Measure NOI-1 in the Noise Technical Report (Appendix J of the Draft EIR). Also refer to Responses B-8E-5 and B-8B-2, which address traffic noise on weekend days.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-9

This comment suggests that the City's noise ordinance does not apply to larger construction projects, such as the proposed project, which are not short term in nature. As such, the City must require additional mitigation measures for both project construction and operations to reduce noise impacts to nearby residences. Refer to Response B-8E-4, which addresses the effectiveness of Mitigation Measure NOI-1. In addition, this comment incorrectly implies that the project vicinity will be subject to the highest noise levels generated by construction for a number of years. As discussed in the Draft EIR on pages 4.12-17, the noisiest construction periods are related to specific activities (i.e., demolition of existing structures) and would be limited in duration. During other periods of construction activity, noise levels would be much lower. Refer to Master Response 7 regarding CEQA mitigation requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-10

This comment suggests that the Draft EIR is missing analysis of noise impacts at the multi-family apartment complexes of Terra Linda Manor on Nova Albion Way and Northview Apartments at the intersection of Las Gallinas Avenue and Nova Albion Way, and at single-family homes between Elena Circle and Las Gallinas Avenue and between Orange Blossom Lane and Manuel T. Freitas Parkway.

As addressed in the Response B-8E-2, the pre-existing, off-site, noise-sensitive receivers that are north and northwest of the project site, including those listed in Section 2.2.2 of the Noise Technical Report and as acknowledged by the commenter, are more distant from the project site than those in

the southern project vicinity that received more detailed attention for purposes of assessment. The more distant off-site receptors would be expected to experience lower construction and operation noise level exposures due to the larger source-to-receptor distances that project-attributed sound would have to traverse. Some of these more distant off-site receivers are also partially "shielded" from the project site by topographical features (e.g., the hill or ridge atop which Villa Marin sits) and would correspondingly benefit from naturally occurring sound attenuation that such intervening terrain would provide.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-11

This comment suggests that of the locations that are shown to have significant noise impacts, only the Nova Albion Way location is shown to have significant noise impacts for 28 months and questions estimations of impacts at other noise-sensitive receptors.

The comment misreads Table 4.12.H, which shows a less than significant rather than a significant construction noise impact at Nova Albion Way from November 2024 to June 2026. Table 4.12.H illustrates the fact that construction noise is greatest during site demolition, preparation, grading, and rough road work, and much lower once building erection begins.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-12

This comment states that the time periods for the Nova Albion Way location on Table 4.12.H of the Draft EIR (and corresponding Table 7 of the Noise and Vibration Technical Report in Appendix J) omits the month of October 2024. This leads to the conclusion that predictions of future noise levels shown in Appendix J are either incomplete or deficient. October 2024 is not specifically mentioned in Tables 6 and 7 of the Noise Technical Report, but this is not an omission—the predicted aggregate construction noise level for this month, as can be verified by a review of the extensive worksheets in Appendix B of the Noise Technical Report that display predicted individual activity and concurrent aggregate noise exposure levels, would fall in the range of values identified by "all other periods of schedule."

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-8E-13

This concluding comment, which summarizes the claims made in Letter B-8E and addressed in Responses B-8E-2 through B-8E-12, is noted. The comment also provides additional recommended

mitigation measures, and these are noted. Refer to Master Response 7 regarding CEQA mitigation requirements and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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ATTACHMENT
5

Northgate town square procedural concerns

Rachel Kertz <Rachel.Kertz@cityofsanrafael.org> Wed, Feb 28, 2024 at 10:29 AM
To: Pamela Reaves [redacted], Smith David [redacted], Shirley Fischer [redacted], Cristine Alilovich <Cristine.Alilovich@cityofsanrafael.org>

Pam,

I hear your frustration, disappointment and passion and I understand you see my actions through a different len. I've added City Manager Alilovich to this message as many of your concerns stem from process changes within the City and possibly a shift in approach from other projects.

Thank you,
Rachel

Rachel Kertz (she/her/hers)
Councilmember, City of San Rafael
415-299-7008

B-8F-1

From: Pamela Reaves [redacted]
Sent: Tuesday, February 27, 2024 5:31 PM
To: Rachel Kertz <rachel.kertz@cityofsanrafael.org>
Cc: Smith David [redacted]; Shirley Fischer [redacted]
Subject: Re: Northgate town square procedural concerns

Rachel,

We hope you know by now that RGM is, overall, a supporter of the proposed Northgate project. We all live nearby and are as tired of the old run-down mall as anybody. However, we want the new Northgate Town Square to be a model project for new residents and existing neighbors alike, not something rushed through the City's approval processes. But please do not make the mistake of thinking that we are against the project.

However, we are very disappointed with your email today. We, as your constituents, are dismayed that you would refuse to meet with us to discuss our concerns regarding a planned major development in our community. This project has been in the so-called pubic phase for years yet neither you nor other members of City boards and commissions have ever refused to meet to discuss it until now. In the past, City Council members as well as Planning Commissioners would report at the beginning of a meeting if they had met with members of the public or with other entities to discuss a topic, and who they were. That is how transparency used to work.

Your advice to "use the public comment process" is particularly not well taken since the curtailment of

that process is one of the major concerns we have. The staff you encourage us to speak to are the same staff who advised the Planning Commission to cut short the public comment process. You may not be aware that at the February 13 Planning Commission meeting the time limit for public comments was suddenly reduced to two minutes each, down from the three minutes stated in the agenda - meaning many attendees did not have time to give their full comments. Members of the public were not allowed to cede time to other people, as has been done previously. Additionally, at the conclusion of the meeting staff advised the Planning Commission to instruct staff to prepare a Final Environmental Impact Report taking into account public comments, despite the fact that there was still three weeks left in the public comment period. There is no plan to schedule a meeting for the Planning Commissioners to discuss these additional comments or ask additional questions of staff or the public. This means the Planning Commission won't be able to direct staff from the entirety of the comments.

Your refusal to meet unfortunately only continues what is commonly perceived in many circles as a growing reduction in transparency of City dealings and a heavy handed approach by our City government. A prime example is the proposed dissolution of the Design Review Board (the only advisory entity in the City's planning department that requires its members to be professionals in the field they're advising on). Another example is the combining of the Community Development and Economic Development Departments - two departments whose goals should sometimes ***not*** be fully aligned.

In closing, we understand that you cannot give your opinion on matters that will later come before you in your decision-making role on the City Council. However, as District 4's sole representative on the Council, it is our understanding that you are the person to whom we should turn to discuss concerns about matters that affect the community that we share.
We believe it is important for you to understand our concerns regarding the City's process on this major project that will affect the community for many decades to come. **B-8F-1 (cont.)**

We hope you will reconsider your refusal to meet to discuss these important concerns.

Pam, Shirley & David

On Feb 27, 2024, at 8:38 AM, Rachel Kertz <rachel.kertz@cityofsanrafael.org> wrote:

Pam and Team,

I've given this a lot of thought and I'm going to need to decline today's meeting. I do encourage you to continue to speak to staff and of course use the opportunity during public comment to express your concerns. As a school board trustee and now as a councilmember, one of my strong principles is to be transparent and to use the public process. It important that all conversations, especially now that we are in the official public process for Northgate, are held in the public eye. In working with RGM, I know this is also an important principle for you too.

Thank you for your continued work and passion for our San Rafael community.

Best,
Rachel

Rachel Kertz (she/her/hers)
Councilmember, City of San Rafael
415-299-7008

<Outlook-zmvdwmdx.png>

From: Pamela Reaves [redacted]
Sent: Friday, February 23, 2024 3:10 PM
To: Rachel Kertz <rachel.kertz@cityofsanrafael.org>
Cc: David B. Smith [redacted]; Shirley Fischer [redacted]
Subject: Northgate town square procedural concerns

B-8F-1 (cont.)

Hi Rachel,
I'd like to schedule a meeting with you for Tuesday, February 27 at 2:30 at my house. David Smith and Shirley Fischer will join us. We'd like to share some concerns and some solutions to the current Northgate redevelopment DEIR process and get your ideas. Please let me know if you can join us.
Best,
Pam Reaves

Response to Letter B-8F

Responsible Growth in Marin
Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith
Attachment 5 to Letter B-8A
February 28, 2024

Response B-8F-1

This attachment to Letter 8A, which provides an email exchange between Responsible Growth in Marin (RGM) representatives and Councilmember Kertz regarding procedural matters, is noted. This comment does not address the adequacy of the information or analysis in the Draft EIR, and no response is required.

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Responsible Growth in Marin

April Talley, Northgate Project Manager April.Talley@cityofsanrafael.org
City of San Rafael Community Development Department
Planning Division
1400 Fifth Avenue
San Rafael, CA 94903

Date: February 28, 2024

Re: For Public Comment on Northgate Town Square Redevelopment Project DEIR: Section 6.3.4 (Wildfire)

Dear Planning Commissioners,

As you know, Responsible Growth in Marin (RGM) has always advocated for the Northgate property to be a sustainable mixed-use residential and commercial development that would enrich the community and promote a healthy environment and quality of life to all.

Therefore, of utmost concern to RGM and to the public that attended two Design Review Board meetings and the recent Planning Commission meeting is the real risk of loss of life and property as a result of gridlock on the only two evacuation routes, or worse, a completely blocked road. **B-9-1**

This letter makes preliminary comments on this issue and is based on an initial review of the DEIR. We reserve the right to submit additional comments as more information becomes available.

The DEIR does not assess the Northgate property and the surrounding neighborhood as a wildfire risk because the property is not located in a Very High Fire Hazard Severity Zone[i]: https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2024/01/Northgate-Mall-DEIR_010424-Compressed-compressed.pdf (section 6.3.4 p. 560). This assessment is inaccurate, given the recent history of how urban wildfires spread. The DEIR requires an analysis by independent fire experts and should include the appropriate mitigation measures.

Background

1. Terra Linda homes were built in the 1960s and 70s and are primarily constructed of wood and flammable materials which are at high risk in a fire or earthquake. Strong prevailing winds from western open space lands frequently blow into Terra Linda in the afternoons.
2. Less than a mile from the Northgate property are several schools (Mark Day, Vallecito, Terra Linda HS, St. Isabella), Kaiser Hospital, three senior living facilities (Villa Marin, Alma Via, Drake Terrace), Guide Dogs for the Blind, and a few preschools. All of these would need to be evacuated in the event of a fire or earthquake.
3. The existence of only two evacuation routes on two-lane roads for approximately 10,000 people has been a concern of Terra Linda residents for many years. The Northgate development will increase the population by approximately 30% to around 13,000 but without any mitigation measures to improve surrounding roads or evacuation procedures.
4. There is a row of tall eucalyptus trees on Mt Olivet cemetery property along Los Ranchitos Road directly across the street from the proposed 7 story buildings and approximately 500 feet away from AlmaVia (on

the corner of Northgate Drive and Los Ranchitos Rd). Due to their oily resin, eucalyptus trees are known to ignite quickly from wind swept embers and are highly combustible.[ii] Given their strategic location in case of an emergency, these trees can easily become a fireball, blocking one of the two evacuation routes and preventing residents from Alma Via, Northgate Town Square and other nearby residents from promptly evacuating, as well as preventing ambulances or firetrucks from reaching people in need. Worse, these trees could form one side of a wind tunnel with the other side being the 6 and 7 story buildings housing thousands of the new residents. A fire involving those trees could be catastrophic. **B-9-1 (cont.)**

There are lessons learned from recent California urban wildfires that San Rafael Planning Commissioners, city staff and officials need to apply to the Northgate project DEIR to keep the Terra Linda community safe.

1. Coffey Park in Santa Rosa was not mapped as a very severe fire hazard zone. The fire hazard zone shown on city and state maps was to the north and east on the other side of the 101 freeway, approximately 5 miles away. A *Los Angeles Times* article (https://www.latimes.com/local/lanow/la-me-ln-coffey-park-explainer-20171011-story.html) analyzes the destructive fire and concludes that the methodology and the law underlying it were too narrow. "With a lot of hazard mapping, once you get into a density of development, it's mapped urban and it's considered unburnable," Max Moritz (a fire specialist with the University of California's Cooperative Extension) said. "From its core, our whole approach to fire behavior modeling, we are not talking about burning in urbanized environments." **B-9-1 (cont.)**
2. Due to fuel suppression, drought and climate change, recent catastrophic urban wildfires have spread primarily from sparks driven by high winds rather than ground-level fires. Urban areas are not safe from wildfires just because they are not in very severe fire hazard zones. Residential areas that are not in "very severe risk" zones are still at high risk for wildfires spread by strong prevailing winds.
3. *The Press Democrat* reviews lessons learned and those still needed, five years after Sonoma County's worst fire disaster. https://www.pressdemocrat.com/article/news/a-walk-in-the-ashes-of-the-tubbs-fire-five-years-later-in-sonoma-county/ ("In less than four hours *the fire roared from a quiet road in rural*

Calistoga to the Fountaingrove community in Santa Rosa. It vaulted the seemingly insurmountable barrier of Highway 101 — six lanes, plus median and shoulders — before it laid waste to the city's neighborhood of Coffey Park. Fire scientists have estimated the Tubbs Fire ran 230 feet per minute at its peak. It cast embers nearly a mile ahead of the main front.")

4. A lesson closer to home is the attached document summarizing the experience and gaps identified in the October 2023 Lucas Valley evacuation practice drill. Although only 22% of the 1,185 homes in Lucas Valley joined this evacuation practice, it took 36 minutes for residents to go from Lucas Valley to Los Gamos Road, six times longer than the average drive time under normal conditions. It's frightening to think of what could have happened if this had not been a drill.

B-9-1 (cont.)

Recommended mitigation measures:

1. Request LSA to update their approach to fire behavior modeling. We now know that California has experienced a history of destructive wind-driven fires occurring in urban developed environments that are not in high fire hazard zones and that have very little time for evacuation.
2. Create evacuation modeling incorporating data on the prolonged evacuation times in the October 2023 Lucas Valley evacuation drill.
3. Coordinate with Mt. Olivet to reduce the fire danger of the cluster of highly flammable eucalyptus trees along Los Ranchitos Road.
4. Improve the current, 2 lane road infrastructure to accommodate a 30% increase in population and vehicles in an already compact densely populated area (four schools, three preschools, a hospital, three senior living facilities,148 townhouses, ~1000+ residential homes, and numerous commercial properties) to ensure that current emergency response times are maintained and to ensure that if a sudden evacuation is necessary, all will be evacuated safely.

Thank you for your consideration and review of the evacuation and safety risks noted herewith.

Sincerely,

Grace Geraghty, Board Director & David Smith, President

Attachment: LVFRG Press Release

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[i] DEIR Section 6.3.4 Wildfire

The project site and adjacent areas are not located in a Very High Fire Hazard Severity Zone (VHFHSZ) as mapped by the California Department of Forestry and Fire Protection (CAL FIRE), and the project site is not located within any State Responsibility Areas (SRAs) for fire service. The project site is a generally level infill site in an urban area and is bound by existing development on all sides. Therefore, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The project would also not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death related to wildland fires. There would be **no impact**.

(Citing California Department of Forestry and Fire Protection (CAL FIRE). 2023. Marin County State Responsibility Area Fire Hazard Severity Zones. June 15.) (emphasis in original)

[ii] Marin voters endorsed Measure C in 2020 which funds a plan for the removal of nearly 17,000 eucalyptus trees, most of them under 10 inches in diameter. In a raging firestorm, such as in the deadly wildland fires in Sonoma County, they can become torches and spread burning embers. Source: Marin Tree Plan Reduces Risk of Big Wildfires, Marin IJ, 2/8/24.

Response to Letter B-9

Responsible Growth in Marin
David Smith, President
February 28, 2024

Response B-9-1

This comment, which states that Responsible Growth in Marin (RGM) supports the overall objectives of the proposed project but has concerns related to emergency evacuation in the event of a wildfire, is noted. The comment also states that the Draft EIR does not consider the site to be at risk for wildfire because it is not located in a Very High Fire Hazard Severity Zone (VHFHSZ) and provides a summary of existing conditions in the area related to potential wildfire ignition and spread. Additional data and background regarding recent regional wildfire events and wildfire behavior is also provided and is noted.

The topic of wildfire is discussed on page 6-6 in Chapter 6.0, Other CEQA Considerations, of the Draft EIR. The related topics of emergency services, access, and evacuation are also discussed on page 4.9-27 in Section 4.9, Transportation, pages 4.8-27 and 4.8-28 in Section 4.8, Hazards and Hazardous Materials, and pages 4.13-12 and 4.13-13 in Section 4.13, Public Services and Recreation of the Draft EIR. The City acknowledges that this is an important topic but it is necessary to clarify the factors that must be considered in the analysis of this topic as required by CEQA. These factors include, but are not limited to: (1) proximity between the hazard and the project location; (2) density of the existing environment and proposed project; (3) evacuation access and egress; and (4) risk reduction measures applied throughout the community and incorporated into project design. It is also important to note that the significance threshold established for evaluation of impacts related to wildfire is whether or not the proposed project would *create new or exacerbate existing conditions* related to wildfire risk and relatedly whether the project would prohibit emergency evacuation or access in a wildfire event. An example of this would be introducing a residential population into an area that is at high risk of wildfire, increasing ignition risk, and putting more people in harm's way, or limiting the ability of residents to access evacuation routes (e.g., through inadequate ingress and egress routes or substantially increasing congestion and blocking existing evacuation routes). Additionally, the State Attorney General has provided further guidance on best practices for evaluating and mitigating wildfire impacts under CEQA,[46] and this information was considered when preparing the Draft EIR analysis and in this response.

To evaluate wildfire risk, it must be determined whether or not the project site is located within a wildfire-prone area and whether or not there are unique characteristics to the project site, vicinity, or proposed development that would exacerbate such risks. The project site is not located within a VHFHSZ as mapped by the California Department of Forestry and Fire Protection (CAL FIRE) for State Responsibility Areas (SRA), as correctly noted by the commenter and stated in the Draft EIR. Such a classification would indicate that a site is within a high-risk area, which the project site is not. It is acknowledged that the southern edge of the site and areas to the west and south of the site are located within a Moderate Fire Hazard Severity Zone – Local Responsibility Area (LRA) as mapped by

[46] California, State of. 2022. Office of the Attorney General, Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act. October 10.

the County of Marin (refer to Figure 4.18-1 of the San Rafael General Plan). Areas farther to the south are mapped as within the High Fire Hazard Severity Zone – LRA. However, the fire hazard severity zones are concentrated along the hillside areas along Northgate Drive between Las Gallinas Avenue and Thorndale Drive and within the single-family residential neighborhoods south of Northgate Drive. The project site is separated from these areas on all sides by Northgate Drive, a wide two-way roadway with median. Additionally, the northwest corner of the Northgate Mall site and areas to the west and south are located within the Wildland Urban Interface (WUI) area as defined by the County of Marin (refer to Figure 4.18-2 of the San Rafael General Plan). The WUI is defined as any area where structures and other human development meet or intermingle with wildland vegetation. Development in a WUI can generally exacerbate fire occurrence and fire spread; however, the project site is not immediately adjacent to any highly vegetated or undeveloped areas. No part of the proposed project site or its vicinity is labeled by the County as a Very High Fire Hazard Severity Zone. In addition, the City has citywide vegetation standards that require all property owners, regardless of WUI status, to maintain vegetation in ways that reduce wildfire risk. San Rafael Municipal Code Section 4.12 applies to both new development and all existing structures. These vegetation standards go above and beyond the minimum State standards relating to vegetation management in and around developed lots and roads.

Further, it is acknowledged that the project vicinity does include areas of dense vegetation, including the Mt. Olivet San Rafael Cemetery as well as mature eucalyptus trees that border Las Gallinas Avenue to the east (areas not shown as within a fire hazard severity zone or as within the WUI) and Oliver Hartzell Park to the south (an area within a High Fire Hazard Severity Zone and within the WUI). Although these heavily-vegetated areas are within proximity to the site, the site is otherwise located in a dense urban environment and is an infill site that is fully developed with structures, pavements, and limited and immature landscaping. Further, these properties are maintained by the City and private entities, are not open space areas, and are not an existing ignition risk to the community; the proposed project would not exacerbate the likelihood of a fire igniting or spreading in these locations or throughout the project vicinity. The project would not introduce new development into an area that is not already fully developed, nor would it locate a new population within a high risk area.

Regarding evacuation in the event of a wildfire or other emergency, the Marin County Emergency Operations Plan, San Rafael Emergency Operations Plan, and hazard specific playbooks govern evacuation and response in the event of natural disasters, such as wildfire, and would be implemented should evacuation in the area be necessary. These plans are also periodically updated and consider redevelopment of the Northgate Mall site as planned for in the 2040 General Plan. Evacuation protocols and notifications also implement a tiering system beginning with the areas and populations that are most likely to be affected by emergency events, with consideration of the ability for these populations to have adequate time to evacuate given their location and available roadway capacity and routes, beginning with “mandatory” evacuations to “advisory.” Shelter in place is often an option for less vulnerable locations, and the large “fire-hardened” project site (i.e., entirely paved or covered with buildings that would be constructed to current fire code requirements, with all landscaping required to meet “defensible space” requirements) would likely be the least vulnerable development in the area. This tiered process ensures timely and orderly

evacuations that discourage simultaneous or unnecessary evacuation of large populations that could lead to gridlock or slowed evacuation.

Regarding fire response services and capacity, the residential population that would be introduced to the site with development of the proposed project would increase the demand for such services, including during a wildfire or other emergency event. However, as discussed in Section 4.13, Public Services of the Draft EIR, the population at the site was determined to be consistent with the population projections assumed in the 2040 General Plan and the General Plan EIR, and the San Rafael Fire Department (SRFD) has planned for those population projections being realized. Furthermore, the SRFD reviewed the proposed project as part of the standard development application review process and confirmed that there are no requirements for new facilities or equipment to serve the proposed project.[47] Also refer to Responses E-2-1 through E-2-6 for additional information related to this topic.

Additionally, the proposed project is a high-density development in an urban area that would be located on a fully developed site that is bounded by public roadways on all sides. Wildfires are more likely to ignite and spread in low- to medium-density developments isolated from urban environments, where development is less concentrated and access to the site is more limited. The project would also be required to comply with the California Building Code and the California Fire Code (Section 7) requirements that mandate building materials to meet fire resistant standards to reduce urban wildfire potential. This is a requirement for all construction projects throughout the State. Further, San Rafael requires all new buildings to comply with California Fire Code Section 7A requirements, which govern materials and construction methods for exterior wildfire exposure and are typically applied to areas within a WUI. This requirement applies to all parcels within the City, regardless of whether or not they are located within or near an established WUI. As discussed in this response, the project site and the proposed project are not particularly vulnerable to risks from wildfire. The additional analysis above demonstrates that the Draft EIR properly determined that significant impacts related to wildfire would not occur and that no mitigation measures are required. Refer to Master Response 7 regarding CEQA mitigation requirements and Master Response 8 regarding the adequacy of the Draft EIR.

Finally, it should be noted that individual property owners are responsible for maintaining vegetation within their property to meet the requirements of the City's Wildfire Protection Action Plan and the City's Municipal Code (San Rafael Municipal Code Chapter 4.12). The SRFD offers year-round assessments to help property owners identify properties that might be at risk of contributing to urban wildfires and provides additional information and contact information at the following website: https://www.cityofsanrafael.org/protecting-your-home-from-wildfire/.

[47] Sinnott, Robert, Deputy Fire Chief Administration, San Rafael Fire Department/Marinwood CSD. 2024. Written communication to April Talley, Project Director, Community Development, City of San Rafael. August 16.

Responsible Growth in Marin

Date: March 5, 2024

Via Email: April.Talley@cityofsanrafael.org

To: San Rafael Planning Division
City of San Rafael Community Development Department
1400 FiF h Avenue, San Rafael, CA 94903

cc: Micah Hinkle, Community Development Director
Margaret Kavanaugh-Lynch, Planning Manager
April Talley, Northgate Project Manager

Re: For Public Comment on Northgate Town Square Redevelopment Project
DraF Environmental Impact Report: SecVon 4.3 (Visual Resources)

Dear Planning Division,

Responsible Growth in Marin (RGM) is a non-profit, all-volunteer, grassroots organiza on comprised of 1000+ residents and businesses living and working in Marin County. As you know, RGM has always advocated for the Northgate property to be a sustainable mixed-use residenal and commercial development that would enrich the community and promote a healthy environment and quality of life for all. **B-10-1**

RGM supports the overall objectives of the Northgate Town Square Redevelopment Project. However, we are concerned that the DraF Environmental Impact Report (DEIR) does not adequately assess the visual, aesthec , and safety impacts of the project.

This letter makes preliminary comments on this issue and is based on an initial review of the DEIR. We reserve the right to submit additional comments as more information becomes available.

DISCUSSION

The distant, wide format photos included in the DEIR do not accurately portray the exisng condions of this project site, and there are no realisVc renderings of the proposed new structures – parcul arly the proposed 5-, 6- and 7-story buildings. **B-10-2**

In mulVple public meeVngs, the applicant promised that dynamic 3-D computer renderings of the project would be provided "once the design is finalized" in order to provide to the public and the City a more realisVc image of how the proposed structures in the project would appear from street level and from surrounding properVes, as well as how views of surrounding hills will be impacted.

To date, the applicant has not provided these 3-D renderings, nor are they included in the DEIR. Without these renderings, it's impossible for the public to visualize the scale of how the proposed buildings will appear to pedestrians, passing vehicles, and nearby residents. For example, the Design Review Board noted that the height of the Residenal 3 building will cause a significant loss of privacy for residents of

the Alma Via senior housing facility. Residents on Sao AugusVne Way and at the corner of Nova Albion Way/Northgate Drive will also suffer a severe loss of privacy because of the height of the buildings and their proximity to those residences. **B-10-2 (cont.)**

AddiVonally, without accurate 3-D renderings it is not possible to verify that the DEIR's asserons of "less than significant" blocking of public views of topographical features such as nearby hills (*see* DEIR, SecVon 4.3.2.2).

A ached are scale 3-D renderings of the Merrydale entrance to the Northgate Town Square and a view looking north on Los Ranchitos Road, provided by Kuth Ranieri Architects.[1] These renderings show the height and massing of the proposed Residenal 3 and 4 buildings. See **Attachment 1**.

The Merrydale entrance is a primary entryway to the Town Square for vehicles as well pedestrians arriving by bus or from the SMART train staon. It will provide the first impression of Northgate for many visitors and shoppers. **B-10-3**

In the proposed project, this entryway is dominated by six and seven-story buildings which are starkly out of scale with the commercial 2-and 3-story buildings across Los Ranchitos Road. As can be seen in the ai ached renderings, these tall buildings block views of the Town Square and of hillsides currently visible on the west and south sides of the project site. Visually, the tall towers appear as a high wall to pedestrians and cyclists passing by on the perimeter muluse path. The massing of such tall buildings close to the bordering sidewalk is harsh and unpleasingly out of scale and uninving .

General Plan 2040 Policy LU-3.2 requires that new development "incorporate sensiVve transiVons in height and setbacks from adjacent propere s". Addi onally, Policy CDP-4.1 requires that new construcVon be "compaVble with the surrounding neighborhoods." *See also* DEIR Table 4.1.A (pages 4.1-16 and 4.1-19).

Moreover, the tall building blocks will change air circulaon dynamics, creang a wind tunnel that accelerates air flow along the entryway road. This presents a possible safety hazard, par cularly considering the tall highly flammable eucalyptus trees directly across the street on the Mt. Olivet cemetery property. **B-10-4**

There is also a problem with the distribuon of housing density on this site. As the Design Review Board noted, it is heavily weighted to the south near exisng neighborhoods and is totally off balance. The anci pated closure of the Macy's department store will make available addiVonal parking and building space on the north and west sides of the property. **B-10-5**

We request that the DEIR consider an alternaVve that accommodates taller housing blocks of no more than 5 stories to the center and western edge of the site. AdjusVng the current plan would also provide an opportunity to enlarge the Town Square and build much needed housing sooner.

Finally, the City should require the applicant to provide full 3-D computer renderings for both phases of the enVre project so that the City and the public can properly understand the true scale of the project. **B-10-6**

[1] Byron Kuth is the Leader of RGM's Community Vision Team.

Thank you for your consideraVon of these comments.

A achment

David Smith, President, on behalf of:

Byron Kuth (Design team)
Claire Halenbeck (Design team)
Shirley Fischer (EnVtlements Team)
Responsible Growth in Marin

NorthGate Town Square Redevelopment Project (DEIR)

03.01.2024

NorthGate - Existing Conditions
View North on Los Ranchitos Road

NorthGate - Rendered View (To Scale)
View North on Los Ranchitos Road

NorthGate Town Square Redevelopment Project (DEIR)

03.01.2024

NorthGate - Existing Conditions
View South from intersection of Los Ranchitos and Merrydale Road

NorthGate - Rendered View (To Scale)
View South from intersection of Los Ranchitos and Merrydale Road

Response to Letter B-10

Responsible Growth in Marin
David Smith, President
March 5, 2024

Response B-10-1

This introductory comment, which states that Responsible Growth in Marin (RGM) supports the overall objectives of the proposed project and asserts that the Draft EIR does not adequately assess the visual, aesthetic, and safety impacts of the proposed project, is noted. More specific comments provided later in Letter B-10 related to this topic are responded to in subsequent responses.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-10-2

This comment, which states the opinion that the photographs and visual simulations of the proposed project provided in the Draft EIR do not accurately portray the existing conditions of the site or provide a realistic rendering of the proposed project, is noted. The comment also refers to loss of privacy for surrounding existing uses. Refer to Responses B-2-3, B-6-6, B-6-7, and B-8B-6, which address the existing conditions photographs, visual simulations, and analysis of impacts to visual resources in the Draft EIR, including loss of privacy.

Regarding 3-D renderings of the proposed project, these are not necessary to evaluate the potential impacts of the project in the Draft EIR. The comment is incorrect that 3-D renderings are needed to verify the Draft EIR's conclusion of a less than significant impact on views of nearby topographical features, because known details of building location, height, and size are sufficient to make that determination. However, the project sponsor may provide these for review as part of the project approval process when considered by the Planning Commission during its evaluation of the project design.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-10-3

This comment references an attachment that depicts 3-D renderings for the Merrydale Road entrance to the project site; this attachment is noted. However, the scale and accuracy of the simulations could not be verified. The methodology and software application used to prepare the simulations is unknown, as is the camera model, lens, and height of the vantage point used to generate the existing photographs with which the simulation is overlayed. The comment goes on to state that Merrydale Road is an important view corridor and primary gateway to the proposed project and that the taller buildings proposed by the project would block existing views through the site as well as towards the surrounding hillsides. This is primarily a comment on the project design;

refer to Master Response 2 regarding the merits of the proposed project. In addition, Viewpoint 4 (Figure 4.3-8) in the Draft EIR depicts the view of the project site as seen from the Merrydale Road Overpass, because the elevation provides a representative view across a larger area of the site. The simulations provided by the commenter provide a narrow, close-up view of the site along the Merrydale corridor, which distorts and exaggerates the view. From the vantage point provided in Viewpoint 4 in the Draft EIR, the surrounding hillsides would continue to be visible, although it is acknowledged that as the viewer travels closer to the site, the taller buildings would obstruct views across the site to the west because this area is generally at ground level. However, the existing view of the distant hillsides from Merrydale Road near its intersection with Las Gallinas Avenue is already partially blocked or completely obstructed by existing development and vegetation on the site. The addition of the proposed Residential Parcel 4 and Residential Parcel 5 buildings would not substantially block or fully obstruct open views of the distant hillsides because none currently exist or are already mostly obstructed. Furthermore, these views are available from other vantage points in the vicinity and the analysis in the Draft EIR determined that the proposed project would not substantially eliminate such views, and this impact would be less than significant. Also refer to Chapter 2.0, Revised Project, of this RTC Document, which describes modifications to the proposed project's building heights and confirms that potential impacts (i.e., scenic views, shadows) related to the increase of the Residential Parcel 5 building height would continue to be less than significant with the revised project.

Regarding compliance with General Plan Policy LU-3.2, this comment will be considered by City decision-makers in their review of the proposed project and consideration of the project design. The analysis in the Draft EIR determined that the proposed project would not conflict with any General Plan policies governing scenic quality such that a physical environmental impact would result, and Policy LU-3.2 promoting sensitive transitions does not address such an impact question.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-10-4

This comment states that the proposed project would potentially create a wind tunnel and a resulting safety hazard along Los Ranchitos Road due to the introduction of taller buildings on the north side of the roadway across from where existing tall eucalyptus trees are present on the south side of the roadway. Tall buildings and exposed structures can strongly affect the wind environment for pedestrians and create other wind safety hazards. A building that stands alone or is much taller than the surrounding buildings can intercept and redirect winds that might otherwise flow overhead and bring them down the vertical face of the building to ground level, where they create ground-level wind and turbulence. These redirected winds can be relatively strong, turbulent, and incompatible with the intended uses of nearby ground-level spaces. A building with a height that is similar to the heights of surrounding buildings typically would cause little or no additional ground-level wind acceleration and turbulence. Thus, wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. Such winds may exist under existing conditions, but shorter buildings typically do not cause substantial changes

in ground-level winds, and impacts typically occur with taller buildings in high density areas or areas that are prone to significant wind events. As explained in Section 4.10, Air Quality, of the Draft EIR, the complex terrain in central Marin County creates sufficient friction to slow air flows; average wind speeds at Hamilton Air Force Base, in Novato, average only 5 miles per hour.

The proposed Residential Parcel 3 and Residential Parcel 4 buildings would be located across the site from the existing eucalyptus trees within the Mt. Olivet San Rafael Cemetery. These buildings would be between 68 and 78 feet in height, would be set back from the adjacent roadway, and would not represent a single solid building mass but rather would have articulation (i.e., horizontal and vertical elements in the building façade) and upper level stepbacks. Furthermore, the existing eucalyptus trees are not a solid mass, providing air flow between each tree. Due to the nature of the existing vegetation and the architecture and form of the proposed buildings, as well as the intervening roadway, it is extremely unlikely that the proposed project would create a wind safety hazard or exacerbate wildfire risks, and the comment does not provide any data to support this assertion. Also refer to Response B-9-1 and Master Response 6 regarding speculation without substantiation.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-10-5

This comment, which addresses the merits of the proposed project and provides recommendations on the project design and a potential design alternative, is noted. Refer to Master Response 2 regarding the merits of the proposed project and Master Response 5 regarding the scope of project alternatives. Also refer to Response B-6-1 through B-6-9 regarding suggested alternatives that reduce the size and scale of the proposed project in certain locations.

Response B-10-6

This concluding comment, which reiterates the request that the project sponsor provide 3-D renderings of the proposed project, is noted. Please refer to Response B-10-2.

Responsible Growth in Marin

April Talley, Northgate Project Manager April.Talley@cityofsanrafael.org
City of San Rafael Community Development Department
Planning Division
1400 FiE h Avenue
San Rafael, CA 94903
Date: March 5, 2024
Re: For Public Comment on Northgate Town Square Redevelopment Project DEIR: SecQons 3 and 4 (solar panels and baS eries)

Dear April,

As you know, Responsible Growth in Marin (RGM) has always advocated for the Northgate property to be a sustainable mixed-use residenalĀ and commercial development that would enrich the community and promote a healthy environment and quality of life to all. **B-11-1**

The Northgate Town Square DEIR asserts that "Residential buildings would be entirely electric and would use no natural gas" and that "Photovoltaic solar panels would be installed on top of all residential buildings and the parking structure, and all other new buildings would be made ready for installation of photovoltaic solar panels. Battery storage would be provided in apartment-style residential buildings" (DEIR, 3.3.3, p. 97). However, the DEIR fails to provide sufficient information on the location and usage of solar panels and batteries to verify that these assertions are correct and that their locations are sufficient for efficient operation and safety. Specifically:

1) Throughout chapters 3 and 4, there are discrepancies in the language used to describe where solar panels and battery storage facilities will be located. Examples of this are: **B-11-2**
    a. Table 4.1.A page 4.1-22, Policy C-4.22 "solar panels and battery storage for residential buildings;"
    b. 4.11.E "Battery storage would be provided in the apartment-style residential buildings".
    c. The FEIR descriptions need to be consistent, and clarification is needed on whether all residences, including townhomes and Residence 1, will have solar panels and battery storage.
2) The DEIR fails to provide the rated capacity of solar panels and batteries. This information is essential to verify that sufficient solar electricity generation and battery storage will meet California green building code and the San Rafael Climate Change Action Plan 2030 goals be sufficient for the needs of new residents. The DEIR does not specify who (tenants, owners, or landlords) will be able to take advantage of electricity generated and who will be able to take advantage of battery backup. The FEIR should indicate how long each unit or public space will have access to that backup.
3) The location of solar panels and batteries are not indicated on the project site map. There is insufficient information on how solar panels will interface with rooftop recreational facilities and

B-11-2 (cont.)

on how they will be affected by shadowing from adjacent buildings. This information needs to be specified to verify the adequacy of solar panel installations for current or future clean energy infrastructure.

a. The Northgate Town Square Project Shadow Study from July 13, 2023, should be included in the FEIR. Also, the solar panel/battery infrastructure needs to be accounted for to determine potential impact on current or future solar access.

4) The DEIR does not address who-tenant, landlord, owner- will benefit from the peak (high cost) energy rate avoidance via use of battery interconnectedness. Please include this information in the FEIR.

Thank you for consideraon Āof these comments.
Sincerely,
David Smith, RGM President
Pamela Reaves, RGM Environmental Team

Response to Letter B-11

Responsible Growth in Marin
David Smith, President
March 5, 2024

Response B-11-1

This introductory comment, which states that Responsible Growth in Marin (RGM) supports the overall objectives of the proposed project and asserts that the Draft EIR does not provide sufficient information on the location and usage of solar panels and batteries, is noted. More specific comments related to this topic are addressed in Response B-11-2.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-11-2

This comment requests more specifics related to where solar panels and backup battery storage improvements would be located on the project site, the capacity of these systems, how they would be utilized, and by whom. Solar panels and battery storage are proposed for different purposes. Solar panels are proposed for sustainability and energy code compliance, whereas battery storage would be used to meet life safety backup requirements.

Solar panels would be installed at multifamily and townhome buildings pursuant to the requirements of the California Green Building Code at the time of building permit issuance. Commercial solar panels are typically connected to “house” meters to provide power offset for parking lot lighting, irrigation controllers and other electrical demands of the common area of the development.

Battery storage would be provided in lieu of diesel generators for life safety backup issues for the multifamily buildings only. Battery storage may be energized by electrical power from the grid or solar panels, but is meant to be an on-demand backup power source when external electricity is not available to the structure; the purpose is not to avoid peak energy rates. The configuration of the system and load requirements for the emergency backup would be designed in association with the construction plans for the multifamily buildings.

Battery storage is not required for life safety backup systems in townhomes.

Also refer to Responses B-2-17 and B-3-23, which further address solar facilities. Also refer to Response B-2-4 regarding shadows cast on solar facilities. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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INTERNATIONAL ASSOCIATION
OF SHEET METAL,
AIR, RAIL AND
TRANSPORTATION
WORKERS

SHEET METAL WORKERS'
LOCAL UNION NO. 104

3232 CONSTITUTION DRIVE
LIVERMORE, CALIFORNIA 94551-7567
TEL: (925) 314-8600 ▪ FAX: (925) 831-0231

Rick Werner
PRESIDENT/BUSINESS MANAGER

Comment Letter B-12

February 26, 2024

Rachel Kertz
District 4 Councilmember
City of San Rafael
1400 Fifth Avenue, Room 203
San Rafael, CA 94901
EM: rachel.kertz@cityofsanrafael.org
CM: 7016 2140 0000 1919 9895

RE: Northgate Mall Redevelopment Project (SCH No. 2021120187)

Dear Councilmember Kertz:

On behalf of SMART, Sheet Metal Workers' Local 104 and over 450 local working families, I am writing due to our concerns over the Northgate Town Square Redevelopment Project. As currently proposed, this project fails to ensure that it will provide adequate economic benefits to the community.

We have been told that the developer intends to flip this project after obtaining entitlements and is absolutely unwilling to enter into a Community Workforce and Training Agreement (CWTA) to ensure that whoever constructs the project uses local labor, maintains area wage standards, provides health and retirement benefits to workers, and supports local job development career pathways by providing opportunities for construction apprentices. In other words, the developer is seeking to maximize its ability to flip this project for a profit at the expense of ensuring the project supports local workers and the local economy. A project of this size, which will almost certainly have significant impacts on the environment, traffic, schools and air quality, should, at the least, provide countervailing economic benefits to the community. B-12-1

Primary drivers in creating career opportunities for local, disadvantaged workers are CWTAs, due to the fact that they increase the demand for apprentices and apprenticeship graduates. The region's joint labor management apprenticeship programs help to diversify the industry by bringing more underrepresented minorities and women into the trades. Each apprentice is a full-time worker who is receiving on-the-job training as an employee of a contractor on a jobsite. Increasing the number of apprenticeship opportunities through application of a CWTA to large development projects such as Northgate Mall enables apprenticeship readiness programs targeted to disadvantaged workers to place more workers into apprenticeships, and thus enables more women and disadvantaged workers to enter the pathway to a long-term, family-supporting career in construction.

According to statistics provided by the California Department of Industrial Relations for 2017, the vast majority of state-approved apprenticeship training is provided by joint labor-management apprenticeship programs. Ninety-five percent of construction apprenticeship graduates are produced by union programs and more than two-thirds of participants in union programs are people of color.

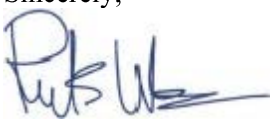
These numbers are no accident. The unions and the joint labor-management apprenticeship programs include outreach and community programs to recruit women and minority applicants. Furthermore, our veterans' programs, such as Helmets to Hardhats, have an unparalleled track record of recruiting, training, and placing veterans in quality construction careers. By entering into a CWTA, the developer will be ensuring work goes to entities that are taking active measures to increase the proportion of women and people of color who enter the higher-paid, skilled construction trades.

In contrast, projects built by non-union labor limit the availability of apprenticeships and are thus a barrier to job development. This undermines the unions' cooperative efforts with the City of San Rafael to provide well-paying construction career pathways to graduates of local high schools. For example, local construction unions are holding two job fairs at local high schools in March, but without a local CWTA there will be no apprenticeship opportunities available for these students. **B-12-1 (cont.)**

We ask that you reach out to the developer of this project and let them know that you would like to see a CWTA on this project to ensure that it creates well-paying local jobs that include full health benefits and supports the creation of apprenticeship opportunities for the community and for disadvantaged workers. We ask that you let the developer know that you are disappointed to hear that they are refusing to even consider entering into a CWTA for this project, and that you would like them to reconsider and meet with the unions in good faith to find a path for applying a CWTA to the project.

If you have any questions, please do not hesitate to contact Sheet Metal Workers' Local 104 Business Representative for Marin County, Keith Dias, at Keithd@smw104.org, or 707-835-0561.

Sincerely,



Rick Werner
President/Business Manager

:jm opeiu #29
c: Brian Masters, Assistant Business Manager, SMW Local Union No. 104, District 1 (via electronic mail)
Keith Dias, Business Representative, SMW Local Union No. 104, District 1 (via electronic mail)
Michael Mark, Planning and Development Director, SMW Local Union No. 104 (via electronic mail)

Response to Letter B-12

International Association of Sheet Metal Air, Rail, and Transportation Workers
Rick Werner, President and Business Manager
February 26, 2024

Response B-12-1

This comment, which introduces the International Association of Sheet Metal Air, Rail, and Transportation Workers and their interest in the proposed project as a provider of union labor, is noted. The comment goes on to request that the project sponsor enter into a Community Workforce and Training Agreement for the proposed project and raises concerns related to job creation and economics. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, although it vaguely references impacts related to traffic, schools, and air quality. *State CEQA Guidelines* Section 21082.2(c) limits evaluation of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. Refer to Master Response 2 regarding the merits of the proposed project.

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415.302.0110

February 9, 2024

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. **B-13-1**

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-13-1 (cont.)

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?

B-13-2

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) Alternativly, 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?

B-13-3

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^2e 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.)

B-13-3 (cont.)

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?

B-13-4

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. **B-13-4 (cont.)**

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-13-5**

   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. **B-13-6**

Sincerely,

William Carney,
Vice President

Responses to Letter B-13

Sustainable San Rafael
William Carney, President
February 9, 2024

Response B-13-1

These comments question the Draft EIR finding that impacts related to operational greenhouse gas (GHG) emissions would be significant and unavoidable, and recommend consideration of additional analysis and mitigation related to natural gas use in the commercial component of the project. Please refer to Responses B-2-16, B-3-12, B-5-2, and B-8B-44, which all address this topic, including the concerns and suggestions listed in this comment.

In addition, it should be clarified that the Draft EIR does not state that GHG *emissions* would be significant, because there is no threshold for generation of such emissions. Instead, as described in Section 4.11, Greenhouse Gas Emissions, of the Draft EIR a project is deemed to have a significant impact related to greenhouse gas (GHG) emissions if it would not comply with the project design elements related to natural gas, energy, vehicle miles traveled (VMT), and electric vehicles (EVs), as recommended by the Bay Area Air Quality Management District (BAAQMD). As such, the analysis and significant unavoidable impact conclusion in the Draft EIR is based on consistency with the recommended BAAQMD project design thresholds, not actual emissions.

Table 29 of the Air Quality and Greenhouse Gas Emissions (AQ/GHG) Technical Report (Appendix I of the Draft EIR) demonstrates the estimated annual GHG emissions associated with existing conditions and Phases 1 and 2 of the proposed project. As stated on pages 110 and 111 and shown in Table 29 of the AQ/GHG Technical Report, annual project-generated GHG emissions under Phase 1 would be approximately 19,672 metric tons of carbon dioxide equivalent per year (MT CO_2e/yr) as a result of project operations. After adding the amortized project construction emissions under Phase 1, total GHGs generated by the project under Phase 1 would be approximately 19,779 MT CO_2e/yr. Because annual existing GHG emissions are estimated to be 22,673 MT CO_2e/yr, the net change in GHG emissions under Phase 1 of the proposed project is estimated to be a reduction of 2,894 MT CO_2e/yr, resulting in net negative GHG emissions. Additionally, as discussed on page 111, under Phase 2, annual project-generated GHG emissions would be approximately 14,445 MT CO_2e/yr as a result of project operations only and approximately 14,612 MT CO_2e/yr when including amortized construction emissions from both Phases 1 and 2 of the proposed project. The net change in GHG emissions under Phase 2 is estimated to be a reduction of 8,061 MT CO_2e/yr after subtracting 22,673 MT CO_2e/yr from existing conditions, resulting in net negative GHG emissions. As such, implementation of the proposed project would result in net negative GHG emissions. The estimated net negative emissions represent the emissions associated with each development phase when subtracted from the existing conditions. Furthermore, emissions associated with Phase 2, which is anticipated to be operational by 2040, represent a conservative scenario and would most likely be lower as future technology and regulations are available to reduce emissions.

However, it is important to note that although the AQ/GHG Technical Report (Appendix I of the Draft EIR) estimates the proposed project's quantified GHG emissions, the Draft EIR analysis does not present the quantified project-related GHG emissions because the BAAQMD does not have a

numeric threshold to evaluate potential GHG emissions impacts under CEQA. As identified above, a project would have a less than significant impact related to GHG emissions if it would include project design elements related to natural gas, energy, VMT, and EVs, as recommended by the BAAQMD. As such, the analysis in the Draft EIR is based on consistency with the recommended BAAQMD project design thresholds and, because the proposed project would include natural gas use, this impact is significant.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response B-13-2

This comment suggests that the use of natural gas can be considered as an existing use since the amount of natural gas that would be used for the proposed project would be less than the amount of natural gas currently used on site. Refer to Response B-8B-44 as well as Response B-13-1, which does implement the suggestion by recognizing elimination of current natural gas uses and calculating the net change, which would reduce total natural gas usage at the project site. The BAAQMD assumes that any new natural gas connections/use would hinder the State's goals to achieve carbon neutrality by 2040 and thus result in a significant impact related to GHG emissions.

Response B-13-3

This comment suggests identifying mitigation measures to offset the estimated GHG emissions associated with commercial kitchens, such as requiring the use of renewable or fossil-free electricity sourced from on-site solar, MCE, or Pacific Gas & Electric Company (PG&E). The commenter suggests that mitigation measures requiring the use of renewable or fossil-free electricity would reduce more GHG emissions than those emitted from these restaurants. Additional GHG reduction measures are also suggested.

Refer to Response B-8B-44 and Response B-13-1. If a project uses natural gas, then the BAAQMD has determined that it will hinder California's ability to decarbonize its building sector and the impact is considered significant under CEQA, even in situations such as this where natural gas use actually will be reduced by the project. The proposed project does include all-electric design for the residential and non-residential retail buildings and would incorporate numerous sustainability features, including CALGreen voluntary Tier 2 EV charging facilities, water-efficient interior plumbing fixtures and appliances, dual plumbing to allow for use of recycled water, drought tolerant landscaping and low water use practices, green infrastructure techniques for stormwater runoff, energy-efficient lighting, solar panels and battery storage for residential buildings, and high-efficiency mechanical and hot-water systems. However, these sustainability features and or any additional emission reduction measures would not reduce impacts to a less than significant level because the proposed project would not incorporate all of the project design elements necessary to meet the BAAQMD threshold (i.e., prohibiting all natural gas use). Identification and analysis of mitigation measures or the emission reduction strategies suggested in the comment would not reduce the identified impact to a less than significant level. As explained in Response B-3-13, if the City chooses to approve the project, it will be required to make findings and adopt a Statement of Overriding Considerations. These comments and suggestions will be considered by City decision -makers.

Response B-13-4

This comment requests more information related to the Draft EIR's conclusion that the project would achieve net negative impact on operational GHG emissions by replacing existing land uses with less intensive uses. The comment also refers to the data presented in Table 29 of the AQ/GHG Technical Report included in Appendix I of the Draft EIR; refer to Response B-13-1 for an explanation of the GHG emissions calculations.

Table 29 in the AQ/GHG Technical Report presents emissions associated with existing conditions and the buildout of Phases 1 and 2. The methodology used to calculate the emissions was not based on the same methodology used in the Marin Climate and Energy Partnership. The methodology used to quantify emissions was based on a California Emissions Estimator Model (CalEEMod) analysis, consistent with BAAQMD CEQA Air Quality Guidelines. The model includes assumptions to reflect current building standards, emission rates based on vehicle fleet year selection, and typical water and waste generation rates in compliance with current BAAQMD thresholds. Therefore, it does not account for all future changes in regulation, including City-specific rules related to methane emissions or renewable electricity that would reduce GHG emissions. Quantification methodology have not yet been developed for all such measures at this time. Therefore, project emission estimates represent a conservative analysis.

Table 29 in the AQ/GHG Technical Report is based on operational emissions for the existing scenario as explained in the report, which were estimated to total 22,673 MT CO_2e. Under Phases 1 and 2, operational GHG emissions were estimated to be less (Phase 1 was 19,779 MT CO_2e and Phase 2 was 14,612 MT CO_2e). As such, when subtracting the existing emissions from the project's estimated emissions, it results in a negative number. Table 24 in the AQ/GHG Technical Report is the City's community-wide GHG emissions inventory. Community-wide GHG emissions inventories are prepared using different protocols than those used to generate emissions estimates for an individual land use project. The City's community-wide inventory was provided for informational purposes and is not relevant for the impact analysis.

As described on pages 4.11-29 and 4.11-30 of the Draft EIR, the California Air Resources Board (CARB) has included project attributes that are recommended to reduce GHGs in the 2022 Scoping Plan. Table 3 of Appendix D of the 2022 Scoping Plan includes key project attributes that reduce GHGs from residential and mixed-use development projects, which include the following measures:

- Provide EV charging infrastructure that, at a minimum, meets the most ambitious voluntary standard in the California Green Building Standards Code (CALGreen Code) at the time of project approval.
- Locate on infill sites that are surrounded by existing urban uses and reuses or redevelops previously undeveloped or underutilized land that is presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer).
- Consist of transit-supportive densities (minimum of 20 residential dwelling units per acre).
- Is in proximity to existing transit stops (within 0.5 mile).

- Satisfies more detailed and stringent criteria specified in the region's Sustainable Communities Strategy (SCS).
- Use all-electric appliances without any natural gas connections and does not use propane or other fossil fuels for space heating, water heating, or indoor cooking.

According to the BAAQMD, in order for projects to align with 2045 CARB goals, a project must meet the BAAQMD design criteria, which includes no natural gas usage. As stated on page 4.11-30 of the Draft EIR, because the proposed project could include natural gas connections for use in cooking in commercial kitchens, BAAQMD's design criteria indicate that the proposed project would not achieve its "fair share" of emissions reductions necessary to achieve carbon neutrality by 2045. Therefore, the proposed project could conflict with the 2022 Scoping Plan, Senate Bill (SB) 32, Executive Order (EO) B-48-18, EO S-3-05, and Assembly Bill (AB) 1279. Mitigation to prohibit the use of natural gas in commercial kitchens was found to be infeasible to implement, as discussed further in Responses B-8B-44 and Response B-13-1. Therefore, the proposed project could conflict with the 2022 Scoping Plan and related State legislation.

Response B-13-5

This comment requests additional information related to additional actions that the City could take to provide this and similar projects with the option of meeting the BAAQMD regulations through the secondary threshold of determining consistency with a local GHG reduction strategy (Threshold B). As stated on page 4.11-19 of the Draft EIR, in 2006, the City of San Rafael was one of the early signatories to the United States Conference of Mayors Climate Protection Agreement, committing the City to working toward meeting the goals of the Kyoto Protocol. The City Council adopted San Rafael's first Climate Change Action Plan (CCAP) on April 20, 2009, which set goals of a 25 percent reduction of GHGs by 2020, and an 80 percent reduction by 2050 to meet targets set by the State of California. As of 2019, the City had met the State target of 15 percent reduction of GHG emissions, as well as the local 25 percent stretch goal. Meanwhile, the State issued a new interim target for 2030: 40 percent reduction of GHG emissions below 1990 levels. The City Council approved an updated version, the Climate Change Action Plan 2030 (CCAP 2030),[48] on May 20, 2019. CCAP 2030 includes a variety of regulatory, incentive-based, and voluntary strategies that are expected to reduce emissions from both existing and new development in San Rafael. The local actions in the plan include a focus on low-carbon transportation, energy efficiency, renewable energy, waste reduction, water conservation, sequestration and adaptation, community engagement, and implementation and monitoring of the plan.

CCAP 2030 establishes targets similar to the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. Emissions reductions are estimated for each State and local strategy; combined, they show that the City could reduce emissions 19 percent below 1990 levels by 2020 (equivalent to 31 percent below 2005 levels), and 42 percent below 1990 levels by 2030, which is enough to surpass the City and State goals for those years. Community emissions are projected to be 233,920 MT CO_2e in 2030 with all State and local actions

[48] San Rafael, City of. 2019. *Climate Change Action Plan 2030.* May. Website: https://www.cityofsanrafael.org/climate-change-action-plan/ (accessed August 2023).

implemented, while the reduction target is 241,455 MT CO_2e. Overall, State actions represent about 40 percent of the reduction expected through implementation of CCAP 2030, while local actions represent about 60 percent.

As stated on page 4.11-21 of the Draft EIR, because the City's CCAP 2030 only analyzes emissions through the 2030 horizon year and does not include an assessment of emissions inventory and reductions necessary to meet the State's long-term GHG emissions goals, including the 2045 carbon neutrality goal established in AB 1279, the Draft EIR evaluates the proposed project against the BAAQMD-recommended GHG Emissions Threshold A, which requires projects to include certain design features, which are further outlined below, to ensure they are doing their "fair share" to meet the State's GHG emissions reductions goals. For the City's CCAP 2030 to qualify as a GHG reduction strategy under Threshold B, the City would need to update the CCAP 2030 to demonstrate emissions reductions necessary to meet the State's long-term GHG emissions goals through 2045, including the 2045 carbon neutrality goal established in AB 1279.

Additionally, pages 4.11-25 through 4.11-31 of the Draft EIR evaluate the proposed project's consistency with the applicable local and State GHG reduction plans, including the City's CCAP 2030, Plan Bay Area 2050, and the 2022 Scoping Plan. As demonstrated in the Draft EIR, the proposed project would comply with the City's CCAP 2030 and would support the VMT reduction goals included in the CARB Mobile Source Strategy and Plan Bay Area 2050. However, because the proposed project could include the use of natural gas in the proposed commercial kitchens, the proposed project would not meet the project design thresholds recommended by the BAAQMD and would be considered inconsistent with the long-term State GHG reduction goals and emission targets outlined in AB 32, SB 32, EO B-30-15, EO B-48-18, and AB 1279. As such, the proposed project could conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions, resulting in a significant and unavoidable impact.

Response B-13-6

This concluding comment, which expresses support for the proposed project and reiterates the request that additional analysis and mitigation be considered for impacts related to GHG emissions, is noted. Please refer to Responses B-13-1 through B-13-5. Also refer to Master Response 2 regarding the merits of the project and Master Response 8 regarding the adequacy of the Draft EIR.

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C. INDIVIDUALS

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From: Sara Aceves
To: April.Talley@cityofsanrafael.org
Cc: Guerro
Subject: Re: Northgate Community Development
Date: Tuesday, March 5, 2024 5:36:00 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-1-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Response to Letter C-1

Sara Aceves
March 5, 2024

Response C-1-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Comment Letter C-2

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Wednesday, February 7, 2024 5:23:07 PM

Name

Nur Acosta

Email

silkroadstudio8@gmail.com

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

C-2-1

Response to Letter C-2

Nur Acosta
February 7, 2024

Response C-2-1

This comment, which expresses general concerns related to traffic, emergency access and evacuation, emissions, construction, hazardous materials, water quality, water supply, and sewer capacity but does not identify any specific deficiencies related to the information or analysis in the Draft EIR related to these topics, is noted.

Refer to Response B-9-1 regarding additional information related to emergency evacuation. Also refer to Responses A-3-5 and A-3-7 regarding transportation impacts and school traffic.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Comment Letter C-3

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Wednesday, February 7, 2024 5:42:38 PM

Name

Nur Acosta

Email

silkroadstudio8@gmail.com

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! **C-3-1**

Response to Letter C-3

Nur Acosta
February 7, 2024

Response C-3-1

This comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits and design. Also refer to Section 4.9, Transportation, of the Draft EIR for a discussion of transportation impacts, which were determined to be less than significant.

From: krista Alborg
To: April.Talley@cityofsanrafael.org; Tim Alborg
Subject: New Residential build to Northgate Mall
Date: Tuesday, February 27, 2024 10:03:03 AM

Hello,
I am strongly opposed to the new development to Northgate Mall. The increase of 1422 residential units will increase the demands of the population to our schools. Our schools with current funding cannot grow and add more students. C-4-1

-We are already seeing cuts to our schools and parents have to fund programs ourselves through Can Do fundraising. We don't have more funding for additional teachers.

-Our students already have 28-30 student classrooms starting in 4th grade and our students in Miller Creek are in trailers. There is no more space in classrooms.

-There are no school buses and the traffic in these areas are already too congested with parents having to drive the current population that is already enrolled. With 2 schools and a hospital within blocks of this new build our streets cannot handle the traffic.

I urge you to halt this development and consider funding and building schools to first support growth.

Thanks,
Krista Alborg
Resident of San Rafael and a parent of students in local schools.

Response to Letter C-4

Krista Alborg
February 27, 2024

Response C-4-1

This comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits. Refer to Section 4.13, Public Services and Recreation, of the Draft EIR, for a discussion of school-related impacts, which were determined to be less than significant. Also Refer to Responses A-3-1 through A-3-12 for additional information that addresses concerns related to school impacts.

From: Tim Alborg
To: April.Talley@cityofsanrafael.org
Cc: Krista Alborg
Subject: Northgate project does not cover significant education and traffic costs
Date: Wednesday, February 28, 2024 10:48:13 AM

Dear City of San Rafael Planning Division,

I live close to the proposed Northgate Mall Redevelopment Project. I also have one child attending Vallecito Elementary School and another child attending Miller Creek Middle School. **C-5-1**

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

Specifically:
-Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
-Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

I urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Best,
Tim

Tim Alborg
57 Maple Hill Dr, San Rafael, CA 94903
mobile: (770) 595-0190

Response to Letter C-5

Tim Alborg
February 28, 2024

Response C-5-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Joseph Alfieri
To: April Talley
Subject: Public Comment on Northgate Town Square
Date: Sunday, March 3, 2024 10:32:11 AM
Attachments: Northgate Letter JA.pdf

Dear Commissioners,

I have 23 years as an experienced director-level professional in restaurant and hospitality management, I bring extensive expertise in leading food and beverage operations within corporate, resort, education, and full-service restaurants. My skill set encompasses, high volume restaurant management, opening restaurants, restaurant/kitchen design and branding. This includes being an executive chef for 17 years in multiple US cities. C-6-1

I'm writing because it has come to my attention that the City of San Rafael is conducting an

environmental impact review for the Northgate redevelopment project in North San Rafael, and that the review states that gas lines will be a necessary part of the redevelopment to accommodate any restaurant tenants.

In my view, this is an outdated assumption. Over the past 10 years I have collaborated with teams in all-electric kitchens for high volume operation settings. These teams offered comprehensive menus of daily changing options while drawing on many diverse cuisines. Food being served was top-quality, consistent, quick, and cost-effective from the on-site all-electric kitchen.

This past year I attended the largest business-to-business hospitality trade show globally "Host Milano" in Milan Italy. I witnessed incredible innovations where 80% of kitchen equipment is going electric. One example of the show featured large scale electric pizza ovens the replaced traditional gas with equally hot temperatures for Neapolitan style pizza. Cities all over Europe have adapting to electric equipment for years and now were seeing that same trends here in the US. I have multiple clients that are requesting electrical kitchens for new build outs or replacing the current kitchen.

I have found that cooks that worked with gas have quickly adjust to working with induction cooktops and electric ovens. Furthermore, all-electric kitchens are much healthier for employees: they are cooler, with better air quality, and are free from carbon dust settling on and burning off the grates.

Please reconsider the plan to include gas lines in the Northgate redevelopment project and instead offer restaurant tenants state-of-the-art electric kitchens. They are better for employees, for air quality, and the environment. I would be happy to share any other information with the board or become the restaurant voice for Northgate Town Square. My time would be pro-bono to help make the best decisions for our community. **C-6-1 (cont.)**

Sincerely
Joseph Alfieri

Food Service Executive

Response to Letter C-6

Joseph Alfieri
March 3, 2024

Response C-6-1

This comment, which states the commenter's experience in the restaurant industry and knowledge of all-electric commercial kitchens also expresses the opinion that the commercial component of the proposed project could be all-electric and not utilize natural gas, is noted. The commenter's offer of assistance is also noted. Refer to Master Response 2, which addresses the project merits. Refer to Response B-3-12, which addresses natural gas use as proposed by the project.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Thursday, February 8, 2024 2:41:26 AM

Name

Ashley Allen

Email

ash.len@icloud.com

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. **C-7-1**

Response to Letter C-7

Ashley Allen
February 8, 2024

Response C-7-1

This comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits and proposed uses.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 27, 2024 7:33:40 PM

Next Steps: Sync an Email Add-On

Name

Jose Alves

Email

jodialves@icloud.com

Submit Public Comment

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-8-1

Specifically:
Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

Response to Letter C-8

Jose Alves
February 27, 2024

Response C-8-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: George Andersen
To: AprilT@cityofsanrafael.org
Subject: comments on Northgate EIR
Date: Wednesday, February 28, 2024 8:56:14 AM

To whom it may concern:

I am not opposed to the development with housing. However, the transportation and traffic analysis is woefully lacking. The EIR estimates that traffic post development will be lower - leading to the ridiculous conclusion that the development will improve traffic. This analysis is based on estimates from a civil engineering source ("The anticipated trip generations for the existing mall and proposed project were estimated using standard rates published by the Institute of Transportation Engineers (ITE) in Trip Generation Manual, 11 th Edition, 2021", p. 11). This analysis assumes that current northgate traffic is for a fully functional mall which it is not and assumes traffic numbers for malls which likely have considerably better roadway infrastructure (i.e., more lanes and egress points) than exists at northgate. I strongly encourage a detailed traffic study be conducted for all interchanges at Northgate, including at peak times. The development should either increase roadway infrastructure or reduce density of housing. In addition, freeway access is inadequate and access should be considered at merrydale. Otherwise, the city and local residents will be dealing with a serious problem that could take decades to mitigate. **C-9-1**

As noted by the developer (https://www.futurenorthgatemall.com/faqs)

"• *What can we expect with respect to traffic?*

The City's environmental study will take a comprehensive look at the traffic patterns of the proposal. However, the good news is that residential generates less traffic than retail. The City's traffic analysis will help us ensure appropriate traffic mitigation."

Sincerely,

John Andersen

Terra Linda resident

Response to Letter C-9

George Andersen
February 28, 2024

Response C-9-1

This comment questions the baseline assumptions provided in Section 4.9, Transportation, of the Draft EIR and references the City's website for the proposed project. The comment also requests a full analysis of intersection and interchange operations and capacity, including peak travel times. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Further, all transportation impacts were determined to be less than significant with implementation of identified mitigation measures. Refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Wednesday, February 28, 2024 9:17:59 AM

Next Steps: Sync an Email Add-On

Name

Kristin Andersen

Email

spiritledkris@gmail.com

Submit Public Comment

Hello,
I support the building of my housing at Northgate. That said, the environmental impact report was laughable, in respect to traffic flow and mitigation. Experienced traffic analysts need to visit the site during peak traffic hours (morning traffic commuter and school start times, afternoon school ending times, and evening traffic commuter times). It's a big problem right now. With the proposed housing, it'll be a nightmare! Also, I strongly support looking at alternative ways to get cars on and off the freeways. And Los Ranchitos Rd to Lincoln or N. San Pedro isn't the answer, because if you studied traffic flow during peak times, you'll see that it backs up. Additionally, if the city would pay for a study and implement timed lights that support peak traffic hour flow (not just on Freitas Pkwy but also Northgate Dr. and Las Gallinas), it would be helpful too. There are lights that are on timers right now that make traffic worse (Las Gallinas and Del Presidio). Please don't ignore this problem. If left to the results of the latest study, this area will resemble the traffic problems of southern California. Don't do that to us, please! **C-10-1**

Response to Letter C-10

Kristin Andersen
February 28, 2024

Response C-10-1

This comment questions the baseline assumptions provided in Section 4.9, Transportation, of the Draft EIR. The comment also requests additional analysis of intersection operations and capacity, including peak travel times. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Further, all transportation impacts were determined to be less than significant with implementation of identified mitigation measures. Refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Judy Arai
To: April.Talley@cityofsanrafael.org
Date: Tuesday, February 27, 2024 9:56:00 AM

---

*D*ear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-11-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.
- Take your huge project and move it to a city that can encompass this mass of a project. Marin county is small and we would like to keep it this way.
- Revamp the mall the way it currently is and put in some fun stores, restaurants, bars but do not overcrowd this area or you will have a lot of upset people.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project. Our schools are already lacking 1.2 million dollars. Teachers are paid terribly and have to live outside of Marin. With this building providing a larger student population, there will not be enough space to put these kids. I and the rest of the community urge you to reconsider the size of this structure.

Thank you,
Judy

Response to Letter C-11

Judy Arai
February 27, 2024

Response C-11-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to schools and expresses opposition to the proposed project. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 2 regarding the merits of the project and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

RECEIVED
FEB 29 2024

Comment Letter C-12

February 22, 2024

Planning Commission
Community Development Department
San Rafael, CA 94901

RE: for public comment regarding the Northgate redevelopment project

Dear Planning Commissioners,

I live just a few blocks away from the Northgate Mall and I want to voice my apprehensions about the proposed Northgate Mall redevelopment plans and the Draft Environmental Impact Report (DEIR). While I support revitalizing the mall, I have serious worries that must be addressed. C-12-1

My number one concern is traffic congestion. Our neighborhood roads simply cannot handle the huge influx of vehicles from over 1,000 new apartments. The DEIR underestimates future impacts by relying on flawed assumptions. Our streets will be gridlocked, especially in an emergency evacuation situation. This is unacceptable!

I'm also deeply troubled that 7-story buildings are being proposed. This scale absolutely does not conform with the surrounding neighborhoods. I insist the height be reduced, especially on Residence 4, to maintain neighborhood character and livability. The proposed town square needs to be much bigger and should not support astro-turf.

In addition, the DEIR overlooks other critical issues like noise, emissions, open space requirements and evacuation risks that will affect residents' quality of life. I want this project to succeed, but not at the expense of destroying what we love about our community.

I urge the Commission to require the developer to scale back the number of residences and building heights. A grocery store and other onsite services could help mitigate external trips. There should be absolutely no fast food, drive-in restaurants which will harm our air quality. The DEIR must be revised to address infrastructure limitations and neighborhood impacts before approval.

Our community deserves a balanced, sustainable redevelopment, not gridlock and high-rises! Let's work together on a plan we can all be proud of. Thank you for your consideration.

Regards,

Ligia Atkinson

Response to Letter C-12

Ligia Atkinson
March 4, 2024

Response C-12-1

This comment expresses general concerns related to the size and scale of the proposed project and the Draft EIR's analysis of transportation, emergency evacuation, noise, emissions, and recreation impacts.

Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Further, all transportation-related impacts, including emergency access and evacuation, were either determined to be less than significant pursuant to established thresholds or would be reduced to less than significant with implementation of identified mitigation measures. Also refer to Response B-9-1 for further information related to emergency evacuation.

The comment does not provide any specific examples of where the Draft EIR is deficient in the analysis of noise, emissions, or recreation impacts, and these comments are noted. Regarding open space requirements, these impacts were addressed in Section 4.13, Public Services and Recreation, of the Draft EIR and were determined to be less than significant. Also refer to Response B-7-2 for more information related to open space requirements.

The remainder of the comment addresses the scale of the proposed project, particularly the proposed Residential Parcel 4 building height. As discussed in Section 4.1, Land Use and Planning, and 4.3, Visual Resources of the Draft EIR, the proposed building heights would not conflict with any applicable zoning or other regulations governing land use or aesthetic compatibility with the project site surroundings. Further, the proposed project is undergoing design review by the Planning Commission for design compatibility and appropriateness for the surroundings. As a result of the regulations built into the Planned Development district, and conformance with the design review process, the project would be consistent with the goals, policies, and programs in the General Plan, ordinances in the Municipal Code, and additional applicable regulations regarding building size, scale, and massing. The comment related to the size of the proposed Town Square and turf materials to be used are also noted, but are not related to the adequacy of the information and analysis in the Draft EIR. Refer to Chapter 2.0, Revised Project, in this RTC Document, which describes changes to the heights of the Residential Parcel 1 and Residential Parcel 5 buildings, the change in proposed Town Square materials from synthetic to natural turf, and the increase in size of the Town Square. Refer to Master Response 2 regarding the merits of the project. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

RECEIVED
FEB 29 2024

February 21, 2024

Comment Letter C-13

San Rafael Planning Commission

San Rafael, CA 94901

RE: for Public Comment Re: Northgate Development DEIR

Dear Commissioners,

As a concerned resident of San Rafael Meadows near the proposed Northgate Mall redevelopment, I have serious reservations about the Draft Environmental Impact Report (DEIR). I believe several issues need further analysis and mitigation: **C-13-1**

First, the DEIR underestimates the air quality and greenhouse gas impacts by relying on the flawed assumption of a fully functioning mall. New studies using current conditions are essential, along with reducing residences and requiring an onsite construction manager. As a senior, I am especially vulnerable to emissions.

Second, the traffic analyses downplay impacts by using the incorrect mall baseline. Factoring in planned roundabouts, reducing drive-throughs, adding a grocery store onsite, and lowering residence numbers would decrease congestion near my neighborhood.

Third, the DEIR overlooks evacuation risks despite Terra Linda's limited routes. Evacuation procedures and training need inclusion in the report.

Fourth, the DEIR does not address open space requirements for new residents. Expanding the Town Square and applying park fees locally could help.

Fifth, the DEIR underestimates noise impacts by incorrectly measuring current ambient levels. Monitoring, enforcement, and police training are needed to manage construction and traffic noise.

Finally, reducing the height of the 7-story residence building would be more neighborhood-compatible. I also suggest the owner contribute financially to the North San Rafael Promenade.

In summary, the DEIR must be revised to address these and other issues before approval. As a San Rafael Meadows resident, I am deeply concerned about how this project will impact my neighborhood. Thank you for your consideration.

Sincerely,

Response to Letter C-13

Richard Atkinson
February 21, 2024

Response C-13-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and potential traffic congestion, and the Draft EIR's analysis of transportation, emergency evacuation, noise, air quality and greenhouse gas (GHG) emissions, and recreation impacts. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Further, all transportation-related impacts, including air quality and GHG emissions from mobile sources, traffic volume noise, and emergency access and evacuation, were determined to be less than significant pursuant to established thresholds or to be reduced to less than significant with implementation of identified mitigation measures. Also refer to Response B-9-1 for further information related to emergency evacuation.

The comment does not provide any specific examples of where the Draft EIR is deficient in the analysis of recreation impacts, and these comments are noted. Regarding open space requirements, these impacts were addressed in Section 4.13, Public Services and Recreation of the Draft EIR, and were determined to be less than significant. Also refer to Response B-7-2 for more information related to open space requirements.

Regarding construction, please refer to Response B-8E-4, which discusses compliance with the City's standard conditions regarding construction noise (also see pages 4.12-19 and 4.12-20 of the Draft EIR).

Refer to Master Response 2 regarding the merits of the project. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Monday, March 4, 2024 3:41:18 PM

Next Steps: Sync an Email Add-On

Name

Paul Barnett

Email

paul@barnettfamily.org

Submit Public Comment

RE: Northgate Town Square Draft EIR Comment

This is to point out that the draft Environmental Impact Report for the Northgate Town Square contains a critically flawed analysis of transportation impacts. C-14-1

Common sense suggests that the replacement of a failing shopping mall with more than 1,400 units of housing is going to adversely affect traffic. The exact impact is not known, as the analysts made no attempt to measure existing traffic levels. The analysts simply assumed traffic level was the same as other malls of this size. Because of vacancies and lack of business, traffic to the existing mall is much less than typical.
The analysis did evaluate traffic accidents in the project area. Most intersections (nine of seventeen) had collision rates that were above the statewide average. One intersection had a collision rate that was 32 times that state average!

All four intersections in the square formed by Freitas Parkway, Del Presidio, Las Gallinas, and Northgate Drive need improvement, even at existing traffic levels.

To reach Highway 101, cars exiting the mall on Northgate must turn right, and within a block, move into the left lane to make a turn onto Del Presidio. At peak times, this intersection is frequently “gridlocked” with cars trying to leave the mall to get on the highway. This choke point (Northgate at Las Gallinas) has a collision rate that is nearly 5 times that statewide average.

Using land in the northwest corner of the project could mitigate a problem that will only worsen with increased traffic from the project. Del Presidio could be routed to merge with Northgate south of Las Gallinas, eliminating the choke point. A less optimal option would be to widen Las Gallinas Ave and Northgate Drive, providing additional space for cars to queue to get through this maze-like exit.

Please do not approve this Environmental Impact Report until some effort is made to measure current traffic levels. Some honest effort should be made to measure and mitigate the project’s adverse impact on area traffic.

Respectfully yours,
Paul G. Barnett
paul@barnettfamily.org

Response to Letter C-14

Paul Barnett
March 4, 2024

Response C-14-1

This comment expresses general concerns related to existing and potential traffic congestion in the project area and the Draft EIR's analysis of transportation impacts. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Regarding existing congestion, collision rates, and recommended improvements, these comments are noted. Please refer to Section 4.9.3.1, Intersection Level of Service Analysis, in the Draft EIR, which is provided for informational purposes because traffic congestion is no longer treated as an environmental impact under CEQA.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Tuesday, January 9, 2024 4:50:31 PM

Name

Sophia Beavis

Email

sophiad6212@gmail.com

Comments

I think the benefits to the community outweigh the impacts outlined in the draft EIR. As a resident of Terra Linda I truly look forward to this projects completion and the amenities and housing it will bring to our community. **C-15-1**

Response to Letter C-15

Sophia Beavis
January 9, 2024

Response C-15-1

This comment, which expresses general support for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 13, 2024 6:50:37 PM

Next Steps: Sync an Email Add-On

Name

Elise Benoit

Email

elisebenoit3@gmail.com

Submit Public Comment

I would like to understand how such a significant increase in total population and population density in. Terra Linda is going to impact traffic in the neighborhood and also how it will impact access to 101. Will new on and off ramps be built? Will new public transportation be added? **C-16-1**

Response to Letter C-16

Elise Benoit
February 13, 2024

Response C-16-1

This comment requests more information related to traffic congestion- and transit-related impacts of the proposed project and does not raise any concerns related to the adequacy of the information and analysis in the Draft EIR. These topics are addressed in Section 4.9, Transportation, of the Draft EIR. Please refer to pages 4.9-28 through 4.9-31 of the Draft EIR for a summary of the roadway operations analysis prepared for informational purposes. The evaluation determined that on- and off-ramps to US-101 would continue to operate at acceptable levels of service (LOS) with the proposed project, and no new infrastructure is required. Refer to page 4.9-19 of the Draft EIR regarding impacts to the transit system. Also refer to Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA.

From: Cara Bingham
To: april.talley@cityofsanrafael.org
Subject: Concerns for the Redevelopment Project of Northgate
Date: Tuesday, March 5, 2024 8:56:31 PM

Dear City of San Rafael Planning Division,

I am a Marinwood homeowner (565 Quietwood) and mother of two young boys who attend Lucas Valley Elementary school in the Miller Creek School District. C-17-1

While I support the need for growth and housing in our community, the scale and speed of this project is not currently structured for success. The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

As a very involved HSC volunteer, I understand first hand that our district is struggling to make ends meet at the moment. We are facing a large budget deficit, struggling to recruit top teacher talent and losing top teachers to other school districts who pay more. The students currently are paying the price of the district's shortfalls. The current message from our current school district is "this increase in enrollment would exceed the capacity of our existing school facilities."

I urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District’s facilities cannot accommodate students generated from the project.

Thank you for your consideration and happy to discuss further if you have any questions, I have provided my phone number below.

Best,
Cara Bingham
415.847.8822

Response to Letter C-17

Cara Bingham
March 5, 2024

Response C-17-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Friday, January 12, 2024 3:13:30 PM

Name

Stephen Bingham

Email

smbingham@earthlink.net

Comments

I'm astonished that the only transportation environmental impact mentioned is TRA-1, Sight Triangle Maintenance on p. 2-15. While I'm in favor overall of providing much more housing. especially low- and very low-income housing, the environmental impact of this project will be huge. I live across from Safeway on Hibiscus Way and experience very considerable traffic backup on Freitas during commute hours. Unless an access ramp to US 101 is built, the increased traffic from the new housing development will be unacceptable. It's inexcusable that the EIR doesn't discuss traffic impact. **C-18-1**

Response to Letter C-18

Stephen Bingham
January 12, 2024

Response C-18-1

This comment expresses general concerns related to the size and scale of the proposed project and the Draft EIR's analysis of transportation impacts. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Further, all transportation impacts were determined to be less than significant with implementation of identified mitigation measures. Also refer to Response C-16-1 regarding impacts relating to US-101 ramps.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Tuesday, January 16, 2024 9:35:20 PM

Name

Larry Boeck

Email

boeckpaint@aol.com

Comments

On 1st glance the towers seem too large.

What about 3 -4 story towers vs. One 7 story and one 5 story.

Larry0

C-19-1

Response to Letter C-19

Larry Boeck
January 16, 2024

Response C-19-1

This comment, which provides an opinion on the height of the proposed buildings and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits and proposed uses.

From: Gloria A Brar
To: April.Talley@cityofsanrafael.org
Cc: Chris Mugler
Subject: Strong opposition to current Northgate plan from a MCSD parent
Date: Tuesday, February 27, 2024 9:34:16 AM

Dear City of San Rafael Planning Division,

C-20-1

Although I greatly appreciate the goal of increasing housing, food options, and community gathering space that I believe motivates the Northgate redevelopment plan, the current plan is deeply flawed and will negatively impact our school district and community greatly as a result of poor planning and apparent lack of accurate data collection on the status of the MCSD schools and the traffic near the Freitas to 101S onramp. The draft of the environmental impact report concerns me greatly as a Terra Linda resident and parent of two children who will be in the MCSD in the coming years. My chief concerns are:

-Traffic. I commute daily to Berkeley and the bottleneck of this commute is often the freeway entrance to 101S from Freitas. Cars idle for several minutes on a typical commute day at this point. Adding thousands of extra individuals directly next to this onramp will make this unbearable and there does not appear to be a plan to solve it.

Additionally, the drop off area surrounding Vallecito Elementary school is extremely impacted by traffic in the morning and when we do pickup from aftercare (when we typically cannot find a parking spot to allow us to pick up our kindergartner). Given how terrible this traffic currently is, it is obvious that the planned development will push the situation into truly terrible. This will not only increase my commute dramatically (reducing time I can spend with my kids), it will increase air pollution by causing many cars to sit in traffic for extended periods.

-School quality. MCSD currently has a $1M+ deficit, which was likely revealed after this plan was developed and which is already causing a decrease in the quality of the education. We have already been told that our future TK student will likely have only 3 hours of education as a cost-saving measure. This will reduce his educational quality but also requires us to put deposits on both preschool and aftercare options for the upcoming year simply to cover our bases given the uncertainty of next year's plan, as we are two working and commuting parents who require some sort of full-time child care for our kids. We moved to Terra Linda mainly because of the schools and now we are seeing them slide down in resources despite the best efforts of an incredible teaching team. Unless there is a plan to infuse a large amount of long-term resources to the school district to accommodate the hundreds of new students this plan will bring, further decline in the MCSD education is inevitable.

-Beyond the short-term issues associated with construction, the air quality is noted to be unavoidably degraded by this project and this is very close to an elementary school. Part of the reason we moved to Terra Linda is the air quality and accepting a long-term decrease in this as part of the plan is unacceptable.

The plan states no impact on schools or traffic but these statements are out of touch with reality. We already have issues with both of these and it is impossible for a development of this size to avoid greatly exacerbating them.

The core issues with this development plan are the massive number of units and poor planning

for how this will fit into the existing community. Terra Linda cannot support 1400 new units unless there is a huge infrastructure change to support them and a new plan to keep air quality high. As both a resident of Terra Linda and a strong proponent of new housing in this area, I am very strongly opposed to this specific plan. We should do this right and what is being proposed is not it. **C-20-1 (cont.)**

Thank you for considering my input.

Very best,
Gloria

--
Gloria Brar, PhD

Associate Professor
Molecular and Cell Biology
UC-Berkeley
510-664-7100 (lab)
626 Barker Hall
Zoom: PMI: 525 878 4885
www.mcb.berkeley.edu/brar-lab.org

Response to Letter C-20

Gloria Brar
February 27, 2024

Response C-20-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts related to traffic congestion, school services and operations, and operational air quality, and expresses general opposition to the proposed project. Please refer to Responses A-3-1 through A-3-12, which address impacts to schools, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Further, all transportation-related impacts, including air quality impacts associated with operational mobile emissions, were determined to be less than significant with implementation of identified mitigation measures. Also refer to Response C-16-1 regarding impacts relating to US-101 ramps.

Also refer to Master Response 2 regarding the merits of the proposed project and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Monday, January 15, 2024 1:18:19 PM

Name

Mark Brennan

Email

markokenya@gmail.com

Comments

San Rafael City planners and approvers: please stop one false assumption that so many city planners keep making - the assumption that by being close to transit, a development project doesn't need as much parking, because people will take public transit. We all know that this is patently false, and that the cost of this false assumption is a significant parking shortage in the surrounding area. This is not Paris or Tokyo. Public transit is useful only for the elderly and the very poor. Everyone else will have a car. Please get real with this before it's too late. **C-21-1**

Response to Letter C-21

Mark Brennan
January 15, 2024

Response C-21-1

This comment, which addresses the number of proposed parking spaces for the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits and design. Refer to Section 4.9, Transportation of the Draft EIR for a discussion of transportation impacts, all of which were determined to be less than significant with implementation of mitigation measures to improve sight distance at an existing driveway. Please note that parking availability is a social impact and not an environmental impact pursuant to CEQA.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Wednesday, February 28, 2024 10:17:43 AM

Next Steps: Sync an Email Add-On

Name

Paul Brinich

Email

brinich@gmail.com

Submit Public Comment

I have looked at the Northgate DEIR. I agree that this space should be renovated for mixed use (residential plus community space plus commercial). I was surprised that the proposal does not include a grocery store or the other kinds of service shops that could serve the 1000+ proposed residences. It also seems to me that the amount of open space should be more than what is planned and that there should be a commitment to harvesting solar energy from the rooftops of the proposed buildings. Finally, I would like to see some kind of automated terrestrial tram that would take people from the SMART train station to Northgate. If there is no way to create a path between Mt. Olivet cemetery and the guide dogs property, could an aerial tramway provide access? My final comment has to do with the minimal commitment to AFFORDABLE housing that is included in the present plan. Many of the people who work at the present mall and at the nearby retirement facilities currently have to commute long distances to get to work; they cannot afford nearby housing. This needs to be rectified. The present plans emphasize market-rate housing which is not affordable to many who work in the service industries. **C-22-1**

Response to Letter C-22

Paul Brinich
February 28, 2024

Response C-22-1

This comment, which expresses general opinions on various aspects of the proposed project, including the mix of uses, proposed open space, commitment to solar energy, connections to off-site transportation facilities, and number of proposed affordable units, and does not address the adequacy of the information or analysis in the Draft EIR, is noted. These are primarily comments on the design and merits of the proposed project; refer to Master Response 2 regarding the merits of the project. Also refer to Response B-2-17 regarding solar panels and B-7-2 regarding proposed open space. Refer to Chapter 2.0, Revised Project in this RTC Document, for revisions to the number and distribution of affordable housing units.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, March 5, 2024 4:20:55 PM

Next Steps: Sync an Email Add-On

Name

Ann Brooks

Email

annbrooks.studio@gmail.com

Submit Public Comment

Northgate Town Square Draft EIR Comment

Environmental subjects: SUN, SOLAR, PARKING

San Rafael's General Plan, Zoning Ordinance
specifies that the project design not be detrimental to public health, safety or welfare. C-23-1

Presence of sun enhances public health and welfare.

The "outdoor areas" within the wells of Residential 3 (6 stories) and Residential 4 (7 stories) will get little or no sun due to the height of the building around them. These outdoor areas will get little use as a result. This could be somewhat mitigated by lowering upper stories on south sides of the buildings to allow more sun to reach the outdoor areas, as well as to provide more natural light to the lower story living spaces.

SUN - Solar panels - on Cinema and over parking area directly west (Kohl's parking lot) and other buildings. Solar is getting less expensive. Terra Linda has lots of sun.

PARKING/AUTOS

As I look at the General Plan, it appears nearly half the acreage in the project is devoted to cars and the parking there of. Moving parking underground with outdoor/landscaped space above would minimize gas fumes and minimize the depressing sight (a public health matter) of all that parking. It would also add to public safety by getting cars out of pedestrian areas. Hopefully we'll be moving forward to fewer cars, not back to the mid 20th century when Northgate was first designed.

Regards,
Ann Brooks

Response to Letter C-23

Ann Brooks
March 5, 2024

Response C-23-1

This comment, which provides an opinion on solar access for the private open space areas proposed for the project, the use and location of solar panels, and the location of proposed parking spaces, is noted. These are primarily comments on the project design and do not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR. Refer to Master Response 2, which addresses comments related to the project merits, design, and proposed uses. Also refer to Response B-2-17 regarding the location of solar panels and Responses B-2-4 and B-6-8 regarding shadows cast onto on-site open spaces.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Saturday, March 2, 2024 3:58:14 PM

Next Steps: Sync an Email Add-On

Name

Francis Brooks

Email

francispbrooks@yahoo.com

Submit Public Comment

Dear Sirs: I'm a resident of the project adjacent Quail Hill Townhomes. A couple of concerns:
What would the the closing of the Macy's store affect the project? I understand that thier long term lease was a driving force for the timing and phasing of the project. C-24-1
Neighbors here would apprecate the inclusion of a good grocery store, i.e TraderJoes or Sproats. Glad a movies theater is also included. Any public greenspace or retail amenity will make the project more palatable to the surrounding community.
Looks like the low income housing is now spread thoughout the project. A good move.
Thank You,
Francis Brooks
413 El Faisan Drive
San Rafael CA 94903

Response to Letter C-24

Francis Brooks
March 2, 2024

Response C-24-1

This comment, which questions the timing of existing store closures and anticipated phasing of the proposed project, provides an opinion on the mix of uses for the project, and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits, design, and proposed uses. Refer to pages 3-43 and 3-53 of the Draft EIR, which describe the proposed phasing of the project.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Monday, February 26, 2024 1:23:32 PM

Next Steps: Sync an Email Add-On

Name

David Buccheri

Email

dabuccheri@comcast.net

Submit Public Comment

A Northgate Town Square project of the size and scope being considered is going to create air pollution from cars and construction and will facilitate a tremendous consumption of water and electricity. Ongoing noise pollution will be disrupt the peace of the neighborhood. Why are we being asked to conserve water when the scope of this project will generate massive consumption of water.? How will the local schools manage the influx of so many new residents? Crime is on the rise and the density associated with this project is bound to add crime and stress limited police resources. It seems common sense to expect these issues to arise. The roadways are inadequate to handle the influx of traffic this project will generate and could pose a major hazard in the event of emergency evacuations. Please scale this project way back. Stack and pack housing will be an eyesore. The project is too big and will ruin the desirability of living in Terra Linda. **C-25-1**

Response to Letter C-25

David Bucchieri
February 28, 2024

Response C-25-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including operation and construction period air quality, use of water and electricity, operational noise, school services, police services, traffic congestion, emergency evacuation, and visual character. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.10, Air Quality, 4.14, Utilities and Service Systems, 4.15, Energy, 4.12, Noise, 4.13, Public Services and Recreation, 4.9, Transportation, and 4.3, Visual Resources of the Draft EIR, which address the above concerns. As demonstrated in these sections, the Draft EIR's analysis showed that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with identified mitigation measures or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible through mitigation measures but might not be reduced to less than significant. Also refer to Responses A-3-1 through A-3-12, which further address impacts to schools, and Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2 regarding the merits of the proposed project.

From: Robert Burk
To: April Talley
Subject: Northgate Mall
Date: Monday, March 4, 2024 7:08:01 PM

I am very; concerned about the proposed Northgate Mall changes. The size of the project is huge and will have a very dramatic effect on the community.

Traffic will become a major problem with 1 - 2 thousand additional cars on Northgate Drive and Los Galinas causing major traffic jams and making it impossible for Emergency vehicles to get to their destination. The noise generated during construction will be very detrimental to our quiet little community. There are several retirement communities in the immediate neighborhood, with a lot of walkers on the streets and intersections. **C-26-1**

The increased requirement for water and sewer services will be significant and be impossible to service during our drought years.

The height of the proposed structures will be a thorn dto many current residents and ruin the beauty of our beautiful community. Terra Linda will not longer be our Beautiful Earth.

I have lived in Terra Linda for 29 years and feel this project promises a lot, but the history of promised changes to the area have never been kept. The Smart Train promise of a bike path, and reduction of traffic on highway 101.

Please do not allow this proposal to cloud your judgement on promised housing for low income families.

Bob Burk
241 El Faisan Drive
San Rafael, CA 94903
bobburk1948@gmail.com

Response to Letter C-26

Robert Burk
March 4, 2024

Response C-26-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion, emergency access and evacuation, construction period noise, water supply, sewer capacity and services, and visual character. This comment is primarily an opinion on the merits of the project and impacts identified in the Draft EIR, and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, 4.12, Noise, 4.14, Utilities and Service Systems, and 4.3, Visual Resources of the Draft EIR, which address the above concerns. As demonstrated in the analysis, impacts related to these topics would either be less than significant pursuant to established thresholds or would be reduced to less than significant with identified mitigation measures It should also be noted that the analysis of transportation impacts determined that daily and PM peak trip generation for the proposed project would be reduced compared to baseline conditions. Refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology. Also refer to Response B-9-1 for further information related to emergency evacuation. Refer to Master Response 2 regarding the merits of the proposed project.

From: Chris Busch <chris_b_busch@yahoo.com>
Date: February 9, 2024 at 10:14:56 AM PST
To: Heather Hines <hhines@m-group.us>
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 7 Corte La Paz, 94903, 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. **C-27-1**

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

Response to Letter C-27

Chris Busch
February 9, 2024

Response C-27-1

This comment, which expresses general support for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

Comment Letter C-28

From: vikicard@comcast.net
To: April Talley
Subject: Northgate development
Date: Sunday, March 3, 2024 5:52:41 PM

C-28-1

To Whom It May Concern:
My husband and I have lived in Quail Hill for over 21 years and have enjoyed our community.
We are both considered elderly as are many of the residents here.
There are also a number of retirement homes located near Northgate Shopping Center.
I feel that the existing residents have not been considered in the planning process.
My concerns for the project as it is slated to be developed are as follows:
The size of the buildings and number of apartments will put a strain on the community. We do not need a 7story building and the number of 5story building planned

Traffic- It is a nice to think that the residents will ride bikes and take public transportation but that is not a reality.

There is only one lane each way around the site causing constant traffic issues

Getting to the freeway, especially during commute hours, will be a disaster.

I understand that more housing will be built across from the grammar school adding to more traffic.

Emergency Equipment will not be able to get up our hill or the neighboring residents.

Hours of construction:

Working from 7:00am to 6:00pm is not showing any consideration of the current neighbors and especially the retirement homes so close by,

Many would like it quiet in the early morning and during the dinner hour. 8:00 to 5:00 is more considerate

Local Services:

Are the schools, fire and police departments equipped to handle the increase of population?

Water is also a huge concern as we have been trying to conserve for years. All of a sudden it is no longer an issue?

. Construction:

If we have winds like we just experienced, it will be disaster blowing all the construction matter including asbestos for miles.

Our health is very important and this is a concern.

Thank you for listening and I hope you will reconsider the size of the project.

Viki Card
415 407-4561

Response to Letter C-28

Viki Card
March 3, 2024

Response C-28-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts including traffic congestion; emergency access and evacuation; construction period noise; school, police, and fire services; water supply; and construction period air quality. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, 4.12, Noise, 4.13, Public Services and Recreation, 4.14, Utilities and Service Systems, and 4.10, Air Quality, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or would be reduced to less than significant with identified mitigation measures. Also refer to Responses A-3-1 through A-3-12, which further address impacts to schools, and Response B-9-1 for further information related to emergency evacuation.

Regarding the hours of construction, these activities would be allowed to occur on the days and time frames permitted by the City's Municipal Code, as described on pages 4.12-11 and 4.12-12 of the Draft EIR. As discussed in the Draft EIR, construction noise impacts would be below identified thresholds with identified mitigation measures.

Regarding wind-blown pollutants, asbestos-containing materials (ACMs) would be abated and removed consistent with existing hazardous materials regulations, including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2, as described on page 4.8-20 of the Draft EIR. Also refer to Mitigation Measure AIR-2 on pages 4.10-28 and 4.10-29 of the Draft EIR, which identifies the BAAQMD's Basic Construction Measures, including Best Management Practices (BMPs) to be implemented to ensure that fugitive dust is properly controlled. These impacts would be less than significant.

Comment Letter C-29

RECEIVED
FEB 27 2024

Dear San Rafael Planning
CDD.

I have been concerned about the proposals for Northgate Mall Redevelopment Project as a 35 plus year old resident of Terra Linda. As, I'm close to being a senior citizen w/ a disabled husband who can not speak or drive as is who is also aging in place, our home seems like a good spot to stay in. But I am really concerned in the event of an emergency, we could not get out on the few lanes along Freitas. As it is, I plan errands around the am & pm school traffic that is, might want w/o all the extra cars + traffic that will come given the proposed amount of housing units.

C-29-1

I am also concerned with the environmental impacts and costs associated with increased housing + its proposed density esp. water.

Having integrated North San Rafael with Marin Country back in the day, so much is still not achieved from those plans to make better traffic connections from Center & Lindaro. Add in other projects for housing on Kaiser at Skelton ...

I now really dread living with the fear of an emergency situation or having to move from our family home. If the density proposal for housing is granted, I feel those are my choices and they feel unfair after investing in this community and our aging home.

Thank you for your consideration

Carolyn Cam

Response to Letter C-29

Carolyn Carrere
February 28, 2024

Response C-29-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion, emergency access and evacuation, and water supply. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, and 4.14, Utilities and Service Systems of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or would be reduced to less than significant with identified mitigation measure. Also refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2 regarding the merits of the proposed project.

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From: Michele Chambers <michelejchambers@yahoo.com>
Subject: Mall
Date: February 21, 2024 at 4:29:22 PM PST
To: <AprilT@cityofsanrafael.org>
Cc: <Laura.Simpson@cityofsanrafael.org>

Dear Commissioners,

As a concerned resident of Terra Linda, I am writing to voice my serious concerns regarding the proposed development project in my neighborhood. I believe the Draft Environmental Impact Report (DEIR) significantly underestimates the traffic impacts, which should be the primary focus. C-30-1

First, the traffic studies rely on an incorrect baseline assumption of a fully operational mall, which has not been the case for many years. The studies must accurately reflect current conditions to determine the true impacts. The planned nearby roundabouts also need to be factored into the analysis. In addition, reducing or eliminating drive-through restaurants and adding a grocery store and other onsite services would help mitigate increased traffic. Most importantly, lowering the proposed number of residences would directly reduce associated traffic. PLEASE CONSIDER LOWERING THE 7 STORIES ON RESIDENCE 4 of the proposed site.

Second, the DEIR likely underestimates impacts to air quality and greenhouse gas emissions by using the wrong baseline. New studies should be done based on current conditions. Reducing the number of residences would also decrease associated emissions. The health of nearby seniors and residents is at risk from increased pollution.

Third, the DEIR does not accurately measure existing noise levels. Even with mitigation measures, noise will likely exceed City standards due to more traffic and construction. Ongoing monitoring and enforcement are needed to control noise.

C-30-1 (cont.)

In summary, I urge the Commission to prioritize mitigating the substantial traffic impacts by revising the DEIR to reflect current conditions, reducing residences, and adding onsite services. The increased traffic will exacerbate air quality, noise and other environmental issues as well. As a Terra Linda resident, I am very concerned about how this project will affect the livability of our neighborhoods. Thank you
Michele

Response to Letter C-30

Michelle Chambers
February 21, 2024

Response C-30-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and potential traffic congestion and the Draft EIR's analysis of transportation, noise, and air quality and greenhouse gas (GHG) emissions. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Further, all transportation-related impacts, including air quality and GHG emissions from mobile sources and traffic volume noise, were determined to be less than significant with implementation of identified mitigation measures.

Regarding construction, please refer to Response B-8E-4, which discusses compliance with the City's standard conditions regarding construction noise (also see pages 4.12-19 and 4.12-20 of the Draft EIR). Refer also to Response B-2-11 regarding planned roundabouts.

Refer to Master Response 2 regarding the merits of the project. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: collin cmundo.com
To: April Talley; April Talley
Cc: collin cmundo.com
Subject: For Public Comment re: the Northgate DEIR
Date: Sunday, March 3, 2024 3:36:00 PM

Dear Planning Commission-

We are Terra Linda residents who support the idea of creating more housing in San Rafael and renovating the Northgate Mall. Such actions should be undertaken responsibly and with an eye to minimizing negative impacts whilst providing benefits for residents -new and existing.

Unfortunately, the proposed plan for The Northgate Town Square project is highly deficient in this regard. We are quite concerned about the many negative impacts this project will have on our neighborhood, community, the environment, and our children in the school system. **C-31-1**

We were hopeful the findings within the recent DEIR would prove representative of local concerns. However critical aspects were overlooked and many of the conclusions are quite suspect. The community cannot trust the DEIR, and therefore cannot be expected to trust this project.

Primary concerns

1. **Density** – 1422 new units and ~3600 new residents is far too much for this community of ~10k to absorb on multiple aspects. The number of housing units should be dramatically decreased to 300 -400.

    - SR 2023 – 2031 Housing Element plan calls for 3,220 units by 2031.
    - Over 100 sites have been identified as housing opportunities to meet the City's assignment plan.
    - Putting 1442 in Northgate equates to 44% of the total for all of SR, that the single community of Terra Linda must absorb.

2. **Traffic Impact – T**he premise, methodology and findings of the Transportation Impact Study are illogical and clearly skewed to achieve a specific result. The determinations outlined in Chapter 4.9 of the DEIR defy credulity, practical common sense, and omit key empirical data. **C-31-2**

    - The "baseline" coupled with "home-based VMT per capita" metrics are clearly used to arrive at a "standards-based" outcome that only serves the project. Unfortunately this approach is egregiously faulty and leaves the community exposed to a myriad

of negative impacts.

- The study fails to consider the traffic impacts associated with school pick-up and drop off hours for example.

- The residential parking accommodations (2524) are inadequate for this density and below the avg #cars/household in SR (2.1 v 1.78). Further, the plan does not account for any guests in affordable housing. These underestimations will result in congestion onsite and significant overflow into adjacent local streets.

- It also does not factor in the 3 proposed roundabouts on Freitas Parkway

- Fast food drive-throughs as proposed will increase traffic

- No market onsite will increase traffic

C-31-2 (cont.)

3. **School Impact** – The DEIR is severely lacking in sufficient coverage of this element. Whilst it acknowledges the project would result in new students, it does not fully analyze and highlight the significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

- "333 elementary and middle school students would be generated" (DEIR 4.13-14) Yet based upon the proposed plan this number could be significantly higher.

- The current school facilities and staff cannot absorb this. "Enrollment within both the MCSD and SRCS would exceed capacity with development of the proposed project" (DEIR 4.13-15)

- As a result of the proposed project, "MCSD would need to either expand their existing facilities or construct new schools" (DEIR 4.13-15).

- However, the DEIR contradicts with – "if new school construction or expanded school facilities become necessary, such projects would be subject to separate permitting and CEQA review in order to identify and mitigate potential environmental impacts."

- This means the project could move forward as planned and only later would any *potential* mitigation even begin the process. This could take years, which clearly indicates the proposed project will result in unmitigated impact to school facilities.

- Potential payment of Developer fees per the Mitigation Fee Act is a) not committed, planned or defined and b) would not generate the funding required to appropriately accommodate such a large

C-31-3

increase in enrollment. C-31-3 (cont.)

The above outlines high-level concerns of only three topics- there are many more being raised by countless others. This project has quietly proceeded to this stage without adequate community review or involvement. The DEIR does not sufficiently represent the valid concerns of the community, nor does it sufficiently analyze and identify the true unmitigated impacts of this project as planned. Furthermore, the DEIR provides only 3 project alternatives, which are wholly inadequate. It would be irresponsible to allow this project to proceed in it's current form, accepting the findings of the DEIR. C-31-4

We call on the planning commission to please consider the following actions at a minimum:

1. Dramatically decrease the overall housing density (300-400 units) and increase the community open space.
2. Defer the FEIR until more thorough and objective analyses can be done to the specific DEIR aspects that are causing so much community concern.
3. Request secondary studies and reports from alternate sources using alternate methodologies to ensure objectivity and revise the impact findings to accurately reflect the real impacts the project will have.
4. Require additional project alternatives. The three that are proposed are inadequate. There should be multiple more reasonable options with greater variance, including at least one with dramatically less housing units (300 -400) and more focus on developing a true Town Center with benefits for the entire community.
5. Any payment of Developer fees should be outlined and committed, with funding allocations and timelines clearly defined.
6. Require a market on-site for new residents.
7. Do not allow drive-thru fast food restaurants.

Response to Letter C-31

Collin Cmundo
March 3, 2024

Response C-31-1

This introductory comment, which expresses support for redevelopment of the project site and opposition to the proposed project due to its size and scale and environmental and community impact, is noted. Refer to the analysis on pages 4.1-9 through 4.1-11 of the Draft EIR, which confirms that the proposed project is an appropriate density for the site. Refer to Master Response 2 regarding the merits of the project. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response C-31-2

This comment expresses general concerns related to the Draft EIR's analysis of transportation impacts and states that increased traffic that would be avoided by inclusion of a food market and exacerbated by inclusion of drive-through restaurants. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. As noted in Master Response 4, ITE trip generation rates are based on data from hundreds of shopping centers across the United States and accordingly capture shopping centers that do and do not include food markets and drive-through restaurants.

Refer to Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, Response C-21-1 regarding parking availability, and Response B-2-11 regarding planned roundabouts. Further, all transportation-related impacts were determined to either be significant pursuant to established thresholds or reduced to less than significant with implementation of identified mitigation measures.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response C-31-3

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to school services. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response C-31-4

This concluding comment generally states that the Draft EIR is inadequate based on the comments provided in Letter C-31 and other concerns raised by the community, that other alternatives to the proposed project should be analyzed, and that a different mix of commercial uses and reduction in residential uses should be considered. These comments are noted; however, the comment does not identify any specific deficiencies in the Draft EIR analysis that are not already addressed in Responses C-31-1 through C-31-3 and does not state what alternate studies, methodologies, or sources should be conducted or consulted that would more adequately analyze or identify the potential impacts of the proposed project. Refer to Master Response 6 regarding speculation without substantiation.

In addition, the comment does not specify additional alternatives that would feasibly obtain the project objectives and substantially reduce or avoid significant environmental effects identified in the Draft EIR. Please refer to Master Response 5 regarding the scope of project alternatives and Master Response 8 regarding the adequacy of the Draft EIR.

Lastly, development impact fees are established by individual agencies and service providers, and CEQA does not require that the Draft EIR establish individual allocations or timelines for payment of such fees, although these are typically paid at the building permit stage or prior to a certificate of occupancy. Applicable fees are, however, identified in the Draft EIR where there is a nexus between the fee and potential environmental effects (e.g., payment of in-lieu fees for provision of off-site open space in order to maintain acceptable parkland ratios).

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: Anne Cohen
To: April.Talley@cityofsanrafael.org
Cc: Donna Barker; Alan Jones; Anne Cohen
Subject: For Public Comment re: the Northgate DEIR
Date: Tuesday, February 27, 2024 5:38:18 PM

I live in Villa Marin, next to Northgate.

Here is a list of my personal priorities that I would like the plans for this project to follow [in order of importance to me]:

One:
Solar panels
Water conservation
Construction methods that don't increase climate warming

Two:
Safe traffic flow during emergencies
Favor buyers without cars
Include funds for public transit improvements

Three:
More affordable housing, mixed with market rate housing. Also more total housing.

Four:
Attractive architecture; competition for design.

C-32-1

Very sincerely,
Anne C. Cohen
100 Thorndale Dr. Apt. 148
San Rafael, CA

Response to Letter C-32

Anne Cohen
February 27, 2024

Response C-32-1

This comment, which expresses various preferences for redevelopment of the project site that address energy and water conservation, fewer greenhouse gas (GHG) emissions during construction, traffic safety during emergencies, funding for transit improvements, additional housing, and project design, is noted. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR. Refer to Master Response 2 regarding the project merits.

From: Marjo Cruz
To: April Talley
Subject: Northgate Mall Redevelopment - Impact on MCSD
Date: Friday, March 1, 2024 8:29:03 AM

Dear City of San Rafael Planning Division,

My name is Marjo Cruz and I live in the Terra Linda area. I am also a parent with a child who attends Miller Creek Middle School. I am writing you specifically about the Northgate Mall Redevelopment project, and the impact it will have on the Miller Creek School District.

C-33-1

Please consider revising the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project. The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We moved here to San Rafael 5 years ago because the school district had high marks when it came to providing quality education. The addition of potentially hundreds of students without providing the school district appropriate support will be devastating to that quality that the school district prides itself on, and will have an extremely negative impact on students and teachers alike. I urge you to review your findings and consider additional datapoints, interview school teachers and administrators if you have not done so yet. Please do not shortchange our children.

Thank you for your consideration.

Marjo Cruz
San Rafael, CA

Response to Letter C-33

Marjo Cruz
March 1, 2024

Response C-33-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Wednesday, February 21, 2024 3:06:27 PM

Next Steps: Sync an Email Add-On

Name

Michael Cutchin

Email

mcutchin@gmail.com

Submit Public Comment

I think the new housing will have a beneficial net impact to San Rafael. More units here mean more people patronizing our local businesses and overall fewer miles driven by people having to commute to marin from elsewhere. The train stop is right there so many new residents will have that as a transportation option. C-34-1

Response to Letter C-34

Michael Cutchin
February 21, 2024

Response C-34-1

This comment, which expresses general support for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

From: Whitney Nichole Cytryn
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevlopment concerns and feedback
Date: Tuesday, February 27, 2024 11:02:56 AM

Dear City of San Rafael Planning Division,

As a San Rafael based mother of young kids just starting out in the MCSD, I wanted to reach out and voice my concerns about the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project. I am worried that it does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-35-1

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

Our MCSD is already struggling to keep our existing student body supported and I'm concerned adding such a large number of new students, without adequate funding to prepare for that influx of students, will have a negative impact on all our students and the school district and city as a whole.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Thank you for your consideration,

Whitney Cytryn

Response to Letter C-35

Whitney Cytryn
February 27, 2024

Response C-35-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Allison Lauterbach Dale
To: April.Talley@cityofsanrafael.org
Date: Tuesday, February 27, 2024 10:30:08 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-36-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

I respect and appreciate the need to increase available housing. However, I want to be sure that we're doing so in a manner that protects our youngest community members - both in the resources for their education and the environmental impact of any such construction (be it air pollution from the actual builds, increased traffic and exhaust on the road, impact to water supply and emergency resources, etc.). Anything that would further burden the budget of the already cash-strapped schools would be inexcusable.

Allison

Response to Letter C-36

Allison Dale
February 27, 2024

Response C-36-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

The comment also makes general statements regarding air quality, traffic congestion and emissions, water supply, and emergency resources, but does not identify any specific concerns related to these topics or the adequacy of the information or analysis provided in the Draft EIR, and is noted.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Joyce
To: April Talley
Subject: Northgate Mall Redevelopment Project
Date: Wednesday, February 28, 2024 7:31:05 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project profoundly lacks in its obligation to thoroughly examine and mitigate the extensive and cumulative impacts on the Miller Creek School District, encompassing its students, parents, faculty, staff, and the wider community. Notably, the DEIR's Section 4.9 exhibits a significant oversight by failing to assess the critical traffic implications during peak school pick-up and drop-off times. Moreover, the assertion in Section 4.13 that the project's impacts on educational facilities are minimal is patently inaccurate. The reliance on developer fees as a means to mitigate the project's effects falls markedly short of addressing the real needs of the district's infrastructure, not to mention the broader consequences for students, parents, and staff. **C-37-1**

In light of these deficiencies, we assert a compelling demand for the City to undertake a comprehensive reassessment of the impact evaluations to truthfully reflect the profound and adverse effects the project will inflict upon our educational systems. It is essential to recognize and explicitly state that the District's facilities are wholly inadequate to support the influx of students that this project will inevitably bring, necessitating immediate and substantial revisions to the current findings.

Thank you,
Joyce Day

Response to Letter C-37

Joyce Day
February 28, 2024

Response C-37-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Katharine Torre
To: April Talley
Subject: Northgate Mall
Date: Saturday, March 2, 2024 10:48:31 AM

Dear City of San Rafael Planning Division,

The minimum required developer fees that will be provided from this project will not cover the significant costs to support such a large increase in enrollment. I am asking the City of San Rafael to help Miller Creek School District negotiate higher developer fees in order for the District to be able to welcome new students to our community and maintain the high quality education all students deserve. **C-38-1**

Regards,
Kate DeGennaro
Resident and mother of two enrolled MCSD students

Sent from my iPhone

Response to Letter C-38

Kate DeGennaro
March 2, 2024

Response C-38-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Carolyn Del Gobbo <carolyndelgobbo@gmail.com>
Subject: Re: 5800 Northgate dr, Northgate town square
Date: February 13, 2024 at 11:07:57 AM PST
To: April.Talley@cityofsanrafael.org

No on this development! No! Unless there is another entry & exit freeway access other than Manuel Freitas Pkwy already existing for the traffic jams we will have even after the folks residing try to get out/return! We need car access cuz no one can take a poor transit system that is not going to where work or errands are seriously, as your own car makes that possible . Forget the “SMART” train as a community transit option, we all know it’s not sensible due to cost, parking cost where there is car parking is high, many employees use their lunch hour to run errands, like going to Safeway downtown buying groceries which would be troublesome to walk back to train. Please DO NOT build this housing. **C-39-1**

Sent from my iPhone

Response to Letter C-39

Carolyn Del Gobbo
February 13, 2024

Response C-39-1

This comment, which expresses general opposition to the proposed project and states general concerns related to traffic congestion, but does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. As noted in Master Response 8 and Section 4.9, Transportation of the Draft EIR, traffic congestion is no longer treated as an environmental impact under CEQA. Also refer to Master Response 2 regarding the project merits.

Sent via email to: April Talley, Northgate Project Manager - April.Talley@cityofsanrafael.org

March 3, 2024

Re: Public Comment on Northgate Town Square Redevelopment Project DEIR

Dear Commissioners,

I was born and raised in San Anselmo, and have resided in Marin for over 50 years. My husband, Michael Franz, moved to Marin in 1979 and has resided in Woodacre, San Geronimo and currently San Rafael. We are residents of Terra Linda and we value our wonderful community. Although we support the re-development of Northgate into a vibrant sustainable mixed use community, the current proposed project is too large in both the number of residences, building heights, and lot coverage (lack of green space). C-40-1

WATER

We know that all counties in California are being forced to build housing based on a flawed RHNA plan,[1] however it is the responsibility of our civic leaders to fight for the citizens when we are being burdened to build housing when we do not have the current water supplies to support the current population. I remember the drought in the 1970s when we had to flush our toilets with washing machine water. The latest drought was less than 4 years ago. We need to address this fundamental issue before continuing to build, because all Marin residents suffer. Furthermore, the Northgate Town Square Redevelopment parkland requirements are being reduced which is wrong considering that the parkland requirements ensure watershed is established which in turn directs rain water into our aquifer rather than shunt the water into the ocean.

TOO BIG AND TOO MANY RESIDENTS WITHOUT SUPPORTING INFRASTUCTURE

Currently there are four planned housing projects within one mile of the Northgate property. This is over 1,900 units within less than one square mile. This is what is currently planned, does not include the new homes on Lucas Valley road, nor any additional projects that may be coming down the pipe. San Rafael is mandated to build 3,220 new residences, but Terra Linda comprises only about 14% of San Rafael's total square miles and is surrounded primarily by single-lane roads. We need to scale back all of these developments because Terra Linda cannot absorb all of these housing. Furthermore, California's population is projected to remain the same through 2060[2] Again, points out the flawed RHNA plan[3]

DOESN'T PROVIDE AFFORDABLE HOUSING

The current development has only 10% of 'affordable rate' units, but the affordability is based on the area's 'low income' which is $104,000 to $149,000 (family of 4). How many grocery clerks, care givers, gardeners, baristas, etc., make this type of income even if it is a two person household and both work full-time?

INSUFFICIENT PUBLIC OPEN SPACE

The GP2040's park standards require four acres of new parkland per 1000 new residents. There is a reason that there is a standard. Parkland is needed for individual's mental health, aesthetics, and, as important, for the

[1] https://marinpost.org/blog/2024/2/5/think-those-razor-sharp-rhna-numbers-are-based-on-something-scientific?query=Amy+Kalish+&section=blog

[2] https://www.mercurynews.com/2023/07/26/california-exodus-state-population-projected-to-remain-the-same-through-2060/

[3] https://legaudit.assembly.ca.gov/sites/legaudit.assembly.ca.gov/files/Regional%20Housing%20Needs%20Determination%20Process%20%28Sen.%20Glazer%29.pdf

watershed contribution to the environment. The current proposed park space does not meet the needs of the proposed 3,400+ residents. Furthermore, the reduced park space will put more usage on our already strained local parks and recreation facilities. Have you been to the Terra Linda pool in the summer?

The requirement for the applicant to pay parkland dedication fees for the project's townhouses demonstrates that the project is not providing adequate park space for new residents. These fees need to be used to improve and increase nearby public parks.

C-40-1 (cont.)

TRAFFIC AND POLLUTION

The roads around the Northgate Town Square Redevelopment project are not adequate for the current proposed number of residents. The plan calls for 1,422 units. This is just units, not people. That is a minimum of 1,422 cars. My husband and I have 4 cars, but most couples have two cars, because they need them to drive to work, take their kids to school, shop, etc. So you are looking at 2,844 cars coming and going from the area – all at the same times when all the other Terra Linda residents are trying to navigate to the freeway. Just last week, Frietas parkway was down to one lane and traffic was backed up to St. Isabellas and it wasn't during commute time. Have you tried to get onto 101 Southbound from Frietas parkway during commute times? The thought that the majority will take public transit or walk/ride their bike, is not a reality. Have you tried to take the Smart train to go grocery shopping? Or go to work if you don't work in San Francisco or Santa Rosa? Our local Golden Gate transit is not adequate for our current population.

We are not fans of drive-through restaurants because it invites transient visits. We think that the drive through restaurants should be eliminated and replaced with sit down restaurants to create a more welcoming community orientated center.

NOISE

The construction noise will be intolerable for near neighbors, especially those at Alma Via, Sao Augustine Way, the Northgate Drive end of Nova Albion Way, Quail Hill, and Villa Marin. It will also be intolerable for all Terra Linda residences that are 'up the hill' from Northgate. We can hear the games at Terra Linda on the weekends, we can only imagine the amount of construction noise we will hear throughout the day.

The DEIR notes that traffic is the main cause of ambient noise, but conducted its tests at a time when ambient noise was atypically high because of students leaving the high school. There is much less traffic and noise at other times of the day. The DEIR then argues that because the ambient noise level was high, it is not bound by other noise limits.

Construction noise is anticipated for up to 28 months in some locations. This should not be considered "intermittent" noise. Instead, this should be regulated under the City's standards and limits for constant noise. The exception in the City's Noise Ordinance for construction is intended for short term construction noise, not a multi-year ongoing project.

C-40-2

Thank you for time.

Regards,

Gaylyn De Martini and Michael Franz

Response to Letter C-40

Gaylyn De Martini
March 3, 2024

Response C-40-1

This comment expresses opposition to the proposed project and states general concerns related to the size, scale, and mix of uses for the proposed project, including provision of affordable housing, and related various impacts on infrastructure and services, including water supply and roadway capacity. The comment also states the opinion that the project area is not an appropriate location for such a high density of housing, including the proposed project and cumulative development. The comment also makes reference to the Regional Housing Needs Assessment (RHNA) for the region; refer to Response B-1-3, which addresses the RHNA process. Also refer to the analysis on pages 4.1-9 through 4.1-11 and pages 4.2-11 through 4.2-15 of the Draft EIR (Sections 4.1, Land Use and Planning, and 4.2, Population and Housing), which confirms that the proposed project is an appropriate density for the site and that the proposed population fits within the growth projections of the General Plan. The proposed project would also comply with the City's affordable housing requirements; refer to Chapter 2.0, Revised Project, in this RTC Document for revisions to the number and distribution of affordable housing units.

The comment does not provide any specific examples of where the Draft EIR is deficient in the analysis of infrastructure capacity, and these comments are noted. Regarding open space requirements, these impacts were addressed in Section 4.13, Public Services and Recreation, and were determined to be less than significant. Also refer to Response B-7-2 for more information related to open space requirements. Regarding open space requirements and groundwater infiltration and recharge, refer to the analysis on pages 4.7-22 through 4.7-24 of the Draft EIR, which states that impacts would be less than significant with implementation of identified mitigation measures. Also refer to pages 4.14-19 and 4.14-20 of the Draft EIR for an analysis of water supply impacts, which were also determined to be less than significant.

Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Response 4. As identified in Section 4.9, Transportation of the Draft EIR, all transportation impacts were determined to be less than significant with implementation of an identified mitigation measure to improve sight distance at an existing driveway.

Refer to Master Response 2 regarding the merits of the project. Also refer to Master Response 6 regarding speculation without substantiation and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response C-40-2

This comment states concerns related to operation and construction period noise and questions the methodology for determining such impacts. As stated in the analysis in Section 4.12, Noise, of the Draft EIR, construction period noise impacts would be less than significant with mitigation measures identified in the Draft EIR and operations period noise impacts would be less than significant at all off-site sensitive receptors when evaluated against established thresholds. Also refer to Response B-8E-4, which discusses compliance with the City's standard conditions regarding construction noise (also see pages 4.12-19 and 4.12-20 of the Draft EIR) and Response B-8E-7 regarding the methodology for evaluation of construction period noise. Also refer to Response B-8E-2 regarding ambient noise conditions and the methodology for collecting existing data to evaluate operation period noise impacts.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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

Date: February 28, 2024

Re: Public Comment on Northgate Town Square Redevelopment Project DEIR

Dear Commissioners,

My name is Steven De Martini and I'm a resident of San Anselmo, just one of the towns in Marin County. I grew in Marin and have seen it change in the 62 years I have been here.

I have concerns about the proposed development of Northgate as it affects all of us in Marin County.

Concern #1: WATER:

I know that the infrastructure of sewer and water can be put in place but the delivery of the most basic commodity, water, is another issue. This is not a concern but an issue that needs to be addressed, after all, do you remember the drought of 2020?

The drought of 2020 pointed out deficiencies in the water system. For over 35 years, several reports, commissioned by the Marin Municipal Water District (MMWD), has pointed out several solutions to increase water supply. In that 35 years MMWD has refused to implement these solutions but has given themselves a retirement fund, and these people were quick to give an infusion of funds to their retirement plan when they saw it was lacking. MMWD refusal to increase the water storage capacity hurts all of us, including the Northgate Town Square Redevelopment. Every additional resident added to the water system represents an additional burden to a system hobbled by politics and bureaucracy. C-41-1

Water is one of the basic necessities of life, and if the Northgate Town Square Redevelopment project is to move forward then San Rafael and, the other towns affected, need to give MMWD the proverbial 'kick in the ass' and have them implement the water storage solution if the Northgate Town Square Redevelopment is to have a chance.

An additional problem related to water is that the Northgate Town Square Redevelopment parkland requirements are being reduced which is wrong considering that the parkland requirements ensure watershed is established which in turn directs rain water into our aquafer rather than shunt the water into the ocean.

Concern #2: TRAFFIC:

The area around the Northgate Town Square Redevelopment Project is inadequate.

The plan calls for 1,422 units. This is just units, not people. That is a minimum of 1,422 cars. Now when I was married, I had a car and my wife had a car. I would drive to my work and she would drive to her work. Our situation is not unique. To say that you are looking at 2,800 vehicles moving in and out of the area would not be a stretch of the C-41-2

imagination. People drive to work and most go during the morning. You are now looking at about a thousand MORE cars per weekday morning flowing into 101. Have you been in morning traffic lately?

These are just the potential residents of the Northgate Redevelopment Project and does not include the current residents of the area. What is also not included is the traffic that is going to happen as result that Northgate will remain a shopping mall with a theatre and drive thru/pickup food establishments, which means you have to consider that traffic. **C-41-2 (cont.)**

Here is a bit of history to hopefully give you perspective; When my family first moved to San Anselmo, Sir Francis Drake was a 2-lane road, it's not been 2 lanes for over 40 years. San Anselmo does not have the population density as what is planed for Northgate.

Concern #3: PUBLIC OPEN SPACE:

GP2040's park standards specify 4 acres of new parkland per 1000 new residents which this project does not provide. Parkland is needed not just for its aesthetic value but also more importantly the mental impact it has on people and for the watershed contribution to our environment. If you need an example of inadequate parkland then drive 101 toward San Jose and view a concrete jungle, it's depressing, and it is not something I want to happen to Marin. **C-41-3**

Thank you for your consideration.

Steven De Martini

Response to Letter C-41

Steven De Martini
February 28, 2024

Response C-41-1

This comment, which expresses general concerns related to provision of adequate water supply, particularly during drought years, and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. As identified in Section 4.14, Utilities and Service Systems, of the Draft EIR, there are sufficient water supplies to service the proposed project, and impacts were determined to be less than significant. In addition, regarding open space requirements, these impacts were addressed in Section 4.13, Public Services and Recreation, and were determined to be less than significant. Also refer to Response B-7-2 for more information related to open space requirements. Regarding open space requirements and groundwater infiltration and recharge, refer to the analysis on pages 4.7-22 through 4.7-24 of the Draft EIR, which states that impacts would be less than significant with implementation of identified mitigation measures. Also refer to Master Response 2 regarding the project merits.

Response C-41-2

This comment, which generally states the opinion that the project area is not an appropriate location for such a high density of housing and that the project area lacks sufficient roadway capacity, is noted. Refer to the analysis on pages 4.1-9 through 4.1-11 and pages 4.2-11 through 4.2-15 of the Draft EIR (Sections 4.1, Land Use and Planning, and 4.2, Population and Housing), which confirms that the proposed project is an appropriate density for the site and that the proposed population fits within the growth projections of the General Plan. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Response 4 and Section 4.9, Transportation, of the Draft EIR, which note that traffic congestion does not constitute a CEQA impact and explain that transportation impacts were determined to be less than significant with implementation of an identified mitigation measure to improve sight distance at an existing driveway. Also refer to Master Response 2 regarding the project merits.

Response C-41-3

This comment, which expresses general concerns related to the provision of open space and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Regarding open space requirements, these impacts were addressed in Section 4.13, Public Services and Recreation, and were determined to be less than significant. Also refer to Response B-7-2 for more information related to open space requirements. Regarding open space requirements and groundwater infiltration and recharge, refer to the analysis on pages 4.7-22 through 4.7-24 of the Draft EIR, which states that impacts would be less than significant with implementation of identified mitigation measures. Also refer to pages 4.14-19 through 4.14-20 of the Draft EIR for an analysis of water supply impacts, which were also determined to be less than significant. Also refer to Master Response 2 regarding the project merits.

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From: "kdickinson@aol.com" <kdickinson@aol.com>
Subject: For Public Comment regarding the Northgate DEIR
Date: February 21, 2024 at 8:19:20 PM PST
To: "AprilT@cityofsanrafael.org" <aprilt@cityofsanrafael.org>
Cc: "Laura.Simpson@cityofsanrafael.org" <laura.simpson@cityofsanrafael.org>, "Margaret.Kavanaugh-Lynch@cityofsanrafael.org" <margaret.kavanaugh-lynch@cityofsanrafael.org>, "Lindsay.lara@cityofsanrafael.org" <lindsay.lara@cityofsanrafael.org>

Dear Commissioners,

As a concerned neighbor of the proposed Northgate Mall redevelopment, I have serious misgivings about the Draft Environmental Impact Report (DEIR). I believe several key issues need further analysis and mitigation: C-42-1

• First, the noise impacts are underestimated because the studies inaccurately measure current ambient levels. Even with mitigation, increased traffic and construction noise will likely exceed City standards. Ongoing monitoring are essential.
• Second, the traffic studies rely on an incorrect assumption of a fully operational mall, downplaying the impacts. They should factor in planned roundabouts. Reducing drive-throughs for the planned fast food drive through restaurants and adding a grocery store onsite would decrease external trips. Lowering residence numbers would directly reduce traffic near senior facilities.
• Third, the air quality and greenhouse gas emissions impacts are underestimated based on the flawed mall baseline. New studies using current conditions are imperative, as are reducing residences and requiring an onsite construction manager. Nearby seniors are particularly vulnerable to emissions.
• Fourth, the DEIR overlooks wildfire evacuation risks, Terra Linda has limited exit routes. Evacuation procedures and training need inclusion.
• Fifth, the DEIR disregards open space requirements for new residents. Expanding the Town Square could help address this.

• Finally, reducing the height of the 7-story residence building would be more neighborhood-compatible. I also suggest the developer contribute financially to the North San Rafael Promenade.
To summarize, the DEIR must be revised to address these and other issues before approval. Thank you for your consideration. C-42-1 (cont.)

Best Regards,

Ken Dickinson
Rafael Meadows

Response to Letter C-42

Ken Dickinson
February 21, 2024

Response C-42-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and potential traffic congestion and the Draft EIR's analysis of transportation, emergency evacuation, noise, air quality and greenhouse gas (GHG) emissions, and recreation impacts. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Further, the Draft EIR's analyses showed that all transportation-related impacts, including air quality and GHG emissions from mobile sources, traffic volume noise, and emergency access and evacuation, would either be less than significant pursuant to established thresholds or would be reduced to less than significant with implementation of identified mitigation measures. Also refer to Response B-9-1 for further information related to emergency evacuation and Response B-2-11 regarding planned roundabouts.

The comment does not provide any specific examples of where the Draft EIR is deficient in the analysis of recreation impacts, and these comments are noted. Regarding open space requirements, these impacts were addressed in Section 4.13, Public Services and Recreation, and were determined to be less than significant. Also refer to Response B-7-2 for more information related to open space requirements.

Regarding construction, please refer to Response B-8E-4, which discusses compliance with the City's standard conditions regarding construction noise (also see pages 4.12-19 and 4.12-20 of the Draft EIR).

Refer to Master Response 2 regarding the merits of the project. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Sunday, March 3, 2024 9:52:26 PM

Next Steps: Sync an Email Add-On

Name

Lisa D'Orazio

Email

Lisadorazio@gmail.com

Submit Public Comment

Dear City of San Rafael Planning Division,

I have lived in Terra Linda for six years and I have a young daughter who will attend Vallecito Elementary School in Fall of 2026. I write to express my concerns with the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project.

C-43-1

First, I do not oppose adding some - or even substantial – housing. I welcome low-income housing developments – of which the State of California is in dire need, and I agree that the Northgate Mall is a logical location for new housing. The proposed addition of a 1,442 unit project, however, is excessive and disproportionate to the small size of our community. The plan will destroy the peaceful character of Terra Linda and wreak havoc on our school system.

Second, the DEIR does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop-off hours. Section 4.13 falsely concludes that impacts to schools associated with the Project are less than significant. And, the developer fees do not come close to mitigating the impacts of the project on district facilities, students, parents, and staff. Moreover, the District's facilities cannot accommodate students generated from the project.

Third, my sentiments echo those of numerous other comments discussing the ways in which the DEIR fails to accurately and honestly consider environmental disruptions to the community. Some of the methods are so unreliable – like comparing the proposed project against a theoretical baseline of a fully leased mall – that the veracity of the entire DEIR is caste into doubt. The environmental impacts cannot be effectively mitigated if the DEIR fails to even acknowledge them. Further, the idea that greenhouse gas emissions and noise would be "unavoidable" is misguided and must be re-examined.

C-43-2

I urge the City to stand up for its residents and revise the impact findings to accurately reflect the real impact the project will have on our community and schools.

Sincerely,

Lisa D'Orazio

Response to Letter C-43

Lisa D'Orazio
March 3, 2024

Response C-43-1

This comment generally expresses concerns related to the size and scale of the proposed project and states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response C-43-2

This comment, which generally states that the information and analysis in the Draft EIR is inadequate, primarily due to the baseline transportation analysis assumptions, and that potentially significant and unavoidable GHG emissions and noise impacts should be re-examined, is noted. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. The comment does not provide specific concerns related to the impact findings for GHG emissions and noise; therefore, no further response is required.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: "pjd1997@aol.com" <pjd1997@aol.com>
Subject: For Public Comment re: the Northgate DEIR
Date: February 21, 2024 at 10:36:01 AM PST
To: "April.Talley@cityofsanrafael.org" <april.talley@cityofsanrafael.org>

Dear Ms. Talley,

My concern of the Northgate plan is the lack of adequate traffic capacity of the existing roadways which are only one lane in each direction. This will gridlock access to Freitas Pkwy. and 101 during peak hours. This congestion will be further exacerbated by other proposed projects in the immediate area. Additional bike lanes are nice but they do nothing for vehicular traffic flow. The aggregate development in the Northgate area will make it a total traffic mess. C-44-1

Sincerely,

Phil Downs
Terra Linda

Response to Letter C-44

Downs, Phil
February 21, 2024

Response C-44-1

This comment, which states general concerns related to traffic congestion from the proposed project and cumulative development, and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. As identified in Section 4.9, Transportation, of the Draft EIR, all transportation impacts were determined to be less than significant with implementation of an identified mitigation measure to improve sight distance at an existing driveway. Also refer to Master Response 2 regarding the project merits.

From: Frank Drakman
To: April Talley
Subject: Concerns Regarding Northgate Mall Redevelopment Project
Date: Thursday, February 29, 2024 2:17:48 PM

Dear City of San Rafael,

I am writing to express my deep concerns regarding the proposed redevelopment project at Northgate Mall. As a resident of the community, I am particularly troubled by the potential implications of introducing 1,422 new residential units, around 7,000 people to our approximately 10,000 person community, a decision that will nearly double our population in a concentrated space. **C-45-1**

While I understand the desire for urban development and growth such a development would provide, not to mention the almighty tax revenue that often guides such decisions, it is essential to carefully consider the impact such a significant influx of residents could have on various aspects of our community. Primarily, I am concerned about the following:

Traffic Congestion: The addition of over a thousand new residential units is bound to exacerbate existing traffic issues in our neighborhood. Increased congestion not only leads to longer commute times but also poses safety risks for pedestrians and cyclists. Also troubling is the development would be smack dab in the way of Terra Linda's emergency exit path to Highway 101 in the event of a natural disaster. I'm all for sensible construction projects, but not at the cost of my family's potential incineration in the event of a wildfire.

.

Strain on Schools: Our already overloaded local schools may struggle to accommodate the influx of new students resulting from the residential development. Overcrowded classrooms could compromise the quality of education and limit resources available to all students. The developer must be responsible for funding additional schools and/or expansions to existing schools to provide for the influx of new students.

Water Supply: Introducing such a substantial number of new residential units could put a strain on our already strained water supply. It is crucial to assess whether our current resources can adequately support the needs of additional households without compromising water quality or availability - now and in the future, when the problem will only worsen.

Quality of Life: Perhaps most importantly, we must consider the broader impact on the quality of life for current residents. Increased population density can lead to noise pollution, reduced green spaces, and a diminished sense of community. It is vital to prioritize the well-being and satisfaction of those who already call this area home.

While the plans were not viewable from the town's website, judging from the schematic, the green space ("Town Square") appears miniscule relative to the densely-packed residential units. The project is euphemistically called the "Town Square" project, but let us not be gaslit by the developer's Orwellian double-speak and call this development what it is: "The Condo-Complex from Hell (and tiny park) Project"

C-45-1 (cont.)

I strongly urge you to thoroughly evaluate these concerns and engage with the community in an open dialogue about the proposed redevelopment project. It is imperative that any decisions regarding the future of Northgate Mall take into account the long-term sustainability and welfare of our neighborhood.

Thank you for your attention to these matters. I look forward to hearing your response and participating in constructive discussions to ensure the best possible outcome for our community.

Sincerely,

Frank Drakman

Terra Linda resident since 2010

Response to Letter C-45

Frank Drakman
February 29, 2024

Response C-45-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion, safety for pedestrians and bicyclists, emergency evacuation, school services, water supply, operational noise, and open space and recreation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. It should also be noted that, as stated on page 4.2-13 of the Draft EIR, the proposed project is anticipated to generate a total of 3,541 new residents, and not 7,000, as stated in the comment.

Please refer to Sections 4.9, Transportation, 4.13, Public Services and Recreation, 4.14, Utilities and Service Systems, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of identified mitigation measures. Also refer to Responses A-3-1 through A-3-12, which further address impacts to schools and Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2 regarding the merits of the proposed project. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

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From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Thursday, February 29, 2024 11:05:25 PM

Next Steps: Sync an Email Add-On

Name

Ryszard Dziadur

Email

ridz@sbcglobal.net

Submit Public Comment

It all sounds great but who is going to be responsible for infrastructure upgrades and updates? Streets improvement, freeway access , landscaping, playgrounds got kids, etc. Existing infrastructure barely supports status quo. C-46-1

Opt Out of Email Updates

- Select the checkbox if you do NOT want to sign up for email updates.

Response to Letter C-46

Ryszard Dziadur
February 29, 2024

Response C-46-1

This comment, which expresses general concerns related to implementation of required infrastructure upgrades, but does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

The project sponsor is required to install and/or fund the proposed project's fair share of necessary infrastructure to support the proposed project. Mitigation measures outlined in the Draft EIR specify the timing and implementation of improvements that are required to ensure that impacts to the environment are avoided or reduced to the extent feasible. Implementation of these measures are further outlined in the Mitigation Monitoring and Reporting Program (MMRP); refer to Master Response 7 regarding CEQA mitigation requirements and the MMRP. The responsibilities and timing of other infrastructure improvements agreed to by the project sponsor and the City will be provided in the conditions of approval for the project, as appropriate.

Further, the City's Department of Public Works is responsible for providing infrastructure planning, improvements, and maintenance of the City's assets. Infrastructure improvement planning is available in the Capital Improvement Plan (https://www.cityofsanrafael.org/documents/4-0-cip-fy2024-25-to-fy2026-27-related-work-plan-compressed/).

From: Craig Ellick
To: April Talley
Subject: The Northgate DEIR
Date: Sunday, February 25, 2024 9:21:17 PM

Dear City of San Rafael Community Development Department,

C-47-1

I am writing in regards to the Public Comment re: The Northgate DEIR.

I have many concerns about this massive project that will change our community.

We are already facing massive water cutbacks during drought years. There is no plan to cover this large an increase in population.
I propose decreasing traffic by decreasing the number of residences, which would decrease greenhouse gas emissions and improve air quality.

Pollution and Health risks due to inhalation of construction, demolition and operational emissions may result in cancer risks and other adverse health effects. There are several adjacent senior facilities that are in higher risks due to the emissions as well.

Traffic will be insane

DEIR traffic studies use a baseline of a fully functional mall, but residents of nearby senior facilities and clients of Guide Dogs for the Blind will notice and be inconvenienced by this increased traffic. This is the neighborhood where they take their dogs out for training. I know that when there is a traffic collision on 101, many people use Los Ranchitos as an alternative route. It is very hard to cross the road with this impact and I can only imagine how this will change with that many new residents.

Reducing the number of apartments (Residence 4) would decrease traffic.

There is Insufficient Public Open Space
The project does not provide an additional 4 acres of park per 1000 new residents as required by the City's General Plan!

It would be important to enlarge the Town Square by relocating center parking. The toddler playground should be moved to Town Square where most families might gather.

Why not keep public park space near Kohl's in Phase 2

The in-lieu parkland dedication fees to local recreation facilities should go to the City rather than city-wide

The Building Height project contains 5, 6, and 7-story buildings. This is insane! HUGE change to the ambiance of this neighborhood. I would like to have the height reduced to 3 stories or it will not fit in with the local neighborhoods.

There was talk about the Smart Train being useful for the residents, but there is no path from the mall to the train station. If the developer is proposing easy transportation via the Smart Train, then it seems like the developer should contribute to completing the path.

Thank you for considering my letter and I will continue to follow this community project that will definitely impact my life as a neighbor. **C-47-1 (cont.)**

Craig Ellick

Sent from my iPhone

Response to Letter C-47

Craig Ellick
February 25, 2024

Response C-47-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including water supply, traffic congestion, operation and construction period air quality and greenhouse gas (GHG) emissions and related health risks, open space and recreation, visual character, and transit access. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.14, Utilities and Service Systems, 4.9, Transportation, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, 4.13, Public Services and Recreation, and 4.3, Visual Resources, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures or, in the case of operational noise impacts to on-site sensitive receptors and operation period GHG impact of allowing natural gas use in commercial kitchens, would remain significant and unavoidable. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Also refer to Response B-7-2 for more information related to open space requirements. Refer to Master Response 2, which further addresses comments related to the project merits, design, and proposed uses.

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From: Kathi Ellick
To: April.Talley@cityofsanrafael.org
Subject: For Public Comment re: the Northgate DEIR
Date: Saturday, February 24, 2024 9:16:35 PM

Dear City of San Rafael Community Development Department,

I am writing in regards to the Public Comment re: The Northgate DEIR. C-48-1

I have so many concerns about this development that I am going to list them.

The impacts of Air quality and Greenhouse gas emissions. The DEIR study didn't use a baseline that is comparable. They underestimated with an incorrect baseline.

I propose decreasing traffic by decreasing the number of residences, which would decrease greenhouse gas emissions and improve air quality. Hiring an onsite construction manager that is responsible for all mitigation measures and who is available to respond to public complaints would be important. How is this to be enforced?

Pollution and Health risks due to inhalation of construction, demolition and operational emissions may result in cancer risks and other adverse health effects. There are several adjacent senior facilities that are in higher risks due to the emissions as well.

Noise needs to be regulated with all the potential construction. Is there a proposal to mitigate the noise levels in surrounding neighborhoods. I live in Los Ranchitos and am sure the noise will carry.

Traffic

DEIR traffic studies use a baseline of a fully functional mall, so it looks like the traffic effects are not significant, but residents of nearby senior facilities and clients of Guide Dogs for the Blind will notice and be inconvenienced by this increased traffic. I know that when there is a traffic collision on 101, many people use Los Ranchitos as an alternative route. It is very hard to cross the road with this impact and I can only imagine how this will change with that many new residents.

The DEIR traffic studies need to include the three roundabouts planned on Freitas Parkway. This would help keep traffic flowing.
Eliminating the drive-through restaurants would decrease traffic

Reducing the number of apartments (Residence 4) would decrease traffic.

The DEIR does not consider the risks of urban wildfires. The fire Department came to our house to help with defensible space, It was important to take care of our homes. The fire may require us to evacuate, but the two evacuation routes go past the mall.

Eucalyptus trees along Los Ranchitos Rd. across from the proposed 7-story building are an evacuation hazard in case of urban wildfire.

There is Insufficient Public Open Space
The project does not provide an additional 4 acres of park per 1000 new residents as required by the City's General Plan

It would be important to enlarge the Town Square by relocating center parking. The toddler

playground should be moved to Town Square where most families might gather.

Why not keep public park space near Kohl's in Phase 2

The in-lieu parkland dedication fees to local recreation facilities should go to the City rather than city-wide

The Building Height project contains 5, 6, and 7-story buildings. This is a big change and I would like to have the height reduced to 4 stories. It will not fit in with the local neighborhoods.

There was talk about the Smart Train being useful for the residents, but there is no path from the mall to the train station. If the developer is proposing easy transportation via the Smart Train, then it seems like the developer should contribute to completing the path.

Thank you for considering my letter and I will continue to follow this community project that will definitely impact my life as a neighbor.

C-48-1 (cont.)

Kathi Ellick
23 Knoll way
San Rafael

Response to Letter C-48

Kathi Ellick
February 24, 2024

Response C-48-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion and planned infrastructure, operation and construction period air quality and greenhouse gas (GHG) emissions and related health risks, construction period noise, open space and recreation, emergency evacuation, visual character, and transit access. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, 4.12, Noise, 4.13, Public Services and Recreation, and 4.3, Visual Resources, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors and the operation period GHG impact of allowing natural gas use in commercial kitchens, would be remain significant and unavoidable. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements, Response B-9-1 for further information related to emergency evacuation, and Response B-2-11 regarding planned roundabouts. Refer to Response C-119-1 regarding the Guide Dogs for the Blind campus.

Further, the comment requests more information related to construction practices, monitoring, and enforcement. Please refer to Master Response 7 regarding CEQA mitigation requirements. Also refer to Master Response 2, which further addresses comments related to the project merits, design, and proposed uses.

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From: Heather Ellison
To: April.Talley@cityofsanrafael.org
Cc: Scott Elllison
Subject: Northgate Development & MCSD
Date: Tuesday, February 27, 2024 10:43:15 AM

Dear April Talley & the City of San Rafael Planning Division,

We are the parents of 2 children in the Miller Creek School District and a 3rd child who will begin soon. We are writing with urgent concern over the proposed project. Simply put: C-49-1

This increase in enrollment would exceed the capacity of our existing school facilities.

<u>The developer fees need to be commensurate with the resources it takes to add 338 students to our district.</u>

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Looking forward to hearing about how your focus and attention to this matter will make common sense and not put an undue burden on our small district.

Regards,
Heather & Scott Ellison
29 Bridgegate Dr.
San Rafael

Response to Letter C-49

Heather Ellison
February 27, 2024

Response C-49-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Natalia Erickson
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project | MCSD impact
Date: Tuesday, February 27, 2024 9:10:30 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-50-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Natalia Erickson

Response to Letter C-50

Natalia Erickson
February 27, 2024

Response C-50-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Lisa Everest
To: April.Talley@cityofsanrafael.org
Subject: Northgate Redevelopment Project Comments
Date: Tuesday, February 27, 2024 1:55:29 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-51-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

I urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

The quality and capacity of our schools is critical and can not be overlooked. Adequate funding for the schools needs to be provided by the developer if they want to move forward with the scope and scale of this project. The developers will be profiting greatly from this investment and it should not come at the detriment of our community and school quality.

Thank you,
Lisa Everest

Response to Letter C-51

Lisa Everest
February 27, 2024

Response C-51-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

100 Thorndale Drive, #347
San Rafael, CA. 94903

February 22, 2024

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

Re: Public Comment on Northgate Town Square Redevelopment Project DEIR

Dear Commissioners:

My husband and I (he is now deceased) raised our children in the Dominican Area of San Rafael from the early 1960's until retirement in 1987. In 2013, we moved from the Central Coast back to San Rafael to Villa Marin, where I still live. I have grown to appreciate Terra Linda over the last ten plus years because it has everything I need. i don't believe it was the vital and attractive community in the early 1960's when we moved to Marin County as it has become over the years. Please don't ruin what is already here by over-developing. C-52-1

Although I was aware of the massive project for redevelopment of the Northgate Mall area just below Villa Marin, I felt at my age (90) that the large project would not impact my living, and i didn't want to become involved in all the necessary politics that would ensue. However, the more I have learned of the proposed scope of the redevelopment, I believe I SHOULD become involved. While I am unable to attend any public meetings on the EIR, I can speak with my written word. I have concerns, but not just limited to the following:

TRAFFIC. A big concern not only for families in this proximity, but a real concern for senior drivers from the senior communities (there are three) in close proximity to the proposed redevelopment. This would also include EVACUATION in the event of any emergency. I don't need to expound here on how increased traffic congestion could slow the need for services, mostly important emergency services.

NOISE. We seniors appreciate the quietness of our homes in Villa Marin. We need and deserve what we have come to appreciate in our waning years. Senior residential facilities as well as families would all be impacted by increased noise.

SPACE. Have the developers really considered what they are proposing speaks for more space than they have available? Consider including fewer and lower density apartments and commercial buildings, even fewer parking spaces.

I would encourage a closer look at the location of parking spaces. Others have suggested enlarging the Town Square to include playground facilities for toddlers and preschoolers. A good suggestion. Put your thinking caps on and make this redevelopment for all ages, but with more consideration in areas than have initially been presented.

Very truly yours,

Janet V. Farris

Janet V. Farris

Response to Letter C-52

Janet Farris
February 27, 2024

Response C-52-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion and emergency access and evacuation, increases in noise, overall project density, parking, and open space and recreational amenities. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, 4.12, Noise, 4.1, Land Use and Planning, and 4.13, Public Services, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of identified mitigation measures. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements and Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Ken Fisher
To: April Talley
Cc: Renee Fisher
Subject: For Public Comment re: the Northgate DEIR
Date: Monday, March 4, 2024 2:40:46 PM

Hello April,

My family and I are new residents of Terra Linda and would humbly like to engage in this community development process. My wife, two children and I moved here in October or 2023. We live just down the street from the proposed development and are both excited and concerned by our proximity to the Northgate project. I attended the recent town hall at SR city hall and unlike many of the attendees I was excited by the prospect and opportunity of the now mostly defunct mall being redeveloped.

We moved here from San Francisco and love our proximity to nature and the trails that we can enjoy for hiking and biking. It's a real change of pace from city living. While we appreciate the peaceful atmosphere and abundance of nature, we miss the culture and dining that we enjoyed in San Francisco. We see the Northgate development as a real opportunity to make Terra Linda a destination. It would be great to have at least one bakery or pastry shop here! ;) We recently visited the mall and it felt like we stepped into a time warp to 1989. We loved the pop up library, and enjoyed a screening of Wonka at the movie theatre; we even connected with a few neighbors at Ounces, which feels like the one business that brings the community together. C-53-1

There are a few things I observed after sitting in at the recent meeting that I felt important to voice in this email. The first may seem a bit harsh but I'd like to cut straight to the point - what really stood out for me is the complete lack of imagination in the approach and design of the new development. I was disappointed when I saw the plan and couldn't help feeling like the project was reviving a proposed remodel from 1995. I guess I want more for Terra Linda, something that makes me proud to live here. A place where I could invite my friends from SF or family when they visit that is worthy of spending time. As it currently stands it feels like the developer is not offering something world class - it just feels mediocre and I hold San Rafael to a higher standard. I understand it is difficult to strike the careful balance between maximizing profitability and providing community benefits. As this project continues I would hope that the city ensures the right balance is struck.

Here are a few other things that stood out that I hope and/or ideas that I hope might be considered:

- I'd love to see the space that is designed in a way that supports community, the children and future generations.
- I'd love to see the developer create a design that is, quite frankly, less antiquated and more futuristic. As we look at architects creating urban plans for breathtaking designs like The Line and we learn about the advent of flying cars, it feels sad that this project is not more forward looking.
- I'm appreciative of the low income housing, but disappointed that the developer is proposing such an antiquated approach that separates the market rate residences from the BMR's. Times have changed and so should this approach.
- Might the developer also explore ideas that enable low-income residents to have equity in their new homes?
- I'd love to see more attention to nature; this might include structures that blend better -

Eichler did this in the community over 50 years ago; what are modern interpretations that might consider how this style could apply to density housing?
- How might the developer support the integration of nature, if not directly with the structures, then maybe by supporting and improving the local trail infrastructure? I recently came across an initiative in TL called "Ditching the Ditch" by the Gallinas Watershed council and was inspired by the thought of finding ways to more effectively blend infrastructure with nature.
- Like many others at the meeting I would love to see a grocery store and restaurants and community spaces that engage and uplift the surrounding community.

C-53-1 (cont.)

As my family and I become locals to Terra Linda we look forward to how the NorthGate project may usher in a new generation and engage our town in new and exciting ways.
As involved community members we are interested in participating in the process and happy to provide support and provide positive ways to encourage the discussion and development of our community.

kindly,

Ken, Renee, Lucas & Denali

Response to Letter C-53

Ken Fischer
March 4, 2024

Response C-53-1

This comment, which provides an opinion on the proposed land uses, distribution of affordable units, and design of the proposed project, and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits, proposed uses, and design. Also refer to Chapter 2.0 of this RTC Document for a discussion of revisions to the project, including distribution of affordable housing units.

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March 5, 2024
To: April Talley, Northgate Project Manager
Margaret Kavanaugh-Lynch, Planning Manager
Micah Hinkle, Community Development Director
RE: FOR PUBLIC COMMENT on Northgate Town Square Redevelopment Project DEIR: Chapter 4.0

Dear April,
As you know, I am a long-. me resident of North San Rafael and I endorse mixed-used redevelopment of Northgate Mall, including needed housing. However, I am concerned that the Northgate Town Square Redevelopment Project DEIR does not adequately assess the cumulative environmental impacts of the Northgate Square Project and other proposed projects in the immediate vicinity that will be occurring during the time frame of the Northgate Project, specifically the Terra Linda High School Capital Improvement Program and the three Freitas Parkway Roundabout projects. Both of these projects will be within half a mile of the Northgate Town Square project. Neither project is mentioned in the DEIR and as a result, we find that the cumulative impacts analyses conducted for the DEIR are severely flawed and, consequently, the DEIR fails to identify and mitigate significant impacts, as shown below.

This letter makes preliminary comments on this issue and is based on an initial review of the DEIR. I reserve the right to submit additional comments as more information becomes available.

Attached in a Notice of Availability of the Draft Environmental Impact Report for the Terra Linda High School Capital Improvement Program. This is a 5.5-year construction project that is expected to start in June 2024. It will therefore be occurring concurrently with the Northgate Town Square Redevelopment Project. Full information can be found at https://ceqanet.opr.ca.gov/2023080737.

Information on the Freitas Roundabout projects can be obtained from the Transportation Authority of Marin. https://tam101study.com/interchange/manuel-t-freitas-parkway-civic-center-drive/ **C-54-1**

The Northgate DEIR assertion that " 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" is obviously incorrect. See DEIR, Section 4.0 at page 4.3.[1]

I ask that the TLHS Capital Improvement Program DEIR and a description and timeline for the Freitas Roundabout projects be included as appendices in the Northgate Town Square DEIR. I request that an analysis cumulative impacts on the surrounding neighborhood of these three projects, particularly regarding construction traffic, construction operations, noise, greenhouse gases, air quality, and parking be included in the Northgate Town Square DEIR. Mitigation measures must include a requirement for coordination of the construction management plans for the Northgate Town Square project, the Terra Linda High School Capital Improvement Project, and the Freitas Roundabout Projects. These coordinated construction management plans must include, at minimum, the provisions required in the BioMarin/Vivalon Construction Management Plan (following), with requirements for on-site construction manager for each of the three projects:

[1] It should also be noted that the Notice of Preparation of a Draft EIR for the High School project was received by CEQA on 8/30/2023 – long before the availability of the DEIR for the Northgate Town Square project. Additionally, the City Council discussed one of the roundabout projects during its meeting on 8/1/2022.

"20. A Construction Management Plan (CMP) shall be prepared and submitted to the Planning Division for review and approval by the Planning Division and Department of Public Works. The CMP shall include (Applies to both components of project):

a. Projected schedule of work
b. Projected daily construction truck trips
c. Proposed construction truck route, including where trucks will stage if they arrive prior to the allowable hours of construction
d. Location of material staging areas
e. Include all limitations, conditions of approval or mitigation measures that are required during construction
f. Identify location of construction trailers and of construction worker parking
g. Dust control program
h. Statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code) as modified by Condition #113 (ED18-034) above which limits the days and hours of all grading and construction activities,
i. Statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time,
j. Statement that the existing roadway conditions on 2nd and 3rd Streets shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic.
k. Identify the name, phone number and contact information for an on-site construction manager who is responsible to implement the CMP
l. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.
m. It is the responsibility of the owner/applicant to ensure that the final and approved CMP be included as a requirement in the construction contract with contractors and subcontractors, bid documents and distributed to contractors (Applies to both components of project)
n. Truck routes shall be reviewed and approved by the City Department of Public Works. Hauling shall be limited to one truck in and one truck out per 15 minutes during the AM and PM peak unless otherwise permitted by the Department of Public Works."

C-54-1 (cont.)

(https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2020/09/Reso14776-9993rd-Entitlements3.23.20Fin.pdf p. 20)

Thank you for consideration of these comments and their incorporation in the Northgate DEIR.
Sincerely,
Shirley Fischer
19 Cermenho Court, San Rafael, CA 94903

SECS Notice of DEIR.pdf

Response to Letter C-54

Shirley Fischer
March 5, 2024

Response C-54-1

This comment disagrees with the cumulative analysis assumptions provided in the Draft EIR and states that the Terra Linda High School Capital Improvements Project and Manuel T. Freitas Parkway roundabouts should have been considered as cumulative projects with potentially overlapping construction schedules. Refer to Responses B-2-11 and B-8B-45, which address the cumulative analysis assumptions, including the projects identified in the comment.

The comment also references and includes a weblink to the Approval Resolution for the 999 3rd Street BioMarin/Whistlestop/Eden Housing Project, which includes a Construction Management Plan (CMP) as a condition of project approval (Item 20, page 20). Elements of the referenced CMP are identified in various mitigation measures that are required to be implemented for the proposed project, as applicable, in order to reduce potentially significant project impacts (e.g., Mitigation Measure AIR-2, which includes dust control measures). Compliance with City Ordinances, such as the City's Noise Ordinance, and Best Management Practices (BMPs) identified in the General Plan is required for individual construction projects to reduce construction noise; these are legal requirements and are not mitigation measures. Refer to Master Response 7 regarding CEQA mitigation requirements. Also refer to Response B-8B-30 regarding the CMP, which will be required as a condition of project approval.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: Lee FitzGerald
To: April.Talley@cityofsanrafael.org
Subject: For Public Comment re: the Northgate DEIR
Date: Tuesday, February 27, 2024 2:30:43 PM

February 27, 2024

Dear Commissioners,

I am a 36 year Terra Linda resident and homeowner with many concerns about the changes proposed for our beloved Terra Linda community. While I support housing at the site, there are many, many red flags. C-55-1

1. While 4 and 5 story buildings are going to be shocking , a 7 story building in our neighborhood will be a behemoth. Begging the question of why a residential and shopping area must be turned into an extremely dense high rise mini-city. Where is the sense of scale? There are too many residences in too small a space. And where is a supermarket going to be sited? It's difficult to park at Safeway already during daylight hours. Bike riding to buy groceries is not going to happen.

2. I believe the DEIR underestimates the increase in traffic, noise and pollution. Which will cause mental stress increasing the need for accessible park space that includes play areas, multiple benches, open grassy fields. The current plan is way too short on acreage devoted to a living landscape. It already takes three light cycles to get to 101 on east bound Freitas parkway on a sleepy Sunday morning. And if we must evacuate, those at the western side of the valley will surely be trapped by traffic.

The general plan vision, which local residents created, is not being served by this plan as it stands.

Sincerely,
Lee FitzGerald
60 Trellis Drive
San Rafael CA

Response to Letter C-55

Lee Fitzgerald
February 27, 2024

Response C-55-1

This comment expresses general concerns related to the size, scale, and proposed uses for the project and associated impacts including traffic congestion, noise, and pollutant emissions, as well as open space requirements, emergency evacuation, and General Plan conformity. This comment is primarily an opinion on the merits of the project, and is noted.

Refer to Sections 4.9, Transportation, 4.12, Noise, 4.10, Air Quality, 4.1, Land Use and Planning, and 4.13, Public Services, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be mitigated to less than significant with the implementation of identified mitigation measures, or, in the case of operational noise impacts, would be reduced to the extent feasible with implementation of identified mitigation measures. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements and Response B-9-1 for further information related to emergency evacuation.

Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 20, 2024 8:57:41 PM

Next Steps: Sync an Email Add-On

Name

Tim Flanagan

Email

tpf.email@gmail.com

Submit Public Comment

When will this project be back in front of the Planning Commission? C-56-1

Response to Letter C-56

Tim Flanagan
February 22, 2024

Response C-56-1

This comment requests the date that the project will be considered by the Planning Commission for approval. All interested parties, including all agencies, organizations, and individuals that submitted written comments on the Draft EIR, will receive notification of scheduled public hearing dates in accordance with the City's notification procedures. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

From: Dianna Fleming
To: April Talley
Subject: For Public Comment re: the Northgate DEIR
Date: Monday, March 4, 2024 9:30:59 PM

I am a resident of the Quail Hill Townhouses adjacent to the Northgate Mall. The project as proposed would adversely affect Quail Hill and the surrounding neighborhood which includes senior residences, schools, Guide Dogs for the Blind, and numerous businesses. Of immediate concern is the traffic issue. The streets surrounding Northgate are two lane roads and cannot handle the amount of traffic the project would bring to the area. In Quail Hill we have only one way in and out. In an emergency we would be trapped. More thought needs to be given to the safety of drivers, bicyclists, and pedestrians, including students, who use the streets around Northgate. **C-57-1**

The height of the buildings is also a major concern. It seems the developers wish to crowd as many units into this limited space as they can in order to maximize profits from rental income. The city should not waive or reduce any of the regulations that were enacted to protect residents and the environment from over zealous developers.

The proposed project is much too large and crowded for this space. It needs to be reduced in size with fewer residential units and smaller buildings, with adequate protection for the safety of those whose live and work in the area as well as for the environment.

Dianna Fleming

Response to Letter C-57

Dianna Fleming
March 4, 2024

Response C-57-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion and emergency access and evacuation, pedestrian and bicycle safety, and General Plan conformity and zoning. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, and 4.1, Land Use and Planning, of the Draft EIR which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Rosemarie Folk <folkfamily1@gmail.com>
Date: March 3, 2024 at 4:08:07 PM PST
To: Heather Hines <hhines@m-group.us>
Subject: Northgate Mall Redevelopment Project Draft EIR

After first and second reading of this draft my general feeling that this could be an excellent opportunity to build not only much needed affordable housing but also integrate the commercial portion to provide appealing businesses and ambiance that make the whole area a desirable place to live. **C-58-1**

However, there seem to be many questions and concerns that arise dealing with how to fit 1422 units of living space and 218,000 sf of commercial development into a location that people would want to live in. It seems to me that the living space needs to be THE FIRST PRIOITY and packing and stacking people into multi-story buildings without very well-planned architectural, ecological, community thought and design would only be expensive as well as unappealing. This is early in the public input phase so I hope there will be much more discussion to include the public.

My top priorities would be solar electric, extensive use of grey water for a walkable interior landscape, a footpath system of planting, minimum surface parking. Depending on the composition of the eventual renters there could be small areas for small children to play, older people to gather for coffee and conversation and several locations for exercise (machines or classes). Also several quality restaurants and NO drive-through feeding stations.

Sincerely,
Rosemarie Folk
Villa Marin , your neighbor

Response to Letter C-58

Rosemarie Folk
March 3, 2024

Response C-58-1

This comment, which is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits, land uses, and design.

From: colfrasco@comcast.net
To: April Talley
Subject: Public Comment on Northgate Town Square Redevelopment Project DEIR
Date: Tuesday, March 5, 2024 3:02:10 PM

Dear Commissioners:

I am a 34-year resident of Marin County, raised my family in the County, and I am an owner at Quail Hill. I have deep appreciation for the sensible growth and respect for the environment that previous generations utilized in development projects throughout Marin. While I am in total agreement that the subject property desperately needs redevelopment, I am very disappointed and concerned that the proposed subject property lacks the same level of forward thinking and environmental respect that was so clearly apparent in previous generations. **C-59-1**

My concerns are as follows:

The baseline used in the DEIR assumed a fully functioning mall which is grossly inaccurate. In reality, it is quite obvious that the mall is operating at only a fraction of its capacity, thus the impact on the air quality and greenhouse gas emissions is underestimated.

More can be included in the plan to eliminate the traffic in the area. I suggest to eliminate the drive-thru restaurants and to emulate other new communities where the residents can access groceries, necessities, and personal services onsite instead of using their cars for basic everyday needs.

The plan lacks insufficient public space. It is my understanding that the project should provide 4 acres of parkland per 1,000 new residents according to the GP 2040's park standards. A large part of Marin's attraction is the open space and greenery which is seldom seen in other communities.

The noise issue is of great concern particularly for the residents at Alma Via, Quail Hill, Villa Marin and surrounding streets of Nova Albion and Sao Augustine Way. The construction is anticipated for over 2 years in some parts which should not be considered intermittent, but rather constant noise that should be regulated by the City's standards.

Aside from being unsightly, the seven-story building proposal is completely out of character with the neighborhood. I agree with the plan to have fewer levels and more buildings. Why not be unique and build a community that is aesthetically pleasing and satisfies the unit requirement? In time, the return on this investment will be positive in more ways than one.

Thank you for your consideration.

Colleen Frasco

Response to Letter C-59

Colleen Frasco
March 5, 2024

Response C-59-1

This comment expresses general concerns related to the size, scale, and proposed uses for the project and associated impacts, including traffic congestion, construction noise, and air quality and greenhouse gas (GHG) emissions, as well as open space requirements. This comment is primarily an opinion on the merits of the project, and is noted.

Refer to Sections 4.9, Transportation, 4.12, Noise, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible. In addition, GHG impacts are deemed significant and unavoidable, not due to the proposed project's size, but rather because the proposed project would include natural gas connections for commercial kitchens. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and GHG emissions), refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements and Response B-8E-7 for further discussion of construction noise impacts. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Swann Freslon
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 1:59:33 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-60-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Swann

Response to Letter C-60

Swann Freslon
February 27, 2024

Response C-60-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Jon Freudman <jon@freudman.com>
Sent: Tuesday, February 20, 2024 1:36 PM
To: Rachel Kertz <rachel.kertz@cityofsanrafael.org>
Subject: Northgate

Dear Councilmember Kertz,

I appreciate your service to our community. Many difficult issues.

C-61-1

I urge you to request that the Planning Commission require a more detailed and thoughtful traffic impact assessment for the EIR on the Northgate Mall project.

It is clear the community feels the project is a good idea but the number of units may be too large given the potential traffic impact.

Missing from the EIR was the number of expected drivers residing in the new residential units versus the number of drivers now residing in Terra Linda. And the specifics of the location of the project with regards to the potential for congestion between Terra Linda and Central San Rafael - Los Ranchitos Rd and Lincoln Avenue - especially during commute hours.

Gridlock at key intersections will impact public and private commutes as well as day to day pursuits such as accessing County and City governments, SMART Train, GG Transit, shopping within our city, and emergency medical services(Kaiser ER for Kaiser patients not in Terra Linda). New businesses in the revitalized mall will not be successful if potential customers avoid the area because of the combined traffic of mall customers and mall residents.

Im an observer of Terra Linda - San Rafael traffic patterns for 40 years! I live in the Sun Valley neighborhood but worked at Kaiser Terra Linda for many years (1982-1998) . I try to continue to shop at Northgate(depressing as it declined) and and for the past decade I've had adult children living in Terra Linda. I love our town and appreciate the synergy of the Terra Linda neighborhood and tithe rest of San Rafael.

The Northgate Mall redevelopment is a potentially great project if sized appropriately…..a better traffic EIR is needed.
In my opinion traffic patterns should be modeled based on a variable sizing of the project (e.g. 500 units , 750, 1000, 1250, 1500). And with close attention to the Terra Linda -Central San Rafael patterns.

C-61-1 (cont.)

Thank you and best regards,

Jonathan Freudman MD
Freudman Healthcare Consulting LLC
32 River Oaks Road
San Rafael CA 94901
jon@freudman.com
Mobile 415 233 3192

https://www.linkedin.com/in/jon-freudman-8102b44/

Response to Letter C-61

Johnathan Freudman
February 20, 2024

Response C-61-1

This comment expresses general concerns related to the size, scale, and proposed uses for the project and associated impacts including traffic congestion. This comment is primarily an opinion on the merits of the project, and is noted.

Refer to Section 4.9, Transportation, of the Draft EIR, which addresses the above concerns and, as demonstrated in the analysis, determined that impacts related to transportation, including emergency access, would be less than significant pursuant to established thresholds. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: "notify@proudcity.com" <notify@proudcity.com>
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: February 21, 2024 at 7:56:54 AM PST
To: April.Talley@cityofsanrafael.org

Next Steps: Sync an Email Add-On	
Name	
	Lauren Freudman
Email	
	ljfreudman@gmail.com
Submit Public Comment	
	The density of the proposed project at the Northgate Mall is concerning. I am in support of developing this proeprty to be a useable and viable community space and offer mixed use housing and retail spaces. However, the proposed 1500 units and building right up to the limits of the property is concerning. Already, the areas with apartments in Terra Linda (ie Nova Albion area) has residents forced to park on the street due to limited spots avilable on site- having 1500 units will make this area a mess with parking as well as traffic. The surrounding streets and area around northgate mall will not be able to support that many residents and we will be in a traffic gridlock. One of the county's few emergency departments is located at Kaiser Permanente on Monticello and quick and unobstructed access will be greatly impacted if this project goes as is. This quite literally puts the lives of Marin County residents at risk. Please take the time to do thorough research and develop a plan that serves the community, not just fufills an unrealistic state quota that will cause harm to our community for generations to come.

C-62-1

Response to Letter C-62

Lauren Freudman
February 21, 2024

Response C-62-1

This comment expresses general concerns related to the size, scale, and proposed uses for the project and associated impacts, including traffic congestion. This comment is primarily an opinion on the merits of the project and is noted.

Refer to Section 4.9, Transportation, of the Draft EIR, which addresses the above concerns and, as demonstrated in the analysis, determined that impacts related to transportation, including emergency access, would be less than significant pursuant to established thresholds. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Also refer to Response C-21-1 regarding parking availability and Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Victor Fridman <fridmanvictor@gmail.com>
Subject: Public Comment on Northgate Town Square Redevelopment Project DEIR
Date: February 21, 2024 at 11:05:44 AM PST
To: April.Talley@cityofsanrafael.org

To Whom it May Concern:

I have been living in Terra Linda for 24 years where I owned my home.
This project with seven story building is totally out of character in Terra Linda, and it will change the peaceful atmosphere that brought me to live here. C-63-1
The only reason to allow such a large number of units to be built is to accommodate affordable housing, which I am in favor of, but this project includes a mere 10% of the units for that purpose, making this project unjustifiable. The only beneficiaries will be for the developers.

PLEASE, I BEG YOU TO REPRESENT THE INTEREST OF TERRA LINDA RESIDENTS AND NOT THE INTEREST OF DEVELOPERS

NOISE
The construction noise will be intolerable for nearby neighbors, especially those at Alma Via, Sao Augustine Way, the Northgate Drive end of Nova Albion Way, Quail Hill, and Villa Marin.
The ambient noise level analysis shown in the DEIR only took measurements for a 15 minute period, during one of the peak times for students
to leave nearby Terra Linda High School.
The DEIR notes that traffic is the main cause of ambient noise, but conducted its tests at a time when ambient noise was atypically high because of students leaving the high school. There is much less traffic and noise at
other times of the day. The DEIR then argues that because the ambient noise level was high, it is not bound by other noise limits.
Construction noise is anticipated for up to 28 months in some locations. This should not be considered “intermittent” noise. Instead, this should be regulated under the City’s standards and limits for constant noise.
The exception in the City’s Noise Ordinance for construction is intended for short term construction noise, not a multi-year ongoing project.

INSUFFICIENT PUBLIC OPEN SPACE
The project does not provide 4 acres of new parkland per 1000 new residents as specified in GP2040’s park standards. The amount of park space provided does not adequately meet the needs of the approximately 3500 new residents, and the project will increase usage of local parks and recreation facilities. More park space needs to be provided within the project.
The requirement for the applicant to pay parkland dedication fees for the project’s townhouses demonstrates that the project is not providing adequate park space for new residents. These fees need to be used to
improve nearby public parks.

C-63-1 (cont.)

TOWN SQUARE NEEDS TO BE ENLARGED and MORE IMPROVED RECREATION NEEDED

The EIR should include an option for the Town Square to be enlarged by eliminating Pkg Lot 6 in the center of
the project. The 117 parking spaces in Lot 6 can be relocated to the periphery in Phase One by restriping parking spaces. In Phase Two the 117 parking spaces can be eliminated because the project exceeds parking requirements.

The EIR should specify that the Town Square should include playground facilities for toddlers and preschoolers. The existing small toddler playground at Northgate should be replaced and augmented rather than eliminated.

With 3500 new residents moving into Northgate, The DEIR doesn't consider the 2023 SR Parks Master Plan that documents degraded conditions of nearby local parks.

TRAFFIC and POLLUTION

The DEIR Traffic studies do not consider the effects of the 3 roundabouts planned for Freitas Pkwy. The impact of these roundabouts, as proposed by the City and the Transportation Authority of Marin, must be included in
the EIR.

The proposed drive-thru restaurants will increase traffic levels, which in turn will increase greenhouse gas and particulate matter exhaust pollution from queuing vehicles. This will cause pollution for both existing and new residents. Drive through restaurants need to be eliminated and replaced with sit down restaurants.

Thank you for your consideration.

Victor Fridman
34 Keel Ct.
San Rafael, Ca 94903

Response to Letter C-63

Victor Fridman
February 21, 2024

Response C-63-1

This comment expresses general concerns related to the size, scale, and proposed uses for the project and associated impacts, including traffic congestion, operation and construction noise, and mobile source related air quality and greenhouse gas (GHG) emissions, as well as open space requirements. This comment is primarily an opinion on the merits of the project and is noted.

Refer to Sections 4.9, Transportation, 4.12, Noise, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to the topics identified by the commenter would be less than significant pursuant to established thresholds, would be reduced to less than significant through implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of identified mitigation measures. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and GHG emissions), refer to Master Responses 3 and 4. Refer to Response B-2-11 regarding planned roundabouts. Refer to Response B-7-2 for more information related to open space requirements and Response B-7-3 regarding the 2023 City of San Rafael Parks and Recreation Master Plan. Refer to Response B-8E-2 regarding the timing of ambient noise measurements and Response B-8E-7 for further discussion of construction noise impacts. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: Steven Gendreau
To: April.Talley@cityofsanrafael.org
Cc: Erika Gendreau
Subject: Northgate Mall project - concerned MCSD parents
Date: Tuesday, February 27, 2024 8:51:17 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-64-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Steve Gendreau

--

Steve Gendreau, PhD (he/him)
Executive Director, Translational Medicine Oncology
Genentech, A Member of the Roche Group
Mobile: +1 (650) 534-6119
Business Partner: Christina McGinn, mcginnc@gene.com

Response to Letter C-64

Steve Gendreau
February 27, 2024

Response C-64-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Felipe Gesueli
To: April.Talley@cityofsanrafael.org
Subject: Draft Environmental Impact Report (DEIR)
Date: Wednesday, February 28, 2024 9:10:46 AM

Dear Planning Division of the City of San Rafael,

We are writing to express our concern about the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project. We believe that the report does not fully analyze and mitigate the potential significant and cumulative impacts that the project will have on the students, parents, faculty, staff, and community of the Miller Creek School District. **C-65-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact that the project will have on our schools. It is important that the report takes into consideration that the District's facilities cannot accommodate the students generated from the project.

Thank you for your attention to this matter.
Felipe

Response to Letter C-65

Felipe Gesueli
February 28, 2024

Response C-65-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Ashish Ghanate
To: April.Talley@cityofsanrafael.org
Subject: Impact of the Northgate Mall Redevelopment project on MCSD
Date: Tuesday, February 27, 2024 2:10:32 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-66-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

-Ashish

Response to Letter C-66

Ashish Ghanate
February 27, 2024

Response C-66-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, March 5, 2024 3:57:07 PM

Next Steps: Sync an Email Add-On

Name

Margaret Giovingo

Email

mgiovingo@eahhousing.org

Submit Public Comment

Affordable housing for seniors? C-67-1

Response to Letter C-67

Margaret Giovingo
March 5, 2024

Response C-67-1

This comment, which appears to request affordable housing for seniors and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits, land uses, and design.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Wednesday, February 21, 2024 10:50:37 AM

Next Steps: Sync an Email Add-On

Name

Bea Gooplott

Email

vaduz52@aol.com

Submit Public Comment

Please review traffic impact of so many new residents in an area that does not have an alternative route. Have them find a solution! The height of the seven story building is extreme fir that complex.
I welcome the new residences! C-68-1

Response to Letter C-68

Bea Gooplott
February 21, 2024

Response C-68-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Section 4.9, Transportation, of the Draft EIR, which addresses the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

March 4, 2024

Re: Public Comment on Northgate Town Square Redevelopment Project DEIR

Dear Commissioners,

My name is Maria Gregoriev. I am a resident for over 30 years and I value our wonderful community. I raised my family here and my children attended Terra Linda High School. C-69-1

Although I support the re-development of Northgate into a vibrant sustainable mixed use community, I have some concerns about the current project as proposed.

TRAFFIC and POLLUTION

There are 3 senior facilities (Villa Marin, Alma Villa and Drake Terrace) nearby as well as Guide Dogs for The Blind, which are particularly at risk from increased traffic.

I suggest the following to decrease the traffic and pollution:

- Eliminate the drive-through restaurants and instead have sit down restaurants. We don't need cars exiting off the freeway and idling as they wait for food.
- Include a supermarket and other services onsite so that residents can shop on the premises and not have to get in their car and create more traffic and pollution.

EVACUATION & SAFETY

- We only have a 2 lane road surrounding Northgate Mall and we have 3 senior facilities (Villa Marin, Alma Villa, and Drake Terrace) within a 2 block radius. Any delays of Ambulance or Fire Trucks caused by traffic congestion will create enormous suffering for those in need of these services.
- Natural disasters would delay emergency response times and obstruct safe evacuation routes due to the limited road network in the Northgate Mall and surrounding residential and commercial areas.

SUSTAINABILITY AND SPACE CONSTRAINTS

- Suggest the height of the new building be no more than 4 stories
- Suggest that there be a Parking Garage because of the need for parking

Thank you for your consideration.

Best,

Maria Gregoriev

Response to Letter C-69

Maria Gregoriev
March 4, 2024

Response C-69-1

This comment expresses general concerns related to the size, scale, design, and proposed uses for the project and associated impacts, including traffic congestion and resulting air quality and greenhouse gas (GHG) emissions, and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, 4.10, Air Quality, and 4.11, Greenhouse Gas Emissions, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds, would be mitigated to less than significant through implementation of identified mitigation measures. Refer to Response B-9-1 for further information related to emergency evacuation and Response C-21-1 regarding parking availability. Refer to Response C-119-1 regarding the Guide Dogs for the Blind campus. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Monday, February 19, 2024 3:15:43 PM

Next Steps: Sync an Email Add-On

Name

Shannon Griffin

Email

shan.griffin8@gmail.com

Submit Public Comment

Greetings. I was not able to attend the last meeting so I would like to ask one question related to the Northgate Project, of which I am in favor. C-70-1

Does the project include development of a new, second freeway on ramp to 101, especially going south? Frietas already gets very backup at commute hours.

Is there any reason not to change the intersection for Freitas and Del Presidio Blvd to allow cars to turn left there. As it is now, all cars must turn left at Northgate Drive in order to travel to Northgate Mall, any business, or residence in that direction. I have wondered this for many years as the Northgate Drive turn becomes very congested.

Thank you so much,
Shannon Griffin

Response to Letter C-70

Shannon Griffin
February 19, 2024

Response C-70-1

This comment asks whether the proposed project includes a new US-101 ramp to alleviate congestion on Manuel T. Freitas Parkway and whether the intersection of Manuel T. Freitas and Del Presidio Boulevard should be changed to allow cars to turn left at this location. These suggested improvements are not included in the project nor are they required to address potential environmental impacts of the project.

Please refer to Section 4.9, Transportation, of the Draft EIR, which addresses roadway congestion as a non-CEQA topic. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Also refer to Response C-16-1 regarding impacts relating to US-101 ramps.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 20, 2024 10:16:00 AM

Next Steps: Sync an Email Add-On

Name

Shannon Griffin

Email

shan.griffin8@gmail.com

Submit Public Comment

Greetings,
I emailed yesterday but need to add a related concern and an additional concern. The one I mentioned yesterday is whether another on-ramp for 101 south is included. This is not only for commute hour traffic but also for the purpose of fire evacuation. It's a very large valley, with lots of open space and houses. C-71-1

My other concern is drive through restaurants. The pollution, noise and waste of carbon fuel is unacceptable. We're supposed to be looking to the future in relation to climate change. This is totally backwards.

Thank you,
Shannon

Response to Letter C-71

Shannon Griffin
February 20, 2024

Response C-71-1

This comment expresses general concerns related to the proposed uses for the project and associated impacts including traffic congestion, emergency evacuation, noise, and air quality and greenhouse gas (GHG) emissions. This comment, which is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

Please refer to Sections 4.9, Transportation, 4.12, Noise, 4.10, Air Quality, and 4.11, Greenhouse Gas Emissions, of the Draft EIR, which address the above concerns related to the number of vehicle trips generated by the proposed project and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Refer to Response B-9-1 for further information related to emergency evacuation and Master Response 2, which further addresses comments related to the project merits. Also refer to Response C-70-1.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, March 5, 2024 4:36:21 PM

Next Steps: Sync an Email Add-On

Name

Mary-Lou Grossberg

Email

mlgrossberg1@gmail.com

Submit Public Comment

I am concerned about the number of people living there and the lack of outdoor space and plants. people need outdoor space near by. They should not have to use thir poluting cars to enjoy the out door. children need to be able to safely go out doors . There is no safe way to get to the near by space. Life is more than shelter. Over crowding creats all kinds of problems

C-72-1

Response to Letter C-72

Mary Lou Grossberg
March 5, 2024

Response C-72-1

This comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits and design. Refer to Section 4.13, Public Services and Recreation, of the Draft EIR for a discussion of recreation and open space impacts, which were determined to be less than significant. Also refer to Response B-7-2.

From: Page Hadden
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 9:12:38 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts on the students, parents, faculty, staff, and community of the Miller Creek School District. Schools are often overlooked in the race to find more housing. **C-73-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop-off hours.
- Section 4.13 concludes that the impacts on schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff. They never do, and to argue that they do is a lie.

I urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Do not create another crisis trying to solve another.

Thank you,
Page

Page Hadden

Response to Letter C-73

Page Hadden
February 27, 2024

Response C-73-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Emily Haldeman <emilyhaldeman@rocketmail.com>
Subject: Northgate
Date: February 21, 2024 at 9:30:23 AM PST
To: AprilT@cityofsanrafael.org

Hi April,
I would love for the Mall to be upgraded and some housing added. However, the proposed project is way too dense. Traffic is already terrible getting on to 101 at various times of the day. Why can't it be built in a way that fits in with the existing community? C-74-1
Emily
Sent from my iPhone

Response to Letter C-74

Emily Haldeman
February 21, 2024

Response C-74-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Section 4.9, Transportation, of the Draft EIR, which addresses roadway congestion as a non-CEQA topic. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Claire Halenbeck
To: April.Talley@cityofsanrafael.org
Subject: For Public Comment RE: The Northgate DEIR
Date: Sunday, February 25, 2024 12:50:16 PM

FOR PUBLIC COMMENT RE: THE NORTHGATE SQUARE PROJECT DEIR

February 24, 2024

Dear Ms. Talley,
Thank you in advance for recording this in the official comments on the Northgate DEIR. I support this project and was one of the original neighbors that requested housing replace the former Costco proposal. Those of us that have lived here many years now have children who would like to raise their families here. We desperately need more housing types including rentals, affordable units, and entry-level home ownership options. This project is a step in the right direction for the City of San Rafael. C-75-1

I'd like to propose that the Planning Commission and City Council consider these two minor requirements to the project that will mitigate some of the neighborhood concerns about traffic and air quality. I believe these two things would greatly improve the project and will be a win for the City and the Community!

1. ELIMINATE the drive through restaurants entirely from the plan. They draw transient visitors in cars from the freeway who won't linger and contribute to the community.

A. Mitigates traffic concerns: We don't need to add quick trips off and on the freeway. This brings nothing but traffic and car exhaust to the community.
B. Idling cars contribute to air pollution and greenhouse gas emissions and are unhealthy for the new housing and existing surrounding housing.
C. Parking requirements for these functions would be better diverted to local-serving businesses or more Town Square/park/open space.

2. REQUIRE a grocery store within the boundaries of the project. This was required by the City previously at the Loch Lomond project "The Strand"

A. Mitigates traffic concerns by reducing car trips: People won't have to drive for essentials and last minute needs.
B. A small grocery store will provide a gathering place: It doesn't have to be a large store, but rather more of a specialty market like Andys, Scotty's or Santa Venetia Market. If it has a good Deli counter, some prepared foods, basic groceries and coffee/outdoor tables it will really serve as a mixing place for the entire community.
C. There is no reason that this won't be a successful business: The Strand at Loch Lomond has only 80 housing units and with the planned 1,400+ units, nearby neighborhoods, and high school, Northgate Town Square should easily be able to support a business like this and it is desperately needed.

Thank you for your service to our community and also for considering these positive changes to the project.

Claire Halenbeck, IIDA, CID
Artist/Certified Interior Designer
415-720-7090

art:
Claire Halenbeck

Interior Design:
RMA.studio

For context, my involvement with the City of San Rafael:

- 45 YEAR CITY RESIDENT
- TERRA LINDA FOR 29 YEARS, WEST END FOR 11 YEARS, GERSTLE PARK FOR 3 YEARS
- FORMER COMMERCIAL DESIGNER/BUSINESS OWNER WITH DOWNTOWN OFFICES (TEN H STREET)
- PTA PRESIDENT AT BOTH SUN VALLEY ELEMENTARY AND DAVIDSON MIDDLE SCHOOL
- BOARD OF WEST END NEIGHBORHOOD ASSOCIATION FOR 11 YEARS
- BOARD MEMBER OF RGM (RESPONSIBLE GROWTH IN MARIN)
- VOLUNTEER FOR HOMEWARD BOUND - INTERIOR DESIGN SERVICES FOR JONATHAN'S PLACE AND VETERAN'S HOUSING

Response to Letter C-75

Claire Halenbeck
February 25, 2024

Response C-75-1

This comment expresses general concerns related to proposed project uses and associated impacts, including traffic congestion and resulting, air quality emissions and greenhouse gas (GHG) emissions, and suggests potential alternatives to the project as proposed. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, 4.10, Air Quality, and 4.11, Greenhouse Gas Emissions, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Master Response 2, which further addresses comments related to the project merits and Master Response 7 regarding project alternatives.

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From: Kristina Hanspers
To: April Talley
Subject: URGENT: Negative impacts of the Northgate Mall Redevelopment on the Miller Creek School District
Date: Sunday, March 3, 2024 11:06:35 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-76-1

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. **This is untrue: The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.** The projected increase in enrollment exceeds the capacity of the district's existing school facilities.

We urge the City to revise the impact findings to accurately reflect the **real impact** the project will have on our schools, including that **the District's facilities cannot accommodate students generated from the project**.

Regards,

Kristina Hanspers
San Rafael resident and parent of the Miller Creek School District

Response to Letter C-76

Kristina Hanspers
March 3, 2024

Response C-76-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Miles Hechtman
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Plan
Date: Wednesday, February 28, 2024 11:34:14 AM

Dear City of San Rafael Planning Division,

I have a few opinions on this subject.

First, I am sad to see such a low Condo (owned) vs Apartments in the 1400 unit plan. I would have hoped for most of the units to be owned vs. rented much like Emeryville has done. San Rafael is a progressive city which I would expect in this position. This would allow families to have equity in housing, plant some roots and care about the long term effects in the local school districts, businesses in general and overall community. Is it too late to change that part of the plan? C-77-1

Second, the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. Not to mention that funding for this school district is right on the line for state funding and local funding. Southern Marin does not have to worry much about this. The Miller Creek School District already relies heavily on the CAN DO FOUNDATION which usually does not meet its 100% goal each year. They fund arts, PE and music 100%.

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

I am a father of two kids, 8 years old and 10 years old in the Miller Creek School district. I volunteer in all sorts of local School District, sports and community programs. I take this Northgate Mall Plan very seriously and the impact to our community.

Thank you in advance for all the support and understanding.

Have a great day,

Miles Hechtman
Fine Line Imports Inc.
www.finelineimports.net
miles@finelineimports.net
707.525.1536 PH
707.575.4134 FAX

Response to Letter C-77

Miles Hetchman
February 28, 2024

Response C-77-1

This comment expresses opposition to the mix of housing unit types and ownership proposed by the project and generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 2 regarding project merits and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Karsson Hevia
To: April.Talley@cityofsanrafael.org
Subject: Development Project Implications
Date: Tuesday, February 27, 2024 9:45:23 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-78-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Karsson Hevia
Content Writer + Social Media Strategist
2ManyOpenTabs.com
415-444-6676

Response to Letter C-78

Karrson Hevia
February 27, 2024

Response C-78-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Robert Hicks
To: april.talley@cityofsanrafael.org
Cc: Carol Hicks
Subject: Northgate Town Square
Date: Sunday, February 4, 2024 9:04:09 AM

This email is concerning the project at

5800 Northgate Drive, Northgate Town Square
APNs: 175-060-12, -59, -61, -66 & -67
1320 residences

C-79-1

My residence is at 1044 F Los Gamos Road, San Rafael, CA 94903

I have 2 major concerns with the impact that the Northgate Town Square project will have on our neighborhood.

Adding the more than 1320 vehicles to our neighborhood will adversely impact the traffic here, especially the on-street parking. This project must include adequate parking for each residence, taking into account that many of the residences will have multiple vehicles, each requiring its own space.

Northgate Town Square is the third, and by far the largest housing construction project in a neighborhood that is already parking challenged.

The other two projects are:

Los Gamos Apartments
APN 165-220-06 & -07
Project Number: GPA20-001/ ZC20-002/ED20-058
192 apartments

Northgate Walk
1005, 1010, 1020 & 1025 Northgate Drive
Project No.: ED16-038, UP16-018, S16-001, LLA16-003, PTA 16-001
Total units: 136 units

My second concern it the ecological invasion of our beautiful Marin County flora. Please make sure that the landscaping design of the Northgate Town Square project uses only plants native to Marin County as designated by the Marin Chapter of the California Native Plant Society: https://cnpsmarin.org

Robert E. Hicks
1044 F Los Gamos Drive, San Rafael, CA 94903

Response to Letter C-79

Robert Hicks
February 4, 2024

Response C-79-1

This comment expresses general concerns with the size and scale of the proposed project and proposed landscaping and associated impacts including traffic congestion, parking availability, and habitat for biological resources. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Section 4.9, Transportation, of the Draft EIR, which addresses the above concerns related to traffic congestion and, as demonstrated in the analysis, determined that impacts related to this topic would be less than significant pursuant to established thresholds. Impacts to biological resources were also determined to be less than significant (refer to Section 6.3.2 of the Draft EIR); however, the proposed landscaping plan is reviewed by the Planning Commission as part of the design review process. As described on page 3-54 of the Draft EIR, drought tolerant landscaping is proposed. Refer to Response C-21-1 regarding parking availability. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Leah Hislop
To: April.Talley@cityofsanrafael.org
Cc: Rob Hislop
Subject: Support our schools
Date: Tuesday, February 27, 2024 8:53:45 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-80-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Sincerely a Miller Creek School District family and San Rafael residents,

Leah and Rob Hislop
Sent from my iPhone

Response to Letter C-80

Leah and Rob Hislop
February 27, 2024

Response C-80-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Carla Phil Hudner
To: April Talley
Subject: Redevelopment of the Northgate mall
Date: Monday, March 4, 2024 5:07:09 PM

We are very worried about the air pollution that would be caused by the tear down of buildings, most of which are older structures containing asbestos and many other toxic materials. As in to a residential fire, toxins are released which pollute the air for miles around for a very long time. C-81-1
Noise pollution is another major concern. Our understanding is that machinery will be operating from 7 - 6 on weekdays. A horrible prospect for current residents. The air will also be polluted by diesel fumes from the machines. How can we open our windows?
We ask that the project be scaled down, and that consideration be given to people living here now.
Thank you for considering our concerns, and those of all current residents.
Carla and Phil Hudner
100 Thorndale, San Rafael

Response to Letter C-81

Carla and Phil Hudner
March 4, 2024

Response C-81-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including construction period air quality, hazardous materials releases, and noise. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.10, Air Quality, 4.8, Hazardous Materials, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be mitigated to less than significant with implementation of identified mitigation measures.

Regarding the hours of construction, these activities would occur within the days and time frames permitted by the City's municipal code, as described on pages 4.12-11 and 4.12-12 of the Draft EIR. As discussed in the Draft EIR, construction noise impacts would be below identified thresholds with identified mitigation measures. Also refer to Response B-8E-4.

Regarding wind-blown pollutants, asbestos-containing materials (ACMs) would be abated and removed consistent with existing hazardous materials regulations, including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2, as described on page 4.8-20 of the Draft EIR. Also refer to Mitigation Measure AIR-2 on pages 4.10-28 and 4.10-29 of the Draft EIR, which identifies the BAAQMD's Basic Construction Measures, including Best Management Practices (BMPs) to be implemented to ensure that fugitive dust is properly controlled. These impacts would be less than significant.

From: Jennifer Ishii
To: April Talley
Subject: Draft of DEIR Report- Community response
Date: Sunday, March 3, 2024 1:37:56 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-82-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours. Between Vallecito Elementary School, St. Isabella's School, Mark Day School and Terra Linda High School there is already a specific (staggered) plan to mitigate traffic jams, and with the traffic to Kaiser there are already large back ups in the neighborhood areas. Adding the Northgate development to the mix will make things a bit more complicated with more traffic as well as potential issues with the current on/off ramps to 101 at Freitas Parkway.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue.The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

Thank you for your attention to these matters.
Best,
Jennifer Ishii-Yu
Vice President , Miller Creek Middle School Home & School Club
415-533-1245

Response to Letter C-82

Jennifer Ishii
March 3, 2024

Response C-82-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District and pick-up and drop-off coordination between multiple schools that currently occurs to alleviate area traffic congestion. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

February 25, 2023

Re: Public Comment on Northgate Town Square Redevelopment Project DEIR

Dear Commissioners,

I am writing to you in reference to the development plans for Northgate Mall. was raised in San Rafael and, having had the privilege of raising my family here, my deep connection to our community fuels my commitment to its well-being.

C-83-1

While I support the redevelopment of Northgate into a vibrant and sustainable mixed-use community, I find it imperative to share my concerns about the current project as proposed. I want the new plans to reflect a sense of community wellbeing and not simply be a concentrated housing project of tall buildings that does not reflect the needs nor aesthetics of our local community.

TRAFFIC and POLLUTION: In our vicinity, where I have lived decades, we have two public schools, several homes for the aged, and Guide Dogs for the Blind, all of which face increased risks from amplified traffic. To address this, I propose the following measures to alleviate traffic and pollution:

- Eliminate the drive-through restaurants, opting instead for sit-down establishments. This would prevent unnecessary idling and congestion caused by cars waiting for food off the freeway.
- Include a supermarket and other essential services onsite to encourage residents to shop within the premises, reducing the need for additional vehicular travel and minimizing traffic and pollution.

EVACUATION & SAFETY: Our current infrastructure features a two-lane road encircling Northgate Mall, with three senior facilities within a two-block radius. The potential delays for emergency services, such as ambulances and fire trucks, due to traffic congestion could lead to significant suffering for those relying on these crucial services.

I am particularly concerned about the potential hindrance to emergency response times and the obstruction of safe evacuation routes during natural disasters. The limited road network in the Northgate Mall and surrounding residential and commercial areas raises serious safety concerns that must be addressed. Lowering

the height of Residence 4 would also help with Eliminating 7 story buildings from the current plan would have a positive impact on future traffic. **C-83-1 (cont.)**

Thank you for your thoughtful consideration of these critical matters. I am confident that with your experience and dedication to our community, we can work towards a redevelopment plan that not only enhances our neighborhood but prioritizes the safety and well-being of its residents.

Best regards,

Janis Jackson
555 Heather Way
San Rafael, CA. 94903

Response to Letter C-83

Janis Jackson
February 25, 2024

Response C-83-1

This comment expresses general concerns related to the size, scale, design, and proposed uses for the project and associated impacts including traffic congestion, air pollution, and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted.

Please refer to Sections 4.9, Transportation and 4.10, Air Quality, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be mitigated to less than significant with implementation of identified mitigation measures. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

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From: W Janet
To: april.talley@cityofsanrafael.org
Subject: Fw: Northgate
Date: Tuesday, March 5, 2024 5:01:43 PM

Sent from Yahoo Mail on Android

----- Forwarded Message -----
From: "MAILER-DAEMON@yahoo.com" <MAILER-DAEMON@yahoo.com>
To: "wenikijanet@yahoo.com" <wenikijanet@yahoo.com>
Sent: Tue, Mar 5, 2024 at 4:55 PM
Subject: Failure Notice
Sorry, we were unable to deliver your message to the following address.

<april.tally@cityofsanrafael.org>:
550: 5.4.1 Recipient address rejected: Access denied.
[DS1PEPF00017E0A.namprd09.prod.outlook.com 2024-03-06T00:55:32.346Z
08DC39BCB36A8C74]

---------- Forwarded message ----------
April Talley & Planning Commission:

I'm a native of Terra Linda & we are original owners of an Eichler home, located within a couple of blocks of Northgate Mall. I grew up on Nova Albion Way from day one or two, & am likely more familiar with the area than you or anyone on the planning commission. I'm also an artist & designer with a university education. C-84-1

I am extremely disgusted with the lack of sanity with regards to the proposed development at Northgate for the following reasons:

1. 1400 housing units on the property is obviously too many! Anyone with even a bit of sense realizes this. The density of the proposed project is shockingly terrible.

2. Seven story buildings in that area would be very much out of scale, blocking light & views.
The proposed building height is "crazy bad"- it's an idea borne of greed, not sanity.

3. The proposal to build right up to the edge, near the sidewalk, walking & biking paths around the mall, is a physically unhealthy, & visually detrimental idea for all residents of the neighborhood, as well as visitors to local businesses.

Ms. Talley & Planning Commission, please go back to the proverbial drawing board & consider a plan that includes 2-3 or even 4-story buildings totaling many less units, which would be in scale with the surrounding neighborhood. Please do not allow new construction up to the edge of the property; this is a critical flaw in the proposed project.

Thank you for your consideration. Please use common sense & don't allow a ridiculously

huge
development to ruin fir all, the beautiful Northgate area in the heart of Terra Linda. C-84-1 (cont.)

Wendy Janet

Sent from Yahoo Mail on Android

Response to Letter C-84

Wendy Janet
March 5, 2024

Response C-84-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including land use compatibility, lighting, views, and visual character. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted.

Please refer to Sections 4.1, Land Use and Planning, and 4.3, Visual Resources, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds.

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February 21, 2024

Re: Public Comment on Northgate Town Square Redevelopment Project DEIR
Dear Commissioners,

My name is Elise Johnson and I have lived at Quail Hill in Terra Linda since 2004 and I love the wonderful quiet community there. The high costs to own a home in Terra Linda are offset by the high quality of life we enjoy. As a single woman it's no small feat staying in Marin so to completely change the sanctity of this area is to diminish what we are currently paying for. What the city may gain in sales tax will be offset by falling property values as well as misery to the many current residents. C-85-1

Although I understand the re-development of Northgate is needed at this point, I was in favor of Costco without the gas station. That would have kept things far more like they were when the mall was vibrant. The biggest complaint about that was the noise level and traffic which was deemed "unacceptable". The Plan we now have is ten times worse than that with added issues and makes me wonder if that was the design of the developers all along.

To add 7 stories, housing and drive- thru restaurants in that small space would be claustrophobic, polluting and a traffic nightmare.

Reminder, that Quail Hill exits onto that two-lane road that circles the mall as does Villa Marin, Alma Villa and the surrounding neighborhoods. Will traffic lights need to be added, streets widened? Where does it end??

When I think of the truly beautiful places in the world to live, there is no part of me that feels I have a RIGHT to live there just because I want to. Only in California is this notion prevalent that room must be made and provided for ALL who demand it.

It seems to me only the developers and people hoping to get reduced housing are the winners here. In exchange they take what made the area beautiful and valuable to the rest of us away. Please do not let that happen.

Thank you for your consideration.
Sincerely

Elise Johnson

Elise Johnson

Response to Letter C-85

Elise Johnson
February 21, 2024

Response C-85-1

This comment expresses general concerns related to the size, scale, design, and proposed uses for the project and associated impacts, including traffic congestion and air quality pollution. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation and 4.10, Air Quality, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, March 5, 2024 4:08:27 PM

Next Steps: Sync an Email Add-On

Name

Margaret Johnston

Email

margaret.johnston@comcast.net

Submit Public Comment

Commenting on behalf of the Gallinas Watershed Council.
Our comments only address stormwater impacts. We rely on and are in general support of comments on additional aspects of the proposed development provided by Responsible Growth Marin. C-86-1
We question the need for and wisdom of underground parking on the site. We do not recall this feature being discussed at previous meetings, and would like to have further information on why this feature is considered necessary, as it leads to the need for dewatering and the potential adverse effects of the dewatering, as well as the design of planter boxes and thus may reduce the beneficial impacts of these as retention features.
In discussing stormwater impacts of the project, the DEIR basically states that the applicant will comply with the terms of the Construction General Permit, Small MS4 Permit, and the City's Municipal Code, and will submit a Stormwater Control Plan. Applicant further indicates that since the extent of pervious surfaces will be reduced, stormwater impacts will be less than existing conditions. While we appreciate this fact, we believe the goal should be to reduce the impact of the project on stormwater runoff quality, quantity and velocity to the maximum extent feasible. In the absence of the SCP, it is difficult to actually determine what the stormwater impacts will be.
Additionally, the DEIR indicates that applicant will address Mitigation Measure HYD-3 through hydraulic modelling.
The Gallinas Watershed Council would like to receive copies of the SCP and the hydraulic modelling report and any information on the design of stormwater retention features as this information becomes available.

Response to Letter C-86

Margaret Johnston
On Behalf of the Gallinas Watershed Council[49]
March 5, 2024

Response C-86-1

This comment states general support for comments submitted by Responsible Growth Marin (RGM), which are provided in Letters B-8A through B-8F and B-9 through B-11 of this RTC Document. This comment also states opposition to development of underground parking for the proposed project and related potential dewatering and stormwater impacts, as well as the design of stormwater retention features. The commenter also requests copies of the Stormwater Control Plan (SCP) and hydraulic modeling that would be prepared as part of the final project design as required for regulatory compliance and by Mitigation Measure HYD-3. The Preliminary SCP is available for review as part of the project application and, as discussed on page 4.7-21 of the Draft EIR, the Final SCP will be developed to ensure that the project complies with the stormwater control and treatment regulations applicable to the project, and that stormwater impacts are avoided. The Final SCP will be included with the final project design, which would be prepared if and when the project is approved. Applicable regulatory agencies, including the City, will oversee the preparation, approval, and implementation of the SCP, which is a regulatory requirement of the project, and stormwater infrastructure improvements that are identified through the hydraulic modeling results, as specified through Mitigation Measure HYD-3. Comprehensive and documented review by the regulatory and responsible agencies would ensure that the SCP addresses and avoids impacts related to stormwater runoff and that potential impacts would not occur.

This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

[49] Note that this comment letter was submitted by the Gallinas Watershed Council, but was inadvertently miscategorized as an individual comment as it was submitted through the City's website and not on agency letterhead.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, March 5, 2024 4:05:02 PM

Next Steps: Sync an Email Add-On

Name

Matt Johnson

Email

mattvejohnson@yahoo.com

Submit Public Comment

"Northgate Town Square Draft EIR Comment"

C-87-1

scope of this project is too large for the surrounding neighborhood on multiple levels.
The infrastructure is unable to support the added traffic based on the number of units being presented. Commuters are bypassing the highway during rush hour. and the surface streets are unable to handle the traffic generated by the Hospital and Schools in the area.

The current school system including Dixie has gone down academically over the years adding more students to an already diminished educational system is not acceptable

I am worried that the current police, fire, and paramedics will not be able to handle added residents and patrons at fast food restaurants or be able to get thorough traffic during busy times (dinner, lunch, school drop-off, commute).

There was recently a hazardous spill on Freitas Parkway, that has impacted the all the surrounding roadways. It van take up to 1/2 hour to get from Las Colindas to the highway during the day.

Obviously wildfires have been a problem in California, with many insurance carriers not willing to insure homes in the area, added traffic and people will continue to hinder evacuation efforts.

Also, the building height and size will not fit in with the area. Local residents who live in the area shouldn't have to hear the sound or feel the shadows of such a mammoth building.

Noise and pollution from idling cars and gathering people will also impact the local area and contribute to pollution.

The infrastructure has already experienced rolling blackouts, how will the aging electrical system in Terra Linda survive. Are people going to be impacted going and continue to cut back on electrical usage or pay higher rates because of the increased demand .
Marin County has done nothing to increase water supply and continues to rely on outside sources for supply. Added business and housing without added supply does not work. My Family has been in this county for over 70 years and the weather supply has not increased with building. Residents already have to conserve.

Response to Letter C-87

Matt Johnson
March 5, 2024

Response C-87-1

This comment expresses general concerns related to the size, scale, and proposed uses for the project and its associated impacts, including traffic congestion and roadway capacity; school, police, fire, and emergency services; emergency access, circulation, and evacuation; increases in shadows; noise and emissions generated by mobile sources; electrical infrastructure and capacity; and water supply. This comment is primarily an opinion on the merits of the project and is noted.

Refer to Sections 4.9, Transportation, 4.13, Public Services and Recreation, 4.3, Visual Resources, 4.12, Noise, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be mitigated to less than significant with implementation of identified mitigation measures. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and greenhouse gas [GHG] emissions), refer to Master Responses 3 and 4. Refer to Response B-9-1 for further information related to emergency evacuation and Master Response 2, which further addresses comments related to the project merits.

From: Vikki Johnson
To: April Talley; Margaret Kavanaugh-Lynch
Subject: For Public Comment re: the Northgate DEIR
Date: Tuesday, March 5, 2024 3:57:49 PM
Importance: High

Dear Commissioners:

I am a member of RGM and have been attending meetings and voicing my concerns about the Northgate project proposed by Merlon Geier since it's initial acquisition of the property. More importantly, I am a life long resident of Marin County, and ironically a retail development consultant for over 35 years, retired as of 2020. C-88-1
I was a pre-development consultant on such projects as Santana Row, One Colorado in Pasadena, Two Rodeo Drive, and most recently the San Francisco Transbay Center. Therefore my observations and comments of the project, are both from a personal and professional perspective… but the results and concerns are the same.

Beyond commenting on the extensive DEIR – which I believe is remiss and incomplete in addressing the true impact not only to the neighborhood, but also the access roads of Lincoln and Los Ranchitos, which is already a busy and narrow thoroughfare during many times of the day.
I do not believe for a minute that the traffic anticipated by the density of the project will be able to absorb the additional traffic created by a residential project, that tends to be concentrated during morning and evening hours as people are leaving to and from work or school.
A retail center on the other hand has longer hours in which vehicular traffic is broken up and not concentrated during commute times. Be that what it may… my concerns are more about the project on the overall neighborhood and the life quality of Marin.
Professionally, I don't believe Merlon Geyer is the right developer for this kind of a project - no criticism – just fact. They are historically a strip center developer- and after they lost out on their initial plan to build a Costco with 36+ fueling stations – they turned to the introducing a residential development that is most financially beneficial for them. Their plan has nothing to do with what is best for the community. The flat renderings and sketches they have provided to introduce the project to the public are miss-leading and inadequate. VR fly throughs, and Oculus presentations which allow a project to be experienced from a pedestrian level, have been around for 20 years. The developer has been asked multiple times and has responded that it's too expensive. That is not true.

Further, their argument is that "retail is dead" and I acknowledge that based on what we read in the news every day about closures and bankruptcy, it is easy to come to that conclusion. Retail is not dead by any means. It's gone through sudden changes brought on by the arrival of on-line shopping and then the double-whammy of the Covid epidemic, and hasn't had time to adjust accordingly. The needs of the consumer have changed - "necessity" shopping is no longer a necessity. Therefore, the shopping "experience" has to be the catalyst for drawing the customer – and that provides an opportunity for "town square" type of centers that mix work – play – and shop in one setting. Our retail centers will become better and more community oriented with its new evolution. One of the largest increases in population is happening north of Marin – especially Petaluma, Rohnert Park, Cotati, and Santa Rosa… which is more affordable for young families. Removal of Northgate as a retail center would mean there would be no mall or mixed use shopping center with enough GLA to make it viable, between Corte Madera and Santa Rosa. That

is not feasible. Further, the retail plan as presented by MG will fail - it lacks all the basic rules of “paths of travel” and continuity between the stores to create impulse traffic which is absolutely necessary for a successful shopping environment. MG is gleefully looking forward to the failure of Macy’s so they can transform that building into another residential complex - instead of enhancing and repositioning the retail component. The first mistake, made many years ago, was to enclose Northgate which was originally an open air mall. Let’s take it back and recreate it for the next generation.

C-88-1 (cont.)

Though I recognize that there is a quota to meet insofar as providing affordable housing… I wonder why it is assumed that the only answer is in new construction. There are many complexes that were built in the 50’s and 60’s, individually owned, that would serve well to be renovated and converted to affordable housing (perhaps with the help of tax benefits) without packing a vertical project into a land area that is surrounded by ranch style housing and retirement homes. Does anybody recall the debacle that was Marin City?

Reimagining the future of Northgate is an exciting opportunity and I urge you to have the courage to stop this train – which has already traveled farther than it should have -— before you destroy the character of our neighborhoods because of political pressures.
I beg you not to cave into the recent heavy handed reach of Sacramento and allow communities to determine what is and isn’t suitable for their neighborhoods.

Sincerely,

Vikki Johnson

Response to Letter C-88

Vikki Johnson
March 5, 2024

Response C-88-1

This comment expresses general concerns related to the mix of uses for the proposed project, potential traffic congestion, and the Draft EIR's analysis of transportation impacts. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Further, all transportation-related impacts were determined to either be less than significant pursuant to established thresholds or be less than significant with implementation of identified mitigation measures.

The comment does not provide any specific examples of where the Draft EIR is deficient in the analysis of transportation impacts and is primarily a comment on the merits of the project; these comments are noted. Refer to Master Response 2 regarding the merits of the project. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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February 12, 2024
From: Alan Jones, Architect, on behalf of residents of Villa Marin, 100 Thorndale Drive, San Rafael 94903.

To: Planning Commission, City of San Rafael

Subject: Comments on the Draft Environmental Impact Report, Northgate Town Square

Ladies and Gentlemen:

As the nearest residential neighbors to the proposed Northgate re-development, and owner/occupants of a lively and highly successful high density housing development, we are called upon to submit our evaluation of the Draft EIR. While some of our remarks may extend to details of the design which are not, strictly speaking, EIR issues we ask that you bear with us as, in our opinion, details of the design will have profound bearing on the success of the project, it's relationship to the surrounding community, and ultimately it's true environmental impact. **C-89-1**

Summary:

Our community, together with the adjacent office complex and surrounding dedicated open space, occupies approximately 37 acres. Based on a total square footage of approximately 500,000 excluding parking, this amounts to an FAR of approximately 0.31. This includes substantial hillsides of true open space. We see hawks from our windows and hear Coyotes at night.

The existing Northgate Mall consists of approximately 766,507 SF on a 45 acre site, yielding an FAR of approximately .39 excluding parking. At full build-out the proposed development would reach an FAR of over 100% according to the numbers given in the DEIR. That is over two and a half times more dense than the existing Mall, our hillside, or any other nearby development. Hawks and Coyotes had best stay away!

We favor replacing the existing under-used commercial space with vibrant and sustainable mixed use development. It is possible to visualize a development which would enrich and enhance the neighborhood while providing needed housing, lively commercial enterprises, and useable open spaces for the residents and neighbors alike. The proposed development accomplishes none of these objectives, as we will outline below.

Starting Basis of the Evaluation:

C-89-1 (cont.)

While it may be too late to modify the assumptions made at the very beginning of this DEIR, we would suggest that they are faulty and that they argue for a rejection of the study. While it is true that the application was filed during Covid when Mall usage was low, it has been at least 15 years since Northgate was operating at its full capacity. Even then usage, we suspect, had fallen from its maximum theoretical use level. To have the beginning level of comparison for this report be a lively and fully functioning Mall is a fiction, consideration of which can only benefit the applicants to the detriment of neighbors.

Alternatives:

Again, while it may be too late to change the submission, the "alternatives" listed in the report are a kind of joke and can only be said to serve the interests of the applicant. For those who feel, as we do, that a sensible alternative would be something on the order of half the size of the current proposal, where is the option to consider such an alternative? Given the extremely limited choices given in the proposal, we must recommend that the first option, "no project alternative," be selected. This would demand that the developer come back with a proposal which takes into account its neighbors.

Relationship to the Community:

It is vital that a viable mixed use community be open to and reflective of the larger community which surrounds it. Shopping Malls notably ignore this principal, depending instead on in influx of automobile traffic from much further away. Thus, in developing mixed use on a Shopping Center site, our eyes should be turned toward re-building any connections which might re-establish this relationship. Unfortunately the developers have failed to reach out to the community for suggestions in this regard. In fact the proposal, on the North side, retains the existing vast acres of parking while adding "pads" which, according to the illustrations, are locations for Fast Food outlets. This only adds to the sense of isolation and would contribute to traffic congestion from outside. On the South, East, and West sides the development would add massive residential buildings which would create an imposing wall, with only limited strips of planting separating them from the street.

C-89-1
(cont.)

Density of Development:

There are no planning documents in Marin County, that we are aware of, which permit a Floor Area Ratio of 100%. Whether or not you agree that the State density bonus has been applied correctly in this case, the resulting density surely requires an extensive analysis of all of its impacts.

The first, and most dramatic, is that the blocks of buildings immediately create an immense wall which separates the area from its surroundings and makes an unfriendly gesture to the community.

Secondly, the proposed density creates challenges for public services of all kinds, including police, fire, schools, library services. In addition water, electricity, sewer services, and other utilities will be needed, putting a strain on services to the existing community.

Thirdly, while one could argue that the existing Mall is not a mecca for biological resources, the extent and scale of the buildings envisioned here could well create a hazard for wildlife in adjacent areas.

Need for Housing:

While there are studies that indicate that housing is needed in Marin, they are primarily focused on the need for affordable housing. The proposed project does provide affordable housing, just enough to qualify for the density bonus, by including units which are relatively small and many of which are located in a corner of the site. This approach is cynical at best and greedy at worst.

There is no clear indication that the proposed market rate housing, in the form of high rise blocks, will be in demand in Marin. The population of Marin has recently experienced a decline. If all these units are built at once and fail to rent readily, what will be the impact then on the surrounding community? Would it not make sense to develop a smaller project and proceed incrementally to test the market?

Open Space:

Viable and useable open space depends on much more that a small square identified on a plan. It must have abundant sunlight, be quiet and attractive, and ideally easy to get to by walking without crossing busy streets. It must be large enough that one feels at least a small measure of the natural world. I think it is safe to say that none of the

open spaces designated on the Northgate plan would meet these conditions. By our informal calculation, there is not a single bit of "open space" on the plan which is more that 75 ft. from a car, parked or moving. At the very least, in keeping with the "Town Square" name of the project, the entire area at the center of the project, presently designated to be occupied half by parking, should be an open park. Furthermore the roads which cross the center of the project should be re-routed to allow a family out for a stroll to avoid the risk of busy traffic.

C-89-1 (cont.)

Separate from the main square, other designated "open spaces" are questionable. Anything adjacent to the 7 story blocks will likely be shady and windy. There is an existing area designated as open space, adjacent to the restaurant space on the Northwest corner of the commercial area, which many of us are familiar with. While it does have planting and is not unattractive, one never sees anyone lingering there. Too much in the shade and directly opposite the parking lot. Most of the "open space" shown on the proposed plan, sadly, meets just this description.

Transportation:

While the location has access to public transportation, nothing in the proposal that we have seen is being done by the developer to enhance this access. In fact the development will remain, as in its current condition, an island of development surrounded by busy streets. At the very least, one or several areas for access to busses should be provided. Connections to Merrydale Road and the SMART train should be enhanced and access encouraged.

Pedestrian access is almost entirely along interior and surrounding sidewalks. There will not be the opportunity for a quiet stroll or enjoyment of the public spaces which might help mitigate the Vehicle Miles Travelled by encouraging people to take advantage of local facilities and avoid getting in their cars.

Bicycle path improvements are minimal for a development of this scope. Existing bike paths surrounding the development are referred to but little in the way of improvements to bike and pedestrian access are proposed. And many designated bike areas on the interior of the project are shared with pedestrians or cars. A project of this scope should have a serious plan for designated bike use throughout.

Pollution:

C-89-1 (cont.)

Our residents, and others living nearby, will be subject to several years of elevated air and noise pollution. While we have no basis for scientifically accessing this impact, it would surely be cut approximately in half by limiting the project to half the size.

Conclusion:

The Planning Commission should recommend that the alternative of "no project" be selected and that the developers be asked to return with a proposal of a much more modest size, after consulting with representatives of the surrounding community. There is an opportunity here to truly create an example of viable and sustainable mixed use. Sadly, the current proposal falls far short of that goal.

Response to Letter C-89

Alan Jones
February 12, 2024

Response C-89-1

This comment expresses general concerns related to the size, scale, mix of uses, and phasing for the proposed project and associated impacts, including land use and density; public services; habitat for biological resources; traffic congestion and circulation; open space; shadows; wind; transit, pedestrian, and bicycle access and circulation; construction period air quality emissions; and construction period noise. The comment also questions the adequacy of the project alternatives and provides general suggestions for alternatives to the project. This comment is primarily an opinion on the merits and design of the project and impacts identified in the Draft EIR, and is noted.

Refer to Sections 4.1, Land Use and Planning, 4.13, Public Services and Recreation, 4.9, Transportation, 4.3, Visual Resources, 4.10, Air Quality, 4.12, Noise, and Section 6.3.2, Biological Resources, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be less than significant with implementation of identified mitigation measures. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile source air quality and greenhouse gas [GHG] emissions), refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements, Response B-10-4 regarding wind impacts, and Response B-6-8 regarding shadows cast on public open space. Also refer to Master Response 2, which further addresses comments related to the project merits and Master Response 5 regarding project alternatives.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: John Kakinuki
To: April Talley
Subject: For Public Comment re: the Northgate DEIR
Date: Monday, March 4, 2024 7:42:08 PM

Ms. Talley:

Although my HOA, the Quail Hill Townhouses HOA, says I should complain about the number of apartments and demand downsizing, I think the apartments are badly needed and a good idea. **C-90-1**

Instead of a NIMBY, I am a YIMBY (Yes in My Back Yard).

Regards,
John Kakinuki
173 La Perdiz Ct
San Rafael, CA 94903

Response to Letter C-90

John Kakinuki
March 4, 2024

Response C-90-1

This comment, which expresses general support for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 27, 2024 11:44:41 AM

Next Steps: Sync an Email Add-On

Name

Kathleen Kane

Email

kkane@aol.com

Submit Public Comment

There are so many things wrong with this report, not the least of which is the impact on traffic, noise and neighborhood wellness as a senior citizen, I would like to stay in Terralinda as I age. This project would make the neighborhood untenable for senior citizens. Please pay attention to the negative impact on driving walking, emergency evacuation and overall neighborhood wellness. Thank you. **C-91-1**

Response to Letter C-91

Kathleen Kane
February 27, 2024

Response C-91-1

This comment, which expresses general concerns related to project-generated traffic, noise, land use compatibility, pedestrian access, and emergency evacuation, and does not identify any specific deficiencies related to the information or analysis in the Draft EIR related to these topics, is noted.

Refer to Sections 4.9, Transportation, 4.12, Noise, and 4.1, Land Use and Planning, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that off-site impacts related to these topics would either be less than significant pursuant to established thresholds or less than significant with implementation of identified mitigation measures. Also refer to Response B-9-1 regarding additional information related to emergency evacuation.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Pascal Karsenti
To: April Talley
Subject: Northgate Town Square Draft EIR Comment
Date: Saturday, March 2, 2024 9:29:22 PM

Dear City of San Rafael Planning Division,

I write in regard to the draft EIR for the Northgate Mall redevelopment project's impact on the Miller Creek School District.

I welcome the addition of new housing and new families to Marin. In addition to homes, these families will need services, including schools. The Northgate area is part of the small suburban school district of Miller Creek. It has been my observation that the district's schools are crowded. With the end of COVID-era subsidies, the district is also seeing substantial financial difficulties just to pay ongoing expenses. **C-92-1**

I understand that around 338 additional students are expected to be added to the Miller Creek School District as part of this redevelopment. I therefore read the EIR with interest, and was surprised to learn that it assesses the Miller Creek school as having spare capacity. For context, these facilities are currently so overcrowded that the district is considering splitting the 2024-25 TK class into two, one to attend mornings and the other afternoons, because there simply isn't enough room to offer full-day classes to all TK students.

Reading section 4.13 of the draft EIR, it appears the developers wave away capacity concerns by... simply combining the Miller Creek school district with the far larger San Rafael school district in assessing capacity. As you of course know, these are in fact fully distinct districts, with the full burden of welcoming new students falling on Miller Creek.

I would respectfully request that should it remain assigned to Miller Creek School District, the Northgate redevelopment project contributes sufficient developer fee to build sufficient new capacity to welcome these new students.

To give you a sense of scale, repairing and improving classrooms and instructional technologies cost the Miller Creek School District $30 million in 2014 (Bond Measure C; details on the work performed can be found here: https://www.millercreeksd.org/about/miller-creek-school-district-bond-measure-c). Building the equivalent of one full elementary school (the expected new enrollment matches that of Lucas valley Elementary) would no doubt cost more.

Marin and our community must do their part to welcome and educate the next generation of Californians. I hope that San Rafael, Miller Creek and Northgate will work together to ensure that Miller Creek students, both current and soon to join us, can enjoy adequate educational facilities.

Best regards,
Pascal Karsenti

Response to Letter C-92

Pascal Karsenti
March 2, 2024

Response C-92-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District (MCSD) and refers to current capacity issues. The comment incorrectly states that the analysis of school capacity relies solely on the combined available capacity of the MCSD and the San Rafael City Schools District (SRCS), both of which serve San Rafael. As stated on page 4.13-4 of the Draft EIR, most of the student population within the project area would attend the nearest MCSD schools, specifically Vallecito Elementary and Miller Creek Middle schools, while high school students would attend SRCS schools. However, intra-district transfers are permitted, and the capacity within both school districts is identified in Tables 4.13.A and 4.13.B of the Draft EIR. As stated on page 4.13-15 of the Draft EIR, student enrollment generated by the proposed project would exceed available capacity within both school districts. The comment also provides a weblink to Miller Creek Bond Measure C details and is noted. Please refer to Responses A-3-1 through A-3-12, which further address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Corrine Kasman
To: April Talley
Subject: Northgate Comments
Date: Tuesday, March 5, 2024 10:57:43 AM

Hi April,

As a homeowner, taxpayer, and parent with children in Vallecito and Miller Creek, I am writing to express my significant concerns regarding the proposed redevelopment plan and its potential impact on our community. **C-93-1**

Firstly, I am worried about the public safety hazards associated with parking and overcrowding, particularly during school drop-off and pick-up hours. These issues could pose significant risks to our community members, including children and pedestrians.

Furthermore, I am concerned about the potential increase in water usage that the redevelopment plan may bring about. As responsible stewards of our environment, it's crucial to carefully consider and mitigate any additional strain on our water resources.

Additionally, I would like to address Section 4.13 of the Draft Environmental Impact Report, which concludes that impacts to schools associated with the project are less than significant. However, in my view, this conclusion is inaccurate. **The developer fees proposed do not seem to adequately address the full extent of the project's impact on district facilities, students, parents, and staff.**

I urge you to thoroughly review these concerns and ensure that the final development plan reflects the best interests and safety of our community. It's vital that the voices and concerns of residents like myself are taken into account during this process.

I also find it extremely disheartening that the committee does not take into consideration the families that already live in Terra Linda. All the families we know in Terra Linda moved here for a specific reason. To raise their children in a beautiful suburban environment, putting their life savings into small homes to ensure their children get a good public education. We did not move here and pay high taxes to have overcrowding in our schools and in our town overall. Most of the community does not understand why Terra Linda specifically needs to take on the majority of the housing being mandated in Marin county overall.

My understanding is that Terra Linda is going to absorb approximately 57% of the state mandated RHNA for all of San Rafael. I think the greed and lack of caring about the current residents is disgusting.

Can you please confirm this email and that the current community's concerns are being addressed?

Sincerely,
Corrine

Response to Letter C-93

Corrine Kasman
March 5, 2024

Response C-93-1

This comment expresses general concerns related to the density and population of the proposed project and associated impacts, including population increase in the project area, school operations and capacity, and water demand.

Refer to Sections 4.2, Population and Housing, 4.13, Public Services and Recreation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Responses A-3-1 through A-3-12, which address concerns related to schools, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Wednesday, February 14, 2024 9:41:17 PM

Next Steps: Sync an Email Add-On

Name

Diane Kay

Email

dianekay3@gmail.com

Submit Public Comment

I would like to comment on the visual analysis. It would be very helpful to have a map or plan that shows where the photos are taken for the visual simulations and the direction of the viewpoints. Also, it appears as though there are no visual simulations that indicate the up-close visual impact of 6 and 7 story buildings on the streets that border and surround the property to the south, west and north. Most of the simulations are from more distant views. I am interested in the visual impact on the immediate neighborhood and adjacent streets since the density of the deveopment and massing proposed is a significant change to this low density neighborhood. While there are a few 4-6 story buildings in the neighbohood, it can still be characterized as a low density suburban neighborhood, in my opinion. I do not see sufficient visual simulations to address impacts as seen from locations adjacent to the site, especially from the south and west where the tallest residential buildings are proposed. I have no sense of the mass and scale of the development as seen from the immediately adjacent streets. Also, what views are blocked from the street levels surrounding the property on the west, south and north? In my opinion, the visual simulation analysis needs to be expanded to include additional viewpoints that are closer to the actual site on all immediate adjacent streets in order to better analyze impacts on the immediate neighborhood. Thank you for your consideration. **C-94-1**

Response to Letter C-94

Diane Kay
February 14, 2024

Response C-94-1

This comment expresses general concerns related to the size and scale of the proposed project and the analysis of impacts to visual resources as provided in the Draft EIR. Refer to Figure 4.3-1 on page 4.3-5 of the Draft EIR, which provides a map of the visual simulation viewpoint locations and directions. Also refer to Responses B-2-3 and B-8B-6, which address requests for additional visual simulations of the project. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Kristin Keck
To: April.Talley@cityofsanrafael.org
Subject: Northgate development
Date: Tuesday, February 27, 2024 10:28:32 AM

We are happy to see our community welcoming new people. However, the fact that the developer's fees will not cover the additional cost to the schools is unacceptable. The developers must cover these expenses in order to build in our community. Our existing students as well as the new ones deserve better. **C-95-1**

Thank you,
Kristin Keck, parent of 2 MCSD students

Response to Letter C-95

Kristin Keck
February 27, 2024

Response C-95-1

This comment generally expresses concerns that payment of fees does not alleviate potential impacts to school services. Please refer to Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Thursday, February 22, 2024 10:00:50 PM

Next Steps: Sync an Email Add-On

Name

Terrence Keenan

Email

tkeen89@msn.com

Submit Public Comment

With Traffic as it is now and adding thousands of more autos and people is not a solution but is adding to problem. Yes, to additional living space and a smaller more attractive business area. But it needs to be temper and reduce in size to be successful for Marin, the people who live in the area. **C-96-1**

Response to Letter C-96

Terrence Keenan
February 22, 2024

Response C-96-1

This comment expresses general concerns related to the size and scale of the proposed project and associated traffic. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Section 4.9, Transportation, which addresses the above concerns and, as demonstrated in the analysis, determined that impacts related to this topic would be less than significant pursuant to established thresholds. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, March 5, 2024 10:15:20 AM

Next Steps: Sync an Email Add-On

Name

Geraldine Kerby

Email

gjkerbys@sbcglobal.net

Submit Public Comment

Regarding the Northgate Town Square development, I am very concerned. Please reconsider the plans for such high buildings. The environmental impact on our community would be enormous. C-97-1

We had the insight to protect our community with Open Space which has saved our landscape and views. Six, seven and nine story structures will change the entire feel of our area and produce unwanted gases detrimental to our health.

Please consider lowering the height of your planned structures.

Thank you

Response to Letter C-97

Geraldine Kerby
March 5, 2024

Response C-97-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts to undeveloped open space, views, and emissions. This comment is primarily an opinion on the merits of the project, which is located on a developed infill site, and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.3, Visual Resources, and 4.10, Air Quality, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be less than significant with implementation of identified mitigation measures. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Sarah Khorasanee
To: April Talley
Subject: Northgate Town Square Environmental Review
Date: Friday, March 8, 2024 11:59:58 PM

Dear City of San Rafael Planning Division,

I am concerned the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project account for the significant potential impact to the students of the Miller Creek School District.

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours, which are already heavily congested*
- *Section 4.13 improperly concludes that impacts to schools associated with the Project are less than significant. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff. We are concerned about covering the cost of the increased student population. With no parcel tax allocated to the new residences, there is an enormous burden on a school district that already has an over $1.2 million deficit for the next school year.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

C-98-1

Response to Letter C-98

Sarah Khorasanee
March 9, 2024

Response C-98-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Cynthia Kinavey
To: April Talley
Subject: Dear Commissioners,
Date: Tuesday, March 5, 2024 11:07:20 PM

Dear Commissioners,

I have lived in San Rafael for 54 years and both of our children graduated from Terra Linda High School.
I do believe that we need to create affordable housing with availability of stores and restaurants so that they can be accessed on foot and decrease traffic. However , I would prefer to prevent the addition of drive- through restaurants and add a supermarket. We have some in this area already. An in-dining one would be better.
Also , having 7 story buildings does not fit in the aesthetics of the surrounding area (maybe 4-5) and could be an evacuation problem in case of emergency. **C-99-1**
Again, I know that we need more housing but we need to be more mindful of how it will fit in this area.
Thank you, Cynthia Kinavey

Sent from my iPad

Response to Letter C-99

Cynthia Kinavey
March 5, 2024

Response C-99-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and associated impacts, including aesthetics and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.3, Visual Resources, and 4.9, Transportation, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2 regarding the merits of the proposed project.

From: Beth Knight
To: April.Talley@cityofsanrafael.org
Subject: Concern about Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 9:51:01 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-100-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

We love living in this community and a large part of that is the quality of the schools. We would hate to see the schools' quality decline due to a huge increase in student population without the funding to accommodate them.

Thank you for considering,
Beth Hawkins
Parent for Vallecito & Miller Creek Middle School

Sent from my iPhone

Response to Letter C-100

Beth Knight
February 27, 2024

Response C-100-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Ronny Knight
To: April.Talley@cityofsanrafael.org
Cc: AprilT@cityofsanrafael.org
Subject: Concerned resident of Terra Linda (Not a "form" letter)
Date: Tuesday, February 27, 2024 10:46:04 AM

Dear April and City of San Rafael Planning Division,

This is not a "form letter". I hope you will read it in full. Much thought was put into it.

C-101-1

Like many of my neighbors, I am concerned about the impact of the Northgate Mall Redevelopment Project. I have reviewed The Draft Environmental Impact Report and it does not fully analyze and mitigate the potential significant and cumulative impacts to many areas of infrastructure such as police, fire dept, and education. My decision to move here 7 years ago was based almost entirely on the strength of the school system and safety in this community. This project will draw on already scant resources, and while I admit I have not seen all the mitigation proposals, I have been informed by leaders of the various aforementioned groups (police, fire and education) that mitigation efforts lack and our community will suffer. I have laid out some obvious conflicts below.

EDUCATION:

The District's facilities cannot accommodate students generated from the project. The students, parents, faculty, staff, and community of the Miller Creek School District will suffer and the school district has shared the sections below w/ me which do not address issues fully.

According to the MCSD, the proposed project would be estimated to generate approximately 91 students from market rate units and 42 students from affordable units in Phase 1, for a total of 133 new students. In Phase 2, the proposed project would be estimated to generate 58 students from market rate units and 142 students from affordable units, for a total of 200 students. At buildout, the MCSD estimates a total of 333 elementary and middle school students would be generated.

While implementation of the proposed project would generate new students, possibly requiring the expansion of school facilities, such development would be subject to the Mitigation Fee Act. The payment of such fees is deemed to fully mitigate the impacts of new development on school facilities, per California Government Code Section 65995

The only three public high schools in San Rafael are CURRENTLY OVER CAPACITY, yet the EI report states that generating new students would "possibly" require the expansion of school facilities. We are already overdue for expansion. Addition of new students w/out expansion will be horrible.

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

LAW ENFORCEMENT:

As an unincorporated community, Terra Linda already has virtually no police presence. I rarely ever see patrol cars and there are so many traffic violations already. Even San Rafael has an already underfunded

police dept resulting in weak police response to their areas. And why is the San Rafael Police info even included in this report, if Terra Linda is not served by them, but by CHP instead?

The demographics of apartment dwellers intrinsically lends itself to higher crime. Case in point: The Safeway in Northgate One (closest to the largest current apartment building complex in the area) has become a breeding ground for seedy activity. I have personally witnessed multiple fist fights, and homeless panhandling and drug use happens daily. Just a couple months ago a junky in a wheelchair nodded out right in front of Great Clips while I sat inside with my 6 and 9 year olds waiting for a haircut.

The project site is located within Beat 5, which had an average response time of 28 minutes, 49 seconds in 2021, which was similar to the citywide average of 28 minutes, 34 seconds. Priority 1 calls, which are the most urgent, ha d a response time of 7 minutes, 46 seconds, while Priority 2 and 3 calls had response times of 22 minutes and 48 minutes, 55 seconds, respectively.

FIRE DEPARTMENT:

Already underfunded fire department. Fire risk and actual *occurrence has only risen recently, and our fireman to resident ratio is clearly stated in your report to be under average. I would hope mitigation efforts would more than compensate for the added strain on already lacking resources.*

C-101-1 (cont.)

I urge, implore and beg you and the City to revise the impact findings to accurately reflect the real impact the project will have on our infrastructure schools.

Thank you,
Ronny Knight

……..
ronny knight
810 Butternut Drive,
San Rafael, CA 94903
rpk415@gmail.com

Response to Letter C-101

Ronny Knight
February 27, 2024

Response C-101-1

This comment expresses general concerns related to the Draft EIR analysis of impacts and conclusions related to police, fire, and school services and provides an opinion and observation on crime activity associated with similar uses, and funding and service concerns, but does not cite specific evidence in support of the claimed deficiencies. These comments are noted.

The comment also states that the nearby unincorporated Terra Linda community is served by the California Highway Patrol (CHP) and not the San Rafael Police Department (SRPD). The Draft EIR analyzes impacts of the project on police services within and in the vicinity of the project site. The project site is served by the SRPD and in fact currently houses an existing SRPD substation. Therefore, the Draft EIR appropriately analyzes the potential impacts of the project on SRPD services and facilities.

Please refer to Section 4.13, Public Services and Recreation, of the Draft EIR, which addresses the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Responses A-3-1 through A-3-12, which address concerns related to school services, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Thursday, February 22, 2024 8:02:56 PM

Next Steps: Sync an Email Add-On

Name

HELEN KOTOV

Email

helenkotov@comcast.net

Submit Public Comment

C-102-1

To whom it may concern;

I'm writing my concerns in regards to Northgate Town Square Draft EIR.
While I support creating a multi-use functioning mall along with residencies, I'm concerned about:
1. local traffic it will affect with the number of new residents;
2. noise generated by cars;
3. eucalyptus trees along Los Ranchitos Rd that will create a tunnel prone to falling trees.

It would be everyone's dream to create and enhance local environment with striving mall, businesses, recreational spaces, new residencies and happy old residents like myself.

Sincerely,
Helen

Opt Out of Email Updates

- Select the checkbox if you do NOT want to sign up for email updates.

Response to Letter C-102

Helen Kotov
February 22, 2024

Response C-102-1

This comment expresses general concerns related to traffic congestion and traffic noise generated by the proposed project and the proximity of tall off-site eucalyptus trees to the proposed development. This is primarily a comment on the merits of the proposed project and design and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.9, Transportation, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Regina Kretschmer
To: April.Talley@cityofsanrafael.org
Subject: FOR PUBLIC COMMENT - NORTHGATE PROJECT DEIR
Date: Monday, February 26, 2024 8:32:28 PM

FOR PDear Ms Talley

I would like to have my letter included for the March 13th meeting, and I am speaking for my husband of 55 years and for myself as we have lived in Terra Linda, in the same house since 1970.

We love this community and would love to see it prosper and continue to bring people into it from different wakes of life and the center of the life of this community in the past, was always NORTHGATE MALL, open and closed in. **C-103-1**

We realize that housing is needed, and housing for affordable prices, and amenities that will keep the residents in the area, and make it easy on the traffic, pollution, noise, etc.

The proposal of a 7-story building across from one story homes is definitely a no no!

The noise, traffic and pollution from the proposed development is definitely not acceptable, as drive ins or drive through restaurants, which bring people in their cars, who stay in their cars, pollute the air, pollute with noise, throw their garbage out the window, and do not stay in the area to shop. In and out of the freeway quickly. NOT ACCEPTABLE.

We need a nice big green area, away from parking, for families, older people, to feel comfortable having a meal, cup of coffee, or beer at the end of the day, that is safe and offers some comfort and shade from the sun in the summer and rain in the winter. It was always a very popular Mall.

High quality stores as stores for everybody.

Please listen to the community. We do not want to leave and want people to

stay and enjoy this wonderful little town of Terra Linda. It is not in vain it has the name of Terra Linda - Pretty Land.

C-103-1 (cont.)

Thank you very much for your time and attention to this matter.

Sincerely, Regina Kretschmer

wE NEED

Response to Letter C-103

Regina Kretschmer
February 26, 2024

Response C-103-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and potential impacts associated with traffic congestion, noise, and air quality emissions during proposed project operations. The comment also expresses the desire for more or different types of open space. This is primarily a comment on the merits of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.9, Transportation, 4.10, Air Quality, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that off-site impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Master Response 2, which further addresses comments related to the project merits.

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From: Byron Kuth, FAIA, Farm Rd, San Rafael CA, 94903

Date: March 5, 2024

Via Email: April.Talley@cityofsanrafael.org

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

cc: Micah Hinkle, Community Development Director, email
Margaret Kavanaugh-Lynch, Planning Manager, email
April Talley, Northgate Project Manager, email

Re: For Public Comment on Northgate Town Square Redevelopment Project
Draft Environmental Impact Report: Section 4.3 (Visual Resources)

Dear Planning Division,

As an Architect working in the Bay area for over 30 years and as a resident of Los Ranchitos in San Rafael, I have a significant interest in the development at the Northgate Mall. I am an advocate for more housing and am excited that the mall is being transformed into a new neighborhood. I am very supportive of the overall objectives of the Northgate Town Square Redevelopment Project; however,I am concerned that the Draft Environmental Impact Report (DEIR) does not adequately assess the scale, character, and community impacts of the project. **C-104-1**

This letter and attached images make preliminary comments on this issue I raise and are based on my initial review of the DEIR. I reserve the right to make additional comments as more information becomes available.

COMMENTS AND ALTERNATIVE VISION

In the DEIR, there are no telling photographs or scaled 3-D renderings that accurately portray the existing conditions of this project's impact on the site, surrounding context; specifically, the proposed new structures – particularly the proposed 5-, 6- and 7-story buildings.

In multiple public meetings, the applicant promised that dynamic 3-D computer renderings of the project would be provided "once the design is finalized". Without such realistic renderings, the public and the City cannot assess how the proposed new structures will appear from street level and from surrounding properties; how the structures impact views of the surrounding hills; how the scale of the proposed buildings will appear to pedestrians, passing vehicles, and nearby residents. For example, the Design Review Board noted that the height of the Residential 4 building will isolate the Town Square from the surrounding residents by erecting 85-90' tall wall of housing right at the entry to the public areas. I agree with the DRB and feel strongly that the project in this regard, does not integrate with the surrounding scale of the context or provide open public access for the north San Rafael neighborhoods. An inviting and accessible Town Square was what the developers promised the throughout the process and this development project has come up short.

The General Plan 2040 in Policy LU-3.2 definitively states that new development in Residential Neighborhoods should:

- Enhance neighborhood image and design quality
- Incorporate sensitive transitions in height and setbacks from adjacent properties
- Preserve historic, unique, and architecturally significant structures
- Respect and enhance natural features and terrain.

In addition to this Letter, I have included an **Attachment** with a scaled digital model, an alternative planning *Vision*, and a unit matrix, to test the guidelines set by the General Plan and followed by the DEIR, **C-104-1 (cont.)**

The digital model in this **Attachment** shows clearly that the development represented in the DEIR presents numerous problems such as the entryway to the Town Square being dominated by six and seven-story buildings which are starkly out of scale with the commercial 2-and 3-story buildings along Los Ranchitos Road. Also it is clear that the proposed tall buildings block views of the Town Square and of hillsides currently visible on the west and south sides of the project site.

A recent series of events at the Northgate site may indicate the potential closing of the Macy's Store. Opening up the center of the site where the Macy's currently stands, could provide an opportunity to adjust the present design of the project which is now in conflict with the General Plan and the expectations the community was led to believe.

The Mitigation Measures proposed in the DEIR to mitigate scale, by lowering the 7 story Block 4 by only 1 level is obviously inadequate in affecting any real difference in the problematic scale and density of the project. The placement of large 7-story housing block can now be reconsidered due to Macy's possible departure, making way for a more thoughtful and sincere public engagement by the developers to galvanize the City and citizens; resulting in a development that offers an authentic sense of place and vital community resource.

In addition to the scaled 3-D digital image in the **Attachment** which portrays the problematic magnitude of the impact of Block 4, I have outlined a *Vision* for the reorganization of the housing. Moving the taller 7-story housing blocks to the west allows a better connection between Los Ranchitos Rd and the Town Square, and balances the scale of the development for compatibility with the surrounding neighborhoods and context. The goal is to bring the project into closer alignment with the General Plan and community expectations.

The attached Vision illustrates an alternative proposal that:

- Lowers the height of the housing blocks along Los Ranchitos Rd
- Relocates a portion of the units at Block 4 to the western district of the site
- Proposes rebuilding the existing parking structure to support housing above
- Opens up the entry corridor from Los Ranchitos Rd to the new Town Square

Note: A conceptualized matrix includes unit distribution supporting the densifying of the housing in the western quadrant of the site.

I request that the DEIR consider an alternative that accommodates taller housing blocks of no more than 5 stories to the center and eastern edge of the site as well as creating a more successful integration of the public realm. Adjusting the current plan would also provide an opportunity to enlarge the Town Square and build much needed housing sooner.

Thank you for your consideration of these comments.

Sincerely, Byron Kuth FAIA

NorthGate Town Square Redevelopment Project (DEIR)

03.03.2024

NorthGate - Axonimetric of current DEIR

NorthGate - Axonimetric of Alternative Housing Distribution

A Reduce height of Housing Block 3 to a mix of 4-5 stories.

B Housing block 4. Eliminate northern section of housing block. Replace with parking lot connecting Los Ranchitos Rd and Town Square. Reduce height of remaining southern block to a maximum of 5 levels.

C Open up connection between Los Ranchitos Rd and Town Square with a well vegetated surface parking area. Develop tree lined entry corridor leading to Town Square.

D Eliminate parking at Town Square and replace with open green space, doubling the size of park.

E Demolish dated parking structure and replace with high density housing block with a maximum of 7 levels. Lower level parking to serve residents and public.

F With the closure of Macy's, develop Housing Block 5 in Phase 1 with a maximum height of 5 stories.

G Western sites available for further housing development in Phase 2.

NorthGate Town Square Redevelopment Project (DEIR)

03.03.2024

UNIT LOSS & GAIN

Block 1:	*(No change)*	**Remaining units: 96 units**
Block 2:	*(No change)*	**Remaining units: 85 units**
Block 3:	*Current unit count. 280 Reduce by 1 story, minus 45-50 units.*	**Remaining units: 200-240 units**
Block 4 South:	*Current unit count 200. Reduce by 1 story, minus 55-60 units.*	**Remaining units: 130-140 units**
Block 4 North:	*Current unit count 246.* *Eliminate north section, minus 240-250 units.*	**Remaining units: 0 units**
Block 5:	*Current unit count.254.* *Build in Phase 1 instead of Phase 2 on Macy's site.*	**Gain 254 units**
Block 6:	*Current unit count 249. Build in Phase 2 as planned.*	**Gain 249 units (in Phase 2)**
Block 7:	*(Proposed New Block in Phase 1)demo existing garage level and replace with 7 story structure with 2 levels of public parking below grade at Northgate drive.*	**Gain 200-250 units**
Block 8:	*(Proposed new Block in Phase 2)* *buildout at northwest area or at old Macy's site.*	**Gain 150-200 units (in Phase 2)**

Unit totals:

Phase 1: 950-1,300 units

Phase 2: 350-400 units

Total Phase 1 and 2: 1450-1700 units

Response to Letter C-104

Byron Kuth
March 5, 2024

Response C-104-1

The comment states the concern that the Draft EIR does not adequately assess the scale, character, and community impacts of the proposed project and lists applicable General Plan policies that relate to neighborhood character (General Plan Policy LU-3.2). The comment also includes attachments with a scaled digital model; a suggested alternative with reduced building heights, changes to unit mix and location, and other design changes; and a proposed unit matrix. It is unclear what modeling techniques or inputs were used to develop the digital model provided in the attachment to the comment; however, this and the other attachments are noted.

The comment also states the opinion that 3-D scale renderings of the proposed project are required to understand the impacts of the project on the visual character of the project area; refer to Response B-10-2 regarding 3-D renderings of the proposed project. The comment also refers to a mitigation measure in the Draft EIR that identifies a reduction in building heights to reduce the scale of the proposed seven-story building; no such mitigation measure is identified or required in the Draft EIR. Refer to Sections 4.1, Land Use and Planning, and 4.3, Visual Resources of the Draft EIR. All impacts discussed in these sections were determined to be less than significant pursuant to established thresholds, and no mitigation measures are required. Also refer to Chapter 2.0, Revised Project of this RTC Document, which describes modifications to the proposed project's building heights and confirms that potential impacts (i.e., scenic views, shadows) related to the increase of the Residential Parcel 5 building height would continue to be less than significant with the revised project.

The comment goes on to provide details of a suggested alternative to the project for consideration by the City ; this alternative concept is noted. It is unclear how such an alternative would reduce or avoid significant environmental effects identified in the Draft EIR. Please refer to Master Response 5 regarding the scope of project alternatives and Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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2/24/2024

Planning Division City of San Rafael Community Development Department

1400 5th Ave., San Rafael, Ca. 94903

Public Comment re: Northgate Town Square Redevelopment DEIR

I have been a resident of Terra Linda for 52 years. I raised my family here. My children were schooled in the Dixie and San Rafael school Districts. It appears to me that the changes being proposed by the redevelopment of Northgate Mall could cause significant change to this community. C-105-1

I have read thoughtful and carefully considered concerns of others regarding what is being proposed as part of this development. Their observations and suggestions, of course, deserve thorough examination, specific responses, and accommodation in the process and project where appropriate.

As for me, I consider a seven story tall residential development would be inappropriate in this community, if that is what is being proposed. I consider full development of the corridor connecting Northgate and the Civic Center Transit Station to be essential to any plan for significant new development. Lastly, I urge careful review of all elements being considered for inclusion in the project so as to assure they would not encourage greater dependence on auto travel, but instead promote enhanced use of public transit.

I appreciate you recognize that this project is important to our community and you are therefore undertaking the complicated and difficult task of seeking broad input. It seems the community is of a similar mind and therefore I look forward to a positive outcome to these efforts.

Respectfully,

Jerome Kuykendall

23 Elda Drive, San Rafael, Ca 94903

Response to Letter C-105

Jerome Kuykendall
March 4, 2024

Response C-105-1

This comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits and design.

From: Raksha Lahiri
To: April.Talley@cityofsanrafael.org
Subject: San Rafael/northgate project
Date: Tuesday, February 27, 2024 4:09:04 PM

Hi April- we are a family living in Lucas valley and our 2 young boys go to Lucas valley elementary school. We are extremely concerned with the size of the new northgate development . The schools in the area already do not have enough resources and the strain of adding all these potential new families would be such a strain and tremendously increase the costs of running the school - not to mention the strain on the resources they already have. The new facility will also cause a huge strain on the traffic given many of the roads are single roads leading in and out of town. I hope this project does not go through for the sake of the residents in this community . **C-106-1**

Response to Letter C-106

Raksha Lahiri
February 27, 2024

Response C-106-1

This comment expresses general concerns related to the size and scale of the proposed project and potential impacts associated with traffic congestion and school capacity. This is primarily a comment on the merits of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.9, Transportation, and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Responses A-3-1 through A-3-12, which address concerns related to school services, and Master Response 2, which further addresses comments related to the project merits.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Monday, January 29, 2024 10:27:53 AM

Name

Todd Lancaster

Email

todd@americanwreckinginc.com

Comments

Who is the general contractor on this project? C-107-1

Response to Letter C-107

Todd Lancaster
January 29, 2024

Response C-107-1

This comment requests the name of the general contractor for the proposed project. The project is in the conceptual stages of design and the construction team will likely be identified if and after project approvals and entitlements are complete. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Tuesday, January 9, 2024 11:40:11 AM

Name

Robert Langenhan

Email

r.langenhan@comcast.net

Comments

My worries stem from soil contamination at Sear's automotive area from disposal of hazardous substances; existing roads will not support increase in vehicle activity(not everyone will walk or use bicycles)especially when 101 is backed up and local Terra Linda roads are the natural spillover. When 2295 new tenants flush toilets, shower, etc-the water availability is crucial in drought years. Sewers get clogged when residents and restaurants think everything gets flushed down leading to clogged sewer system. Perhaps a 5 story high parking structure at an open space fed by an electric shuttle

C-108-1

Response to Letter C-108

Robert Langenhan
January 9, 2024

Response C-108-1

This comment expresses general concerns related to the project as proposed and potential impacts associated with hazardous materials releases, traffic congestion, water supply, and sewer capacity. This is primarily a comment on the merits of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.8, Hazards and Hazardous Materials, 4.9, Transportation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures. Also refer to Master Response 2, which further addresses comments related to the project merits.

February 10, 2024

RE: Proposed Northgate Mall Development Project and Draft EIR

Dear Planning Commissioners,

I am writing in reference to the proposed Northgate Mall residential and commercial development project. I wholeheartedly agree that additional residential housing is needed in Marin County and throughout the State of California to address the housing shortage that currently exists. However, as set forth below, I am opposed to the Northgate Mall development project ("the Project") as it is currently proposed.

I. **The Project Would Unduly Burden the Terra Linda Community**

The San Rafael Housing Element 2023-2031 identified over 100 sites for housing opportunities to satisfy the City of San Rafael's plan for 3,220 residential units by 2031. The Project proposes to build up to 1,442 residential units at the Northgate Mall site. This would result in one community alone, Terra Linda, shouldering the brunt of approximately 45% of the new 3,220 residential units specified in the San Rafael Housing Element. This is far from a fair distribution of new housing throughout the city and would be unduly burdensome for the community of Terra Linda. Destroying the long standing infrastructure and character of Terra Linda and the patterns and daily lives of its residents, as discussed below, should not be the answer to Marin County's housing shortage. C-109-1

1. <u>The Project likely would inundate Terra Linda's road network</u>

One of several examples of the negative, disproportionate impact to Terra Linda is the large traffic increase that would occur. I disagree strongly with the Transportation Impact Study's finding that the Project "would result in a reduction in traffic on the surrounding roadway network" and will not contribute to failing levels. (See Transportation Impact Study, p. 33) Common sense clearly indicates otherwise and the Study's findings stretch the bounds of credulity.

Adding up to 1,422 housing units and thousands of additional residents (many of whom will own vehicles) likely would result in significant traffic impacts beyond the capacity of the current road network. Notably, this is not a realistic transit oriented development (TOD) site - SMART does not carry a significant number of passengers and it does not travel to high density work sites. In fact, studies have shown that persons often are not willing to take multi-modal transports to their work sites so mass travel to the Larkspur Ferry and then to San Francisco is highly unlikely. Further, given that the Northgate Mall site is so close to downtown San Rafael, there is no reason to believe that the new residents commuting to downtown San Rafael would act any differently than existing residents who overwhelmingly commute and travel via single occupant vehicles. As such, it is highly probable that the thousands of new residents would significantly contribute to increased traffic load on local streets and regional arterials. Again, commute numbers going north are minimal on SMART and there are no traffic delay incentives to encourage transit ridership in the reverse commute direction so SMART really would not act as a transit oriented development (TOD) site for this project.

2. The Northgate Mall Project likely would cause dangerous overcrowding of evacuation routes and negatively impact emergency response times

In addition, I am deeply concerned that the Project would delay emergency response times and obstruct safe evacuation routes in case of natural disasters due to the limited road network in the Northgate Mall and surrounding residential and commercial areas. The Transportation Impact Study's finding that the Project would have a "beneficial" impact on emergency response times defies logic. (See Transportation Impact Study, p. 33). Without vastly improving the current road network, basic common sense clearly indicates that such a large population and vehicle increase in a condensed area with a limited road network would cause potentially dangerous, and perhaps life threatening, conditions due to emergency response time delays and roads overwhelmed with vehicles if a sudden evacuation of the greater community were necessary. **C-109-1 (cont.)**

II. The Northgate Mall Development Project Is Not Compatible With and Does Not Enhance the Existing Community Character

The massive number of new residences and huge size of the residential buildings (up to seven-stories high) proposed by the Project are not compatible with and do not enhance the existing community character. In fact, they actually would ruin the quiet, bucolic nature of Terra Linda which is comprised largely of single story family homes, senior living facilities and a cemetery.

Terra Linda is not a bustling mini-metropolis as envisioned by the Project and would certainly not be enhanced by it. I moved to Terra Linda from San Francisco (and Manhattan before that) to escape the noise, hassles and inconveniences of city life and to enjoy a more peaceful suburban setting. Forcing me and my fellow neighbors to live next to a construction zone for the next 20+ years and thousands of new, additional residents and a series of massive residential buildings just half a block away from my home would irrevocably and detrimentally alter my quality of life and that of the Terra Linda community at large.

Further, the significant height of the proposed residential buildings (up to seven-stories tall) would obstruct the view corridors for a number of Terra Linda's residents and would create an oppressive environment for the neighborhood. Instead of wide open and expansive vistas as we walk throughout our neighborhood, we would be faced with huge buildings blocking the open air, trees, hillsides and open space that we currently enjoy. We do not want to live in a mini-Manhattan and should not be forced to do so.

The Project developers attempt to justify the height and scale of the buildings by comparing them to Macy's and Kohl's. However, Macy's and Kohl's are not seven-stories and, significantly, they are located in a part of the Mall site that is much farther away from the existing residential neighborhood than the proposed new residential buildings would be.

Notably, according to Phase II of the Project proposal, Macy's and Kohl's will be demolished. As Macy's and Kohl's eventually will be demolished anyway, I do not understand why the Project would locate the new residences so close to the existing residential neighborhood. Instead, the Project developers should place all of the proposed residential units on the North side of the Mall site (where Rite-Aid and Macy's and their parking lots currently are located) so the new residences are not immediately adjacent to and practically on top of the existing neighborhood. Preserving the well being of the larger community is certainly worth modifying the Project in this way regardless of any excuses the developers might raise.

III. The Planning Commission Should Responsibly Balance the Need for Additional Housing with the Goal of Preserving the Nature of San Rafael's Communities

1. A reasonable plan for housing development at Northgate Mall should be the goal

To be clear, I am not against building any residential housing at Northgate Mall and there are parts of the Project I very much appreciate, such as a Town Center concept to improve community vitality. However, as the Design Review Board stated during its review, the Project in its current iteration is just too big.

Reasonability and moderation should be key principles here, especially when the quality of life for so many will be dramatically impacted. If well designed, a proposal of 300 to 400 new residential units would provide much needed new housing, maintain the current character of the neighborhood, and not overburden the local road network. It should be noted that a project of this size (300 to 400 units) would be the largest housing development in the history of San Rafael. Locating all of the new units at the North side of the Mall site, farther away from the existing residential neighborhood and closer to the transit and transportation network (the efficient use of which is a purported Project goal), would be a much more reasonable approach. This would create more open space throughout the site and a better transition to the single family home neighborhood as well as improve traffic circulation for new and existing residents. This also would be far more likely to accomplish both objectives of developing new housing while preserving the character and quality of life of the Terra Linda community. If done correctly, I believe this would make the Project far more palatable to existing residents. **C-109-1 (cont.)**

2. Distributing new housing more equitably throughout the City of San Rafael would prevent a significantly disproportionate impact to one community alone

The traffic and other issues discussed above are just a few examples of the significant impacts to Terra Linda under the current Project. To prevent this, new housing should be distributed more fairly and equitably throughout the region. Therefore, every community would obtain the benefits of additional housing, new residents would have a choice of neighborhoods in which to live, and the impacts from new housing development would be distributed and better absorbed across a broader area thereby dissipating them and greatly reducing any disproportionate impact to one community.

Thank you for your consideration.

Very truly yours,

Jeanine Larrea
Terra Linda Resident

Response to Letter C-109

Jeanine Larrea
February 10, 2024

Response C-109-1

This comment expresses general concerns related to the size, scale, and population density proposed by the project and concentration of planned housing increases within the project area, and associated impacts including traffic congestion, transit use and access, emergency access and evacuation, construction period noise, land use compatibility, and visual character and views. The comment also provides general suggestions for alternatives to the project, including a reduction in the number and change in location of the proposed housing units. This comment is primarily an opinion on the merits and design of the project and impacts identified in the Draft EIR, and is noted.

Refer to Sections 4.2, Population and Housing, 4.9, Transportation, 4.12, Noise, 4.1, Land Use and Planning, and 4.3, Visual Resources, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be mitigated to less than significant with implementation of identified mitigation measures. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-9-1 for further information related to emergency evacuation, Responses B-8B-6 and B-10-3 regarding impacts to views and visual character, and Responses B-8E-7 and B-8E-9 regarding construction noise. Also refer to Master Response 2, which further addresses comments related to the project merits, and Master Response 5 regarding project alternatives.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

February 26, 2024

RE: For Public Comment re: the Northgate DEIR

Dear Planning Commissioners,

I am writing in reference to the proposed Northgate Mall DEIR. I agree that additional residential housing is needed in Marin County to address the housing shortage. However, as stated in my letter dated February 10, 2024, submitted for public comment to the Northgate DEIR, I have concerns with the Northgate Mall development project ("the Project") as it is currently proposed. Below is additional discussion of some of my carbon emission, traffic and safety concerns. C-110-1

A. Reducing carbon emissions should be a top priority for the Project

The City of San Rafael has expressed its intent to be a leader in fighting global climate change. The developers propose to build transit-oriented housing with convenient access to local bus pads and the SMART train. Unfortunately, the Project misses the chance to create a better and more convenient incentive for the new Mall site residents to commute via transit. As discussed below, the Project currently fails to serve as a true transit oriented development which would decrease traffic and reduce carbon emissions.

B. All proposed residential units should be located at the North side of the Northgate Mall which is closer to the primary transit station, the 101 bus pad

According to the California Department of Housing and Community Development's guidelines, a transit oriented housing development (TOD) should be located within one quarter-mile of a transit station[1]. **Using the TOD guidelines as a goal post to encourage the most transit ridership, all new residential units should be located at the Mall's North side in front of Macy's and the former BJ's Brewhouse (and in their parking lots stretching towards U.S. Bank and the Shell gas**

[1] See California Department of Housing and Community Development's Transit-Oriented Development Housing Program Round 4 Guidelines (Dated April 30, 2020), Article 1, Section 102 (ll), "'Qualifying Transit Station' means the Transit Station identified in the application to be within one-quarter mile of the Housing Development."

C-110-1 (cont.)

station) where they would be about or within one quarter-mile to the 101 bus pad, which is the true main transit station for the Project. Instead, the Project currently locates the majority of residential units on the other side of the Mall site which is approximately half a mile or more from the 101 bus pad, and is also well over one quarter-mile walking distance to the SMART station for what it's worth.

C. Locating the new residential units on the North Side of the Mall Site would better encourage transit use and the reduction of carbon emissions

The North side's better proximity to the 101 bus pad would provide greater encouragement to the Mall site residents to use transit. This would be an important design change that would benefit the Project's housing development, the local community and the larger world by helping to reduce traffic, reduce the project's carbon footprint and address global climate change.

As noted above, the main high occupancy transit opportunity for the Project is the 101 bus pad (not the SMART station). The 101 corridor serves, and in the future will continue to serve, as the primary transportation infrastructure for Marin County. The 101 bus pad is, and will continue to be, the main transit site for the Project area and is the Project's most efficient and viable transit option.

The 101 bus pad provides direct access to downtown San Francisco via efficient limited-stop commute buses. A commute from a residence on the North side of the Mall site generally would consist of an approximate 5 minute walk to the bus pad, an approximate 50 minute ride on commuter Bus 154 to downtown San Francisco, and an approximate 5 minute walk to the worksite. This would be an approximate one hour commute and rivals the commute time for a single occupant vehicle, which might be slightly faster depending on traffic.

The Civic Center SMART station, on the other hand, is a fixed rail transit site which primarily serves as a de-boarding destination for the Marin County Civic Center office complex. The Civic Center SMART station is not a compelling commute option for Terra Linda residents as it is near the end of the transit line and it does not serve as a boarding location for a direct connection to high density office destinations.

C-110-1 (cont.)

The new Northgate residents living in the location currently proposed by the Project who would be commuting to San Francisco via SMART would have to take at least two modes of transit, incur increased travel costs, and suffer longer commute times. For example, new residents could board at the Civic Center SMART station, take SMART to the downtown San Rafael SMART station and then take a commuter bus into the City. Another option is that new residents could take SMART to Larkspur and then take a ferry to San Francisco. Such a commute would include an approximate 10 minute walk from the currently proposed Northgate residence site to SMART, a 13 minute train ride to Larkspur, an approximate 10 minute walk to the ferry, a minimum 20 minute wait for the ferry (per the current schedule), a 30 minute ferry ride, and then an approximate 10 minute walk from the San Francisco ferry building terminal to downtown San Francisco. Conservatively, this would total roughly one hour and thirty minutes each way or 3 hours round trip. Understandably, many commuters prefer not to take multiple transit systems to their work sites due to 'transfer anxiety', cost and time considerations. As such, the SMART commute options are not optimal.

However, as discussed above, if the new residents lived on the North side of the Mall site within one-quarter mile to the 101 bus pad, they could more easily walk to and board commuter Bus 154 at the bus pad traveling directly to downtown San Francisco for an approximate one hour commute. Compared to the more direct and faster commute from the 101 bus pad, the SMART train option to San Francisco is inferior. Locating the new residential units within one-quarter mile of the 101 bus pad pursuant to the California Department of Housing and Community Development's guidelines would encourage increased transit use, decreased traffic, decreased carbon emissions and improved air quality.

D. <u>The 101 Bus Pad would provide a better walk to transit and provides more flexibility for future transit opportunities</u>

As noted in Responsible Growth in Marin's public comment letter to the DEIR on Pedestrian and Bicycle Impacts, dated February 7, 2024, "if this project meets its objective of being a transit-oriented development, there will be a significant increase in pedestrian and bicycle traffic along

C-110-1 (cont.)

Merrydale Road and mitigation measures are necessary to ensure pedestrian and cyclist safety… Regional rail service is provided by SMART at the Marin Civic Center Station, a 0.39-mile walk southeast of the Project site along Merrydale Road… [T]his connection currently does not have a sidewalk and pedestrians must either walk in the road or take a longer, approximately 0.4-mile route to the station. The Draft EIR acknowledges that even though a multi-use path is planned to close this gap… these planned improvements are not currently funded."

In my view, it is untenable to build a SMART transit-oriented residential development where residents will need to walk *in the road* 0.39 miles or, alternatively, walk almost half a mile to the transit station. Instead, locating the new Northgate residential units to the North side would provide a better and shorter (within one-quarter mile) walking route on current sidewalks and crosswalks to the 101 bus pad. Pedestrian and bicycle improvements (which the developer should pay for), such as repaving or widening the walking paths, could further enhance the existing connection from Northgate to the 101 bus pad.

Again, the 101 freeway is currently the primary transportation corridor, it will remain so in the future and it provides more flexibility for future transit opportunities. For example, if policy makers decide, the 101 bus pad can be expanded to accommodate commuter carpools and vanpools (such as in the East Bay) and autonomous ride share vehicles in the future.

In sum, building all new residential units along the North side of the Project site close to the 101 bus pad will improve the likelihood of meaningful transit usage because it will decrease the number of transportation modes required for commuters, decrease costs to the commuter, result in faster commute times, reduce the risk of missed transit connections, provide a better walking route, and reduce the amount of walking required, which is especially important for transit riders in inclement weather. Further, the 101 bus pad provides more flexibility for future transit opportunities. Encouraging more transit usage will help limit traffic impacts, reduce carbon emissions and improve air quality.

C-110-1 (cont.)

E. Macy's should be demolished in Phase I to move all residential units to the Mall's North side

The developers should obtain the rights to the Macy's location and parking lots immediately in order to move all residential units to the Mall's North side instead of waiting to obtain the rights for Phase II. The long term well-being of the community should be paramount. Delays by the developer to acquire the rights to the Macy's location should not be acceptable in light of the important benefits at stake to the community and the environment.

F. The Project raises significant concerns regarding potentially dangerous overcrowding of evacuation routes and delays in emergency response times

In addition, I am deeply concerned that the Project's 3,500+ new residents and their vehicles would delay emergency response times and obstruct safe evacuation routes due to the limited road network in the Northgate Mall and surrounding residential and commercial areas. The Transportation Impact Study's finding that the Project would have a "beneficial" impact on emergency response times defies logic. (See Transportation Impact Study, p. 33).

Without vastly improving the current road network, basic common sense indicates that such a large population increase in a constrained area with a limited road network potentially could cause dangerous conditions due to emergency response time delays and roads overwhelmed with vehicles if a sudden evacuation of the greater community were necessary. We have had small fires in the neighborhood and surrounding area over the last few years (thankfully without significant damage) so this is a very real concern for our community, especially in light of recent tragic fires in Paradise and Santa Rosa. This is particularly concerning for Terra Linda which has a large number of senior citizens living in various assisted living facilities (including directly across the street from the Mall site) as well as residents in developmentally disabled group homes in the neighborhood. How can San Rafael possibly keep them and the other Terra Linda residents safe in light of the obvious traffic concerns and limited ingress/egress options? **San Rafael must prioritize the safety of its residents over any new housing development.**

C-110-1 (cont.)

G. Inaccurate baseline calls the DEIR's credibility into question

The City of San Rafael's decision to use an inaccurate baseline for the Transportation Study that assumed a fully functioning mall (which Northgate clearly is not), undermines the credibility of the DEIR and the Project. **Clearly, a new Transportation Study using legitimate baselines and reflecting current and future 'real world' conditions is necessary.**

More broadly, how can we have confidence in other DEIR findings when so obvious a flaw exists in the Transportation Study which is such an important part of the environmental impact report? Indeed, I understand that other members of the public have raised concerns about the accuracy of the DEIR's baselines, data and/or findings on noise pollution, air quality, greenhouse gas emissions, pollution and accompanying health risks (a concern for all residents but particularly for residents of nearby senior living facilities) and, of course, traffic and evacuation routes and safety.

H. San Rafael needs to ensure there will be sufficient medical resources available for all residents

San Rafael needs to ensure and demonstrate to Terra Linda residents that there are sufficient medical facilities and hospitals to address the medical needs of the many residents living in Terra Linda's senior living facilities, Terra Linda's other current residents, and all 3500+ new Northgate residents. If not, developing the residential units should wait until sufficient medical facilities are built and operational.

I. A reasonable housing development should be the goal

To be clear, I support reasonable, responsible residential development at the Northgate Mall. However, as the Design Review Board stated, the Project is just too big. Reasonability and moderation should govern in light of the traffic, safety and environmental concerns. In addition to moving the residential units to the North side, the number of residential units needs to be decreased meaningfully to address these concerns.

If well designed, a proposal of 300 to 400 new residential units located on the North side of the Mall site would provide much needed new housing, result in safer traffic conditions, lessen potential strains on

C-110-1 (cont.)

local medical facilities and lessen environmental impacts. Notably, a project of this size (300 to 400 units) still would be the largest housing development in San Rafael's history. I welcome the development of such a well-designed project which would benefit the community, the environment, and provide much needed new housing units.

J. An onsite construction manager is needed

In light of the Project's numerous and considerable impacts to Terra Linda and its residents, an onsite construction manager who is responsible for all mitigation measures and available to respond to public concerns is necessary.

Thank you for your consideration.

Very truly yours,

Jeanine Larrea
Terra Linda Resident

Response to Letter C-110

Jeanine Larrea
February 26, 2024

Response C-110-1

This comment expresses general concerns related to the size, scale, and design of the proposed project, and associated impacts including greenhouse gas (GHG) emissions, air quality, traffic congestion, transit use and access, emergency access and evacuation, medical and emergency service capacity, and construction period noise. The comment questions the baseline relied on for studies and impact conclusions. The comment also provides general suggestions for alternatives to the project, including a reduction in the number and change in location of the proposed housing units to improve transit access and use and phasing of development. The comment also requests designation of an on-site construction manager to oversee implementation of mitigation measures. This comment is primarily an opinion on the merits and design of the project and impacts identified in the Draft EIR, and is noted. The comment also references a previous letter submitted by the commenter, which is included as Letter C-109, and comments submitted by Responsible Growth in Marin, dated February 7, 2024; however, it is unclear which specific comment letter the commenter is referencing.

Refer to Sections 4.11, Greenhouse Gas Emissions, 4.10, Air Quality, 4.9, Transportation, 4.13, Public Services and Recreation, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures.

Regarding the capacity of area medical facilities to serve new development, as explained in Sections 4.2, Population and Housing, and 4.13, Public Services and Recreation, the proposed project population is consistent with the growth projections identified in the General Plan 2040. The General Plan 2040 Final EIR determined that the need for additional facilities, beyond general and ongoing needs for staffing increases and new equipment, would not be required. Therefore, impacts to public facility capacity and services, including medical facilities, would be less than significant.

Regarding traffic congestion, roadway capacity, and the baseline and methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and GHG emissions), refer to Master Responses 3 and 4. Refer to Response B-9-1 for further information related to emergency evacuation and Responses B-8E-7 and B-8E-9 regarding construction noise. A Construction Management Plan (CMP) will be required as a condition of project approval; refer to Response B-8B-30.

Regarding comments related to California Department of Housing and Community Development (HCD) guidance on the siting of transit-oriented housing development within ¼ mile of a transit station and the commenter's opinion that the proposed residential units should be situated closer to transit, this comment is noted. As stated above, all transportation-related impacts, including vehicle miles traveled (VMT) and air quality emissions impacts in particular, were determined to be less than significant. There is no nexus to require the project to reconfigure the location of certain land

uses within the site to address impacts under CEQA. Also refer to Master Response 2, which further addresses comments related to the project merits, Master Response 5 regarding project alternatives, and Master Response 7 regarding mitigation requirements and implementation.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: Antonia Lawson <tuppy@me.com>
Subject: Public comment on Northgate town square.
Date: February 22, 2024 at 6:35:24 PM PST
To: april.talley@cityofsanrafael.org

Date: February 22, 2024
Re: Public Comment on Northgate Town Square Redevelopment Project DEIR

Dear Commissioners,

I have lived in and loved Terra Linda since 1993 and am grateful to have raised my family in this community. My children attended local public schools and we have deep roots here. C-111-1

I've seen the decline of the Northgate mall first-hand and I have also seen multiple proposals for its redevelopment. I support its redevelopment as a mixed retail and residential community, but the DEIR raises some concerns for me.

TRAFFIC: I understand the rationale for the traffic projections that the DEIR uses as a "baseline," even though I think we can all agree that the mall as it currently operates does not represent the baseline. However. For me a bigger issue that I don't see mentioned in the DEIR is that a mall's traffic patterns are inherently different than residential traffic patterns. Common sense suggests that with all those proposed residences we won't see steady amounts of traffic all day—as we might do with a mall—but instead intense bursts of traffic as people leave for

work/school in the morning and return in the evening. It's already slow getting off and on 101 or going anywhere near one of the schools at those times of day. Current plans for dealing with increased traffic do not take this into account and I think that is flat-out irresponsible. All this idling traffic is a major frustration to residents, a hazard (what if there's an emergency?), and a major environmental impact, because there will be more engines running for longer as we all go nowhere. C-111-1 (cont.)

Drive-through restaurants are a terrible idea for very similar reasons. They will pull additional traffic off the freeway and increase traffic levels, which in turn will increase greenhouse gas and particulate matter exhaust pollution from queuing vehicles. This will cause pollution for both existing and new residents. Drive through restaurants need to be eliminated and replaced with sit-down restaurants.

BUILDING HEIGHT/SIZE: I am a fan of intensive development to save open space. However, this plan, which includes two seven-story buildings, takes it too far. Seven-story buildings right in the middle of a single-story neighborhood? I think that's an unacceptable violation of the character of Terra Linda. I support (at a minimum) RGM's proposal to eliminate the seventh story of Residence 4, as spelled out elsewhere in their RRVariant.

INSUFFICIENT PUBLIC OPEN SPACE: The project does

not provide the amount of parkland specified in General Plan 2040's park standards, nor does it come close to meeting the needs of the approximately 3500 new residents. The DEIR doesn't consider the 2023 SR Parks Master Plan that documents degraded conditions of nearby local parks but it's just common sense that with 3500 new residents moving into Northgate, usage of local parks and recreation facilities will increase dramatically, and I don't see any commitment from the developer to contribute to upgrading local facilities in exchange for the permission to develop this land so intensively. C-111-1 (cont.)

TOWN SQUARE: Residents of Terra Linda have made it clear they like the idea of a town center of some kind, and initially the developers talked about a vibrant space for mixed retail, outdoor dining, etc. But in the current plans the town square has been reduced to a postage-stamp patch of artificial turf. This is an unacceptable substitute for the 4 acres of new parkland per 1000 new residents as specified in GP2040's park standards.

GAS LINES FOR RESTAURANTS: It is irresponsible to be building out new gas lines at a time when we need to be backing away from releasing more methane into the atmosphere in order to prevent a runaway climate crisis. I have spoken to a manager of an all-electric commercial kitchen that serves 1000 meals a day within an 8-hour opening period and he tells me that there is no reason why a restaurant would need gas. Today's induction cooktops

and electric ovens are all a restaurant needs to operate efficiently. C-111-1 (cont.)

WATER: the past 30 years of on going drought have had a huge effect on families living in Marin. What is the plan for extra water needed for the extra 3,500 families?

Please consider these comments as you make decisions that will impact the entire community of Terra Linda.

Sincerely,

Antonia Lawson
544 Montecillo Rd
San Rafael
Ca 94903
415 377 6486

Sent from my iPhone
www.antoniaart.com

Response to Letter C-111

Antonia Lawson
February 22, 2024

Response C-111-1

This comment states general concerns related to the size, scale, and mix of uses for the proposed project and potential impacts associated with traffic congestion, emergency access and evacuation, air quality and greenhouse gas (GHG) emissions, land use compatibility and visual character, use of recreational and open space facilities, natural gas use, and water demand. The comment also expresses support for an alternative to the proposed project, as presented by Responsible Growth in Marin, which is provided in Letter B-6. These comments are primarily an opinion on the merits and design of the project and impacts identified in the Draft EIR, and are noted.

Please refer to Sections 4.9, Transportation, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, 4.1, Land Use and Planning, 4.3, Visual Resources, 4.13, Public Services and Recreation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures.

Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements and Response B-7-3 regarding the 2023 City of San Rafael Parks and Recreation Master Plan. Refer to Response B-9-1 regarding additional information related to emergency evacuation and Response B-3-12, which addresses natural gas use as proposed by the project. Also refer to Master Response 2, which further addresses comments related to the project merits, design, and proposed use, and Master Response 5 regarding scope of the alternatives analysis.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 20, 2024 1:19:12 PM

Next Steps: Sync an Email Add-On

Name

Norm Levin

Email

norm@naturalportraits.co

Submit Public Comment

As a 32-year resident of San Rafael's Terra Linda neighborhood, I've found it to be ideal for raising my family, conducive to home-based work and replete with accessible and scenic recreational open space. C-112-1

Despite these amenities, Terra Linda has its shortcomings. Unlike newer, more upscale malls in Corte Madera, Terra Linda's Northgate mall has always been somewhat behind the times. When the Merlone Geier Partners real estate investor purchased the property, I had hopes that it would finally be upgraded to better serve the community.

The newest proposal would completely remake the mall into a mixed use retail/high-density residential complex. The plan would eventually build 1,422 residential units on a mere 44.76 acre site. Indeed, there's a need for more "affordable" housing in Marin. Yet only 10% of these units are designated as affordable.

San Rafael has a population density of 3,700 people per square mile, covering 22.5 square miles, according to the U.S. Census Bureau. When completed, the Northgate development would have a density of over 53,000 people per square mile. This level of density completely dwarfs the rest of the city. It would be akin to dropping a section of downtown San Francisco into the Terra Linda neighborhood. Try to imagine the consequences that are either ignored or unforeseen.

Here's one extreme, but not at all improbable example. Traffic gridlock in an emergency. The mall's only feeder streets are Northgate Drive and Los Ranchitos Road, which are two-lane roads. Consider a natural disaster such as a wildfire or earthquake where thousands of cars filled with panicky residents are trying to flee. There's simply no way out. The probable result: utter gridlock. The reality of poor emergency traffic planning was tragically evident last year in the devastating firestorm that engulfed the town of Latina on Maui. Hundreds of people died or were injured, primarily due to the lack of adequate escape routes.

I am convinced the 3,550 added residents would impose undue stress on the current infrastructure of roads, water, electrical, emergency, health care and educational institutions. For the sake of its future residents and neighbors, the Northgate Mall plan needs to be downsized and revised.

Response to Letter C-112

Norm Levin
February 20, 2024

Response C-112-1

This comment expresses general concerns related to the size, scale, and population density proposed by the project and concentration of planned housing increases within the project area, as well as associated impacts, including traffic congestion and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and impacts identified in the Draft EIR, and is noted.

Refer to Sections 4.2, Population and Housing, and 4.9, Transportation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Sarah Levin
To: April.Talley@cityofsanrafael.org
Subject: Miller Creek Parent concerned over Northgate Mall Project
Date: Tuesday, February 27, 2024 9:47:10 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

C-113-1

As a Terra Linda resident with two children in the Miller Creek district I am concerned about the impact this development project will have on our local school district. I do not identify as a NIBY and I recognize the need for affordable housing in our community, but growth of this size would require significant capacity building in the rest of the community, specifically the Miller Creek School District.

The city of San Rafael must consider that Terra Linda, Marinwood and Lucas Valley have unique needs met by local service agencies, like the Miller Creek School District, that are separate from San Rafael and our local agencies are nowhere near ready to accommodate the influx of people this development plan will bring in to our community.

I am specifically concerned that:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

Thanks,
Sarah Levin

Response to Letter C-113

Sarah Levin
February 27, 2024

Response C-113-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: tinkll1
To: April Talley
Cc: 4ajones2b@gmail.com
Subject: For Public Comments re: Northgate DEIR
Date: Monday, March 4, 2024 5:19:38 PM
Attachments: IMG_362 Rainbow 993TT Norwalk.jpg

I have been a resident of San Rafael, in Santa Venetia from 2016 to August 2023, and subsequently, with my wife, at Villa Marin, adjacent to the mall. I have used Northgate Mall and witnessed the impact of changing retail behaviors as well as the impact of COVID. I believe we live in the earthly equivalent of the Garden of Eden, and yet we still have problems that must be faced. I am a very strong supporter of affordable housing and have spent my more than 50 year career in medicine, disproportionately serving those members of the community with end stage renal disease, a disproportionate number of whom cannot afford housing, let alone medical care. From 2017 to 2022 I served this segment of the safety net at Marin Community Clinic. **C-114-1**

I want to see more affordable housing! However, the limiting factor in the proposed development plan is the lack of a solution to the increased density of population that demands better access, for emergency evacuation, emergency services, and simply the anticipated increase in street traffic that the addition of 35% more people, particularly those of working age, who will clog an already challenged surface road system. Calculations based on a level of increase in the traffic anticipated in the previous DEIR of ~ 2008, which are based on full occupancy of the Northgate Mall, do not reflect today's congestion which is occurring with significant **decrease** in the Northgate business establishment, and far less than the anticipated traffic at full occupancy. Already we have congestion. Adding more sources of congestion is like increasing the capacity of a theater by 35% while not changing the size of the exits despite the accumulation of occupants waiting to leave the theater, already in long lines. Throw in a fire, and the loss of people would be devastating, and the fire department wouldn't allow the added capacity without considering the exits. Try putting 35% more people on a steamer without increasing the lifeboat capacity. Road are our escape pathways, and we are headed for a Titanic disaster.

There is neither time nor space to address pollution, noise, choice of materials….. artificial grass??? gas fire pits.

Yes, we must have more affordable housing to remain viable, but we must not create the tenements of the future by ignoring the need for public space. It is an enormous challenge, and I know there are time pressures, but the actions taken in haste without consideration to their future impact, or basing that impact on the most optimistic reading of the challenges ahead, is no solution for our children and grandchildren.

Thank you for the hard work you all put in attempting to solve a very difficult problem.

Laurence Lewin, M.D.
Linda E. Lewin

Davita Norwalk Dialysis Clinic - 1996 Porsche 911 Turbo (993) modified by Andial, and the best Porsche I've ever owned ~ 2005. Sold with 190,000 miles on the odometer in 2011.

Laurence Lewin, M.D. Nephrology & Transplantation Management, Retired (1967-2016)

Retired Nephrologist, Marin Community Clinic (2017-2022)

Patient Advocate

PNHP - *Justice in Healthcare*

100 Thorndale Drive, Apt. 233
San Rafael, CA 94903-3585
(415) 991-5942 - home
Mobile: (714) 478-2308 (best)
Fax: (415) 366-9108

Response to Letter C-114

Laurence Lewin
March 4, 2024

Response C-114-1

This comment expresses general concerns related to the size and scale of the proposed project and proposed mix of housing units, as well as associated impacts, including traffic congestion, emergency access and evacuation, air quality and greenhouse gas (GHG) emissions and noise. This comment is primarily an opinion on the merits and design of the project and impacts identified in the Draft EIR, and is noted.

Refer to Sections 4.2, Population and Housing, 4.9, Transportation, 4.10, Air Quality, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: Hui Li <hui.xylo.li@gmail.com>
Subject: Public Comments on the Northgate DEIR
Date: February 22, 2024 at 11:57:44 AM PST
To: April.Talley@cityofsanrafael.org

Dear commissioners,

My family and I have lived in Terra Linda for many years and we feel truly at home here. While I support building more housing units and the re-development of Northgate, I believe the current proposal is not sustainable for the area and needs to be modified. The main issue is that there are too many residential units and should be decreased. The 1422 residential units will cause several significant issues that are not estimated in the DEIR. C-115-1

Traffic and pollution:
- It is conservative to estimate that each unit will have at least one car. There will be 1422+ cars suddenly added to the small area. Public transportation here is so inconvenient and runs so infrequently that almost no one takes it as their commute. You can imagine during rush hour, the traffic jam these 1422+ cars will cause on Las Gallinas Ave and neighboring roads. These roads are all 2 lane roads. Unless we re-structure the roads in the area, adding so many cars will be detrimental to the traffic situation.
- The DEIR also does not account for the greenhouse gas emissions from the 1422+ extra cars during daily commute and the traffic jam mentioned above will only exacerbate the problem. Moreover, all this is in addition to the commercial traffic going in and out of Northgate. The resulting air quality will be unhealthy to residents in the area.

Insufficient public open space:
- The approximate 3500 new residents from this project will need access to the neighborhood gyms, parks, and community centers. The impact to such existing neighborhood facilities is not studied in the DEIR and should be.
- The project provides significantly less than 4 acres of new parkland per 1000 new residents as specified in GP2040's park standards. Either more park space needs to be provided within the project, or the number of residential units should be reduced. The town square area should be enlarged as well.

In summary, the current population in Terra Linda is about 10k. Adding 3.5k in Northgate, is adding 35% of the population in a small area. We believe it is not a sustainable way of increasing housing units and will cause severe issues as mentioned above.

Thank you for your consideration.

Hui Li

Response to Letter C-115

Hui Li
February 22, 2024

Response C-115-1

This comment expresses general concerns related to the size, scale, and proposed uses for the project and associated impacts, including traffic congestion, air quality and greenhouse gas (GHG) emissions generated by mobile sources, open space requirements and increased demand on recreational facilities. This comment is primarily an opinion on the merits of the project, and is noted.

Refer to Sections 4.9, Transportation, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and GHG emissions), refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements. It should be noted that the Draft EIR evaluates impacts to public recreation and community facilities, but not privately owned and operated facilities such as gyms. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Wednesday, January 17, 2024 3:41:26 PM

Name

Ray Lorber

Email

raylorber@yahoo.com

Comments

RE: Northgate Town Square Draft EIR

Please stop this project.

Terra Linda does not need another 1422 units in our neighborhood. To name a few issues there will be an increase of over 2,000 cars on Freitas Parkway, and Route 101 etc. With a population of 7,000 currently, this 25% increase in residents will cause congestion in all areas. For example, to mention a few : the schools, the grocery stores, the roads, the parks the fire departments, the policy and our general life will become crowded. Congestion brings about unrest and crime. C-116-1

We love our peaceful uncongested Terra Linda

Response to Letter C-116

Ray Lorber
February 13, 2024

Response C-116-1

This comment expresses general concerns related to the project as proposed and potential impacts associated with traffic congestion and public services such as schools, police, and fire. This is primarily a comment on the merits of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.9, Transportation, and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Master Response 2, which further addresses comments related to the project merits.

Scott Lynch
1/9/2024

Please make this happen. I was born in Marin and had an amazing childhood and I want the same for my future kids, but that will never happen unless housing prices normalize. I don't ever expect prices to come down to the levels they were when my parents first moved here but things have gotten out of control. Everyone knows it, there's absolutely no denying it, and there is only one solution. Build. At the end of the day when places don't build and have high prices you end up excluding a lot of certain people. Let's stop doing that. Marin is one of the most beautiful places on earth and more people should get to experience that, including, hopefully, my future children. **C-117-1**

Response to Letter C-117

Scott Lynch
January 9, 2024

Response C-117-1

This comment, which expresses general support for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

From: Fergal mac donnell
To: April Talley
Subject: For Public Comment re: the Northgate DEIR"
Date: Tuesday, March 5, 2024 4:44:01 PM
Attachments: For Public Comment re the Northgate DEIR.pdf

To whom it concerns

I hope this letter finds you well. I am writing to express my strong opposition to the proposed mixed-use development in our neighborhood.

One major concern I have is the excessive number of units being proposed. Adding a large number of residential and retail units to our already congested area will significantly worsen traffic congestion and air quality. The infrastructure simply cannot support such a substantial increase in population density without causing serious strain on our community. C-118-1

Moreover, the overcrowding of our already full schools is a pressing issue. The proposed development fails to adequately address the impact it will have on our local educational institutions. Our schools are already stretched to their limits, and adding more residents will only exacerbate this problem.

I urge you to reconsider this development proposal and prioritize the well-being of our neighborhood and its residents. We need sustainable growth that takes into account the existing infrastructure and resources available.

Additionally, I would like to draw attention to critical issues

- Air Quality and Greenhouse Gases: The DEIR's studies underestimate impacts on air quality and greenhouse gas emissions due to incorrect baselines. Measures to decrease traffic and ensure onsite mitigation are essential.
-
- Pollution and Health: The DEIR underestimates health risks due to flawed data, particularly endangering residents of adjacent senior facilities.
-
- Noise: Inaccurate ambient noise measurements and inadequate regulation of construction noise raise serious noise pollution concerns.
-
- Traffic: Flawed traffic studies overlook impacts on nearby senior facilities and emergency evacuation routes. Reduction of residences and elimination of drive-through restaurants are crucial for mitigating congestion.
-
- Evacuation Routes and Safety: Failure to consider urban wildfire risks and address evacuation procedures poses grave safety concerns for residents.
-
- Insufficient Public Open Space: The project fails to meet city requirements for parkland dedication, with proposed adjustments inadequate for accommodating residents.
-
- Building Height: Inclusion of 5, 6, and 7-story buildings exceeds reasonable limits and compromises the neighborhood's character. Reduction in height is imperative for maintaining integrity.
-

- North San Rafael Promenade: Financial contribution from the mall owner to complete the path to the SMART train station is essential for enhancing connectivity. **C-118-1 (cont.)**

Thank you

Fergal MacDonnell
790 Tamarack Drive,
San Rafael
Ca 94903

--
Fergal Mac Donnell
415 871 9939

Response to Letter C-118

Fergal MacDonnell
March 5, 2024

Response C-118-1

This comment expresses opposition to the project and general concerns related to the size and scale of the project and associated impacts, including school capacity and services, air quality and greenhouse gas (GHG) emissions, health risks, noise, traffic congestion, emergency access and evacuation, and neighborhood compatibility, as well as open space requirements. The comment states that many of these impacts are underestimated due to the baseline conditions assumed in the Draft EIR analysis. The comment also states that the project sponsor should contribute to funding of pedestrian improvements, and this comment is noted.

Refer to Sections 4.13, Public Services and Recreation, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, 4.12, Noise, 4.9, Transportation, and 4.1, Land Use and Planning, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, be reduced to the extent feasible. In addition, GHG impacts are deemed significant and unavoidable because the proposed project would include natural gas connections for commercial kitchens.

Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and GHG emissions), refer to Master Responses 3 and 4. Refer to Responses A-3-1 through A-3-12, which further address impacts to schools, Response B-7-2 for more information related to open space requirements, Response B-9-1 for further information related to emergency evacuation, Response B-8E-2 regarding the timing of ambient noise measurements, Response B-8E-7 for further discussion of construction noise impacts, and Response B-2-12 regarding pedestrian connection between the project site and the Sonoma-Marin Area Rail Transit (SMART) Civic Center Station. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Friday, March 1, 2024 7:39:28 PM

Next Steps: Sync an Email Add-On

Name

Carol Mack

Email

ceileenmac@aol.com

Submit Public Comment

"Northgate Town Square Draft EIR Comment"
POOR AIR QUALITY DURING DEMOLITION AFFECTS GUIDE DOGS AND MAY SHORTEN THEIR LIVES AND THE TIME HELPING PEOPLE WITH LIMITED OR NO VISION.
I am concerned about air quality for the dogs in training, the trainers, and the many volunteers who work on the Campus at the Guide Dogs for the Blind. Poor air quality during the demolitions process at Northgate can cause upper respiratory infections limiting the lives of dogs who guide people with limited or no vision. Once the AQI is above 151, this is considered unhealthy for everyone including dogs. C-119-1
https://www.guidedogs.com>blg>dogs-and-poor-air-quality
The clients depend on healthy guides for years of guiding work.
How will the air quality be protected for all during demolition and construction?

Response to Letter C-119

Carol Mack
March 1, 2024

Response C-119-1

This comment expresses concerns about the construction-period air quality impacts of the project on humans and dogs at the Guide Dogs for the Blind campus (which is located approximately 500 feet east of the project site). Unlike residences, schools, hospitals and the like, the Guide Dogs for the Blind campus does not meet the City's definition of a sensitive land use for air pollutant impacts. Please refer to Response B-8B-39 for a list of the land uses that the City considers to be sensitive receptors. It is instead treated as a workplace and is not included in the Draft EIR's list of sensitive receptor sites. In addition, health risk analysis under CEQA applies only to human, and not canine, receptors and is based on detailed human-specific biological characteristics.

Nevertheless, please refer to the discussion in Section 4.10, Air Quality, of the Draft EIR, regarding impacts to sensitive receptors (pages 4.10-36 through 4.10-39). The nearest off-site sensitive receptor (i.e., AlmaVia of San Rafael assisted living facility) is 95 feet to the south of the project site at the intersection of Northgate Drive and Los Ranchitos Road and is located approximately 500 feet west of the Guide Dogs for the Blind campus. The construction Health Risk Assessment (HRA) determined that, with implementation of Mitigation Measure AIR-4 (revised to require implementation of revised Mitigation Measure AIR-3a; refer to Responses B-8B-26 and B-8B-42), impacts to all sensitive receptors, including AlmaVia, would be less than significant. Given that this determination was made based on the location of sensitive receptors that would be much closer to construction activities than the Guide Dogs for the Blind campus, construction air quality impacts at that campus would be much lower and would also be less than significant.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Saturday, February 3, 2024 12:45:48 PM

Name

Pamela Macknight

Email

pamelamacknight@gmail.com

Comments

C-120-1

It is too dense. You are building a city inside a town.

You have not required the developers to contribute to the surrounding roads, schools, police and fire services needed to support this huge increase in use and population.

Air and noise generated from it is at such high levels it is pollution.

The increase of water needed is beyond what is available without making the public pay for it.

Response to Letter C-120

Pamela Macknight
February 3, 2024

Response C-120-1

This comment expresses general concerns related to the size and scale of the project as proposed as well as potential impacts associated with public services and infrastructure, air quality emissions, noise, and water demand. This is primarily a comment on the merits of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.13, Public Services and Recreation, 4.14, Utilities and Service Systems, 4.10, Air Quality, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Also refer to Master Response 2, which further addresses comments related to the project merits.

Pamela Macknight
2/3/2024

This is being built without public review. No one seemed to have any awareness until now for what you have approved to build there. It is like you are doing this behind the scenes because you know all of Terra Linda. Lucas Valley and Marinwood would not allow this. **C-121-1**

This should never gotten this far without better public involvement.
It is too dense. You are building a city inside a town.

You have not required the developers to contribute to the surrounding roads, schools, police and fire services needed to support this huge increase in use and population.

Air and noise generated from it is at such high levels it is pollution.

The increase of water needed is beyond what is available without making the public pay even higher increases.

How can you make all of us pay for what the developers should be required to pay for. They are profiting at our expense.

Response to Letter C-121

Pamela Macknight
February 3, 2024

Response C-121-1

This comment expresses general concerns related to the size and scale of the project as proposed and potential impacts associated with public services and infrastructure, air quality emissions, noise, and water demand. This is primarily a comment on the merits of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. It should also be noted that the comment incorrectly assumes the project already has been approved; the proposed project is only in the conceptual development stage and the EIR has been prepared to assist the City in its review. Project approvals will be considered by City decision-makers at a future public hearing that will be publicized in accordance with City noticing procedures. Regarding payment of applicable development fees, all projects in San Rafael are subject to these fees, proportional to the fair share responsibility identified through the City's application review process.

Refer to Sections 4.13, Public Services and Recreation, 4.14, Utilities and Service Systems, 4.10, Air Quality, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Mangurian, Christina
To: April Talley
Cc: Todd Dayton
Subject: DEIR for the Northgate Mall Redevelopment Project concern
Date: Friday, March 1, 2024 1:56:38 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District, where my children attend (or did attend) **C-122-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

I urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Thank you,
Christina Mangurian
21 Mt. Lassen Dr.
San Rafael, CA 94903

Response to Letter C-122

Christina Mangurian
March 1, 2024

Response C-122-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Rali Manolov
To: April Talley
Subject: For Public Comment re: the Northgate DEIR"
Date: Monday, March 4, 2024 6:18:33 PM

Hello,

My family and I have been residents of Quail Hill Townhomes since 2021. I have two young teenagers, one with asthma. The topics of traffic and air are my top priority. C-123-1
The charm of our neighborhood and Marin in general is in the greenery, overall light traffic and air pollution.
I agree that the space of Northgate can be used wisely in developing more residences along with new restaurants and parks. However, I am concerned that it **can easily be overbuilt.**
My two main concerns are:
1. **7 story buildings**. No buildings in Marin County are 7 stories, unless they are commercial. That would take away from the skyline, ultimately adding too much traffic, noise and air and noise pollution. Welcoming new residents is great, but not at the cost of lowering the existing neighbourhoods quality of life.
I believe a 4 story building is absolutely reasonable. We lived in the apartment building in Corte Madera, on Tamal Vista on the 4th floor which was the top floor. It was tall, but not obnoxious Marin is a superbia afterall.
2. Absolutely **NO to drive through restaurants**. There are plenty in the area. That would add nuisance to the entire neighbourhoods of Nova Ambion and Quail Hill. Traffic, air quality, transients, ect.
3. The project does not provide an additional **4 acres of park per 1000 new residents** as required by the City's General Plan. This is why so many residents of Marin County choose to live here.
Space and nature.
I believe the future residents would agree with our view on keeping Marin green and easily accessible.

Thank you so much for your time and consideration.

Rali Manolov
Quail Hill, resident

Response to Letter C-123

Rali Manolov
March 4, 2024

Response C-123-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and associated impacts, including visual character, traffic congestion, noise, and air quality emissions, as well as open space requirements. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.3, Visual Resources, 4.9, Transportation, 4.12, Noise, and 4.10, Air Quality, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Refer to Response B-7-2 for more information related to open space requirements and Master Response 2, which further addresses comments related to the project merits.

From: Cathy Manovi
To: AprilT@cityofsanrafael.org
Cc: Laura.Simpson@cityofsanrafael.org; Margaret.KavanaughLynch@cityofsanrafael.org
Subject: for public comment re: Northgate DEIR
Date: Monday, February 26, 2024 6:22:30 PM

Dear Commissioners,

I am a resident of San Rafael Meadows neighborhood which is very close to the new Northgate development. First off, I want to say that I am in favor of increasing housing. We need it! C-124-1
However, I have some concerns about the draft Draft Environmental Impact Report (DEIR), and the impacts on our neighborhood and surrounding the areas that intersect with the project site.

Building heights
I realize that for this site we need to build more dense housing than the surrounding neighborhoods. However, the inclusion of 5, 6, and 7-story buildings is distressing, as it too starkly contrasts with the scale of surrounding neighborhood housing and roadway capacities. The seven-story Residence 4, in particular, stands out as unacceptable in terms of aesthetics and frankly, it feels culturally inappropriate.

Psycho-social environment concerns
To concentrate all the affordable units into a single building asserts an "us and them" vibe in an age when there's so much talk about diversity, equity and inclusion.
The social-psychological environment we create should have DEI as part of the design. Please request the removal of the 7-story building and dispersal/integration of the affordable units throughout the remaining project buildings in a way that ensures a diverse, equitable and inclusionary vibe for the neighborhood.

Walkability to adjacent recreation and SMART
The green space/town square should be maximized to ensure it is an inviting space for neighbors to gather. It should be inviting for people of all ages and walks of life. There is additional recreational space including a great dog park that can be accessed from the site via the yet-to-be-completed North San Rafael Promenade, the Multiuse Path (MUP) planned between the Northgate site and the Civic Center grounds, so in addition to the onsite square, we should urge the developers of the Northgate site to help fund and coordinate with the City to complete of this MUP. It's within easy walking and biking distance.

Traffic, pollution, and walkability
The drive through restaurants should be taken off the plan as they will be magnets for non-local car trips coming into the local roadways, idling and causing pollution to waft into the space. We want the amenities to promote walking, cycling, and arrival by public transit, not car trips. Restaurants chosen for the site should be of the kind that people living on site and the surrounding neighborhoods want to walk or cycle to.

Safe Emergency Evacuation
There is limited road way for all of the existing neighborhoods to get out of the area quickly in an emergency such as a fast moving wildfire. The more units are jammed into the Northgate site the more it will slow evacuation. The current number of units planned is too large for the existing road capacity. Please reduce the number of units and do an assessment of

road capacity improvement recommendations with fast emergency evacuation in mind.

C-124-1 (cont.)

Thank you for your attention to this matter. I trust you will consider the concerns expressed by the community during your deliberations on the Northgate Shopping Mall development.

Sincerely,

Cathy Manovi
207 Corrillo Drive
San Rafael, CA 94903
Cell: 415-686-0268

Response to Letter C-124

Cathy Manovi
February 26, 2024

Response C-124-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and associated impacts, including visual character, traffic congestion and roadway capacity, transit access, air quality and greenhouse gas (GHG) emissions, and emergency access and evacuation. This comment also provides an opinion on the distribution of affordable units on the site; refer to Chapter 2.0, Revised Project, of this RTC Document for a discussion of revisions to the project, including distribution of affordable housing units. Although the comment states there are concerns with the Draft EIR, this comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is therefore noted.

Please refer to Sections 4.3, Visual Resources, 4.9, Transportation, 4.10, Air Quality, and 4.11, Greenhouse Gas Emissions, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2 regarding the merits of the proposed project.

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From: Kim Maplestone
To: April.Talley@cityofsanrafael.org
Subject: Northgate mall redevelopment project concerns
Date: Wednesday, March 6, 2024 12:13:01 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-125-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Kim Maplestone
Terra Linda resident and miller creek student parent

Sent from Yahoo Mail for iPhone

Response to Letter C-125

Kim Maplestone
March 5, 2024

Response C-125-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Christina Martin
To: April Talley
Subject: For Public Comment re: the Northgate DEIR
Date: Tuesday, March 5, 2024 4:16:44 PM

Dear Members of the City Planning Commission,

I am writing to express my concerns regarding the proposed housing project in our community. While I understand the importance of urban development and growth, I strongly believe that the current scale of the project will have detrimental effects on our local schools, environment, traffic congestion, and emergency preparedness. **C-126-1**

First and foremost, the oversized housing project poses a significant threat to our community schools. With an influx of new residents, our already overcrowded schools will be stretched beyond capacity. This will not only impact the quality of education but also the safety and well-being of our children. Larger class sizes and limited resources will hinder our children's ability to thrive academically and socially. As members of this community, it is our responsibility to prioritize the needs of our students and ensure they have access to a quality education.

Furthermore, the environmental impact of this project cannot be ignored. Increased construction activities, as well as additional vehicles on the road, will lead to higher levels of pollution and degradation of our natural surroundings. Our community takes pride in its green spaces and commitment to sustainability. Allowing such a large-scale development project to proceed without proper consideration for environmental impact would be a disservice to current and future generations.

Additionally, the proposed housing project will exacerbate existing traffic congestion issues in our area. Our roads are already struggling to accommodate the current volume of vehicles during peak hours of things like school pick up and around the holidays, and adding more residents will only worsen the situation. Increased traffic not only leads to longer commute times but also poses safety risks for pedestrians and cyclists. We cannot afford to overlook the potential dangers associated with heavy traffic in our community.

Moreover, the inadequate emergency routes for evacuation in case of natural disasters pose a grave concern. With the projected increase in population density, it is imperative that we have sufficient evacuation routes to ensure the safety of residents in times of crisis. Failure to address this issue could have catastrophic consequences for our community. We only need to look at the Coffee Park and Tubbs fire in 2017 to understand how important emergency routes are.

In light of these multifaceted concerns, I urge the City Planning Commission to reconsider the scale of the proposed housing project. Scaling down the project would alleviate strain on our schools, minimize environmental harm, mitigate traffic congestion, and enhance our emergency preparedness. By prioritizing the well-being of our community over unchecked growth, we can ensure a sustainable and resilient future for all residents.

Thank you for considering my input on this important matter. I trust that the City Planning

Commission will make the right decision for the benefit of our community. **C-126-1 (cont.)**

Sincerely,

Christina Martin

Response to Letter C-126

Christina Martin
March 5, 2024

Response C-126-1

This comment expresses general concerns related to the size and scale of the project and associated impacts, including school capacity and services, pollution, recreation and open space capacity, traffic congestion, and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.13, Public Services and Recreation, 4.10, Air Quality, and 4.12, Transportation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant through implementation of identified mitigation measures.

Refer to Responses A-3-1 through A-3-12, which further address impacts to schools, Response B-7-2 for more information related to open space requirements, and Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

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From: Benjamin Mason
To: April Talley
Subject: For Public Comment re: the Northgate DEIR
Date: Monday, March 4, 2024 9:53:06 PM

Dear April,

I am writing to express some of my many concerns about the City of Northgate Development DEIR.

As a resident of Quail Hill and a father of two young children (ages 5 and 2) who was looking forward to raising my family in Terra Linda, I feel the need to express my utter disappointment in the proposed development.

Northgate offered an opportunity to re-invent and re-invigorate San Rafael and Terra Linda; to create a desirable multi-use space that would serve the community and be a destination for residents San Rafael and of Marin - a space that included new housing but did not prioritize the number of new residences over the welfare, needs and interests of the community. **C-127-1**

I am particularly concerned about the increase in traffic, noise pollution, the lack of amenities, lack of green/park space and the stress on schools and services that is inevitable with the additional population this development will support.

Could we please consider:

- Eliminating the drive-through restaurants and adding more dining establishments decrease traffic
- Including a supermarket and other services onsite would decrease traffic
- Reducing the number of apartments (Residence 4)
- Providing the additional 4 acres of park per 1000 new residents as required by the City's General Plan. People live in Marin because of the access to parks and nature
- Enlarging the Town Square by relocating center parking
- Keeping the public park space near Kohl's in Phase 2
- Apply in-lieu parkland dedication fees to local recreation facilities rather than city-wide, as these will need to be updated or expanded to accommodate the additional population

Thank you for your time and consideration of public opinion.

Regards,
Ben Mason

Response to Letter C-127

Benjamin Mason
March 4, 2024

Response C-127-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and associated impacts, including traffic congestion, noise, recreation and open space, and school capacity and services. The comment goes on to provide suggestions for alternatives to the project. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.12, Transportation, 4.12, Noise, 4.13, Public Services and Recreation, and 4.10, Air Quality, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Also refer to Responses A-3-1 through A-3-12, which further address impacts to schools, Response B-7-2 for more information related to open space requirements, and Response C-31-4 regarding parkland in lieu fees. Also refer to Master Response 2 regarding the merits of the proposed project.

From: Jean Mazza
To: April Talley
Subject: Northgate Mall
Date: Monday, March 4, 2024 6:31:58 PM

I am a 41 year resident of San Rafael, 38 years at Quail Hill in Terra Linda.

The last time the Mall at Northgate was renovated, the community was promised amenities that never materialized. Green space areas, walking trails, upscale stores and restaurants with outdoor dining in parklike settings, none of which happened. **C-128-1**

Needless to say, I am very disappointed in the plans for the "new mall". It's not a pretty picture!

The number of planned residences is excessive for Terra Linda, with a current population of about 11,000. The new development will potentially increase our population by 30% or more. We do not have the infrastructure to support this
Growth!

The height of the buildings is totally unnecessary and the result will be a dense cluster of apartments with too many cars and unmanageable traffic, not to mention obstructing the views of many residents.

The noise from this huge construction project will be detrimental to the peaceful community we have enjoyed. Not to mention the air pollution during construction, the excessive water demands of the construction itself and the water demands of the residents after occupancy.

There are plenty of other great locations in San Rafael where developers can build smaller clusters of affordable housing. We need affordable housing, but not as being proposed in the massive Northgate Mall project.

Your consideration of my concerns is appreciated.

Jean Mazza
241 El Faisan Dr
San Rafael
415-577-5238

Sent from my iPhone

Response to Letter C-128

Jean Mazza
March 4, 2024

Response C-128-1

This comment expresses general concerns related to the size, scale, and population density of the proposed project and associated impacts, including visual character and views, construction noise, construction period air quality, and water demand. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.2, Population and Housing, 4.2, Visual Resources, 4.12, Noise, 4.10, Air Quality, and 4.14, Utilities and Services, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures. Refer to Response B-8B-6 regarding changes to private views. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Gregory McAllister
To: April Talley
Cc: Christie McAllister
Subject: Impact to School District of the Northgate Mall Redevelopment Project
Date: Thursday, February 29, 2024 12:53:32 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-129-1

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project. The development project needs to include the cost of maintaining a satisfactory experience for all involved.

Greg & Christie McAllister
Terra Linda Residents & Parents

Response to Letter C-129

Greg McAllister
February 29, 2024

Response C-129-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

RECEIVED
JAN 30 2024

Comment Letter C-130

PLANNING DEPT.
1400 FIFTH AVE 3RD FLOOR
SAN RAFAEL, CA 94901
RE: NORTHGATE MALL REDEVELOPMENT PROJECT DRAFT EIR

I HAVE SUGGESTIONS REGARDING THE PROPOSED PROJECT REDEVELOPMENT AS FOLLOWS:

C-130-1

1. IT WOULD BE HELPFUL FOR ALL TO SEE A ARCHITECT MODEL TO DISPLAY INCLUDING THE WHOLE PROJECT INCLUDING SURROUNDING ~~INCLUDING~~ INGRESS/EGRESS, ETC.

2. HAS ACCESS FOR HELICOPTOR FIREFIGHTER/RESCUE EQUIPMENT BEEN PROVIDED? MY CONCERN IN PARTICULAR IS THAT ETENATOERE ARE ITEMS LIKE FLAG POLES AND OTHER UGLY ADVERTISING IMPLEMENTS THAT MIGHT PREVENT A HELICOPTOR FROM MANIPULATING RESCUING OPERATIONS.

HOPEFULLY ALL OF THE ABOVE CONCERNS HAVE BEEN ADDRESSED ALREADY, JUST CHECKING....

RESPECTFULLY SUBMITTED,

JAMES F. McCONNELL
878 BUTTERNUT DRIVE
SAN RAFAEL, CA 94901
415-755-4165

Response to Letter C-130

James McConnell
January 30, 2024

Response C-130-1

This comment, which requests a scale model of the project and provides suggestions regarding emergency and fire helicopter access and project design, and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to response B-10-2 regarding a model of the proposed project and Master Response 2, which addresses comments related to the project merits, proposed uses, and design.

From: Karen McConville
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment project.
Date: Tuesday, February 27, 2024 3:53:50 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-131-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

It is all good and well having new housing but to what end if the families who intend to reside in the apartments have nowhere to send their kids to school. Teachers and educators are already overburdened. If we have learned anything from the pandemic it is that we should consider them more and not make their jobs any more difficult than it already is.

Thanks,

Karen

Karen McConville
Attorney at Law
24 Professional Center Parkway, Suite 240
San Rafael
CA, 94903
Tel: 415-786-7806
mcconvillelaw.com

Response to Letter C-131

Karen McConville
February 27, 2024

Response C-131-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

February 26, 2024

Planning Commission
1400 Fifth Street
San Rafael, CA 94901

SUBJECT: NORTHGATE DEIR, PUBLIC COMMENTS

Dear Commissioners,

I trust this letter finds you well. As a concerned neighbor and voter residing near the Northgate Shopping Mall, I am reaching out to express my apprehensions and reservations regarding the proposed housing and retail development project. This project holds significant implications for our community, and I believe it is crucial to address several key concerns raised in the Draft Environmental Impact Report (DEIR). C-132-1

Air Quality and Greenhouse Gases: It is disconcerting to note that the DEIR's studies rely on an inaccurate baseline, assuming a fully operational mall, which has not been the case for years. This raises concerns about the underestimation of impacts on air quality and greenhouse gas emissions. I propose a reevaluation of these aspects, considering a more realistic baseline, and urge a reduction in the number of residences to alleviate traffic congestion.

Noise: The inaccuracies in noise measurements and underestimations of ambient noise in the DEIR are troubling. Proper regulation of construction noise under the City's Noise Ordinance, coupled with police training and enforcement, is essential. Addressing these issues will contribute to meeting City standards for noise levels in our neighborhood.

Evacuation Routes and Safety: The oversight in the DEIR regarding the risks of urban wildfires and the impact on evacuation routes is concerning. I recommend a thorough consideration of urban wildfire risk assessments, evacuation procedures, and training in the EIR to ensure the safety of our community.

Traffic: The use of an incorrect baseline for traffic studies and the omission of planned roundabouts on Freitas Parkway create an inaccurate picture of the project's traffic impact. I propose a comprehensive review of traffic studies, including considerations such as the elimination of drive-through restaurants and the inclusion of a supermarket onsite to decrease traffic.

Building Height: The inclusion of 5, 6, and 7-story buildings raises concerns about the project's impact on our neighborhood's character. I suggest a reduction in the height of the 7-story Residence 4, aligning with the DEIR's proposed Reduced Residential Alternative.

North San Rafael Promenade: I recommend that the mall owner contributes financially to completing the path from Northgate Mall to the SMART train station. This would enhance connectivity for our community and promote a more accessible environment.

Pollution and Health: The underestimation of health risks in the DEIR due to incorrect meteorological data is troubling, especially for nearby senior facilities. A review of this data and consideration of potential adverse health effects is crucial for the well-being of our community.

Insufficient Public Open Space: The project falls short of the City's General Plan requirements for public open space. I propose measures to address this deficiency, including relocating the toddler playground, expanding Town Square, and applying in-lieu parkland dedication fees to local recreation facilities. C-132-1 (cont.)

Your attention to these concerns as a representative of our community is paramount. I appreciate your dedication to ensuring responsible and sustainable development in San Rafael.

Thank you for your time and consideration.

Sincerely,

Michael McFarland
209 Corrillo Drive
San Rafael, CA 94903

Response to Letter C-132

Michael McFarland
February 27, 2024

Response C-132-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and associated impacts, including traffic congestion, air quality and greenhouse gas (GHG) emissions, noise, emergency access and evacuation, and neighborhood character and compatibility, as well as open space requirements. The comment states that many of these impacts are underestimated due to the baseline conditions assumed in the Draft EIR analysis. The comment also states that the project sponsor should contribute to funding of pedestrian improvements, and this comment is noted.

Refer to Sections 4.9, Transportation, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, 4.12, Noise, 4.3, Visual Resources, 4.1, Land Use and Planning, and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible. In addition, GHG impacts are deemed significant and unavoidable because the proposed project would include natural gas connections for commercial kitchens.

Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and GHG emissions), refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements, Response B-9-1 for further information related to emergency evacuation, Response B-8E-2 regarding the timing of ambient noise measurements, Response B-8E-7 for further discussion of construction noise impacts, Response B-8B-42 regarding meteorological data, and Response B-2-12 regarding pedestrian connection between the project site and the Sonoma-Marin Area Rail Transit (SMART) Civic Center Station. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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Dear Commissioners,

RE: for public comment regarding Northgate's DEIR

I strongly urge you to address significant shortcomings in the Draft EIR for the Northgate Mall Redevelopment Project. The DEIR severely underestimates the impacts it will have on our community, especially regarding evacuation safety. I live very close to this development project and am very concerned about the height, density, and greenhouse gas impact the proposed development plans will have on all of us, not to mention safety. C-133-1

The proposed scale of this project and congestion it will generate is dangerously out of alignment with the area's limited emergency routes. In an earthquake, flood, or urban wildfire, lives will be put at risk by inadequate escape plans and increased gridlock on Terra Linda's only two congested evacuation roads.

This absolutely critical safety issue must be your top priority. I implore you to prevent a catastrophe by significantly reducing housing units to match road capacity, while expanding onsite services to lessen daily trips. Eliminating dense 7-story structures that trap thousands with few exit options is imperative.

Additionally, I ask that you seriously consider revising plans to address the EIR's underestimation of:

Air pollution and health risks, especially to vulnerable seniors
Excessive noise disrupting homes and schools
Lack of open space and overburdened recreation facilities
Building heights drastically out of scale with the neighborhood
This redevelopment project has major unresolved issues that endanger lives and undermine Terra Linda's character and infrastructure. Please honor your commitment to our community by making substantial changes to align with the General Plan and prioritize safety and liveability.

Your judicious revisions can improve this project. I hope you will uphold residents' wellbeing as your highest goal. Lives depend on your willingness to make impactful changes. Please support our community.

Sincerely,

Odilia McFarland
209 Corrillo Dr
San Rafael, CA 94903

Feb. 26, 2024

Response to Letter C-133

Odilia McFarland
February 26, 2024

Response C-133-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion, emergency access and evacuation, air quality emissions, noise, demand on recreation and open space facilities, and neighborhood character and compatibility. The comment states that many of these impacts are underestimated in the Draft EIR analysis but does not specify where the Draft EIR is deficient in its analysis.

Refer to Sections 4.9, Transportation, 4.10, Air Quality, 4.12, Noise, 4.13, Public Services and Recreation, 4.3, Visual Resources, and 4.1, Land Use and Planning, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that off-site impacts related to these topics would be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures.

Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and greenhouse gas [GHG] emissions), refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements and Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: TLC Brett
To: April.Talley@cityofsanrafael.org
Subject: Northgate redevelopment, local resident concerns.
Date: Tuesday, February 27, 2024 9:06:52 AM

I'd like to express my concerns about the Northgate redevelopment planning. I have been a local resident in Terralinda at 123 Elena Circle for the last 25 years. Raising my family here and enjoy this community. **C-134-1**

I have serious concerns about the redevelopment of the mall. I am for redevelopment and more housing in the county in general. Though I think there are some oversight about the large impact of traffic on our neighborhoods that are already difficult to get out of an into during peak hours. it would seem to be there would need to be enlarged on ramp onto the freeway or a new one built somewhere to accommodate all of this new traffic.

My children are also part of the Miller Creek school district. Which is a wonderful school district and a major reason that I purchased my home here over 20 years ago. I think the fees for the development should include funds to the capability of the district to accommodate the additional students that would come with more housing.

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Brett McPherson
The Land Collaborative (President)
Addresses:
26 Hamilton Drive., Suite A
Novato, CA 94949
&
645 First Street West
Suite A
Sonoma, CA 95476

Cell: 415-819-5263

http://thelandcollaborative.com/

http://www.houzz.com/pro/tlcdesignbuild/the-land-collaborative

https://www.facebook.com/thelandcollaborative

Sent from my iPhone

Response to Letter C-134

Brett McPherson
February 27, 2024

Response C-134-1

This comment expresses general concerns related to the Draft EIR's analysis of traffic impacts and generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Refer to Section 4.9, Transportation, of the Draft EIR regarding impacts to the transportation system; as demonstrated in the analysis, impacts to the transportation system would be less than significant pursuant to established thresholds. Also refer to Master Responses 3 and 4. Refer to Responses A-3-1 through A-3-12, which address impacts to school services, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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From: Kirsten Meadows
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project Impacts
Date: Tuesday, February 27, 2024 5:11:56 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-135-1

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Sincerely,

Kirsten Meadows

Response to Letter C-135

Kristen Meadows
February 27, 2024

Response C-135-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

April Talley, Northgate Project Manager April.Talley@cityofsanrafael.org
City of San Rafael Community Development Department
Planning Division
1400 Fifth Avenue
San Rafael, CA 94903

Date: March 4, 2024

Re: For Public Comment on Northgate Town Square Redevelopment Project DEIR

Dear Planning Commissioners,

I would like to add this to the objections that many of my neighbors expressed about the Northgate project. **C-136-1**

1.The Merlon Geier project will result in a single landlord leasing residences that represent 30% of the housing in Terra Linda. While promises can be made by the developers on the upkeep of this conglomerate, with time, nothing could stop the developer from selling the property to a less responsible landlord.

2. The residents of this project will be mostly renters, and the landlord will be an out of state entity. While the state and city will receive revenues from property and sales taxes, the benefits of ownership, e.g., appreciation and rental revenue income will elude San Rafael's economy.

3. Since the Northgate Mall construction in 1968 it was a recreation area, not only for its open spaces, but also for the mall itself, which is a large indoor walkway and food court where neighborhoods residents could gather and socialize. The proposed Town Square in this project does not provide a recreational area of that size, in addition to the influx of new residents that will be living on the site who will inevitably crowd the proposed recreational space.

4. The proposed project impacts negatively the privacy of the properties surrounding it: Alma Via, Olivet Cemetery, Villa Marin, Quail Hill Town Homes, Private homes directly across from the mall on the south side, and crowds our access to the freeway, which could be a big problem if an evacuation is necessary,

The above-mentioned points illustrate the effect that a construction of this size would have on our neighborhood. I urge the city to revise and reduce the size of this project. In addition, the City must regulate the developments proper maintenance and upkept into the future.

Commissioners, thank you for your service and for considering Terra Linda neighbors' concerns when voting on this huge project that will impact our community for years to come.

Sincerely,

Adolfo Medved

38-year resident of Terra Linda

Response to Letter C-136

Adolfo Medved
March 4, 2024

Response C-136-1

This comment expresses opposition to the project, general concerns related to the size and scale of the project, and associated impacts, including emergency access and evacuation, loss of privacy, and recreational opportunities. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.9, Transportation, 4.3, Visual Resources, and 4.13, Public Services and Recreation, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant. Also refer to Response B-9-1 for further information related to emergency evacuation and Master Response 2 regarding the project merits.

From: mkforcm
To: april.talley@cityofsanrafael.org
Subject: Re: Terra Linda Mall conversion to a "Mixed-Use," developement
Date: Thursday, February 1, 2024 8:30:32 AM

Forgot to add that it's a nightmare for pedestrians, as well, due to current traffic conditions. **C-137-1**

Thank you.
C. Mehas

Sent from Yahoo Mail on Android

On Wed, Jan 31, 2024 at 9:18 PM, mkforcm <mk4cm@yahoo.com> wrote:

> I am opposed, as are so many others, due to traffic.
> It's already a nightmare, as to traffic, as is.
>
> Pls reconsider and keep as a mall, only.
>
> I have lived here since 1968.
> The traffic changes I have witnessed are drastic.
>
> Thank you,
> Christine Mehas
> 437 Montecillo Road
> San Rafael, CA 94903
> 415.717.4037
>
> Sent from Yahoo Mail on Android

Response to Letter C-137

Christine Mehas
February 1, 2024

Response C-137-1

This comment expresses opposition to the project and general concerns related to pedestrian safety and traffic congestion. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Section 4.9, Transportation, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant. Refer to Master Response 2 regarding the project merits.

From: Adam Melenkivitz
To: April.Talley@cityofsanrafael.org
Subject: Northgate comments
Date: Tuesday, February 27, 2024 12:36:48 PM

Dear April,

C-138-1

I hope this message finds you well amidst your busy schedule with the Northgate project. As a homeowner, taxpayer, and parent with child in Vallecito and Miller Creek, I am writing to express my concerns regarding the proposed redevelopment plan and its potential impact on our community.

Firstly, I am worried about the public safety hazards associated with parking and overcrowding, particularly during school drop-off and pick-up hours. These issues could pose significant risks to our community members, including children and pedestrians.

Furthermore, I am concerned about the potential increase in water usage that the redevelopment plan may bring about. As responsible stewards of our environment, it's crucial to carefully consider and mitigate any additional strain on our water resources.

Additionally, I would like to address Section 4.13 of the Draft Environmental Impact Report, which concludes that impacts to schools associated with the project are less than significant. However, in my view, this conclusion is inaccurate. The developer fees proposed do not seem to adequately address the full extent of the project's impact on district facilities, students, parents, and staff.

I urge you to thoroughly review these concerns and ensure that the final development plan reflects the best interests and safety of our community. It's vital that the voices and concerns of residents like myself are taken into account during this process.

Thank you for your attention to this matter.

Sincerely,
Adam

Adam Melenkivitz

Response to Letter C-138

Adam Melenkivitz
February 27, 2024

Response C-138-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts related to school services, operations, and capacity, and also states general concerns about water supply. Refer to Sections 4.13, Public Services and Recreation, and 4.14, Utilities and Service Systems, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant. Also refer to Responses A-3-1 through A-3-12, which address impacts to school services, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Date: March 4, 2024

to: April Talley, Northgate Project Manager
April.Talley@cityofsanrafael.org

Planning Division, City of San Rafael Community Development Department
1400 Fi. h Avenue, San Rafael, CA 94903

Re: For Public Comment Re- Northgate Town Square Redevelopment Project DEIR

Dear Commissioners,

I am a 18 + years resident of Terra Linda and I value our wonderful community. What I like of it is the sense of calmness and little town it is. **C-139-1**

Although I support the re-development of Northgate into a vibrant sustainable mixed use community, I have some concerns about the current project as proposed.

TRAFFIC and POLLUTION

There are 3 senior facilities (Villa Marin, Alma Villa and Drake Terrace) nearby as well as Guide Dogs for the Blind which are particularly at risk from increased traffic.

I suggest the following to decrease the traffic and pollution:

1-Eliminate the drive-through restaurants and instead have sit down restaurants. We don't need cars existing off the freeway and idling as they wait for food

2- Include a supermarket and other services onsite so that residents can shop on the premises and not have to get in their car and create more traffic and pollution

3-Downsize the number of housing units

4- Residents of adjacent and nearby senior facilities are at particular risk from emissions and noise

EVACUATION & SAFETY

1-We only have a 2 lane road surrounding Northgate Mall and we have 3 senior facilities (Villa Marin, Alma Villa, and Drake Terrace) within a 2 block radius. Any delays of Ambulance or Fire Trucks caused by traffic congestion ,will create enormous suffering for those in need of these services.

2-I am extremely concerned that in case of natural disasters the Project would delay emergency response times and obstruct safe evacuation routes due to the limited road network in the Northgate Mall and surrounding residential and commercial areas.

INSUFFICIENT OPEN SPACE

1-The project does not provide an additional 4 acres of park per 1000 new residents as required by the City's General Plan

2- The open space will be reduced considerably from well being and mental health of the uses of this development

C-139-1 (cont.)

BUILDING HEIGHT

1-Request the maximum heigh of buildings be 5 story buildings. The project contains 5, 6, and 7-story buildings

2-I Propose that mall owner contribute financially to completing the path from Northgate Mall to the SMART train station

Thank you for your consideration.

Best regards,

Lina Mesa

Quail Hill Townhouses

Response to Letter C-139

Lina Mesa
March 4, 2024

Response C-139-1

This comment expresses general concerns related to the size, scale, and mix of proposed uses for the project and associated impacts, including traffic congestion, air quality emissions, noise, emergency access and evacuation, and open space requirements. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. The comment also states that the project sponsor should contribute to funding of pedestrian improvements, and this comment is also noted.

Please refer to Sections 4.9, Transportation, 4.10, Air Quality, and 4.12, Noise of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Refer to Response B-9-1 for further information related to emergency evacuation and Response B-7-2 for more information related to open space requirements. Refer to Response C-119-1 regarding the Guide Dogs for the Blind campus and Response B-2-12 regarding pedestrian connection between the project site and the Sonoma-Marin Area Rail Transit (SMART) Civic Center Station. Also refer to Master Response 2, which further addresses comments related to the project merits.

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From: Esther Meshel
To: April Talley
Subject: For Public Comment re: the Northgate DEIR
Date: Monday, March 4, 2024 6:34:25 PM

Dear Commissioners,

I am a recent one year resident of Terra Linda. I purchased a home and moved to this area because of the serenity of the natural green vistas, quiet neighborhoods, and traffic ease of getting to and from Hwy 101 and surrounding neighborhoods. **C-140-1**

I support housing development that is needed in our county, but I have some concerns that I hope you will take into consideration for the development of the Northgate Town Square.

Traffic and Pollution:

The Northgate Town Square is next to several senior housing complexes. There is only a 2-lane road that surrounds the Square. How does our clean air environment live through the increased pollution of noise and car exhaust? Can you reduce the number of apartments? Can you reduce the 7-story building to 4 stories? Why are you crowding so many people (and their pets) in what will turn out to be a very noisy living area for those in the Square and nearby neighborhoods?

Evacuation and Safety:

In case of an earthquake, wildfire or other major emergency, how does one safely move all the nearby existing people plus the new residents of the Northgate Town Square to the freeway or other neighboring roads? Is it realistic to think that there will be only 1,500+ additional cars to the neighborhood? Most families have two cares per household.

I hope that the future Northgate Town Square will not be overcrowded with tall residential buildings and cars. I hope that there will be local boutique and small commercial shops, quality restaurants (and, not drive-by restaurants), a quality market or Farmer's Market. I look forward to seeing happy faces living in serenity and not living with screeching or honking cars, increased car exhaustion odors, traffic congestion.

Thank you for your consideration.

Best regards,

E. Meshel

Response to Letter C-140

Esther Meschel
March 4, 2024

Response C-140-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion, air quality emissions, noise, and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, 4.10, Air Quality, and 4.12, Noise, of the Draft EIR which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Harold Meyrowitz
To: April Talley
Subject: Public Comment on Northgate Town Square Redevelopment Project DEIR
Date: Saturday, March 2, 2024 3:49:29 PM

Dear Commissioners,
I have been residing in Marinwood for more than two decades. Although I believe redevelopment of the Northgate Mall is warranted, the current plan would create an inappropriate environment for the community. **C-141-1**
The new structures should be limited to a maximum of three stories high. A lower profile architectural design that includes essential services for residents like a grocery store would reduce the need to drive in and out of the area. Drive-through restaurants are unnecessary and unhealthy features of the plan. They would increase traffic congestion and adversely affect air quality. Sit-down dining to replace restaurants that have closed in recent years would be a better alternative. The Northgate community is accessed by two-lane roads. Emergency evacuation routes would be severely restricted jeopardizing the safety of residents. Please limit traffic congestion as much as possible.
The size and scope of the current plan is incompatible with the existing neighborhood. Please consider modifying the project proposal to allow for a more harmonious integration with the surrounding area.
Thank you for your consideration,
Harold Meyrowitz

Response to Letter C-141

Harold Meyrowitz
March 2, 2024

Response C-141-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and associated impacts, including traffic congestion, air quality emissions, and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, and 4.10, Air Quality, of the Draft EIR which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or would be reduced to less than significant with implementation of identified mitigation measures. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

From:	Candiece Milford
To:	April Talley
Cc:	Candiece Milford
Subject:	Public Comment on Northgate Town Square Redevelopment Project DEIR
Date:	Saturday, March 2, 2024 9:57:57 AM
Attachments:	image.png Northgate2.jpg

March 2, 2024

Candiece Milford
128 La Perdiz Court
San Rafael, CA 94903
(415)378.2275 or candiece321@gmail.com

TO:

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

Public Comment on Northgate Town Square Redevelopment Project DEIR C-142-1

Dear Commissioners,

My husband and I have lived quietly on Quail Hill in Terra Linda for the past 17 years. In that Terra Linda has the greatest number of aging Boomers in the Bay Area, we fit right in and value the quality of life our local community affords.

While re-development of the Northgate Mall is certainly in order, we have several serious concerns about the proposal and its impact on the surrounding community.

These issues are:

1- Impact of height and location of apartments/townhomes
2- Traffic and Safety
3- Light Pollution
4- Cumulative effect of other residential housing proposals in addition to the Northgate Mall Project

IMPACT OF HEIGHT AND LOCATION OF APARTMENTS

image.png

The highest buildings in Marin are in downtown San Rafael at five stories. Jamming dense, 5, 6 and 7 story buildings, particularly in the southeastern corner of the Northgate site, is inappropriate for the following reasons:

C-142-1 (cont.)

- Mr. Olivet is a little over 80 feet in height according to topographic maps which means that it will be almost completely obliterated from local properties, unless one lives on a hill. This quiet respite for the deceased also attracts starlings which are sensitive to people and noise. There will be no murmurations in the future if these 60 – 70+ foot buildings are built. (see above)

TRAFFIC AND SAFETY

Due to this high-density plan, the traffic impact is enormous (which the EIR study doesn't address properly being based on artificial assumptions). Already, there are traffic jams particularly around shift changes at local Assisted Living communities (Villa Marin, Alma Villa and Drake Terrace) and Kaiser Hospital. At the same time, around 3:00 pm, Terra Linda High School lets out with terrible back ups feeding into Northgate Drive.

- There will be traffic back-ups in the morning as people living in the Northgate high rises commute to and from work, exacerbating already congested streets. If these buildings were 5 stories maximum height AND moved to the northeast side of the development, bringing them closer to freeway onramps, some of the congestion would be alleviated.
- The assumption that people will walk to the Smart Train is unrealistic.

C-142-1 (cont.)

This is an expensive and unpopular means of commuting and not at all convenient to people living in these high-density apartments.

- Due to out-of-scale density and traffic problems, for those of us on Quail Hill and Villa Marin will be at high risk should there be a fire as there is only one way to leave and enter at Northgate Drive. The current traffic plan basically traps us on the hill given the number of vehicles already using Northgate Drive added to those trying to evacuate.
- Given the aging demographic of the area, there are many older adults whose reflexes are slower and take longer to cross streets. Dense housing will drive more cars onto the roads and based on current excessive speeds by current users (especially from Terra Linda High), will put our elders at great risk to their lives. What is an accessible neighborhood will become more age unfriendly and inaccessible to most of the current residents.

LIGHT POLLUTION/PRIVACY

When a mass of 5 – 7 story buildings is constructed (50-70+ feet when you add in service equipment on the roof level), at night when lights are in use, this will create a "stadium" light effect for the surrounding neighborhoods. We are talking about hundreds of apartments with lights in use and the glare will pollute the night sky, for all residents, and particularly to those living on hills in the area. This is at night. During the day, there will no longer be privacy as shades will have to be drawn to avoid being easily seen by homeowners in the 5-7 story buildings.

CUMULATIVE EFFECT OF OTHER RESIDENTIAL HOUSING PROPOSALS

While the Northgate Mall project is the largest development in Terra Linda at the moment, there are other developments also being considered. For example, the Nazareth House property which also plans for dense housing. Add this, and several other smaller housing projects onto the Northgate plan and the stress on water and traffic is untenable, rendering living in Terra Linda more like living in downtown NYC. While that may sound dramatic, it is not when comparing current levels of use of resources and streets.

I appreciate your consideration of my, and my neighbors' concerns. These were supposed to be our "forever" homes, but as I age, I anticipate many new barriers to this being a community that is age friendly. And remember, the Boomers have enormous buying power. Why would you consider a proposal that alienates the very population that would support a repurposed mall?

Sincerely,
Candiece Milford

Response to Letter C-142

Candiece Milford
March 2, 2024

Response C-142-1

This comment expresses general concerns related to the size, scale, and density of the proposed project and associated impacts, including obstruction of scenic vistas, changes in visual character, habitat for biological resources, traffic congestion, conflicts with school pick-up periods, emergency access and evacuation, new sources of light and glare, reduction in privacy, and cumulative effects, including water demand.

Please refer to Sections 4.3, Visual Resources, Section 6.3.2, Biological Resources, 4.9, Transportation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns, including cumulative impacts, and which, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Note that the Mt. Olivet San Rafael Cemetery is not considered a significant scenic resource per any planning policies or regulations. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-9-1 for further information related to emergency evacuation and Response B-2-20 regarding the cumulative analysis. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: John Milford
To: April Talley
Subject: For Public Comment re: the Northgate DEIR
Date: Saturday, March 2, 2024 8:13:55 AM

My concern as a neighbor of Northgate Mall is that the scope, scale, and arrangement of the project is deficient from a human standpoint. My chief concerns and recommendations are as follows: C-143-1

- Building Height: Relocate the 7-story residences to the northwest quadrant of the property to mitigate the shock effect of the out of scale buildings.
- Pollution and Health: Nighttime quiet residential and senior care facilities in the neighborhood at street level as well as the neighboring heights will be most affected by light pollution generated by the massive project.
- Relocate the Town Square open space to the southwest quadrant of the property.
- Require that the mall owner contribute financially to completing the path from Northgate Mall to the SMART train station.

Finally, to ensure compliance with mitigation measures, please require a neutral onsite construction manager who is responsible for all mitigation measures and who is available to respond to public complaints.

~JM

John Milford
128 La Perdiz Court
San Rafael, CA 94903-3541
(415) 691-0620

Response to Letter C-143

John Milford
March 2, 2024

Response C-143-1

This comment expresses general concerns related to the size, scale, and design of the proposed project and associated impacts, including traffic congestion, noise, and new sources of light. The comment also provides general suggestions for alternatives to the project, requests designation of an on-site construction manager to oversee implementation of mitigation measures, and states that the project sponsor should contribute to funding of pedestrian improvements. This comment is primarily an opinion on the merits of the project.

Refer to Sections 4.9, Transportation, 4.12, Noise, and 4.3, Visual Resources, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Refer to Response B-2-12 regarding pedestrian connection between the project site and the Sonoma-Marin Area Rail Transit (SMART) Civic Center Station. Also refer to Master Response 2, which further addresses comments related to the project merits, Master Response 5 regarding project alternatives, and Master Response 7 regarding mitigation requirements and implementation.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Brooke Miller
To: April.Talley@cityofsanrafael.org
Cc: Jerry Miller
Subject: Community Development and MCSD
Date: Friday, March 8, 2024 9:37:48 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-144-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Warmly,
Brooke and Jerry Miller

Response to Letter C-144

Brooke Miller
March 8, 2024

Response C-144-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, March 5, 2024 4:40:41 PM

Next Steps: Sync an Email Add-On

Name

Peter Miller

Email

pmmgoldens@gmail.com

Submit Public Comment

My wife and I live in Villa Marin, and we also face south so will have full view of the construction area and activities. C-145-1

We strongly support strong enforcement of environmental safeguards - including a maximum height as proposed - or less. We are concerned about the pollution from the housing units and the cars - most of which will not be electric.

On the other hand, we feel the current plans to keep the current road and conditions without expansion will be a disaster. There will be major congestion, especially during rush hours, and the current road/freeway congestion will be even worse. Since our living area - in place since 1986 - did not anticipate this large explosion of the regional population, any environmental and traffic problems will likely significantly affect our advanced age population. Visits to doctors and hospitals and emergency visits to ERs will likely result in extended travel time and increased risk for poor outcomes. Even getting out of the VM hill onto main roads may be a time waste and increase environmental and respiratory difficulties. The multiple (i.e., too many) planned in&out food areas will likely increase both congestion and pollution. Please limit such exposure.

Noise pollution is also a major concern - so any remedial efforts would be appreciated - including later construction starting times and earlier stopping time - and we request no weekend building and noise.

Response to Letter C-145

Peter Miller
March 5, 2024

Response C-145-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and associated impacts, including traffic congestion, emergency access, and construction noise. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures.

Regarding the hours of construction, these activities would be allowed to occur within the days and time frames permitted by the City's Municipal Code, as described on pages 4.12-11 and 4.12-12 of the Draft EIR. As discussed in the Draft EIR, construction noise impacts would be below identified thresholds with identified mitigation measures. Also refer to Response B-8E-4.

Refer to Response B-9-1 for further information related to emergency evacuation and Response C-110-1 regarding medical facility capacity and services. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Rebecca Miller
To: April Talley
Subject: Miller Creek School District support
Date: Thursday, February 29, 2024 1:37:40 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-146-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Thank you,
Rebecca

Response to Letter C-146

Rebecca Miller
February 29, 2024

Response C-146-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Sunday, January 21, 2024 12:07:01 PM

Name

Patricia Mitchell

Email

pmitchell2@earthlink.net

Comments

C-147-1

The project is far too dense. Looking down at it, it looks like a ghetto. Where else in Marin would it be even proposed—surely not in southern Marin.
We have the civic leaders to thank for giving us the beautiful Civic Center, and the hills, please spare the Northgate Plaza.

Response to Letter C-147

Patricia Mitchell
January 21, 2024

Response C-147-1

This comment, which expresses general opposition to the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

From: Community Development
To: April Talley
Subject: FW: Northgate Mall - don"t lose SR"s one and only pedestrian mall
Date: Monday, February 5, 2024 2:21:59 PM
Attachments: image001.png

Public comment for Northgate. Thank you.

Brandi Caulfield | **City of San Rafael**
Building Division | Permit Technician II
1400 5th Avenue
San Rafael, CA 94901
(415) 458-2395

From: Ram Z <ramentop2@gmail.com>
Sent: Monday, February 5, 2024 12:41 PM
To: planning <planning@cityofsanrafael.org>; frontdesk@srchamber.com; 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-covd 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. **C-148-1**

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.

C-148-1 (cont.)

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

Response to Letter C-148

Ram Moezzi
February 5, 2024

Response C-148-1

This comment, which expresses general opinions on the scale and design of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

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From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Monday, March 4, 2024 12:03:46 PM

Next Steps: Sync an Email Add-On

Name

ASHRAF Mohtarami

Email

babaiben@yahoo.com

Submit Public Comment

I am a resident of the Terra Linda area and have been living here for 30 years. I don't condone the building of this project that is being plann. Just like the idea of Costco, this large structure will cause major traffic back ups for the community including the high-school and residents. No one here wants to look at a 6floor building when they can look at the green hills. C-149-1

The privacy of our residents is important and no one in this area wants this project to commence.

Opt Out of Email Updates

- Select the checkbox if you do NOT want to sign up for email updates.

Response to Letter C-149

Ashraf Mohtarami
March 4, 2024

Response C-149-1

This comment expresses opposition to the project and general concerns related to traffic congestion. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Section 4.9, Transportation, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant. Refer to Master Response 2 regarding the project merits.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 27, 2024 4:28:58 PM

Next Steps: Sync an Email Add-On

Name

Sheila Mone

Email

sbmone3@gmail.com

Submit Public Comment

Hello,
I wonder if Planners have considered traffic flow sufficiently - as all are aware, this is a suburban community with most residents traveling in autos - The traffic flow patterns of this community are already rather backed up at school drop off / pick up times - What sort of changes to the Infrastructure are planned to prevent a significant traffic backup? C-150-1

I'm a great fan of the SMART train - yet the planning at the downtown station was significantly lacking, frequently creating delays and excessive auto emissions - let's not have similar problem in north San Rafael - please.

Response to Letter C-150

Sheila Mone
February 27, 2024

Response C-150-1

This comment expresses general concerns related to traffic congestion and transit operations. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Section 4.9, Transportation, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant. Also refer to Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Master Response 2 regarding the project merits.

Clara Munoz

1/17/2024

I would like to keep our mall I don't like the idea to put it down this is a place to gather do shopping movies etc, you guys already messed up the first mall that we had it was fun and it was great under a roof we had a place to hang out play take the kids shop eat we had enough good stores to shop all inside for rainy days cold freezing days even hot days we really miss that it felt like home all the community together we never liked the remodeling into an open mall but still is our mall we still enjoy it!.please stop ruining the fun do something for the community to have fun find another place to build homes and put the mall back together under a same roof this all that we have for our community to call our mall on our city. We beg you let our mall and improve it instead. Thank you!! **C-151-1**

Response to Letter C-151

Clara Munoz
January 15, 2024

Response C-151-1

This comment, which expresses general opinions on the scale and design of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

From: Mariana Nadler
To: April.Talley@cityofsanrafael.org
Subject: Email from concerned Miller Creek Parents
Date: Tuesday, February 27, 2024 8:55:56 AM

Dear April,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-152-1

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Mariana & Eric Nadler
4 Sussex Ct, San Rafael, CA 94903

Response to Letter C-152

Mariana Nadler
February 27, 2024

Response C-152-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

From: Gail Napell <gailnapell@gmail.com>
Subject: Northgate Town Square Draft EIR - Napell comments
Date: February 12, 2024 at 10:53:09 PM PST
To: planningpubliccomment@cityofsanrafael.org, april.talley@cityofsanrafael.org
Cc: Jenny Silva <jrskis@gmail.com>, Paul Jensen <jensenaicp@gmail.com>, Carmela Davis <carmeladavis@marinmehc.org>

Dear City of San Rafael
I moved to Terra Linda with my family 24 years ago. I live, vote, shop, dine, recreate and pay taxes in San Rafael. For 11 years I owned a small business in my home. My husband still co-owns a small business in downtown San Rafael. Our children grew up here and attended Mary Silveira, Miller Creek and Terra Linda High School. We've enjoyed Northgate Mall for decades and are very excited about its next phase as a multi-use development with desperately needed housing.

Attached is the draft EIR for the Northgate Town Square project with my comments. Page 1 lists all pages with comments.

In general, the draft EIR is very thorough and I appreciate the attention to detail. There are a few things to button up in the final EIR; they are detailed in the attached markup and here is a summary: C-153-1

1. FEMA flood maps are referenced. To date, FEMA has NOT incorporated climate change in its flood maps, but uses only historical data. Any assessments for flooding (and indeed, for all aspects of climate change including heat, drought, wildfire) should be based on the excellent science based data available through the US Climate Resilience Toolkit and California state resources such as Cal-Adapt. C-153-2
2. The San Rafael Climate Action Plan is only referenced in a couple of sections, but as it contains items that pertain to all aspects of the EIR, it should be listed as a 'local regulatory framework' item in all categories. This is particularly important relative to green roofs and on-site rainwater catchment, neither of which is indicated in the current design. C-153-3
3. The 'significant unavoidable impact' created by allowing commercial kitchens to use gas appliances should be more thoroughly researched. As an architect who just retired from a very large global design firm, I can say with confidence that the trend is for commercial kitchens, from fast food to Michelin star, to go all-electric. This is an inevitability due to the existential threat of climate change. It's throwing away money to build new natural gas infrastructure and put gas appliances in new or renovated construction. The EIR states that courts are ruling against cities that pass code requiring all-electric design, but that will eventually change. And the city doesn't have to require all-electric for commercial kitchens in the project - the developer can make it a lease requirement as a means of achieving the GHG goals. C-153-4
4. The EIR states that the wastewater line to the LGVSD WWTP must be enlarged to accommodate the project. The EIR should assess the long-term viability of that treatment plant, as it's vulnerable to sea level rise and may need to be relocated sooner rather than later. It makes more sense to spend that money on building in on-site C-153-5

blackwater systems to treat sewage within the project boundaries, rather than connect to a treatment plant that may cease to function in the near future. C-153-5 (cont.)

5. No on-site rainwater catchment is included in the design and only one comment is made about it in the EIR. In a drought state, ALL sites should have on-site rainwater catchment for resilience. C-153-6

6. The EIR states that the design is planned for ZNE (which is a code requirement for all residential projects in California) and solar power. However, the design as it currently stands does not reflect energy efficient buildings nor clearly show where and how much solar power will be incorporated. Energy efficient buildings have elevations that respond to the respective solar exposures; the current designs are for generic multi-family housing. The architect can use the excellent resources available in the AIA Framework for Design Excellence. and the 2030 Palette for recommendations on how to design climate-appropriate, thermally efficient buildings. C-153-7

7. The EIR does not mention the sudden transition from street to multi-story building at the site perimeter in the current design. This is not an urban or suburban friendly design. It can be mitigated by activating the sidewalk at perimeter as well as interior, with commercial and community spaces on the ground floors of some of the residential buildings, and/or apartments with terraces or front porches on the street. C-153-8

Again, thank you for all your hard work on this project!

Best regards and be well

Gail Napell, AIA, LEED AP BD+C
she / her
gailnapell@gmail.com
1.415.606.2584

Response to Letter C-153

Gail Napell
February 12, 2024

Response C-153-1

This comment references an attached mark-up of the Draft EIR that reflects the list of comments provided in Letter C-153; the attachment is acknowledged but is not included in this RTC Document because of the length and format (i.e., attachment consists of the entirety of the Draft EIR PDF with embedded comments). The comments are responded to in Responses C-153-2 through C-153-8, below, based on the summaries described in the email.

Response C-153-2

This comment states that Federal Emergency Management Agency (FEMA) flood maps are cited and relied upon in the analysis, claims the FEMA maps do not incorporate climate change, and requests that additional sources be considered, such as the U.S. Climate Resilience Toolkit and Cal-Adapt. Please note that in addition to FEMA mapping, the Draft EIR considers other sources in its evaluation of flooding and sea level rise impacts, such as 2023 data provided by the San Francisco Bay Conservation and Development Commission (BCDC); refer to Section 4.7, Hydrology and Water Quality, of the Draft EIR. In addition, the analysis of global climate change impacts relies on multiple current sources of information, which are all cited in Section 4.11, Greenhouse Gas Emissions. The comment does not specify how the Draft EIR's analysis of these topics is deficient due to the sources used or how the sources cited by the commenter could inform or change the conclusions of the impact findings; however, this comment is noted.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

Response C-153-3

This comment states that the San Rafael Climate Change Action Plan (CCAP) should be cited and referenced in each topical section of the Draft EIR. Please note that the regulatory framework in each topical section lists the most applicable plans, policies, ordinances, and regulations that govern project development and the evaluation of potential environmental impacts. It is not necessary to identify or list every potentially relevant plan or policy for each topic where it is not tied to a potential environmental effect. The comment does not specify how the Draft EIR's analysis is deficient due to exclusion of the CCAP in every topical section or how including CCAP policies and strategies could better inform or change the conclusions of the impact findings in the topical sections where it is not currently cited; however, this comment is noted.

As stated in Table 4.11.E on page 4.11-28 of the Draft EIR, because the proposed project would use existing roofs for some buildings, a green roof is not feasible due to the added structural load. Furthermore, the proposed project includes rooftop solar panels as part of the proposed new construction, which would present a challenge to successfully installing and operating a green roof due to the blockage of sunlight by the panels. The new construction/residential portion of the

project is not currently designed to have a green roof but would rather include solar panels with an energy-star cool roof. Additionally, the proposed project does not plan to implement a rain catchment system. Although the proposed project would not implement these two elements of the CCAP, which are recommended and not required, the project is generally consistent with all other elements of the CCAP, including the required elements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

Response C-153-4

This comment, which states that the commercial component of the proposed project should be all-electric and not utilize natural gas, is noted. Refer to Master Response 2, which addresses the project merits. Refer to Response B-3-12, which addresses natural gas use as proposed by the project.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those idenı fied in the Draı EIR.

Response C-153-5

This comment states that the long-term viability of the Los Gallinas Valley Sanitary District (LGVSD) wastewater treatment plant (WWTP) should be evaluated in the Draft EIR, particularly since new infrastructure would need to be installed to serve the proposed project and connect to this facility (per Mitigation Measure UTL-1). The comment also states that on-site wastewater treatment should be considered. This recommendation is noted; however, there is no regulatory nexus to require on-site wastewater treatment, and such a system is likely cost-prohibitive for most individual development projects. There are currently no plans to relocate the WWTP; therefore, it would be speculative to conduct such an analysis for the proposed project. Furthermore, if the WWTP were to require relocation in the future due to sea level rise or for other reasons, this would not be an effect attributable to the proposed project itself, and relocation of the facility would be planned and implemented by the LGSVD. Note that with implementation of UTL-1, impacts related to wastewater treatment regulations and capacity would be less than significant as identified in the Draft EIR and pursuant to the established thresholds.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those idenı fied in the Draı EIR.

Response C-153-6

This comment, which states that on-site rainwater catchment should be required in the project design and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Sections 4.7, Hydrology and Water Quality, and 4.14, Utilities and Infrastructure, of the Draft EIR, which address water supply concerns and determined that impacts

would be less than significant pursuant to established thresholds. Refer to Master Response 2 regarding the project merits.

Response C-153-7

This comment, which states that the proposed residential buildings should incorporate design features suitable for solar power but that available plans do not provide details regarding solar, and which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. This is primarily a comment on the project's design and energy efficiency features. Refer to Responses B-2-17 and B-3-23, which also address solar energy features, and Master Response 2 regarding the project merits and design.

Response C-153-8

This comment, which provides suggestions for ground level or upper level setbacks or other design features between the sidewalk and the proposed buildings and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. This is a comment on the project design; please refer to Master Response 2.

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From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Thursday, February 29, 2024 5:47:53 PM

Next Steps: Sync an Email Add-On

Marcus Navarra

Email

johnromeo5099@gmail.com

Submit Public Comment

To whom it may concern,

I am strongly in favor of this project. With housing being increasingly unaffordable in the North Bay, it is important that we allow projects like this to proceed. I am glad to see the inclusion of bike amenities, but I feel that there should be more bike parking. C-154-1

Opt Out of Email Updates

- Select the checkbox if you do NOT want to sign up for email updates.

Response to Letter C-154

Marcus Navarra
February 29, 2024

Response C-154-1

This comment, which expresses general support for the proposed project and requests more bicycle parking in the project design, does not address the adequacy of the information or analysis in the Draft EIR, and is noted. Refer to Master Response 2 regarding the project merits.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Saturday, February 24, 2024 1:02:35 PM

Next Steps: Sync an Email Add-On

Name

John Neuenburg

Email

in_garage@hotmail.com

Submit Public Comment

Way too many new residences and tall buildings. Should be three stories maximum. We have no extra water, electricity, and freeway/surface street capacity for a mega development. Solve those challenges before attracting more people to live at Northgate and the County. C-155-1

Response to Letter C-155

John Neuenburg
February 24, 2024

Response C-155-1

This comment, which expresses general opinions on the scale and design and infrastructure needs of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Sections 4.9, Transportation, and 4.14, Utilities and Infrastructure, of the Draft EIR, which address these concerns and determined that impacts would be less than significant pursuant to established thresholds. Refer to Master Response 2 regarding the project merits.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Saturday, February 24, 2024 1:06:22 PM

Next Steps: Sync an Email Add-On

Name

John Neuenburg

Email

in_garage@hotmail.com

Submit Public Comment

Northgate Town Square Draft EIR Comment.

C-156-1

Way too many new residences and tall buildings. Should be three stories maximum. We have no extra water, electricity, and freeway/surface street capacity for a mega development. Most residents will have one or two cars. The proposed traffic circle on 101NB to Freitas Pkwy will back cars up into the freeway. Solve those challenges before attracting more people to live at Northgate and the County.

Response to Letter C-156

John Neuenburg
February 24, 2024

Response C-156-1

This comment, which expresses general opinions on the scale, design, infrastructure, and freeway/roadway capacity needs of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Response B-2-11 regarding planned roundabouts. Refer to Sections 4.9, Transportation, and 4.14, Utilities and Infrastructure, of the Draft EIR, which address these concerns and determined that impacts would be less than significant pursuant to established thresholds. Refer to Master Response 2 regarding the project merits.

From: Caroline Nordahl
To: April Talley
Subject: Comments on Draft EIR for Northgate Mall Redevelopment Project
Date: Sunday, March 3, 2024 1:42:27 PM

Dear City of San Rafael Planning Division,

I'm writing to express concern about the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project. It does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-157-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

Our family urges the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Sincerely,
Caroline Nordahl
--
Caroline Nordahl
(415) 858-5106

Response to Letter C-157

Caroline Nordahl
March 3, 2024

Response C-157-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Saturday, February 24, 2024 7:56:49 AM

Next Steps: Sync an Email Add-On

Name

Winston Norman

Email

scottnorman10@gmail.com

Submit Public Comment

Dear planners and city Council members in response to proposed redevelopment plans which I support: I would very much like to hear what your thoughts are related to whether dog ownership will be allowed in these residential units. I would very much like to encourage these units be dog free. There are too many dogs in Marin and too many irresponsible dog owners. Creating concentrations of people in a small highly urban area without adding to recreational park land space only serves to exacerbate the problems of new owners allowing their dogs to poop and pee wherever they please., fight with each other and jump all over people or run into them. Dogs on walks will be relieving themselves in adjoining neighborhoods front yards and common grassy areas, sidewalks and gutters. I anticipate Problems with managing aggressive dogs and problems with owners allowing dogs to roam freely. The lack of appropriate open space for dogs means that they'll be running around in areas used by elderly and shoppers. Dogs have no self control or boundary limits when it comes to approaching people, frequently running up and jumping knocking people over or biting. it causes a health and safety problem. I do hope that the planning commission gets the opportunity to discuss this issue at future meetings. I encourage a Dog-free zone for the Northgate Mall redevelopment plan.
Thank you,
Scott

C-158-1

Response to Letter C-158

Winston Norman
February 24, 2024

Response C-158-1

This comment requests that future occupants of the residential component of the proposed project be prohibited from owning dogs. The City regulates dog ownership and access to public spaces through required licensing, health and safety codes, and the noise ordinance, but cannot prohibit dog ownership in residential housing. This comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

From: Robin
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall redevelopment project
Date: Tuesday, February 27, 2024 7:08:15 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-159-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Thank you,
Robin Norris

--

Response to Letter C-159

Robin Norris
February 27, 2024

Response C-159-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Monday, January 8, 2024 3:44:53 PM

Name

Allan Noxon

Anoxon@comcast.net

Comments

Traffic is currently backed up during commute hours getting on 101 on ramp from MT Freitas. Project traffic will cause exte sive delays and accidents when getting on and off the freeway during commute hours. Project will make terra linda less desirable to live here due to extensive traffic. Will cause home values to stagnate and loss of house taxes to county. Great job on bait and switch putting a costco first knowing people would reject that proposal and then be stuck with the multiple housing. Costco would not have had the same commuter traffic problems. **C-160-1**

Response to Letter C-160

Allan Noxon
January 8, 2024

Response C-160-1

This comment expresses opposition to the project and general concerns related to traffic congestion. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Section 4.9, Transportation, of the Draft EIR for an informational discussion of traffic congestion, which is not considered an environmental impact under CEQA. Refer to Master Response 2 regarding the project merits.

From: Jack O"Neill
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 11:29:07 AM

To the Planning Division of the City of San Rafael,

C-161-1

I am excited about more retail, eateries, and a town center for our families to enjoy.
I am excited about more housing to energize Terra Linda and allow the business to thrive.

I am concerned about the project's impact to Miller Creek School District and Traffic.

I would like to respectfully ask that the City re-evaluate the Draft Environment Report to make sure it genuinely represents the project's consequences

I suspect w/ the latest housing element, it's going to be challenging to both comply w/ the requirement and make the citizens of Terra Linda happy. I just hope that we can comply with what is required responsibly and not overlook the influx of students / traffic that this re-development would result in.

Thank you for your time and thank you for giving me an opportunity to express my opinion on this matter.

Warmly,
Jack O'Neill (Homeowner in the Miller Creek School District)

Response to Letter C-161

Jack O'Neill
February 27, 2024

Response C-161-1

This comment generally expresses support for the proposed project and also generally states that the Draft EIR does not adequately analyze and mitigate impacts related to traffic congestion and to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address concerns related to school impacts. Refer to Section 4.9, Transportation, of the Draft EIR for a discussion of transportation-related impacts, which were determined to be less than significant, as well as Master Responses 3 and 4 regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Gigi Pagani
To: April Talley
Subject: For Public Comment re: the Northgate DEIR
Date: Monday, March 4, 2024 8:09:17 PM

San Rafael City Commissioners
Attn: April Talley, Northgate Project Manager
Planning Division
City of San Rafael Community Development Department
1400 Fifth Avenue, San Rafael, CA 94903

March 4, 2024

Dear Commissioners,

I have lived in Marin County for nearly 27 years, and in San Rafael currently and for the bulk of that time. My now-young-adult-daughter grew up in Lucas Valley, where I owned a home, and attended what was then Dixie Elementary School and Miller Creek Middle School. We did nearly all of our shopping in Terra Linda, at the three Northgate complexes. Playdates were held in local parks, meals in local restaurants, and I taught piano to our local children. I currently own a condominium in the Quail Hill complex, at 132 La Perdiz Ct., facing the site of the proposed redevelopment project. **C-162-1**

Although I am in favor of the redevelopment of Northgate Mall, both in terms of 1) increasing housing opportunities (especially homes that are affordable enough for our teachers and others who otherwise can't afford to live in the community they serve) and 2) creating a more vital neighborhood centerpiece, I have several serious concerns about the proposed project:

Noise

The construction noise I anticipate will be intolerable for nearby residences, including the Quail Hill community (my own property included) and many more. The DEIR report is deeply flawed in its sampling of ambient noise levels; As a recent resident immediately facing the site, I can tell you that my unit is blissfully quiet nearly all of the time; the main exception is an occasional car doing wheelies late at night in the deserted parking lot. But I would trade wheelies any day for 28 months (and more, given that this is a multi-year, multi-phase project) of construction noise. Nothing in the report on this topic actually corresponds to my lived experience in this neighborhood, which is how I know it inaccurately portrays the noise standard. The argument that, because the sampled ambient noise level was high, the project is not bound by other noise limits is ridiculous. It should absolutely be regulated under the City's standards and limits for constant noise, as this will be our lived reality. Let's also remember that the acoustical effects of living on a hill will amplify the construction noise reverberating upward to Quail Hill monumentally. It will be intolerable. No more sitting on

C-162-1 (cont.)

the deck peacefully starting one's day with a cappuccino, sunshine, a view of the civic center and the hill beyond, and the quiet that accompanies that experience.

Inadequate open space

The redevelopment project does not provide the required four acres of new parkland per 1000 new residents as noted in GP2040's park standards. Nor does it adequately address the outdoor greenery needs of the proposed 3500 new residents. Furthermore, in bringing so many new folks to the neighborhood, the project will impose demand, crowding, and wear-and-tear on existing local parks and recreation facilities. In fact, the DEIR doesn't consider the 2023 SR Parks Master Plan that highlights already degraded conditions at existing neighborhood parks.

The town square is too small, and the facilities need better recreational options

The town square could definitely benefit from being enlarged by eliminating Parking Lot 6 in the center of tthe project; these 117 parking spaces could be moved to the periphery in phase 1 of the project by restriping parking spaces, and in phase 2, these 117 parking spaces can be eliminated because the project in fact exceeds parking requirements.

And how is it that a so-called "town square" doesn't include playground facilities for young children?! This is a serious omission. Based on my informal survey, most every shopping area in the county recognizes the importance of children having a safe and enticing place to play—it's also good for business. When my daughter was little, she loved going to the play spaces in local shopping centers and would often meet her little friends there (along with their mommies). They were a big draw. The existing, and inadequate play space for young children at Northgate must be replaced and improved upon, not eliminated.

Traffic and pollution

It is my understanding that the DEIR Traffic studies do not consider the effects of the 3 roundabouts planned for Freitas Parkway, which is a major concern to me (on multiple levels: noise, vehicle and pedestrian safety, flow of traffic, etc.) and must be addressed.

Additionally, the proposed drive-through restaurants will radically increase traffic levels, along with corresponding increased greenhouse gasses and particulate matter from exhaust pollution from vehicles in line idling their engines. This pollution for both existing and new residents is not what our County—with its clean air and natural beauty--stands for. Also, as someone who has chronic, bronchial medical issues, I understand how problematic this would be for those among us with similar sensitivities. Thus, drive-through restaurants must be eliminated and replaced with regular, sit-down restaurants, just as was done with the In-N-Out in Strawberry years ago.

Given all of the above, the project is just too big

Lastly, and perhaps most importantly, the project's scale will magnify all of my above-listed

C-162-1 (cont.)

concerns. 5-, 6-, and 7-story buildings are not only out of character to the neighborhood, but these huge buildings and the 3,500 new residents will:

1) Increase noise
2) Increase traffic
3) Increase pollution
4) And increase demands on existing and new recreational facilities (not to mention roads, schools, and other public facilities and services)

Please, please, please, scale it back--to something more appropriate, safer, and sustainable for this community!

Thank you for considering my concerns.

Sincerely,

Gigi Pagani

Response to Letter C-162

Gigi Pagani
March 4, 2024

Response C-162-1

This comment expresses general concerns related to the size, scale, and design of the proposed project and associated impacts, including construction noise, provision of open space and recreational facilities, traffic congestion, and air quality emissions. The comment also provides suggestions for the size, design, and amenities to be provided for the proposed Town Square. This comment is primarily an opinion on the merits of the project. Also refer to Chapter 2.0, Revised Project in this RTC Document for a description of changes to the Town Square, which has increased in size.

Refer to Sections 4.12, Noise, 4.13, Public Services and Recreation, 4.9, Transportation, and 4.10, Air Quality, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible.

Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and greenhouse gas [GHG] emissions), refer to Master Responses 3 and 4. Refer to Response B-2-11 regarding planned roundabouts. Refer to Response B-7-2 for more information related to open space requirements and Response B-7-3 regarding the 2023 City of San Rafael Parks and Recreation Master Plan. Also note that project compliance with on-site open space requirements is discussed on page 4.13-17 of the Draft EIR. Refer to Response B-8E-2 regarding the timing of ambient noise measurements and B-8B-52 and B-8E-7 for further discussion of construction noise impacts that were determined to be less than significant with implementation of Mitigation Measure NOI-1. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Jatin Pandya
To: April Talley
Subject: DEIR Comments
Date: Sunday, March 3, 2024 12:14:16 PM

Hello Ms.Talley,

I am writing below my response to the Draft Environmental Impact Report of the proposed Northgate Mall development. C-163-1

1. Though I am in favor of the affordable housing made available to the needy, I am not convinced that the proposed solution for this development has taken into consideration and properly researched or studied the traffic and the transportation issues that would be impacting those who are already living in and around the proposed area, not to mention the new families which would come and start living here. Even though the proposed development is spread over several years, its impact would be felt even during the construction stage.

2. The community in this area has been well-established for many years, and we have lived here for 26 years without seeing any major development projects. Since there is no historical data available for this area, it's challenging to establish a baseline for a scientifically reliable study of the traffic impact during and after the project execution. To accurately assess the traffic impact, a thorough study using simulations is necessary.

3. The Draft Environmental Impact Report (DEIR) has not comprehensively and scientifically assessed the potential traffic impact of the proposed development. I have several inquiries:
4.
    1. What specific traffic study was performed by the LSA? How was this study conducted, and what were its conclusions?

    2. Which simulation tools or software were utilized to analyze the projected traffic conditions?

    3. Which public emergency scenarios were included in the simulation to assess traffic impacts under various conditions?

    4. The traffic simulation study must establish a precise and realistic starting point (baseline) and predict the changing traffic conditions over the course of several years. The outcomes of this traffic simulation will be presented through a comprehensive map and accompanying data tables, utilizing Geographic Information System software.

5. The proposed development's social impact is of great significance to the present inhabitants of this area. The shift in population density would directly and irrevocably influence the accustomed quality of life that they have enjoyed for numerous years.
6.
    1. What US census data was used to study the impact on the current population of the

concerned area? Which social impact parameters were considered in such a study?

2. Have any investigations been undertaken to ascertain if the development area can sustain the population density that would be accommodated?

3. Have there been any studies conducted to assess whether the existing local services, including school districts, fire and emergency services, utilities, etc., are adequately equipped to support the increased population that would result from this development?

C-163-1 (cont.)

Please consider the above comments and feel free to reach out if you need more information.

Thank you,
Jatin Pandya

Response to Letter C-163

Jatin Pandya
March 3, 2024

Response C-163-1

This comment expresses general concerns related to the size, scale, and population density of the proposed project and associated impacts, including traffic congestion, population increases, and demand for public services. The comment also requests more information related to the evaluation of such impacts and what studies were performed.

Refer to Sections 4.9, Transportation, 4.2, Population and Housing, 4.13, Public Services and Recreation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures. The methodology for the evaluation of each impact is clearly described in each topical section of the Draft EIR, including explanations of the studies performed (some of which are included in the Draft EIR Appendices). Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation, refer to Master Responses 3 and 4. Also refer to Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

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From: Rahul Pandya
To: April Talley
Subject: DEIR Comments
Date: Sunday, March 3, 2024 2:27:54 PM

Hello Ms. Talley,

I am writing below my response to the Draft Environmental Impact Report of the proposed Northgate Mall development.

While I support the initiative for affordable housing for those in need, I have reservations regarding its potential contribution to the area's crime issues. Specifically, the influx of new residents could lead to higher population density, thereby increasing the likelihood of criminal activity. **C-164-1**

My concern is heightened by the presence of senior citizens in the area, whose quality of life could be adversely affected by crime. Furthermore, families with school-aged children would also be vulnerable to the impacts of increased criminal activity. Additionally, the proposed development could worsen traffic conditions, hindering swift responses to criminal incidents.

I urge you to take these considerations into account and address them in the final environmental impact report.

Thank you,
Rahul Pandya

Response to Letter C-164

Rahul Pandya
March 3, 2024

Response C-164-1

This comment expresses concerns related to the population density of the proposed project and associated impacts of increased crime and traffic congestion and delaying police response times. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Specifically refer to pages 4.13-13 and 4.13-14 in the Draft EIR for a discussion of impacts to police services and response times.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Thursday, January 11, 2024 6:30:46 PM

Name

Heidi Pay

Email

heidipay@hotmail.com

Comments

I am very concerned about the lack of parking. Despite the proximity to public transportation I expect more than 1 car per unit and I didn't see sufficient parking. That area in Terra Linda already looks like a parking garage on the street. I am very supportive of growth in our community but the parking is a reality that needs to be properly addressed to make this work.. **C-165-1**

Response to Letter C-165

Heidi Pay
January 11, 2024

Response C-165-1

This comment, which requests more parking in the project design, does not address the adequacy of the information or analysis in the Draft EIR and is noted. Refer to Response C-21-1 regarding parking availability and Master Response 2 regarding the project merits.

From: Stephanie Pedersen
To: April.Talley@cityofsanrafael.org
Subject: Comments on Northgate Mall Redevelopment
Date: Tuesday, February 27, 2024 8:50:03 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-166-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project. Terra Linda and the surrounding community prides itself on being a wonderful place to raise a family. Without considering the impacts that this development will have on our schools it will be detrimental to our community. I urge you to please consider the effects it will have on our children.

Sincerely,
Stephanie Pededersen

--
Stephanie Pedersen | 760.809.1116

Response to Letter C-166

Stephanie Pedersen
February 27, 2024

Response C-166-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Tuesday, January 16, 2024 8:32:08 PM

Name

Petra Pless

Email

petra.pless@gmail.com

Comments

Hi,

The weblink to Appx. E, Phase I ESA, is not functional (https://storage.googleapis.com/proudcity/sanrafaelca/uploads//%date_year/date_month%/2024/01/App-E-Phase-I-ESA-compressed.pdf+) . Please repost the document. C-167-1

Thank you,
Petra Pless

Response to Letter C-167

Petra Pless
January 16, 2024

Response C-167-1

The commenter states that Appendix E, Phase I Environmental Site Assessment, to the Draft EIR was not accessible on the City's website. The document was re-posted in parts due to file size and remains available at: https://www.cityofsanrafael.org/northgate-town-square-environmental-review/.

From: Juliana Poindexter
To: April Talley
Cc: DamonC AtHome
Subject: For public comment re the Northgate DEIR
Date: Monday, March 4, 2024 8:55:50 PM

C-168-1

Please conduct more studies and fully finance the Miller Creek school district before implementing this project. Currently there isn't even enough money for buses. If all the kids from this new development drive to the middle school, we will be in traffic for hours. Moreover, there is not enough parking at the middle school so neighboring side street streets are constantly being used for additional parking so a public transit bus to the school is imperative. The Miller Creek school district is under funded and doesn't even have enough money for transitional kindergarten which was supposed to be universal. Please fund that program and fund the school district before stretching the resources even thinner.

I'm disappointed that the city keeps adding more and more housing in communities that are already densely packed together. Why not allow people to build in Solano county or more rural areas and construct cities there where there wouldn't be so much congestion? Adding so much housing to an already densely packed area is not aesthetically pleasing, and would make that whole area less enjoyable for the new residents as well as the old residents.

Sincerely,

Juliana Poindexter

Response to Letter C-168

Juliana Poindexter
March 4, 2024

Response C-168-1

This comment generally states concerns related to the population density of the proposed project and impacts to school services. These impacts were determined to be less than significant as demonstrated in the analysis in Section 4.13, Public Services and Recreation, of the Draft EIR. Please also refer to Responses A-3-1 through A-3-12, which further address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Rebecca Pollack
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project—Public Comments
Date: Tuesday, February 27, 2024 2:00:57 PM

Dear City of San Rafael Planning Division,

I am a parent in the Miller Creek School District and a teacher in the Novato Unified School District. I strongly believe that Marin County needs more affordable housing. I also believe that housing developers need to provide sufficient funds to support the increase in the student population of our local schools that would come from the increase in housing.

C-169-1

Please work with the district to negotiate higher developer fees so that they are able to accommodate the increase in students without it taking away from other areas of the budget.

Thank you for your consideration,
Rebecca Pollack

Response to Letter C-169

Rebecca Pollack
February 27, 2024

Response C-169-1

This comment generally states concerns related to school service funding and requests that the City work with the Miller Creek School District (MCSD) to negotiate higher development impact fees. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Response A-3-2 regarding impact fees that mitigate impacts to schools. The City does not have the ability to regulate MCSD's impact fees; these fees are determined by MCSD as an independent agency.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Thursday, February 29, 2024 5:22:25 PM

Next Steps: Sync an Email Add-On

Name

Amy Powers

Email

amypowers16@gmail.com

Submit Public Comment

As a life long resident of Terra Linda and Lucas Valley, I realize the Northgate mall is going to need a update . Although I support the re-development of Northgate into a vibrant sustainable mixed use community, I have concerns about the current project as proposed. C-170-1
TRAFFIC and POLLUTION
There are 3 senior facilities (Villa Marin, Alma Villa and Drake Terrace) nearby as well as Guide Dogs for the Blind which are particularly at risk from increased traffic.
Also Terra Linda High School and Kaiser traffic.

EVACUATION & SAFETY
We only have a 2 lane road surrounding Northgate Mall and we have 3 senior facilities (Villa Marin, Alma Villa,
and Drake Terrace) within a 2 block radius. Any delays of Ambulance or Fire Trucks caused by traffic congestion
will create enormous suffering for those in need of these services.
In case of fire and everyone needing to evacuate this would be too much.
I think the amount of housing is too much. Perhaps a grocery store could be on the premises to lessen car trips. We really need another grocery store in Terra Linda.
Thank you .
Sincerely,
Amy Powers

Response to Letter C-170

Amy Powers
February 29, 2024

Response C-170-1

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and associated impacts including, traffic congestion, air quality emissions, and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, and 4.10, Air Quality, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that CEQA impacts related to these topics would either be less than significant pursuant to established thresholds or would be reduced to less than significant with implementation of identified mitigation measures. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Friday, March 1, 2024 9:53:33 AM

Next Steps: Sync an Email Add-On

Name

Jon Price

Email

ajp@ammservices.com

Submit Public Comment

With about 1,400 units planned, with at least 2 people per unit, you can figure that about 3,000 additional folks will be added to the population in the immediate area, How much thought has been given to consequent increase in traffic? Ingress/Egress to from the immediate area? Access to the freeway? Las Gallinas - Northgate Dr. intersection will become gridlock at certain times, as will Las Gallinas - Del Presidio intersection, unless provision is included in plan for additional access to freeway (e.g., adding access ramps at Merrydale overpass). **C-171-1**

Response to Letter C-171

Jon Price
March 1, 2024

Response C-171-1

This comment expresses general concerns related to the population density of the proposed project and associated impacts, including traffic congestion. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.2, Population and Housing, and 4.9, Transportation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that CEQA impacts related to these topics would be less than significant pursuant to established thresholds.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Friday, February 23, 2024 9:16:35 AM

Next Steps: Sync an Email Add-On

Name

Brady Quilici

Email

brdquilici1@gmail.com

Submit Public Comment

The traffic impact and effects of a large multi-unit housing development would fundamentally change the area for the worse. C-172-1

Response to Letter C-172

Brady Quilici
February 23, 2024

Response C-172-1

This comment expresses general concerns related to the size and scale of the proposed project and associated impacts, including traffic congestion. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Section 4.9, Transportation, of the Draft EIR, which addresses the above concerns and, as demonstrated in the analysis, determined that CEQA impacts related to these topics would be less than significant pursuant to established thresholds.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Monday, March 4, 2024 8:24:29 AM

Next Steps: Sync an Email Add-On

Name

Tonya Reed

Email

tonyalynne1010@gmail.com

Submit Public Comment

I am a resident of Terra Linda and I respectfully write this letter with great concern related to the development of the housing project at Northgate. C-173-1
Our home on Tamarack was the very first home we bought seven years ago, in a cozy, quaint community far enough away from the city to get space and build community. What they are planning on building at Northgate, completely goes against that foundational reason for why we chose Terra Linda as the place to grow and raise our family. We were incredibly purposeful about getting away from the crowded city life and adore Terra Linda for the intimate community that it is.

Simply stated, if the proposed housing complex goes through as is, we will sadly be forced to make our 2-3 year exit plan, for the same reasons as why we left the city. In turn, we would either sell or rent out home. Whether other neighbors are sharing it or not, I know that this is a common sentiment among many who profusely disapprove of the current plans. I understand the need for housing. But Terra Linda should not be responsible for standing up half of the new housing guidelines for the entirety of San Rafael. It must be dispersed evenly.

There are countless practical reasons why it does not make good common sense for this to move forward, as is. The developers already know this but:

1) Noise/pollution for residents, many whom are elderly and children (my 4YO son has asthma and I'm incredibly worried about poor air quality and the impact this will have on his ability to be able to play outside which is his favorite thing to do.

2) Traffic during everyday AM/PM rush hour (it's already jammed!)

3) Natural disaster evacuation routes which would not be sufficient for the number of residents.

4) Kaiser hospital nearby, it will be nearly impossible for an ambulance to make it to the ER timely manner which literally will impact life or death scenarios especially during the AM/PM rush-hour.

5) Schools – Most immediately and personally impactful for my family, given the young ages of my young sons 4 and 6, the schools will be significantly impacted as I've listened in on the board meetings and they have very clearly stated they cannot absorb the influx of new students.

Candidly, I'm shocked that given the above, that this project has made it this far. It is a reckless decision with massive impact on the current residents. The scope of the project must be changed or else the Terra Linda that all of the current residents know and love is forever gone.

I implore you to reconsider the large residential scope of the plan for an equitable number of housing units, commerce and green space.

Response to Letter C-173

Tonya Reed
March 4, 2024

Response C-173-1

This comment expresses general concerns related to the size and scale of the proposed project, and associated impacts, including noise, air quality emissions, traffic congestion, emergency access and evacuation, medical and emergency services access, and school services and capacity. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.12, Noise, 4.10, Air Quality, 4.9, Transportation, and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that CEQA impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible. Refer to Response B-9-1 for further information related to emergency evacuation, Responses B-8E-7 and B-8E-9 regarding construction noise, and Responses A-3-1 through A-3-12 regarding impacts to schools. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Elke Reinhardt <elkethegerman@icloud.com>
Subject: Northgate Mall development
Date: February 21, 2024 at 11:28:05 AM PST
To: April.Talley@cityofsanrafael.org

Hi April,

C-174-1

As a decade long resident of Terra Linda I would like to voice my opposition to the proposed development at Northgate Mall.
As a resident, I am very familiar with the traffic and access issues in the area. I firmly believe that a massive housing project of this size can only lead to extreme traffic issues due to the small two lane roads in circling and accessing the development.
There is nothing offered to benefit the community at all. It's simply just mass housing and I feel the project is influenced by the mandated number of housing units that MARIN county is required to provide. The fact that the units will only have one and a half parking spaces provided for each unit should be a red flag to begin with. Suppose a family of four is renting a three bedroom unit. Most teenagers need to have a car and most parents have one car each would require four cars. Even a couple with two cars, space is not even provided for that!
What could've been an attractive low lying development with an area to include the community i.e. children's playground, outdoor space for people to enjoy a music venue, (which we will be losing) a convenience store, cafés with indoor and outdoor spaces etc. has been thrown to the wind. It's quite obvious that the main focus of the development is mass housing with no regard to quality of life whatsoever. Traffic in the area is becoming increasingly worse, with 2 to 3 stoplights before one can even enter the freeway from Northgate Drive. Traffic is often backed up as far as the eye can see To gain freeway access. I can't imagine that the on-ramp or the perimeter road would have the capacity to handle the amount of cars that would be present once the development is finished.
I don't understand why is always in last place when it comes to redevelopment or remodeling of existing areas. A perfect example would be the shopping centers in Greenbrae and Larkspur Landing. Both of those developments are huge community assets, thriving with shoppers and people, seeking and enjoying the development. They are also profitable for their cities.
We are so far away from anything that would be attractive to the community that it's almost laughable. Instead, I wish the city would spend more money developing downtown san rafael, which is now the armpit of Marin county and declining further. Other cities should be required to provide housing and Terralinda should not have the entire required residences dumped on us. Put yourself in our shoes, how would you like to have this offered to you versus something much more attractive and available to the community. Somebody has missed the mark completely here and I suggest the plans be completely revised with a heart centering on quality of life and positive community development.

Sincerely, Elke Reinhardt
Sent from my iPhone

Response to Letter C-174

Elke Reinhardt
February 21, 2024

Response C-174-1

This comment expresses opposition to the project and general concerns related to traffic congestion. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Section 4.9, Transportation, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant. Also refer to Response C-21-1 regarding parking availability and Master Response 2 regarding the project merits.

From: John-Michael Rindner <jrindner@gmail.com>
Subject: Terra Linda Housing Project
Date: February 22, 2024 at 9:06:11 AM PST
To: April.Talley@cityofsanrafael.org

Hi April,

I see there is a push for all the housing to be placed in Terra Linda and there doesn't seem to be effort to put any housing in other parts of San Rafael. This is going to put a huge strain on the community and thereisn't the appropriate infrastructure to support this massive project. C-175-1

Is there equivalent projects to be done in other areas? Are we going to see another school added? We can't bear this whole project.

Best,

John-Michael

Response to Letter C-175

John-Michael Rindner
February 22, 2024

Response C-175-1

This comment expresses opposition to the project and general concerns related to effects on the area school services, primarily due to the proposed density of the project. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Sections 4.2, Population and Housing and 4.13, Public Services and Recreation, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant. Also refer to Response C-40-1 regarding the proposed project density, which is consistent with and planned for in the General Plan. Also refer to Responses A-3-1 through A-3-12 regarding impacts to schools and Master Response 2, which further addresses comments related to the project merits. C-40-1

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Monday, January 8, 2024 8:36:50 PM

Name

LJ Roberton

Email

ljdiener@yahoo.com

Comments

Please provide information about traffic mitigation plans, including the impact on freeway on and off-ramps during peak usage times. **C-176-1**

Response to Letter C-176

L.J. Roberton
January 8, 2024

Response C-176-1

This comment requests more information related to traffic impacts and mitigation. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Please refer to Section 4.9, Transportation, which includes an evaluation of transportation impacts and, as demonstrated in the analysis, determined that all impacts related to transportation would be less than significant with implementation of an identified mitigation measure to improve sight distance at an existing driveway. Therefore, additional mitigation measures are not required. Refer to Master Response 7 regarding CEQA mitigation requirements.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Sunday, March 3, 2024 12:47:57 PM

Next Steps: Sync an Email Add-On

Name

Nancy Roberts

Email

nancyrob214@comcast.net

Submit Public Comment

I'd like to say that more than four stories is too high & there are too many buildings. Find other place for housing, bring down quantity. C-177-1

Opt Out of Email Updates

- Select the checkbox if you do NOT want to sign up for email updates.

Response to Letter C-177

Nancy Roberts
March 3, 2024

Response C-177-1

This comment, which expresses general opposition to the size and scale of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

From: lynn robinson <gratituteforlife@yahoo.com>
Subject: Public Comment on Northgate Town Square Redevelopment Project DEIR
Date: February 23, 2024 at 1:45:21 PM PST
To: "April.Talley@cityofsanrafael.org" <April.Talley@cityofsanrafael.org>

April Talley, Northgate Project Manager

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

Date: February 22, 2024
Re: Public Comment on Northgate Town Square Redevelopment Project DEIR

Dear Planning Commissioner

Re: Impact Report for Northgate Town Square Mall Redevelopment Project on pedestrian traffic.

The Transportation Impact Study only considers pedestrian improvements within the project site. The project concludes that there will be a less-than-significant impact to pedestrian facilities. However, the Study does not consider or analyze the impact of the addition of 3500+ new residents in a transit-oriented development on pedestrian access along N. Merrydale Road to the SMART rail transit station. If this project meets its objective of being a transit-oriented development, there will be a significant
increase in pedestrian and bicycle traffic along Merrydale Road and **mitigation measures are**
necessary to insure pedestrian and cyclist safety.
Existing conditions: The nearest Sonoma-Marin Area Rail Transit (SMART) station is
Civic Center, an approximately 0.39-mile walk southeast of the project site along Merrydale Road **C-178-1**

There are no sidewalks on Merrydale Road between the Merrydale Road overpass over US-101 and the Marin Civic Center SMART station. Currently, pedestrians traveling between the project site and the station must either cross over the freeway to access the sidewalk along Civic Center Drive or walk in trafficalong Merrydale Road.

Northgate Town Square Mall Redevelopment Project DEIR, RGM comments Report in April 2022 to address the potential alternative designs, which generally

include a 12-foot-wide shared-use trail along the north and east sides of Merrydale Road between Las Gallinas Avenue and the Sonoma-Marin Area Rail Transit (SMART) station.

Regional rail service is provided by SMART at the Marin Civic Center Sta]on, a 0.39-mile walk southeast of the project site along Merrydale Road. As noted above, this connection currently does not have a sidewalk and pedestrians must either walk in the road or take a longer, approximately 0.4-mile route to the station.

Furthermore, the study does not consider the impact on elderly living all around the area who walk and the students from Terra Linda High School who will make use of the center during lunch and after school. PEDESTRIAN TRAFFIC AND ACCESS IS A HUMAN SAFETY ISSUE for all ages

The project applicant has repeatedly acknowledged that the project will increase pedestrian and bicycle traffic on Merrydale Road and that the project was willing to contribute its “fair share” of the cost of constructing the multi-use trail along Merrydale Road. However, DEIR does not propose any monetary contribution to the City for the final design and construction of this multi-use trail.

The DEIR’s analysis of project impacts on the Pedestrian and Bicycle systems is inadequate because it does not address increased pedestrian and bicycle traffic on Merrydale Road to and from the SMART train sta1on and the necessity for the planned multi-use path on Merrydale Road to be constructed simultaneous with the project.

Thank you for continuing to consider these concerns and making good on original promises

Lynn Robinson
A (concerned) resident of Terra Linda for 55 years

C-178-1 (cont.)

Lynn Robinson, ***MA, MFT She/Her/Hers***
Certified EFT Practitioner & Trainer
(415) 472-3273
gratituteforlife@yahoo.com
www.MindfulEFT.com

Coast Miwok of Southern Marin are raising money to install a beautiful

sculpture in Marin commemorating Coastal Miwok.
You can be a part of making this vision a reality.

https://www.gofundme.com/f/marin-coast-miwok-dancer-warrior-statue

Here is more information about the project

https://youtu.be/HlMIaPhxPNY

IJ article Tiburon consideration

Response to Letter C-178

Lynn Robinson
February 23, 2024

Response C-178-1

This comment, which expresses concerns related to the Draft EIR analysis of off-site impacts to pedestrian and bicycle safety and states that the project sponsor should contribute to funding of pedestrian improvements between the project site and the Sonoma-Marin Area Rail Transit (SMART) Civic Center Station, is noted. Please refer to Section 4.9, Transportation, page 4.9-19 of the Draft EIR, which discusses pedestrian and bicycle impacts. These impacts were determined to be less than significant pursuant to established significance criteria; refer to Threshold 4.9.1 on page 4.9-13 of the Draft EIR. There is no nexus to require that the project sponsor construct or fully fund the planned connection; refer to Master Response 7 regarding CEQA mitigation requirements.

From: CJ Rose
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 8:49:38 PM

Dear City of San Rafael Planning Division,

C-179-1

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

I'm a homegrown resident of Terra Linda. I grew up in Marinwood, attended Mary Silveira, Miller Creek, and Terra Linda High School. I'm what many would consider a "success story" - I graduated TLHS as salutatorian in 2001 and went on to attend UCLA.

At the time, the schools gave me what I needed. Mary Silveria and Miller Creek prepared me sufficiently academically, and though TLHS doesn't stand out along the lines of some of the other Marin high schools, it offered me opportunities to take honors and AP classes, setting myself apart from other college applicants. I managed to pass multiple AP classes, giving me a head start in college.

Since then, my understanding is that the quality of the schools has deteriorated. While not terrible, the community, school district, local, state, and federal government need to take action to return the education to a higher level.

While it can't be the only part of the plan, part of the plan must be avoiding further deterioration by bringing in too much housing that current schools cannot support.

Already, we've seen budget cuts as a result of COVID stimulus funds drying up. This will result in cuts to "non-essential" (I use that term in quotation marks deliberately) programs like art.

The Northgate Mall Redevelopment project MUST take into account the impact it will have on schools, education funding, and, ultimately, our kids futures.

My understanding is that there is not an adequate funding plan to support the anticipated inflow of students that would arrive from the additional housing. I implore you to ensure that any housing project includes a robust plan to support not only the influx of students, but also to enhance the level of education we provide to the current ones.

Thank you for your consideration.

-CJ Rose
Proud parent of Avery Rose (7), Vallecito first-grader, and Hailey Rose (3), future Miller Creek School District student

--
CJ Rose
415.290.8612

Response to Letter C-179

C.J. Rose
February 27, 2024

Response C-179-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Franco Ruggeri
To: April Talley
Subject: DEIR shortfalls
Date: Thursday, February 29, 2024 10:01:21 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-180-1

Specifically:
Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

-Franco Ruggeri
--

Franco Ruggeri
(c) 415.260.7197
(l) https://www.linkedin.com/in/fruggeri

Response to Letter C-180

Franco Ruggeri
February 29, 2024

Response C-180-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Jen R
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall
Date: Tuesday, February 27, 2024 6:29:53 PM

Dear City of San Rafael Planning Division,

I'm writing to bring up some concerns I have regarding the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project, specifically focusing on its potential impacts on the Miller Creek School District community.

Looking at the details, a couple of areas caught my attention, 1) Section 4.9 of the DEIR, we noticed a gap in the analysis, particularly during the busy school pick-up and drop-off hours; it's an area worth exploring a bit more, and 2) Section 4.13's conclusion about impacts on schools being less than significant raised some concerns. It seems like the full picture might not be completely captured, especially in terms of how developer fees are addressing the project's effects on our district facilities, students, parents, and staff.

I acknowledge and appreciate your hard work on this and are hoping for a second look to ensure everything aligns accurately with the real impact on our children and our schools.

C-181-1

Cheers,
Jen Russell
Parent of an 8th grader at MCMS

Response to Letter C-181

Jen Russell
February 27, 2024

Response C-181-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Lance Russell
To: April Talley
Subject: Opposition to Northgate Mall development project
Date: Sunday, March 3, 2024 10:30:14 AM

To Whom It May Concern:

I am a resident and homeowner in Lucas Valley. area. I am writing to express my extreme disappointment and opposition to the current plans for housing/retail development at Northgate. C-182-1

Building Heights & Density: Too many units are proposed for this site, and too high. There is far too little consideration of the completely inadequate infrastructure for this project. The access roads to the 101 freeway will not support this number of people, especially in any emergency situation calling for evacuation or access by first responders, ambulances or other emergency services.

The project borders on a public school that is not equipped to provide for the anticipated number of students this development would affect. This poses a risk to the safety of young children and adults, and puts both the developers and the City of San Rafael on actual notice such a risk, and joint and severable liability in the event someone is injured and files a lawsuit for damages. This proposed project will also destroy the quiet neighborhoods comprised of one story homes and two story, low rise apartment buildings and will create intolerable noise, congestion and pollution to the current residents.

Proposal: DECREASE DENSITY All buildings should be 3-4 stories including retail. Increase retail space, include supermarkets and other necessary retail. Any proposal must be supported by adequate infrastructure that currently does not exist and must be explicitly specified in any proposal. All infrastructure provisions must be approved by the police and fire departments and all other public agencies that have jurisdiction over any such project.
Proposal: SUSTAINABILITY: Create outdoor & indoor gathering spaces, green open spaces, mini parks, performing art venue, ice rink. Leave Home Goods, movie theaters and other retail businesses that are serving the community. Create sufficient space for safe walkways and bicycle paths.
Proposal: REQUIRED FUNDING BY DEVELOPER: The developer should be required to fund local schools, Fire, Police (sheriff) & emergency services to cover the additional services that will be required and drawn upon.

Proposal: REQUIREMENTS FOR BUYERS AND PROHIBITION OF HOME PURCHASE FOR INVESTMENT BY THIRD PARTIES: All buyers shall be required to be to be individuals (not investment/financial firms) who must occupy, hold title and live in the unit for at least two years. DO NOT allow private equity or financial firms/institutions to buy out units for their own financial gain. DO NOT ALLOW financial involvement in the project by any person or institution that does not reside in California or whose designated principal place of business is not in California. **C-182-1 (cont.)**

In conclusion, for all of these reasons, as well as those reasons set forth by other residents, and members of our community, DO NOT APPROVE THE NORTHGATE PROPOSAL IN ITS PRSENT FORM! Thank you.

Very truly yours,
Lance Russell

Response to Letter C-182

Lance Russell
March 3, 2024

Response C-182-1

This comment expresses opposition to the project and general concerns related to the size, scale, and mix of uses for the project and associated impacts, including traffic congestion, emergency access and evacuation, school capacity and services, land use compatibility, noise, air quality emissions, fire and police services, utility infrastructure, and open space and recreation demand. This comment also provides general suggestions for alternatives to the project and states that the project sponsor should contribute to funding of various public service and infrastructure improvements. These comments are primarily an opinion on the merits of the project and do not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and are noted. Lastly, the comment requests that restrictions be placed on ownership and financing of the residential uses; such a restriction is outside the City's purview, and this comment is noted.

Refer to Sections 4.9, Transportation, 4.13, Public Services and Recreation, 4.1, Land Use and Planning, 4.12, Noise, 4.10, Air Quality, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible. Refer to Responses A-3-1 through A-3-12, which further address impacts to schools, Response B-7-2 for more information related to open space requirements, and Response B-9-1 for further information related to emergency evacuation. Furthermore, applicable utility and service providers would review the proposed plans and would be responsible for issuing various permits and approvals and collecting applicable fees to ensure that the infrastructure needs of the project are met. Also refer to Master Response 2, which further addresses comments related to the project merits.

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From: Shelley Russell
To: April Talley
Subject: For public comment re: the Northgate DEIR
Date: Saturday, March 2, 2024 1:40:08 AM

C-183-1

To Whom It May Concern:
I am a resident and homeowner in the Marinwood area. I am writing to express my extreme disappointment and opposition to the current plans for housing/retail development at Northgate.
Building Heights & Density: Too many units are proposed for this site, and too high.
The current infrastructure will not withstand the proposed number of units. The access roads to the 101 freeway will not support this number of people, especially in any emergency situation calling for evacuation. The current public school system is not equipped to provide for the anticipated number of students this development would present.
This proposed project is forcing a highly intensified "urban city" in the middle of quiet neighborhoods comprised of one story homes and two story, low rise apartment buildings. This will destroy the natural, existing feel of the neighborhoods and create intolerable noise and pollution to the current residents.
Proposal: DECREASE DENSITY All buildings should be 3-4 stories including retail. Increase retail space, include supermarkets and other necessary retail. Create a development that San Rafael can be proud of. Do not let this development be an eye sore of "pack and stack" that we are seeing crop up along the 101 corridor. Beauty not blight.
Proposal: GREEN & SUSTAINABLE: Create outdoor & indoor gathering spaces, green open spaces, mini parks, performing art venue, ice rink. Leave Home Goods, movie theaters and other retail businesses that are serving the community.
THINK GREEN and reduce the carbon footprint. This is what Marin has always valued and why we are proud to live here. This is an opportunity to have a housing/retail development of which we can be proud, not disgusted.
Proposal: The developer should be required to fund local schools, Fire, Police (sheriff) & emergency services to cover the additional services that will be required and drawn upon. The developer should be required to build or connect a pathway to the SMART train and create bike paths.
Proposal: REQUIRE all buyers to be individuals (not investing firms) who must occupy and live in the unit for at least one year. DO NOT allow private equity firms to buy out units and jack up rents. If this housing development is truly to help others find housing, make the entire development rent controlled and increase the number of low income (subsidized) units.
Thank you for your thoughtful consideration.
Shelley Russell

Response to Letter C-183

Shelley Russell
March 2, 2024

Response C-183-1

This comment expresses opposition to the project and general concerns related to the size, scale, and mix of uses for the project and associated impacts, including traffic congestion, emergency access and evacuation, school capacity and services, land use compatibility, noise, air quality emissions, fire and police services, utility infrastructure, and open space and recreation demand. This comment also provides general suggestions for alternatives to the project and states that the project sponsor should contribute to funding of various public service and infrastructure improvements. These comments are primarily an opinion on the merits of the project and do not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and are noted. Lastly, the comment requests that restrictions be placed on ownership and financing of the residential uses; such a restriction is outside the City's purview, and this comment is noted.

Refer to Sections 4.9, Transportation, 4.13, Public Services and Recreation, 4.1, Land Use and Planning, 4.12, Noise, 4.10, Air Quality, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible. Refer to Responses A-3-1 through A-3-12, which further address impacts to schools, Response B-7-2 for more information related to open space requirements, and Response B-9-1 for further information related to emergency evacuation. Furthermore, applicable utility and service providers would review the proposed plans and would be responsible for issuing various permits and approvals and collecting applicable fees to ensure that the infrastructure needs of the project are met. Also refer to Master Response 2, which further addresses comments related to the project merits.

Bobbi Ryals
1/24/2024

I have lived in the Quail Hill townhouse community for over 25 years. I strongly oppose the construction of a seven story building on Northgate Drive. It will impact the Quail Hill residence and our property values very negatively. **C-184-1**

We do not want a seven story building in our face, which will completely destroy our view and create noise and traffic for our mostly senior community.

Please consider relocating the seven story building to the opposite side of Northgate, across from the cemetery, which is non-residential and will not have a negative impact on our residents.

We at Quail Hill are extremely concerned about this, and strongly oppose it.

Put yourselves in our shoes. Would you like a seven story building in your face, I don't think so. This is a very poor decision, which will have a very negative environmental impact on our community.

We urge you to relocate the 7 story building to the non-residential side!
Please.

Response to Letter C-184

Bobbi Ryals
January 24, 2024

Response C-184-1

This comment expresses opposition to the project and general concerns related to the size and scale of the project, especially the height of the seven-story building, and associated impacts including traffic congestion, views, and noise. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Sections 4.9, Transportation, 4.3, Visual Resources, and 4.12, Noise, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible. Also refer to Master Response 2 regarding the project merits.

From: Bobbi Ryals
To: April Talley
Subject: For Public Comment re: the Northgate DEIR
Date: Tuesday, March 5, 2024 10:42:43 AM

As a resident of Quail Hill, I speak for a large number of homeowners who are very upset and worried about the Northgate building project, as it will create tremendous Air, noise and traffic pollution. **C-185-1**

We feel the number of proposed apartments, and condos is much too dense a population for our small community. Please lower the height of the buildings, not to exceed 4 stories.

The construction alone will produce way too many contaminants, and will negatively effect air quality. This many additional cars will also increase emissions, and pollution. The noise level will be too high.

No drive thru FAST FOOD restaurants!

We want a charming and beautiful architectural Mall and Town Square that will be inviting to residents and guests to shop and enjoy!

Please listen to us. Thank you.

Bobbi Ryals, Quail Hill
120 La Alondra Ct.
San Rafael

Response to Letter C-185

Bobbi Ryals
March 5, 2024

Response C-185-1

This comment expresses opposition to the project and general concerns related to the size, scale, and density of the project and associated impacts, including traffic congestion, noise, and air quality emissions. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Sections 4.9, Transportation, 4.12, Noise, and 4.10, Air Quality, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible. Also refer to Master Response 2 regarding the project merits.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Saturday, March 2, 2024 11:07:30 AM

Next Steps: Sync an Email Add-On

Name

Blake Schatz

Email

blakeschatz@gmail.com

Submit Public Comment

Hello --
I am in support of this project, and more generally high-density, infill housing with transit-oriented developments that are intended to ease the housing shortage. C-186-1

I often think of a quote from Paul Fordham, CEO of Homeward Bound of Marin: if you're not in favor of more homes, then you are in favor of homelessness. This city already has many concerns with homelessness. Restricting this development will exacerbate those concerns.

Our state, and this city, are under great pressure to produce places where our neighbors can live. Currently, many of our neighbors are living in tents at Camp Compassion within Lee Gerner Park, and in RVs along Binford Road. We've tried to build more housing. We've tried ADUs, junior ADUs, tiny homes, mobile homes, adaptative reuse, commercial conversions, shelters, encampments, new single-family residences, multi-family residences, and other methods to promote the housing production that we desperately need. Finally, an opportunity has come about to build housing and ease homelessness. This opportunity should not be rejected.

The county of Marin and city of San Rafael will benefit from this redevelopment.

Thank you,
Blake Schatz

Opt Out of Email Updates

- Select the checkbox if you do NOT want to sign up for email updates.

Response to Letter C-186

Blake Schatz
March 2, 2024

Response C-186-1

This comment, which expresses general support for the proposed project and does not address the adequacy of the information or analysis in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 27, 2024 8:54:18 AM

Next Steps: Sync an Email Add-On

Name

Misha Seay

Email

mishaseay@gmail.com

Submit Public Comment

Dear City of San Rafael,

I am generally in favor of additional housing to meet the demand for more affordable housing in Marin County. However, it does not appear that enough of this housing development is slated as affordable housing for those who are already being priced out of the county. We do not need more market-level housing; we need housing for our teachers, city workers, service industry workers, and others who cannot afford to live in the same place that they work.

Additionally, if a large housing development will be constructed, it is essential that enough funds be provided to the local school district to absorb all the children. The Miller Creek school district is already in a tough financial position and cutting programs. It cannot be expected to absorb hundreds of more children without being appropriate additional funding. This will create extreme resentment and division within the community if such housing is created and children are added to the schools without proper funding.

Finally, if you are going to add high-density housing to this small neighborhood community, you must add better transportation services to decrease congestion. The county already reduced public transportation available to the Terra Linda community after the COVID-19 pandemic. There are only a couple of main roads in and out of the neighborhood. Adding thousands of residents, and cars, to the same few streets will cause major congestion. This town is not capable of absorbing such congestion without additional transportation services.

Sincerely,
Misha S.

C-187-1

Response to Letter C-187

Misha Seay
February 27, 2024

Response C-187-1

This comment expresses concerns related to the mix of proposed residential units (affordable vs. market rate) of the project and general concerns related to school services, traffic congestion, and transit services. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Sections 4.13, Public Services and Recreation, and 4.9, Transportation, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant. Also refer to Responses A-3-1 through A-3-12 regarding impacts to schools and Master Response 2, which further addresses comments related to the project merits. Refer to Chapter 2.0, Revised Project, of this RTC Document for revisions to the number and distribution of affordable housing units.

From: Cynthia Shallit
To: April Talley
Subject: Approve Northgate mall redevelopment project
Date: Friday, March 1, 2024 9:05:37 AM

Of course people who already own homes in San Rafael are going to complain about more traffic and disruption in their neighborhood. TOO BAD! **C-188-1**

We need more housing so people like me can afford a house. And this old mall is under used and a blight on our city. This sounds like a great mix of uses. It's the kind of residential development (high density, mixed use, infill), that reduces car trips.

And I'm sure it will be a Green development, right? (Solar panels, electric heating and cooling, electric car charging capability for every housing unit)

BUILD IT!

Cynthia Shallit
401 North Ave.
94903
9165333708

ps--can you deliver this comment to the right place? Thank you

Response to Letter C-188

Cynthia Shallit
March 1, 2024

Response C-188-1

This comment, which expresses general support for the proposed project, does not address the adequacy of the information or analysis in the Draft EIR and is noted. Also refer to Section 3.3.3, Project Sustainability Features, of the Draft EIR for a description of "green" design features incorporated into the proposed project. Refer to Master Response 2 regarding the project merits.

From: Erin Shandoff
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project + Impact on MCSD
Date: Tuesday, February 27, 2024 9:58:06 AM

Dear City of San Rafael Planning Division,

C-189-1

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Sincerely,

Erin Shandoff
(parent of a child at Vallecito Elementary, MCSD)

Response to Letter C-189

Erin Shandoff
February 27, 2024

Response C-189-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Ward S
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 9:25:47 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-190-1**

Specifically:

Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.

Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Thank you,
Ward Shandoff

Response to Letter C-190

Ward Shandoff
February 27, 2024

Response C-190-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

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. C-191-1

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
223 Mirada Ave.
San Rafael, CA 94903

Response to Letter C-191

Janet Shirley
March 5, 2024

Response C-191-1

This comment expresses opposition to the size, scale, and mix of uses for the proposed project and general concerns related to land use compatibility, visual resources, local air quality, and open space and recreation as evaluated in the Draft EIR. The comment also provides suggestions for alternatives to the project. This comment is primarily an opinion on the merits of the project. Refer to Sections 4.1, Land Use and Planning, 4.3, Visual Resources, 4.10, Air Quality, and 4.13, Public Services and Recreation, of the Draft EIR for a discussion of the above impacts, which were determined to be either less than significant pursuant to established thresholds or reduced to less than significant with implementation of identified mitigation measures. Also refer to Response B-7-2 for more information related to open space requirements and Master Response 2, which further addresses comments related to the project merits.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: David Silverberg
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Project: school impact
Date: Tuesday, February 27, 2024 10:39:04 AM

Hi April,
I received a note from my children's school that the city is planning to move ahead with the Northgate project without considering proper funding for our schools. Is this correct? If so, please have the city revisit this issue in partnership with school leadership. **C-192-1**
Regards
David

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Response to Letter C-192

David Silverberg
February 27, 2024

Response C-192-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Laura Silverman
To: April Talley
Subject: FOR PUBLIC COMMENT RE: THE NORTHGATE DEIR, PLEASE DELIVER TO THE SR PLANNING COMMISIONERS
Date: Tuesday, March 5, 2024 4:34:17 PM

Dear San Rafael Planning Commissioners,

I'm a 20 + year resident of Terra Linda. I relocated here from San Francisco after spending most of my weekends in Marin; biking, hiking and enjoying the natural beauty and sense of community that I experienced. I am so grateful to be living in such a healthy and wonderful neighborhood.

Although I support the redevelopment of the Northgate Mall and enthusiastically look forward to a sustainable mixed use development that welcomes new residents and offers a vibrant gathering place for the community, I have considerable concerns with the current proposal and the DEIR. I'm confident that with additional analysis and mitigations, this project can be improved to better meet the needs of the community and will become a thriving sustainable destination for all of Marin to enjoy. **C-193-1**

Thank you for your considerations and for welcoming the community to participate in this process.

Some of my concerns are as follows:

TRAFFIC/POLLUTION

The increase in Traffic that this project will generate with the addition of 3500 new residents is going to create grid lock in the surrounding area especially during high usage timeframes.

Vehicular Green House Gas (GHG) emissions caused by the increase in traffic will pollute the environment and be detrimental to the health of the community and the environment.

To have the baseline usage of the DEIR report reflect a fully functioning Mall can't be justified. This Mall has been declining for many years and not operating near capacity. Using this comparison for Traffic is detrimental and does not realistically represent the reality of the situation.

EVACUATION/SAFETY

In addition to GHG, the increase in Traffic, will overburden evacuation routes during natural disasters due to the limited roadways surrounding Northgate and the bordering residential neighborhood.

Emergency response times will be greatly challenged. We need to improve the current road conditions to mitigate the high risk that this project poses. It's illogical to support the premise that the Transportation Impact Study states that the Project would have a "beneficial" impact on emergency response times. How can that be possible especially when we consider that there are three senior communities within yards of Northgate and these communities specifically are at greater risk and will require more care during emergencies and evacuations. Quail Hill Townhomes comprised of 124 residences is directly uphill of the Mall and would be in a traffic lock down if there was a mass exodus during a disaster.

The increase in capacity of the current roads needs to be considered so that our community is safe.

Below are a few key changes that I recommend that will help reduce the greenhouse gas (GHG) emissions impact of this project and improve the environment. These are low hanging fruits compared to the increase of GHG that will be generated by the overall increase in Traffic and the impaired Evacuation access due to the current limited road network, but none the less will contribute to the reduction of GHG and pollution.

ARTIFICIAL TURF/GRASS

- As per the numerous articles quoted below, artificial turf/grass is a poor and dangerous choice for the environment and the health of the community. In addition to health, artificial turf/grass is a poor choice economically for the long term.
- Local CA governments can legally ban these products and I encourage San Rafael to do

C-193-1 (cont.)

what's right for the community and for the City's best interest.

- The MMWD is opposed to the use of artificial turf and sites potential environmental concerns and in addition it uses water, creates heat and toxic run off into our water system.
- At the DRB meeting on July 18, 2023, the DRB and the majority of the community were against the use of artificial turf/grass.
- There are alternatives that can be used and so there is no reason why artificial turf/grass should be part of this project.

"Fake grass looks good and unlike real grass, synthetic lawns don't turn brown and don't need water. But looks can be deceiving.

Gov. Gavin Newsom signed a bill that allows local governments to ban synthetic grass in residential areas. This reverses part of a 2015 bill that stripped them of that power."

https://abc7.com/fake-grass-artificial-turf-california-environmental-concerns/13942121/

"Artificial turf has recently become a source of concern for scientists, athletes and parents because of the many chemicals used in its production. Tests have shown some turf contains PFAS and, if inhaled or absorbed, PFAS-laden dust presents an exposure risk."

https://www.ewg.org/news-insights/news-release/2023/09/california-legislature-sends-ban-forever-chemicals-artificial

"Once it was hailed as a drought fix — but now California's moving to restrict synthetic turf over health concerns"

https://calmatters.org/environment/2023/10/california-synthetic-turf-pfas/

"As our research progressed, however, we realized we had serious reservations—synthetic turf can be a bad value over the long term, there are serious environmental problems to consider, and the costs to install and maintain any sizable, well-done installation proved so high that we concluded we'd be better off investing the money and effort in just about any other form of landscaping."

https://www.nytimes.com/wirecutter/reviews/best-artificial-grass/

"Artificial turf has potential environmental concerns"

https://www.marinwater.org/sites/default/files/2021-11/LYL%20-%20Does_Artificial_Turf_Qualify%2011-9-20.pdf

DRIVE THROUGH RESTAURANTS

- The proposal to add two drive through restaurants to this project, is just wrong. All research indicates that idling cars increase GHG.
- In addition to cars idling, these restaurants will increase traffic, create noise and congestion when commuters exit 101 for a quick burger.
- These consumers will not stop at Northgate, nor participate or engage with the Northgate community nor visit other retailers.
- The result of these toxic emissions is in opposition to San Rafael's goals of the Climate Change Action Plan 2030.
- We need sit down local restaurants and cafes, which have proven successful in other Marin developments including the Marin Country Mart and Town Center Corte Madera.
- Let's make Northgate a vibrant destination not a transient drive through.

"Idling your vehicle—running your engine when you're not driving it—truly gets you nowhere. Idling reduces your vehicle's fuel economy, costs you money, and creates pollution. Idling for more than 10 seconds uses more fuel and produces more emissions that contribute to smog and climate change than stopping and restarting your engine does."

https://afdc.energy.gov/files/u/publication/idling_personal_vehicles.pdf

C-193-1 (cont.)

"Tailpipe emissions are the major source of greenhouse gas emissions and over 50,000 deaths per year. Idling is linked to lung disease, asthma, increased allergies, heart disease and cancer. Because of the known link between idling and health problems, many agencies and organizations are dedicated to reducing these impacts'"

https://csumb.edu/transportation/vehicle-idling/

I appreciate the hard work that the City and the Developer have put into the Northgate Town Square Redevelopment Project. As Northgate is the largest residential and commercial project in Marin, it will have a long term effect on our community for many years to come. I implore the City to make it the best it can be and to consider the concerns and suggestions that the community has expressed over many years since the inspection of this project.

Warm regards,

Laura Silverman

Responsible Growth in Marin, Member

TLNA, Member

Response to Letter C-193

Laura Silverman
March 5, 2024

Response C-193-1

This comment expresses general concerns related to the mix of uses and design of the proposed project and associated impacts as identified in the Draft EIR analysis, including traffic congestion, emergency access and evacuation, air quality and greenhouse gas (GHG) emissions from mobile sources, and noise. Specifically, the comment opposes the use of artificial turf and the location of drive-through restaurants on the site and provides weblinks to several articles and resources that describe the negative effects of these materials and uses; these are primarily comments on the merits of the proposed project and design and are noted. Please see Master Response 2 regarding the project merits. Also refer to Chapter 2.0, Revised Project in this RTC Document regarding the change in the Town Square materials from synthetic to natural turf.

Refer to Sections 4.9, Transportation, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, and 4.12, Noise, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible. In addition, GHG impacts are deemed significant and unavoidable because the proposed project would include natural gas connections for commercial kitchens.

Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and GHG emissions), refer to Master Responses 3 and 4. Refer to Response B-9-1 for further information related to emergency evacuation.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Anne Sjahsam
To: April.Talley@cityofsanrafael.org
Subject: Northgate project + Miller Creek Schools
Date: Tuesday, February 27, 2024 9:10:10 PM

Dear City of San Rafael Planning Division,

C-194-1

The Northgate project will negatively impact Miller Creek Schools. Developer fees are currently insufficient to support new students. The excellent schools in Marinwood and Terra Linda are part of what makes our community wonderful. Please revise impact findings to support higher developer fees so that our district can continue to offer quality education.

Kind regards,
Anne Sjahsam

Homeowner
515 Quietwood Drive
San Rafael, CA 94903

Response to Letter C-194

Anne Sjahsam
February 27, 2024

Response C-194-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Catherine slater
To: April Talley
Subject: Redevelopment feedback
Date: Tuesday, March 5, 2024 11:25:08 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-195-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Sent from my iPhone

Response to Letter C-195

Catherine Slater
March 5, 2024

Response C-195-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 27, 2024 9:30:34 AM

Next Steps: Sync an Email Add-On

Name

Michael Small

Email

michaelhsmall@gmail.com

Submit Public Comment

Dear City of San Rafael Planning Division,

I am a teacher at Miller Creek School and a resident of Mill Valley.
The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-196-1

The impact of this development project will overburden the school district which is already in a deficit and is struggling with a lack of bus service, major traffic issues, and a lack of facilities. How can we add residents without a plan for civic services?

Specifically:

Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.

Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Opt Out of Email Updates

- Select the checkbox if you do NOT want to sign up for email updates.

Response to Letter C-196

Michael Small
February 27, 2024

Response C-196-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: MARILYN P SOUTH
To: April Talley
Subject: For Public Comment re:the Northgate DEIR
Date: Monday, March 4, 2024 10:43:27 PM

As a resident of the nearby Villa Marin Señior Residence, I'm very concerned about the increased traffic that will occur in this Northgate Redevelopment plan. A number of local bus transportation stops must be encouraged around the development, so people will leave their cars in the garage. There should be NO drive- through restaurants in the development. That just encourages cars to drive within the development, when that should be DISCOURAGED. C-197-1

Secondly, the small one acre open space is MUCH TOO SMALL for so many people. The City of San Rafael is not following its own recommendations in permitting such a small space to be considered adequate. There should also be a playground present in the open space for all the children who will be residents. The space—and preferably there should be a least TWO large open space areas in the development, should also have benches, trees to provide shade (San Rafael is HOT in the summer), a fountain of two, plus a drinking fountain and some shrubs and flowers.

Thirdly, anytime you could possibly reduce the height of any of the rental units, that would certainly be a plus. 7 stories high is too high. It is a dehumanizing size. 5 or 6 stories should be the height limit of the biggest apartments. I know you have housing goals to meet, but they don't all have to be met in this one development. 7 stories high could be considered a skyscraper, and we don't want those in our city.

Please consider the environment you are trying to create in this Northgate Development. The citizens of San Rafael want a development that will be inviting, a place where they would like to linger on a bench and take a stroll. They do not want to be in the shadows of monster buildings that dehumanize them. When one is in the development looking around, one should feel connected to nature. One should see lots of greenery, colorful flowers, splashing water and the sound of children.

Thank you for considering my comments.

Marilyn P. South
100 Thorndale Drive. #307
San Rafael, CA. 94903

Response to Letter C-197

Marilyn South
March 4, 2024

Response C-197-1

This comment, which expresses general opposition to the size and scale of the proposed project, requests better access to transit surrounding the project site in order to lessen traffic congestion, and requests additional on-site open space, is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR. Refer to Section 4.9, Transportation, of the Draft EIR, which addresses traffic congestion as an informational non-CEQA topic.. Also refer to Master Response 2 regarding the project merits.

From: Matheus Souza
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 9:37:07 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-198-1

Specifically:

Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.

Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

The county of Marin, especially San Rafael, does not need more homes, with absurd prices, people need leisure, shopping, things to do, not even the restaurant chains are here.

Sent from my iPhone

Response to Letter C-198

Matheus Souza
February 27, 2024

Response C-198-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Abigail Spaelti
To: April.Talley@cityofsanrafael.org
Subject: Northgate Redevelopment Project
Date: Tuesday, February 27, 2024 9:28:01 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-199-1

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

As a teacher in the San Rafael City School District and a parent in the Miller Creek School District I can see the problem as both a teacher and a parent. I urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

We want MCSD to continue to provide excellent schools for our students and we need your help!

Thank you,
Abby Spaelti

Response to Letter C-199

Abby Spaelti
February 27, 2024

Response C-199-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Alex Stadtner
To: April.Talley@cityofsanrafael.org
Subject: In Support of Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 12:52:04 PM

Greetings,

I live in Lucas Valley and our son attends Lucas Valley Elementary School. He will matriculate into Miller Creek Middle School, and eventually into TL High School.

Our community desperately needs more affordable housing options.

I support providing more housing units in this district. Especially low-income units.

Following are three concerns that do resonate with me:

- Water supply. I would hope that the entire community would accept more stringent use requirements while the Water District works to enlarge our reserves.
- Egress during emergencies. With good planning and communication strategies I believe this concern can be mitigated.
- Impact on school district budgets. Perhaps on this front the developers could put up a little more to help cover construction costs to accommodate such a significant increase in students. If new buildings will be necessary it would be great if the developer (or some other creative funding sources) could be tapped. Our property taxes are already through the roof and there's going to be a lot of grumbling about added fees or assessments to cover new buildings.

C-200-1

Thank you for your consideration,
Alex Stadtner

San Rafael, CA 94903

Response to Letter C-200

Alex Stadtner
February 27, 2024

Response C-200-1

This comment, which expresses general concerns related to water supply, emergency access and evacuation, and school impact fees, but does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Sections 4.14, Utilities and Service Systems, 4.9, Transportation, and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Response B-9-1 regarding additional information related to emergency evacuation and Responses A-3-1 through A-3-12, which address impacts to schools, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools.

From: Eric Stein <ebseagles@yahoo.com>
Subject: Northgate Town Square Project
Date: February 14, 2024 at 9:15:49 AM PST
To: "april.talley@cityofsanrafael.org" <april.talley@cityofsanrafael.org>

Dear April:

I would like to convey the concerns of my family and our neighbors concerning the Northgate Town Square project. C-201-1

We are concerned about the increased traffic congestion and the additional stress on the infrastructure (electric grid, sewage system,etc.).

The scope and size of the project would be dramatically impactful to the above as indicated in the impact report (February 14, 2023). We feel that a smaller but similar project would be more amenable to the concerns of the community.

Please excuse the brevity of this correspondence. We are aware that you are receiving multiple emails and phone calls and felt that it would be better to be as concise as possible.

Thank you for your consideration.

Sincerely,

Eric Stein

Response to Letter C-201

Eric Stein
February 14, 2024

Response C-201-1

This comment, which expresses general concerns related to the size and scale of the proposed project and impacts on traffic congestion and utility infrastructure, is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR. Refer to Sections 4.9, Transportation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Master Response 2 regarding the project merits.

From: Eric Stein
To: April Talley
Subject: Re: Northgate Town Square Project
Date: Tuesday, March 5, 2024 12:19:46 PM

Hi April:

Thank you for responding to my previous email.

I would like to add one other item to my concerns:

C-202-1

My wife is a teacher at Vallecito Elementary School. She has brought it to my attention that the district does not have sufficient services to "accommodate approximately 338 additional elementary and middle school students."

This concerns our family because not only does my wife work in the district but our three children attend school in the Miller Creek School District. We request that the City of San Rafael insists on higher developer fees for the benefit of the local school district. Maintaining the quality of the local school district is of paramount importance to us and our neighbors. It is another reason why we have concerns over the size and scope of the Northgate Town Square Project.

Once again, please excuse the brevity of this correspondence.

Thank you for your consideration.

Sincerely,

Eric Stein

33 Pine Tree CT.
San Rafael, CA 94903

On Wednesday, February 14, 2024 at 03:13:41 PM PST, April Talley <april.talley@cityofsanrafael.org> wrote:

Hi Eric,

Thank you for your email. Your comments have been received.

Thank you,

April

From: Eric Stein <ebseagles@yahoo.com>
Sent: Wednesday, February 14, 2024 9:16 AM
To: April Talley <april.talley@cityofsanrafael.org>

Subject: Northgate Town Square Project

Dear April:

I would like to convey the concerns of my family and our neighbors concerning the Northgate Town Square project.

We are concerned about the increased traffic congestion and the additional stress on the infrastructure (electric grid, sewage system,etc.).

The scope and size of the project would be dramatically impactful to the above as indicated in the impact report (February 14, 2023). We feel that a smaller but similar project would be more amenable to the concerns of the community.

Please excuse the brevity of this correspondence. We are aware that you are receiving multiple emails and phone calls and felt that it would be better to be as concise as possible.

Thank you for your consideration.

Sincerely,

Eric Stein

Response to Letter C-202

Eric Stein
March 5, 2024

Response C-202-1

This comment generally states concerns related to the size and scale of the proposed project and impacts to school services, particularly to the capacity of schools within the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR. The letter also includes comments that are responded to above in Response C-201-1.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

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From: Hoang Stein
To: April Talley
Subject: For Public Comments Re: Northgate DEIR
Date: Monday, March 4, 2024 12:33:17 AM

March 3, 2024

Dear Commissioners,

Nine years ago, my husband and I moved to Terra Linda because of the schools and the beauty of the location. We have three children in elementary and middle schools. We currently reside just a block from Northgate Mall. I am an elementary teacher with Miller Creek School District. I value our wonderful community and am invested in it. Although I support the redevelopment of Northgate into a sustainable mixed use community, I have some concerns about the current project as proposed. C-203-1

FUNDING FOR SCHOOLS
As a teacher at our local elementary school, I am concerned about the fiscal impact this will have on my school. The developer fees do not fully mitigate the impacts of the project on our district facilities, students, parents, and staff. With approximately 338 additional elementary and middle school students, our schools will not be able to provide sufficient services for this type of increased enrollment. We ask the City of San Rafael to negotiate higher developer fees in order for our school district to welcome new students and maintain a high quality education that Miller Creek School District is known for.

TRAFFIC and POLLUTION
There are three schools (Terra Linda High School, Vallecito, and Mark Day) and three senior facilities (Villa Marin, Alma Villa, and Drake Terra) and The Guide Dogs for the Blind which use the main roads of Los Ranchitos Road and Manuel Freitas Pkwy which brings increased traffic at certain times of the day. With thousands of new residents and shoppers at the mall, this will heavily increase the traffic on these main streets. We ask that you reduce the number of apartments.

We are concerned about the noise and pollution this will cause for the families living near the mall, especially our senior citizens and children. Less housing units built in less time will decrease the pollution in the air.

We also suggest eliminating the drive-through restaurants and instead have sit down restaurants. We don’t need cars existing off the freeway and idling as they wait for food.

We also ask that the planning commission include a supermarket and other services onsite so that residents can shop on the premises and not have to get in their car and create more traffic and pollution.

EVACUATION & SAFETY

With ONLY two main roads (Los Ranchitos and Freitas Pkwy) surrounding Northgate Mall that the three schools, three senior facilities, shoppers, and residents in our neighborhood use, any delays of Ambulance or Fire Trucks caused by traffic congestion will create enormous suffering for those in need of these services.

C-203-1 (cont.)

We are deeply concerned that in case of natural disasters the Project would delay emergency response times and obstruct safe evacuation routes due to the limited road network in the Northgate Mall and surrounding residential and commercial areas. We ask that an evacuation plan, procedures, and training be included in the EIR.

OPEN SPACE AND TERRA LINDA
The project does not provide 4 acres of park per 1000 new residents as required by the City's General Plan. We propose that public park space near Kohl's be kept.

The project contains 5, 6, and 7-story buildings. We propose 4-5 story buildings to preserve the skyline and beauty of our community.

Thank you for your consideration.

Best regards,
Hoang Stein

Response to Letter C-203

Hoang Stein
March 4, 2024

Response C-203-1

This comment expresses general concerns related to the size, scale, and mix of proposed uses for the project and associated impacts, including school capacity and fees, traffic congestion, air quality emissions, noise, and emergency access and evacuation, as well as open space requirements. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.13, Public Services and Recreation, 4.9, Transportation, 4.10, Air Quality, and 4.12, Noise, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Refer to Responses A-3-1 through A-3-12, which address concerns related to school capacity, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Refer to Response B-9-1 for further information related to emergency evacuation and Response B-7-2 for more information related to open space requirements. Refer to Response C-119-1 regarding the Guide Dogs for the Blind campus. Also refer to Master Response 2, which further addresses comments related to the project merits.

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From: drmary.stevens
To: April.Talley@cityofsanrafael.org
Subject: Northgate and other planned development
Date: Tuesday, February 27, 2024 9:50:35 AM

I am extremely worried about the forced development in our community. **C-204-1**

How will our Miller creek school district support the influx of students? San Rafael school district will also be impacted by the increased students at Terra Linda High School. The proposed increase from Northgate alone will be impossible to handle, and there are so many other massive projects in the pipeline with zero ability for those of us impacted to slow or downsize.

At the very least these developers should be forced to carry the burden of increasing school capacity, and fund all the other aspects such as emergency services. Please do whatever is necessary to correct this.

Mary Stevens
54 Tan Oak Circle
San Rafael

Sent from my Galaxy

Response to Letter C-204

Mary Stevens
February 27, 2024

Response C-204-1

This comment generally states concerns related to the size and scale of the proposed project and impacts to school services, particularly to the capacity of schools within the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: acs acswrites.com <acs@acswrites.com>
Subject: Public Comment on Northgate Town Square Redevelopment Project DEIR
Date: February 21, 2024 at 1:29:39 PM PST
To: "April.Talley@cityofsanrafael.org" <April.Talley@cityofsanrafael.org>

Date: February 21, 2024
Re: Public Comment on Northgate Town Square Redevelopment Project DEIR

Dear Commissioners,

I have lived in and loved Terra Linda since 2000 and am grateful to have raised my family in this community. My children attended local public schools and we have deep roots here. C-205-1

I've seen the decline of the Northgate mall first-hand and I have also seen multiple proposals for its redevelopment. I support its redevelopment as a mixed retail and residential community, but the DEIR raises some concerns for me.

TRAFFIC: I attended the city council meeting two weeks ago so I understand the rationale for the traffic projections that the DEIR uses as a "baseline," even though I think we can all agree that the mall as it currently operates does not represent the baseline. However. For me a bigger issue that I don't see mentioned in the DEIR is that a mall's traffic patterns are inherently different than residential traffic patterns. Common sense suggests that with all those proposed residences we won't see steady amounts of traffic all day—as we might do with a mall—but instead intense bursts of traffic as people leave for work/school in the morning and return in the evening. It's already slow getting off and on 101 or going anywhere near one of the schools at those times of day. Current plans for dealing with increased traffic do not take this into account and I think that is flat-out irresponsible. All this idling traffic is a major frustration to residents, a hazard (what if there's an emergency?), and a major environmental impact, because

C-205-1 (cont.)

there will be more engines running for longer as we all go nowhere.
Drive-through restaurants are a terrible idea for very similar reasons. They will pull additional traffic off the freeway and increase traffic levels, which in turn will increase greenhouse gas and particulate matter exhaust pollution from queuing vehicles. This will cause pollution for both existing and new residents. Drive through restaurants need to be eliminated and replaced with sit-down restaurants.
BUILDING HEIGHT/SIZE: I am a fan of intensive development to save open space. However, this plan, which includes two seven-story buildings, takes it too far. Seven-story buildings right in the middle of a single-story neighborhood? I think that's an unacceptable violation of the character of Terra Linda. I support (at a minimum) RGM's proposal to eliminate the seventh story of Residence 4, as spelled out elsewhere in their RRVariant.
INSUFFICIENT PUBLIC OPEN SPACE: The project does not provide the amount of parkland specified in General Plan 2040's park standards, nor does it come close to meeting the needs of the approximately 3500 new residents. The DEIR doesn't consider the 2023 SR Parks Master Plan that documents degraded conditions of nearby local parks but it's just common sense that with 3500 new residents moving into Northgate, usage of local parks and recreation facilities will increase dramatically, and I don't see any commitment from the developer to contribute to upgrading local facilities in exchange for the permission to develop this land so intensively.

TOWN SQUARE: Residents of Terra Linda have made it clear they like the idea of a town center of some kind, and initially the developers talked about a vibrant space for mixed retail, outdoor dining, etc. But in the current plans the town square has been

reduced to a postage-stamp patch of artificial turf. This is an unacceptable substitute for the 4 acres of new parkland per 1000 new residents as specified in GP2040's park standards.

C-205-1 (cont.)

GAS LINES FOR RESTAURANTS: It is irresponsible to be building out new gas lines at a time when we need to be backing away from releasing more methane into the atmosphere in order to prevent a runaway climate crisis. I have spoken to a manager of an all-electric commercial kitchen that serves 1000 meals a day within an 8-hour opening period and he tells me that there is no reason why a restaurant would need gas. Today's induction cooktops and electric ovens are all a restaurant needs to operate efficiently.

Please consider these comments as you make decisions that will impact the entire community of Terra Linda.

Sincerely,

Anne-Christine Strugnell

Thanks,
Anne-Christine

Anne-Christine Strugnell
acs@acswrites.com
www.acswrites.com

(415) 994-3484 cell
"I just want to urge you all to have a good time while you are fighting for freedom. First of all, we don't always win, and it might get to be the only fun you'll ever have. And second of all, it's a better way to live." – Molly Ivins

Response to Letter C-205

Anne-Christine Strugnell
February 21, 2024

Response C-205-1

This comment states general concerns related to the size, scale, and mix of uses for the proposed project and potential impacts associated with traffic congestion, emergency access and evacuation, air quality and greenhouse gas (GHG) emissions, land use compatibility and visual character, use of recreational and open space facilities, natural gas use, and water demand. The comment also expresses support for an alternative to the proposed project, as presented by Responsible Growth in Marin, which is provided in Letter B-6. These comments are primarily an opinion on the merits and design of the project and impacts identified in the Draft EIR, and are noted.

Please refer to Sections 4.9, Transportation, 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, 4.1, Land Use and Planning, 4.3, Visual Resources, 4.13, Public Services and Recreation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site residents, would be reduced to the extent feasible. In addition, GHG impacts are deemed significant and unavoidable because the proposed project would include natural gas connections for commercial kitchens.

Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-7-2 for more information related to open space requirements and Response B-7-3 regarding the 2023 City of San Rafael Parks and Recreation Master Plan. Refer to Response B-9-1 regarding additional information related to emergency evacuation and Response B-3-12, which addresses natural gas use as proposed by the project. Also refer to Master Response 2, which further addresses comments related to the project merits, design, and proposed use, and Master Response 5 regarding the scope of the alternatives analysis.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Friday, March 1, 2024 12:40:35 PM

Next Steps: Sync an Email Add-On

Name

Charles Stuckey

Email

chuckstuckey@hotmail.com

Submit Public Comment

The public library should be specifically designed and added to the project, not just as an added item in the description. C-206-1

Response to Letter C-206

Charles Stuckey
March 1, 2024

Response C-206-1

This comment requests design details for the proposed library space to be included on the ground floor of the proposed Residential Parcel 4 building. The project design is at a conceptual development stage at this time and design details for the planned library are not available. Note that the proposed library would replace the existing library space on the site. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted.

From: Kimia Tabatabai
To: April.Talley@cityofsanrafael.org
Cc: Sam Vaughan New
Subject: Consider our children before approving Northgate!
Date: Tuesday, February 27, 2024 3:39:37 PM

Dear City of San Rafael,

I am writing to express my strong opposition to the plans for low income housing at North Gate due to concerns regarding the capacity of the school district to accommodate the influx of new families. As a member of this community and a home owner that pays taxes every year, I believe it is crucial to prioritize the well-being and educational needs of our children. The addition of a large number of new families without adequate resources and infrastructure in place could put a strain on the already struggling school district and negatively impact the quality of education for all students. **C-207-1**

I urge the city to reconsider this proposal and explore alternative options that will not only address the need for affordable housing but also ensure that our children receive the best possible education. It is important to prioritize the long-term success and well-being of our community, and I believe that this can be achieved through thoughtful planning and consideration of all potential consequences. Thank you for taking the time to consider my concerns.

Sincerely,
Kimia vaughan

Response to Letter C-207

Kimia Tabatabai
February 27, 2024

Response C-207-1

This comment expresses opposition to the project and general concerns related to school services. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Section 4.13, Public Services and Recreation, of the Draft EIR for a discussion of the above impacts, which were determined to be less than significant. Also refer to Responses A-3-1 through A-3-12 regarding impacts to schools and Master Response 2, which further addresses comments related to the project merits.

From: Kimia Tabatabai
To: April.Talley@cityofsanrafael.org
Cc: Sam Vaughan New
Subject: Re: Consider our children before approving Northgate!
Date: Tuesday, February 27, 2024 9:16:24 PM

Hi,

How do you suggest the city balance the need for affordable housing with ensuring the quality of education for all students in the school district? **C-208-1**

Thanks,

Sent from my iPhone

> On Feb 27, 2024, at 3:39 PM, Kimia Tabatabai <ktabatabai11@gmail.com> wrote:
>
> Dear City of San Rafael,
>
> I am writing to express my strong opposition to the plans for low income housing at North Gate due to concerns regarding the capacity of the school district to accommodate the influx of new families. As a member of this community and a home owner that pays taxes every year, I believe it is crucial to prioritize the well-being and educational needs of our children. The addition of a large number of new families without adequate resources and infrastructure in place could put a strain on the already struggling school district and negatively impact the quality of education for all students.
>
> I urge the city to reconsider this proposal and explore alternative options that will not only address the need for affordable housing but also ensure that our children receive the best possible education. It is important to prioritize the long-term success and well-being of our community, and I believe that this can be achieved through thoughtful planning and consideration of all potential consequences. Thank you for taking the time to consider my concerns.
>
> Sincerely,
> Kimia vaughan

Response to Letter C-208

Kimia Tabatabai
February 27, 2024

Response C-208-1

This comment expresses opposition to the location of affordable housing on the project site and its potential impacts on the capacity of area schools. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted. The letter also includes comments that are responded to above in Response C-207-1.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, March 5, 2024 11:29:13 AM

Next Steps: Sync an Email Add-On

Name

Craig Tackabery

Email

mmsrp_admin@montmarin.org

Submit Public Comment

Thank you for the opportunity to review and comment on the Environmental Impact Report for Northgate Town Square. These comments are from the Board of the Mont Marin San Rafael Park Neighborhood Association. Board member Rachel Kertz recused herself from this review and preparation of these comments. C-209-1

The EIR states that: the purpose of this EIR is to inform City decision-makers, responsible agencies, and the general public about the proposed project and the potential physical environmental consequences of project implementation

There are some areas of the project and analysis that are difficult to understand, and therefore to provide informed input. Please review the comments below with that mindset and help us to understand the project and the analysis further.

Section 4.1-11 says that the developer has requested a State Density Bonus to increase the allowable building height from 36' to 78'. And Section 4.3 states that the buildings are up to 90' in height. We understand that the existing Macy's building is 57' high. That seems a reasonable maximum height, 2 stories above the 36' limit as a density bonus for affordable housing. What are the rules for a density bonus? 90' is 250% above the 36' height requirement. What limits can the City place on height? Why is there no analysis of alternate heights? Does each building requesting a density bonus height increase have to have a certain percentage of affordable housing? Why would a market rate building get a density bonus height increase? C-209-2
Does a Density Bonus site have to be within half a mile of a major transit stop (like the US 101 bus pads)? Are there any requirements to make sure that those are safe and easily accessible to future residents to encourage transit use?

The Shade and Shadow section analyzed adjacent uses, but not the proposed Town Square outdoor amenity space. A study was referenced but not supplied for review. Please analyze shadowing issues for the proposed Town Square. C-209-3

Threshold 4.3.1 references scenic views to short and long-range ridgelines and hillside open space. Viewpoint 1, Phase 2; Viewpoint 2, Phase 1, and Viewpoint 3, Phase 1 all are found to have a "resulting viewshed similar to existing conditions." However, it is clear from looking at the photos that in the after condition, all that is visible is the top of the ridgeline at San Pedro Ridge and San Rafael Hill. The hillside open space below the ridge is blocked by the proposed very tall buildings. What would the view look like if the building were no higher than 57'? Why is a view that does not see the hillside considered similar to one that does? C-209-4

Pad 2 is proposed with a drive-thru restaurant. That appears inconsistent with the General Plan policies for the Town Center NH-4.2, 4.2B, and Policy C-2.3 regarding car trips and vehicle idling, and M-6.1 stating that walking and cycling are the travel mode of choice. C-209-5

Table 4.9.A states that there is an existing Class II bikeway along Northgate Drive. This is incorrect, there is a striped parking area from Las Gallinas north to Nova Albion. This segment also shows up in the planned section. The proposal should be clear, is parking being removed to install a Class II bikeway, or is the road being widened to accommodate both parking and a Class II bikeway? C-209-6

Similarly, the Table states that there is an existing Class II bikeway along Merrydale from Civic Center Drive. This

is incorrect, it stops westbound at the end of the overpass, 300' short of Las Gallinas. Please include this connection as project mitigation. **C-209-6 (cont.)**

And the Table states that there is an existing Class II bikeway along Los Ranchitos south of Golden Hinde. This is incorrect, there is a striped parking lane.

Sectio4.9.2.3 discusses continuation of the Class I along Las Gallinas south to Northgate. To make this a usable facility, these improvements need to address northbound connections onto the path from Las Gallinas at Northgate, and off the path at Las Gallinas at Northgate. If seamless connections cannot be provided, a northbound Class II bike should be continued along Las Gallinas.
And southbound access to the Class I is typically blocked by vehicles stopped in the right turn lane in front of the curb ramp. Include improvements to make this a seamless connection.
There are also hazardous crossings of the driveways between vehicles turning into the site and the pathway users. The pathway is set back from the curb line and bicyclists are not easily seen by drivers. This should be addressed. There is also no way for a cyclist that arrives at the Merrydale intersection along the pathway to be detected by the traffic signal so that they can travel east along Merrydale.

Table 4.9.B discusses existing transit service. Is the access to the bus pads at the US 101 ramps adequately lit for night services? Does there need to be a crosswalk across the south leg of Del Presidio/Las Gallinas? Or is having transit users make 3 street crossings reasonable? **C-209-7**
Is there adequate lighting for pedestrians to access the SMART transit station?

Threshold 4.9.3 regarding hazards did not look at collision history, even though it was studied in the Traffic Impact Study. Pages 8 thru 10 of the Study provides that of the 17 intersections studied, 9 exceeded the statewide average for collisions. This is a significant issue that needs to be addressed. The Frietas/Del Presidio and the Las Gallinas/Northgate intersection's collisions are 4 times over the statewide average. The Study provides numerous suggestions to improve safety: including leading pedestrian interval; protected left turn phase; enhanced signal head visibility, speeding enforcement; signal timing; detection; converting pedestals to mast arms; additional signage; additional signal heads; and directional constraints. Please include those suggestions as mitigation measures to address user safety, included in Policy M-3.5 and 6.3. **C-209-8**

It looks like the 100 townhomes will be sold at market price. We recommend that at least 10% should be for low income. **C-209-9**

There are plans for a few shipping container food stalls, will there be tables and chairs around them to eat?

Will the local agencies in San Rafael will have the budget to support all the Northgate plan. In the report it said that there might be more than 300 additional students which would overcrowd the schools in the area. The additional population might also require additional police and fire personnel. Has there been a study on whether the city would collect more taxes to support this? **C-209-10**

Another concern is how much water the new Northgate Mall will use. Appendix K - Water Supply Assessment says there is enough water during normal years. Although the new development's water usage will be below 1% of San Rafael's total water demand, it is still a lot of water during drought years. What is the impact in a drought? **C-209-11**

The residences will be dual-plumbed and recycled water will be used for domestic toilets. Is that safe for kids and animals? **C-209-12**

The plan is to have electric vehicle (EV) charging for the residents, will there be enough plug-ins if everyone has an EV by 2040? **C-209-13**

Response to Letter C-209

Craig Tackabery
Mont Marin San Rafael Park Neighborhood Association[50]
March 5, 2024

Response C-209-1

This introductory comment, which states that there are some areas of the Draft EIR analysis that require further explanation, is noted. More specific comments provided later in Letter C-209 are responded to in subsequent responses. Refer to Responses C-209-2 through C-209-14.

Response C-209-2

This comment requests more information concerning the applicable State Density Bonus and proposed building heights. The comment also requests that reduced building heights be considered as project alternatives. As stated on page 3-54 of the Draft EIR, the project sponsor is requesting to use the density bonus to modify the development standards for height on the project site, and has filed a Density Bonus Application. As explained in General Plan Policy LU-1.18 (see page 4.3-15 of the Draft EIR), height bonuses are granted for development that provides one or more of the amenities listed in Table 3-2 of the General Plan (see page 3-27 of the General Plan). As shown in Table 3-2, a height bonus of 24 feet may be granted in the North San Rafael Town Center/Northgate Mall area provided the number of affordable housing units exceeds the minimum required by Section 14.16.030 of the Municipal Code. Projects using State-mandated height bonuses for housing development are not eligible to add additional height bonuses. There are no requirements related to proximity to transit, nor are specific improvements required to transit facilities to qualify for the height bonus (refer to Section 4.9, Transportation, of the Draft EIR, which discusses impacts to transit services and determined that these impacts would be less than significant). As stated on page 4.1-11 of the Draft EIR, the proposed project includes a request to increase the height limit across the project site from 36 feet to 78 feet, with projections up to 12 feet above the 78-foot limit (up to 90 feet). Also refer to Chapter 2.0, Revised Project of this RTC Document, which describes modifications to the proposed project's building heights and confirms that potential impacts (i.e., scenic views, shadows) related to the increase of the Residential Parcel 5 building height would continue to be less than significant with the revised project.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

Response C-209-3

This comment states that the Draft EIR did not analyze shadow impacts to on-site open space. Please refer to Response B-6-8, which addresses this concern.

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[50] Note that this comment letter was submitted by the Mont Marin San Rafael Park Neighborhood Association, but was inadvertently miscategorized as an individual comment as it was submitted through the City's website and not on the organization's letterhead.

Response C-209-4

This comment states that the visual simulations of the proposed project show that while the upper ridgelines of San Pedro Ridge and San Rafael Hill are still visible from the vantage points presented, the lower hillside open space areas are obstructed and questions why this was not considered in the impact analysis. Please note that the evaluation of impacts to visual resources is conducted according to the significance criteria presented in the Draft EIR. As stated under Threshold 4.3.1, the criterion for evaluation is whether or not the project would "substantially or completely block public views of identified scenic resources." The Draft EIR acknowledges that lower hillside open space areas are considered scenic resources for the purposes of the analysis. The comment is correct that in some locations views of hillside open spaces would change with taller buildings; however, these views are already limited and intermittent on and surrounding the project site due to the site topography and intervening existing structures and vegetation. There are already no open, panoramic views of these hillsides available in the project area. In no case would existing views of hillside open spaces be either substantially or entirely blocked, as shown in the simulations. Views of the lower hillside areas would still be available from many public locations in the project area, including those shown in the simulations. Therefore, this impact was determined to be less than significant. The comment also questions what the view would look like if the building heights were limited to 57 feet. A reduced height alternative and corresponding simulations were not prepared as part of the Draft EIR analysis because no significant impacts related to buildings heights were identified. Refer to Master Response 5 regarding project alternatives.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

Response C-209-5

This comment, which states that the proposed use of a project site for a drive-through restaurant appears inconsistent with General Plan policies related to vehicle trips and idling and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits and proposed uses. Refer to Section 4.9, Transportation, of the Draft EIR for a discussion of transportation impacts, which were determined to be less than significant with implementation of an identified mitigation measure to improve sight distance at an existing driveway.

Response C-209-6

This comment states that descriptions of several existing off-site bicycle facilities are incorrect in Table 4.9.A of the Draft EIR and requests that bicycle and roadway network improvements be required as project mitigation. The comment also requests clarification as to whether the proposed project would remove on-street parking spaces. No on-street parking spaces are proposed to be removed as part of the project, nor does the project propose to add off-site bicycle facilities. Refer to page 4.9-19 of the Draft EIR, which states that the proposed project would not disrupt existing bicycle facilities, would not interfere with planned bicycle facilities, and would maintain consistency with the San Rafael Bicycle and Pedestrian Master Plan. Because impacts were determined to be less

than significant, there is no nexus to require the project to install new off-site bicycle facilities. Refer to Master Response 7 regarding CEQA mitigation requirements.

Additionally, it should be clarified that Table 4.9.A reflects the existing and planned bicycle facilities as identified in the San Rafael Bicycle and Pedestrian Master Plan (also reflected in the Transportation Impact Study and cited as the table source).

Response C-209-7

This comment questions whether adequate lighting is provided between the project site and existing transit facilities, including to the bus pads at US-101 and to the Sonoma-Marin Area Rail Transit (SMART) Civic Center Station. The City and individual transit agencies are responsible for providing street lighting and transit facility lighting, respectively. The proposed project would not include any off-site lighting. In addition, the comment questions whether additional crosswalks are needed to provide access to transit facilities. As previously stated, significant impacts to transit use and access were not identified in the Draft EIR; therefore, there is no nexus to require the proposed project to provide such off-site improvements. However, the City's Public Works Department periodically evaluates the adequacy of City facilities and the street network, and would be responsible for providing new crosswalks should they become necessary. Refer to Master Response 7 regarding CEQA mitigation requirements.

Response C-209-8

This comment questions the Draft EIR's consideration of traffic safety related to collision history data provided in the Transportation Impact Study (TIS) and suggests improvements. The analysis provided under Threshold 4.9.3 in the Draft EIR addresses whether or not the proposed project would substantially increase hazards due to geometric design features or incompatible uses, and identifies Mitigation Measure TRA-1 to mitigate potential sight distance impacts. Regarding existing congestion, collision rates, and recommended improvements, these comments are noted. Please refer to Section 4.9.3.1, Intersection Level of Service Analysis, in the Draft EIR. The analysis shows that the proposed project would not create or worsen existing traffic congestion or create design hazards; therefore, no roadway improvements are recommended. Refer to Master Response 7 regarding CEQA mitigation requirements. Nevertheless, recommended improvements may be incorporated as project conditions of approval to comply with General Plan policies, which is outside the purview of CEQA.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

Response C-209-9

This comment, which relates to the mix of affordable housing units on the site and various dining amenities and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2, which addresses comments related to the project merits and proposed uses and design. Also refer to Chapter 2.0 of this RTC Document,

which addresses revisions to the proposed project, including the distribution of affordable housing units.

Response C-209-10

This comment expresses general concerns related to adequate funding of school, police, and fire services to serve the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR. As discussed in Section 4.13, Public Services and Recreation, applicable service providers impose impact fees on new development in order to offset increased service costs, including staffing, equipment, and facilities. Funding allocations and resources are also considered through the City's annual budgeting process and distribution of the General Fund, which is partially financed through revenues collected from sales and use tax, property tax, and other local taxes. Also refer to Response A-3-2 regarding impact fees that mitigate impacts to schools.

Response C-209-11

This comment states concerns regarding the adequacy of water supplies during drought years. This is discussed in Section 4.14, Utilities and Service Systems, of the Draft EIR and in the Water Supply Assessment provided in Appendix K of the Draft EIR. As stated on pages 4.14-19 through 4.14-20 of the Draft EIR, during worst-case drought years, shortfalls that would be experienced within Marin Water's service area would not be materially different with or without the proposed project; therefore, the proposed project itself would not lead to insufficient water supplies. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted.

Response C-209-12

This comment requests more information on the safety of recycled water. Note that recycled water is used in plumbing and landscaping and is not used as potable water. Recycled water production, conveyance, and use is regulated by various State agencies, including the State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCBs), and Department of Health Services. Also refer to Titles 17 and 22 of the California Code of Regulations (CCR), which describe requirements for backflow prevention devices and treatment requirements. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted.

Response C-209-13

This comment requests more information related to electric vehicle (EV) charging capacity. Please refer to pages 4.11-23 and 4.11-24 of the Draft EIR, which states that the proposed project would meet or exceed current EV charging and parking requirements. A total of 763 EV-ready residential parking spaces and 134 chargers would be provided. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and is noted.

From: Elizabeth Teasdale
To: April Talley
Subject: Impact of More Housing at Northgate
Date: Monday, March 4, 2024 11:19:41 AM

Hi City of San Rafael Planning Division,

I am a teacher in the Miller Creek School District, and also a parent of two children who attend school in the same district. We have been homeowners in the area for over a decade and are huge supporters of our local community in a variety of ways from volunteering to financial to advocating what's best for our future. C-210-1

I appreciate that you are collecting public comments about the development at Northgate Mall, and I would like to share some concerns with you:

1 - traffic is of course going to be an issue with over 1,400 more vehicles on the road in the small neighborhood, but have you considered how to support EV and add public transportation? Without a greater plan on not only where these cars will park but also how they will get energy we will have a huge problem on our hands. The local roads and gas stations are not equipped to handle over 1.400 more cars each day, and honestly the bike lanes are not ready for that amount of traffic either without more crossing guards and support for safety.

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*

2 - our 4 schools are already using every classroom on each campus - some are used for multiple purposes, such as music during the day and after care after school. Adding an additional 330+ students to our district would be the equivalent of opening up another school. At this point our district is in such a financial crisis they are giving out pink slips to over a dozen critical staff members: I beg you to question whether they have the resources to support adding the physical space and the staffing to accommodate that huge influx of students. The impact not only on the teachers and school sites, but also on the demand for our limited resources would greatly impact the students we are already trying to support.

- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

In summary, I strongly encourage you to look at how we can minimize disrupting our community and the already limited resources that are being stretched ever so thin. Adding more families, more students, more cars, and more demand should not be a decision made lightly without greater resources.

Thank you,

Elizabeth Teasdale, M.S.Ed. | (she/her)
First Grade Teacher @ Mary Silveira Elementary
ETeasdale@MillerCreekSD.Org

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Response to Letter C-210

Elizabeth Teasdale
March 4, 2024

Response C-210-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District and also states that increased traffic congestion and the need for electric vehicle (EV) parking be considered. Please refer to Section 4.9, Transportation, of the Draft EIR; as demonstrated in the analysis, impacts related to vehicle trips would be less than significant pursuant to established thresholds. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Also refer to Section 4.11, Greenhouse Gas Emissions, which discusses the project's compliance with the Bay Area Air Quality Management District's (BAAQMD's) recommendation to provide CALGreen Tier 2 Voluntary EV parking.

Regarding impacts to school services and capacity, refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

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From: Rachael Terada
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall comments
Date: Tuesday, February 27, 2024 10:26:39 AM

Dear City of San Rafael Planning Division,

I'm supportive of the Northgate Mall Redevelopment Project and am looking forward to the benefits it will bring to our community. However, the current project plan does not fully consider the impacts to the local Miller Creek School District. I'm a parent of two kids in the district, and our family values the high quality of our schools. To accommodate the additional students, the district will need significant additional funding that is not in the current plan. **Please require higher developer fees that would cover the necessary improvements to school facilities**. The district has indicated that the current fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff. Please listen to them and revise the requirements accordingly. **C-211-1**

There are traffic impacts that need to be considered for school pick up and drop off as well. I drop my kids off every morning at Vallecito Elementary. There is a TEN-minute window when drop off is allowed: between 8:09 and 8:19 am. School starts at 8:19 am. Supervision is not currently available before 8:09 am. Please make sure the Draft Environmental Impact Report (DEIR) fully considers and mitigates the **traffic impacts** of the project.

Thanks,
Rachael

Rachael Terada

Response to Letter C-211

Rachael Terada
February 27, 2024

Response C-211-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Karen Tervet
To: April Talley
Subject: DEIR Development Report
Date: Wednesday, February 28, 2024 3:00:23 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. I am a teacher and live in this community. I am very concerned. **C-212-1**

Sincerely,
Karen Tervet

Please consider the environment before printing this email.

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Response to Letter C-212

Karen Tervet
February 28, 2024

Response C-212-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Bruce Triplett
To: April Talley
Subject: Effects of Northgate Mall Redevelopment
Date: Monday, March 4, 2024 9:25:58 PM

Dear City of San Rafael Planning Division,

The Northgate Mall Redevelopment project will generate an influx of hundreds of additional elementary and middle school students into the Miller Creek School District. This is specifically concerning to me and my family, as my daughter is a second grader at Mary E. Silveira elementary school in Marinwood. This increase in enrollment would exceed the capacity of the existing school facilities at the schools in the district. **C-213-1**

I would ask that the City of San Rafael help the Miller Creek School District negotiate higher developer fees in order for the District to be able to welcome new students to the community and maintain a high quality of education.

Sincerely,
Bruce Triplett
11 Unionstone Dr.
San Rafael, CA 94903

Response to Letter C-213

Bruce Triplett
March 4, 2024

Response C-213-1

This comment generally states concerns related to school service funding and requests that the City work with the Miller Creek School District to negotiate higher development impact fees. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Response A-3-2 regarding impact fees that mitigate impacts to schools. The City does not have the ability to regulate the school district's impact fees; these fees are determined by the district as an independent agency.

From: Tara Triplett
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 2:55:23 PM

Please advocate for higher developer fees to support the growth impact on the Miller Creek School District.

I currently donate a significant amount to CanDo to help supplement funds to the Miller Creek School District. It is only right and fair that appropriate legislation be established to adequately support the local school district during urban growth. If more housing is being added to the school district then developers need to pay their share as well. **C-214-1**

Thank you,
Tara Triplett

Response to Letter C-214

Tara Triplett
February 27, 2024

Response C-214-1

This comment generally states concerns related to school service funding and requests that the City work with the Miller Creek School District to negotiate higher development impact fees. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Response A-3-2 regarding impact fees that mitigate impacts to schools. The City does not have the ability to regulate the school district's impact fees; these fees are determined by the district as an independent agency.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Wednesday, February 28, 2024 11:52:16 AM

Next Steps: Sync an Email Add-On

Name

Jonathan Troy

Email

jonathanlouistroy@gmail.com

Submit Public Comment

Is there a plan above and beyond what has been submitted as it relates to the structural impact on the community of this influx of residents in a fairly sparsely populated area? The city needs to grow with the developer for this type of massive change in the community and I'm not seeing the new school or add on's being done to Val and TL, both of which will be substantially impacted, additional public transportation options, wider roads, etc. C-215-1

It appears the developer and private entity is doing what it should, but the city is falling short of welcoming development now and for futre opportunities. The purpose of the regulations in place are designed as a partnership in growth which the city does not appear to be living up to. Gifted a $1.6M grant to "research" it when the private equity is already making the investment. Stop the crap and do the job-this is laughably poor government.

Response to Letter C-215

Jonathan Troy
February 28, 2024

Response C-215-1

This comment expresses general concerns related to the size and scale of the proposed project and the capacity of school, roadway, and other infrastructure. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.13, Public Services and Recreation, 4.9, Transportation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures. Also refer to Responses A-3-1 through A-3-12, which further address impacts to schools. Also refer to Master Response 2 regarding the merits of the proposed project.

From: Danielle Tully
To: April Talley
Subject: Northgate Mall Redevelopment Project
Date: Friday, March 1, 2024 6:43:40 PM

Dear City of San Rafael Planning Division,

I am a Lucas Valley homeowner and mother of two children who attend elementary school in the Miller Creek School District. While I understand the need for growth and housing in our community, the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-216-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Please consider our current hardworking families and children and keep our community numbers sustainable.
Sincerely,
Danielle Tully

Response to Letter C-216

Danielle Tully
March 1, 2024

Response C-216-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Town Square Draft EIR Comments
Date: Saturday, January 13, 2024 10:23:44 PM

Name

Christopher Tung

Email

chptung@gmail.com

Comments

Please proceed with the project and find a path forward ASAP. Im a Terra Linda home owner and we need housing, shops, and investment quickly. We do not need abandoned parking lots. **C-217-1**

Response to Letter C-217

Christopher Tung
January 13, 2024

Response C-217-1

This comment expresses general support for the proposed project, does not address the adequacy of the information or analysis in the Draft EIR, and is noted. Refer to Master Response 2 regarding the project merits.

From: annatwitchell17@gmail.com
To: April Talley
Subject: Comments regarding Northgate Mall Redevelpment Project
Date: Thursday, February 29, 2024 9:33:41 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-218-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Best Regards
Anna Twitchell

Response to Letter C-218

Anna Twitchell
February 29, 2024

Response C-218-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Kate Twitchell
To: april.talley@cityofsanrafael.org
Subject: 500 Northgate Drive, Northgate Town Square
Date: Thursday, February 1, 2024 12:34:21 PM

Dear April,

I am a resident of Terra Linda. I am very concerned about the impact of adding 1,422 units to our little valley. Currently there are 1,009 households (according to the latest census report). I cannot see how more than doubling the households is considered a good, or equitable idea for Terra Linda. C-219-1

Just the impact of traffic with all those additional cars will be nothing short of a nightmare. Already, traffic gets snarled at all hours at the one exit and entrance to the freeway. Are there plans for another freeway entrance/exit? And where will all these cars park? I can't imagine there will be enough room for resident parking and customer parking after adding all those units and also building 225,000 square feet of retail space.

Also, what will happen to the existing Kohl's and Home Goods? I'd hate to see them leave Terra Linda. They are the staples of this community.

Please understand that I'm not against a residential/retail plan. Yes, it's needed and yes there is space. My concern is that this plan seems much too large in scope.

Respectfully,
Kate Twitchell
686 Bamboo Terrace
(415) 225-5217

Response to Letter C-219

Kate Twitchell
February 1, 2024

Response C-219-1

This comment expresses general concerns related to the size, scale, and population density of the proposed project and associated impacts, including traffic congestion, parking, and loss of existing retailers. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.2, Population and Housing, and 4.9, Transportation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: mark twitchell
To: April Talley
Subject: Miller Creek School District concern for new development
Date: Thursday, February 29, 2024 9:32:29 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-220-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Response to Letter C-220

Mark Twitchell
February 29, 2024

Response C-220-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Susie Urquhart
To: April.Talley@cityofsanrafael.org
Subject: Northgte Mall Impact
Date: Tuesday, February 27, 2024 9:14:29 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-221-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Susie Urquhart
Vallecito Elementary School Health Specialist
415-492-3750
Fax: 415-492-3757

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When to keep your child home

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Response to Letter C-221

Susie Urquhart
February 27, 2024

Response C-221-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Kimia Vaughan
To: April.Talley@cityofsanrafael.org
Subject: Northgate more housing
Date: Tuesday, February 27, 2024 3:32:57 PM

Hi..

I live in the area. I strongly am against the plan with adding housing here. The classrooms are already full. Will you be adding more teachers more class rooms and making sure the student ratio remains the same?!? C-222-1

Thanks
Sent from my iPhone

Response to Letter C-222

Kimia Vaughan
February 27, 2024

Response C-222-1

This comment, which expresses general opposition to the proposed project and states general concerns related to school services and capacity, including student-teacher ratios, and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. As identified in Section 4.13, Public Services and Recreation, of the Draft EIR, school-related impacts were determined to be less than significant with implementation of identified mitigation measures. Also refer to Responses A-3-1 through A-3-12, which further address these concerns. Also refer to Master Response 2 regarding the project merits.

From: Nancy Vincent-Green <nvgrn53@sbcglobal.net>
Subject: Northgate traffic history
Date: February 20, 2024 at 1:49:55 PM PST
To: AprilT@cityofsanrafael.org

To whom it may concern.

I was at the meeting last Tues when someone mentioned that they'd be interested in knowing what the traffic was like when Northgate had been fully open and operational. I remember how bad the traffic was in the 1980's, especially from Thanksgiving to NY's. I was living in Mill Valley and the Dominican area of San Rafael at the time. My parents lived on Viscaino Way, off of Nova Albion. It became almost impossible to get to their house from 3p-7p, especially during the holiday season. It could be total gridlock. **C-223-1**

When I had my babies in 1987 and 1989, my parents became their part time babysitters, so we were forced to make the car ride, traffic or not.

We bought our first house in TL in 1989 and then the traffic challenge wasn't as bad, as our house is north of Freitas.

It will be an absolute nightmare getting in and out of TL after Northgate Phase I of Northgate Town Square is completed.

Sincerely,
Nancy Vincent-Green
385 Las Colindas Rd. San Rafael

Sent from my iPhone

Response to Letter C-223

Nancy Vincent-Green
February 20, 2024

Response C-223-1

This comment, which expresses general concerns related to the size and scale of the proposed project and impacts on traffic congestion, is noted. The commenter also states their experience with traffic conditions during the 1980s. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR. Refer to Section 4.9, Transportation, of the Draft EIR, which addresses traffic congestion as an informational non-CEQA issue. Also refer to Master Response 2 regarding the project merits.

From: Diana Vine
To: April Talley
Subject: For public comment re: the Northgate DEIR
Date: Tuesday, March 5, 2024 3:33:43 PM

The roads around Northgate Mall become gridlocked if there's an incident/accident. How will dailytraffic be accommodated and how will first responders reach residents? C-224-1
How will traffic be handled in the case of emergency orders for neighbors to evacuate?
Many of said neighbors are old and frail - think Alma Via, Drake Terrace, Villa Marin and Quail Hill, plus group homes along Nova Albion Way. the proposed population increase will adversely impact the existing neighbors and put an additional strain on our already stretched utilities.
Resident of Terra Linda and neighbor of Northgate Mall for 52 years - Diana Vine

Response to Letter C-224

Diana Vine
March 5, 2024

Response C-224-1

This comment, which expresses general concerns related to the size and scale of the proposed project and impacts on traffic congestion, emergency access and evacuation, and utility infrastructure, is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR. Refer to Sections 4.9, Transportation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures. Also refer to Response B-9-1 regarding additional information related to emergency evacuation and Master Response 2 regarding the project merits.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 27, 2024 9:07:14 AM

Next Steps: Sync an Email Add-On

Name

Sally Voisen

sallytvoisen@gmail.com

Submit Public Comment

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. C-225-1

Specifically:

Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours. As it is today, traffic is already congested during school drop-off, lunch, and pick-up hours. Increased traffic due to this project will only negatively impact the safety of our students and neighbors. Not to mention the increase of traffic, pollution, and water usage will only negatively impact quality of life of the folks who live here.

Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is absolutely untrue. The developer fees do not fully mitigate the real impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

I oppose this project and urge the City to reconsider the location of proposed housing.

Response to Letter C-225

Sally Voisen
February 27, 2024

Response C-225-1

This comment generally states opposition to the location of housing on the site and that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Douglas Waagen
To: April Talley
Subject: Fw: For Public Comment re: the Northgate DEIR
Date: Sunday, March 3, 2024 1:27:44 PM

Dear City of San Rafael,

I am writing as a 13 year resident of Quail Hill, wanting to voice my concerns.

Traffic increase would be a real problem for surrounding neighbors, as we only have 2 lanes. Please modify the plan as follows: **C-226-1**

Eliminate drive-through restaurants. That would decrease traffic and car emissions.
Including a supermarket and other services onsite would decrease traffic
Reducing the number of apartments (Residence 4) would decrease traffic
This large # of residences would create traffic jams, and emergency vehicles could not get through, especially if people started parking on Northgate drive. It also hampers evacuation routes, for all residents.

The DEIR underestimates health risks because it relies on incorrect meteorological data not representative of San Rafael (inhalation of construction and operational emissions may result in cancer risks and other adverse health effects)

The project does not provide an additional 4 acres of park per 1000 new residents as required by the City's General Plan

Consider adding an asphalt walking path along the peripheral, for jogging, walking, including exercise/fitness stations every 100 ft. (A perfect blueprint would be in SF, at the Marina). This would no doubt add a positive feel to the community!

Eliminate any Astro Turf, as it is filled with pollutants.

Thank you,

Doug Waagen
120 La
Alondra Ct.
San Rafael

© 2024 Responsible Growth in Marin

RGM, PO Box #6147, San Rafael, CA 94903, USA

Unsubscribe

Response to Letter C-226

Doug Waagen
March 3, 2024

Response C-226-1

This comment expresses general concerns related to the mix of uses and design of the proposed project and associated impacts as identified in the Draft EIR analysis, including traffic congestion, emergency access and evacuation, and air quality emissions, as well as open space requirements. Specifically, the comment opposes the use of artificial turf and the location of drive-through restaurants on the site and recommends other design features, including a walking path around the site; these are primarily comments on the merits of the proposed project and design, and are noted. Please see Master Response 2 regarding the project merits. Also refer to Chapter 2.0, Revised Project in this RTC Document regarding the change in the proposed Town Square materials from synthetic to natural turf.

Refer to Sections 4.9, Transportation, 4.10, Air Quality, 4 and 4.13, Public Services and Recreation, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures.

Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts (and resulting mobile air quality and GHG emissions), refer to Master Responses 3 and 4. Refer to Response B-9-1 for further information related to emergency evacuation, Response B-8B-42 regarding meteorological data, and Response B-7-2 for more information related to open space requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Katie Ward
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project.
Date: Tuesday, March 5, 2024 8:05:23 PM

Dear April & The City of San Rafael Planning Division,
We are homeowners at 68 Montevideo Way, San Rafael, CA94903 and we are concerned about the impact of the proposed Northgate Mall Redevelopment project. The project will include up to 1,422 new residential units (apartments and townhomes). This project falls within the Miller Creek School District and it will need to prepare to welcome approximately 338 additional elementary and middle school students.
This increase in enrollment will exceed the capacity of their existing school facilities. The minimum required developer fees that will be provided from this project will not cover the significant costs to support such a large increase in enrollment.
Can you help the Miller Creek School District to negotiate higher developer fees in order for the District to be able to welcome new students to our community and maintain the high quality education they are committed to providing?
As it stands, the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.
Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.
Regards,
Michael and Katie Ward
Homeowners at 68 Montevideo Way, San Rafael, CA94903

C-227-1

Response to Letter C-227

Katie Ward
March 5, 2024

Response C-227-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District and requests that the City negotiate higher development impact fees for the school district. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. The City does not have the ability to regulate the school district's impact fees; these fees are determined by the district as an independent agency. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: liz walton <lizwaska@gmail.com>
Subject: For Public Comment re: the Northgate DEIR
Date: February 22, 2024 at 1:33:56 PM PST
To: April.Talley@cityofsanrafael.org

As a life long resident of San Rafael and a long time resident of Quail Hill Townhouses in Terra Linda, I must comment again about the proposed development at Northgate. C-228-1

1. Traffic and potential danger in an evacuation. Rush hour is bad enough now when there is no emergency - any emergency would be a potential disaster to all Terra Linda residents. Is the City planning on building new roads with expanded access to accommodate the increased traffic…? If yes, shouldn't that be happening now?
2. Noise - all the additional cars and people who would be in the area all the time would change the environment in every way.
3. Pollution. Thousands of additional cars in Terra Linda with associated exhaust.
4. Low income housing - clumping the low income housing in one place is great for the City of San Rafael as they get their money but terrible for the surrounding residents who have to live with the issues low income housing brings with it.
5. Building Height - UNACCEPTABLE - too tall for the surrounding area.

Thank you,
Liz Waska

Response to Letter C-228

Liz Waska
February 22, 2024

Response C-228-1

This comment expresses general concerns related to the size, scale, and mix of proposed uses for the project and associated impacts, including traffic congestion, air quality, noise, and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, 4.10, Air Quality, and 4.12, Noise, of the Draft EIR which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Robert Waska <drwaska@gmail.com>
Subject: For Public Comment re: the Northgate DEIR
Date: February 21, 2024 at 10:11:50 AM PST
To: April.Talley@cityofsanrafael.org

Hello. My wife and I have lived right next to the Northgate mall for 25 years. We and our community at Quail Hill Townhomes will be negatively impacted by the current plans. We have big concerns over the traffic issues, fire safety issues, noise and light pollution, and the height of the buildings. More housing is important in Marin, but this plan creates housing that endangers and degrades the surrounding area and creates safety and quality of life problems. Please listen to the people who are going to suffer from this. **C-229-1**
Thank you,

Drwaska@gmail.com
415-883-4235

Response to Letter C-229

Robert Waska
February 21, 2024

Response C-229-1

This comment expresses general concerns related to the size, scale, and mix of proposed uses for the project and associated impacts, including traffic congestion, noise, increased lighting, and emergency access and evacuation. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.9, Transportation, 4.3, Visual Resources, and 4.12, Noise, of the Draft EIR which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits.

From: Pat Waskiewicz
To: April Talley
Subject: For Public re: the Northgate DEIR
Date: Saturday, March 2, 2024 1:04:56 PM

April,
Please see my comments on the Northgate DEIR.
Thanks,
Pat Waśkiewicz

To: The City of San Rafael:
For Public Comment re: the Northgate DEIR

My family and I have lived in Marinwood, Mt. Marin and Terra Linda for more than 45 years. In that time the Mall at Northgate has had three iterations. My preference has always been for the first mall format, open air, engaged by the community for strolling with friends and families as well as useful shopping opportunities. In my opinion the next two versions of the Mall missed the mark on serving the community. Given the current plans for yet another redo of the Mall, I would like to see the Planning Commission and the City consider carefully what is going to be successful long term and be useful to the local residents. If this endeavor fails, it cannot easily be torn down for a do over, and there will be lasting community effects if it fails for everyone. C-230-1

These issues should be addressed. The City and the Planning Commission should be firm in their commitment to the community which they represent.

1. **Density should be commensurate with the surrounding neighborhoods.** I would like to see buildings no higher than 4 stories. No one needs people and cars jammed in a small area destroying quality of life, potentially endangering those on foot exercising or walking their dogs and making evacuation of the Mall and local residents extremely difficult in the case of a fire, medical or earthquake emergency.

2. **The health of local residents should be of the utmost concern to the Planning Commissioners.** During construction there should be 24 hour monitoring of this building project to protect adjacent residents against the air and noise pollution generated by this project. Furthermore, post construction the pollution caused by the high density of cars must be addressed both for pollution and the overflow of cars needing parking. Where will they park?

3. **The exit planned for Northgate Drive at Thorndale and El Faisan must be eliminated.** As the closest residents to the Mall the pollution, noise and risk of cars and walkers being hit is too high. This is a dangerous situation. Planning Commissioners can prevent illness and injury to its citizens by eliminating this exit.

4. **Traffic is already congested in this area.** As a local resident it can currently take me ten minutes to get on the freeway from Quail Hill. This is unacceptable also given the constant flow of cars on Freitas Parkway. More cars will make it worse. Roundabouts are not the answer. The streets need to be wider or the density of the Mall project needs to be reduced. Additionally, how will fire and emergency vehicles access the area quickly?

5. **Emergency evacuation needs to be planned and made safe from fire and earthquake.** Plans should allow everyone in Terra Linda a chance to evacuate. If the eucalyptus trees bordering the cemetery catch fire, there is no way out for folks at the Mall or local residents. If there is a fire in a building in the Mall, again where do they and local residents exit? Reducing density would help.

These are a few of the issues I believe the Planning Commission should be considering in depth. While it is the duty of the developers to make money, it is the Planning Commission's duty to represent the

citizens of San Rafael and their quality of life. There will be no do over on this plan.

Pat Waskiewicz

C-230-1 (cont.)

Response to Letter C-230

Pat Waskiewicz
March 2, 2024

Response C-230-1

This comment expresses general concerns related to the size, scale, and building heights for the proposed project and impacts related to traffic congestion and pedestrian safety, emergency evacuation, noise, and air quality emissions. The comment also states that the driveway at Northgate Drive/El Faison Drive and Thorndale Drive should be eliminated. This is primarily a comment on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.9, Transportation, 4.12, Noise, and 4.10, Air Quality, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Further, the proposed circulation plan was evaluated and no impacts were identified related to proposed ingress or egress points.

Further, the comment requests full-time construction monitoring. Regarding construction noise, please refer to Response B-8E-4, which discusses compliance with the City's standard conditions (also see pages 4.12-19 and 4.12-20 of the Draft EIR). Also refer to Mitigation Measures AIR-2, AIR-3, and AIR-4 (revised to require implementation of revised Mitigation Measure AIR-3a; refer to Responses B-8B-26 and B-8B-42), which specify measures that are required to reduce air quality emissions during the construction period. These are standard measures applicable to many large-scale construction projects on urban infill sites in the Bay Area. Additionally, a Construction Management Plan (CMP) will be required as a standard condition of project approval. Please refer to Master Response 7 regarding CEQA mitigation requirements and required implementation of the Mitigation Monitoring and Reporting Program (MMRP). Also refer to Response C-21-1 regarding parking availability, Response B-9-1 regarding additional information related to emergency evacuation, and Master Response 2 regarding the project merits.

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From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Monday, March 4, 2024 7:47:08 AM

Next Steps: Sync an Email Add-On

Name

Pat Waskiewicz

Email

patwask@gmail.com

Submit Public Comment

Northgate Town Square Draft EIR

The existing plan is unrealistic. C-231-1
1. Assuming residents will use public transportation rings false to me. SMART is cutting services and it has been established low income folks avoid public transportation due to high cost. Lots work from home .
2. Residential buildings should be no greater than three stories to fit with the neighborhood and avoid over crowding an already dense area
3. Where will these people go to exercise? The ratio between number of residents and open areas to get out is non existent.
As a direct neighbor these issues are a concern along with air, noise and car pollution caused by the density.

Response to Letter C-231

Pat Waskiewicz
March 4, 2024

Response C-231-1

This comment expresses opposition to the size, scale, and building heights for the proposed project and general concerns related to transit use and traffic congestion, noise, air quality emissions, and open space and recreation. This is primarily a comment on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Refer to Sections 4.9, Transportation, 4.12, Noise, and 4.10, Air Quality, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Also refer to Response B-7-2 for more information related to open space requirements and Master Response 2, which further addresses comments related to the project merits.

From: Michelle
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall redevelopment project
Date: Tuesday, February 27, 2024 1:58:08 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-232-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Michelle Watkins

Response to Letter C-232

Michelle Watkins
February 27, 2024

Response C-232-1

This comment generally states opposition to the location of housing on the site and that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Ivy Wellington
To: april.talley@cityofsanrafael.org
Subject: Comments on the Northgate Development
Date: Tuesday, February 6, 2024 12:49:58 PM

Hello April,

Environmentally, are the 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. **C-233-1**

Thank you,

Ivy Wellington

Response to Letter C-233

Ivy Wellington
February 6, 2024

Response C-233-1

This comment requests more information related to air quality emissions generated by project construction and operation, and potential impacts to sensitive receptors. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Section 4.10, Air Quality, of the Draft EIR, which includes an evaluation of potential impacts to sensitive receptors and potential pollutant emissions (pages 4.10-36 through 4.10-43). As discussed in the analysis, emissions would be below established thresholds at the nearest receptors (and thus would dissipate and be even less at receptors that are farther away), and impacts would be less than significant.

From: notify@proudcity.com
To: April.Talley@cityofsanrafael.org
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Tuesday, February 20, 2024 8:54:11 PM

Next Steps: Sync an Email Add-On

Name

Laurie Wertheimer

Email

lauriewertheimer@gmail.com

Submit Public Comment

Seven stories is too high! Can't they be capped at 4 stories? With parking underneath each building? Berkeley and Oakland have recently put in a lot of cleverly done and not overwhelming 3-4 story structures that fit pretty well into their existing and unique urban landscapes. This massive Terra Linda project does not seem to be designed to blend in to the terrain at all. If the housing does not complement its existing landscape, it will stick out like a sore thumb and help to destroy the charm of a unique and historic preserve of California modern residential architecture, and this in turn devalues all of San Rafael. **C-234-1**

Response to Letter C-234

Laurie Wertheimer
February 20, 2024

Response C-234-1

This comment, which expresses general opposition to the size and scale of the proposed project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Master Response 2 regarding the project merits.

From: Greg Whisman
To: April Talley
Subject: Northgate mall development
Date: Tuesday, February 27, 2024 8:28:17 PM

Hi, San Rafael development Agency

I am generally in favor of the Northgate mall development plan and look forward to many parts of it. C-235-1
Two point need to be better addressed…
1. Access to and from 101 entrances and exits. Even now it is not direct and with the additional traffic, the capacity needs to be increased and routed more directly.
2. School impact for the influx of additional students. The developer should pay whatever is needed to support the schools so they can support the new students from the project.

Thank you,
Greg Whisman
Marinwood

Response to Letter C-235

Greg Whisman
February 27, 2024

Response C-235-1

This comment, which expresses general support for the proposed project and states concerns related to traffic congestion, freeway access, and school impacts, but does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted. Refer to Section 4.9, Transportation, of the Draft EIR, which addresses the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Also refer to the level of service (LOS) analysis provided for informational purposes in Section 4.9 of the Draft EIR. Refer to Responses A-3-1 through A-3-12, which address concerns related to schools and Master Response 2 regarding the project merits.

From: notify@proudcity.com
To: April Talley
Subject: New submission from Northgate Mall Project Updates Sign Up Form
Date: Monday, March 4, 2024 10:42:51 PM

Next Steps: Sync an Email Add-On

Name

Lloyd Wiborg

Email

wiborgs@pacbell.net

Submit Public Comment

Northgate Town Square Draft EIR Comment:
The environmental aspects of this redevelopment are frightening! The increased use of infrastructure resources (water, electricity, gas) will strain San Rafael's ability to satisfy the needs of the community, the lack of any road improvements is shocking, and the projected traffic figures are bogus because the starting reference point was a fully functional shopping center, which it hasn't been for years, and which makes the projected increase in traffic counts MUCH SMALLER than what it will actually be, juicing the developer's figures beyond belief - how could you fall for that trick? C-236-1
And the noise & air pollution during years of construction will have a very negative impact on our environmental conditions, not to mention a reduction in the resale value of local homes surrounding the complex.
Respectfully submitted, Lloyd & Jane Wiborg
51-year southern Marinites, currently condo residents at Villa Marin

Response to Letter C-236

Lloyd Wiborg
March 4, 2024

Response C-236-1

This comment, which expresses general concerns related to the size and scale of the proposed project and impacts on infrastructure, including water, electricity, and gas, roadway infrastructure and capacity, traffic congestion, and construction period noise and air quality, is noted. Refer to Sections 4.14, Utilities and Service Systems, 4.9, Transportation and Circulation, 4.11, Noise, and 4.10, Air Quality, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures.

This comment also questions the baseline assumptions provided in Section 4.9, Transportation, of the Draft EIR. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: erin lasky
To: April Talley
Subject: Miller Creek School District Concerns
Date: Friday, March 1, 2024 9:25:19 AM

Dear April and City of San Rafael-

With the upcoming redevelopment of the Northgate Mall project, I have concerns regarding the impact on the Miller Creek School District. The increase of enrollment due to the increase of residential units would exceed the capacity of the current school facilities. **C-237-1**

I am asking the City of San Rafael to help negotiate higher developer fees in order for the District to be able to welcome new students to our community and maintain the high quality education that the community is committed to providing.

Thank you for your consideration and commitment to all students in the MCSD.

Sincerely,
Erin L Winston, Vallecito Elementary School Parent

Response to Letter C-237

Erin Winston
March 1, 2024

Response C-237-1

This comment generally states concerns related to school service funding and requests that the City work with the Miller Creek School District to negotiate higher development impact fees. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Refer to Response A-3-2 regarding impact fees that mitigate impacts to schools. The City does not have the ability to regulate the school district's impact fees; these fees are determined by the district as an independent agency.

From: jwlodaver@comcast.net
To: April Talley
Subject: Public Comment on Northgate Town Square Redevelopment Project DEIR
Date: Monday, February 26, 2024 2:47:48 PM

February 26, 2024

Dear Commissioners,
I have been a resident of San Rafael for 30 years. I raised my family here and my children went to Terra Linda High School. **C-238-1**

Although I support the redevelopment of Northgate into a thriving, sustainable mixed use community, I have some major concerns about the project as proposed and I hope you will seriously consider my comments. The project is just TOO BIG for the area!

- Evacuation and Safety
There is only a 2 lane road around Northgate Mall. Adding thousands of residents to the existing population with hundreds more cars would severely hinder any safe evacuation routes when there is a fire or other natural disaster. Ambulances and fire trucks would have great difficulty getting through the traffic congestion that would invariably result from thousands of people trying to evacuate at the same time on limited routes that are already compromised during busy travel times. The huge size of this project puts people's lives in jeopardy! PLEASE reduce the density of the project!

-Traffic and Pollution
Please eliminate the drive-thru restaurants that would add pollution from idling cars with people waiting in line for food throughout the day. We already have drive-thru restaurants nearby on Merrydale Road (McDonald's) and Redwood Highway (A&W). Instead, have sit down restaurants that would add more culinary choices to the health conscious clientele who live nearby. Include a supermarket and other services onsite so residents and people in nearby neighborhoods wouldn't have to drive far, or at all, thereby reducing the traffic and pollution levels.

-Aesthetics
PLEASE reduce the size of the project in terms of height and density so that it enhances the architectural design of the surrounding community. The proposed height of the buildings is in sharp contrast to the nearby neighborhood and would dramatically alter the look and feel of the community. This is a low profile residential neighborhood, not a dense urban development like the ones often found in heavily populated downtown areas. Five, six and seven story apartment buildings are totally out of character with the surrounding area. Nearby commercial buildings are only 1-3 stories high. PLEASE reduce the height of the buildings! PLEASE!! The proposed buildings could be spread out more and set back further from the road and have a pleasing esthetic design.

Thank you for your consideration of my concerns.

Respectfully submitted,
Joan Wlodaver

Sent from my iPhone

Response to Letter C-238

Joan Wlodaver
February 26, 2024

Response C-238-1

This comment states general concerns related to the size, scale, and mix of uses for the proposed project and potential impacts associated with traffic congestion, emergency access and evacuation, air quality emissions, and visual character. These comments are primarily an opinion on the merits and design of the project and impacts identified in the Draft EIR, and are noted.

Please refer to Sections 4.9, Transportation, 4.10, Air Quality, and 4.3, Visual Resources, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds, would be reduced to less than significant with implementation of identified mitigation measures, or, in the case of operational noise impacts to on-site sensitive receptors, would be reduced to the extent feasible with implementation of mitigation measures. Regarding traffic congestion, roadway capacity, and the methodology for identifying project trip generation and transportation impacts, refer to Master Responses 3 and 4. Refer to Response B-9-1 regarding additional information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits, design, and proposed use.

NORMAN WOLFF
1/19/2024

The New Northgate must include a combined city/county public library. The space under the Civic Center dome can then be used the the County Law Library. The new Northgate mega-library could also include the Marin History Museum. The Kent California Archive already has a climate-controlled satellite facility on Los Gamos. The Carnegie Library building is San Rafael can be used for something else altogether. **C-239-1**

THE SMITH RANCH ROAD CORRIDOR SHOULD BE INCLUDED IN THE NORTHGATE REDEVELOPMENT. THERE IS A TERRIBLE PROBLEM WITH TRASH ALONG SMITH RANCH ROAD, ESPECIALLY AROUND THE JUNCTION WITH DEER VALLEY ROAD.

THAT HORRIBLE CITY POND BELOW DEER VALLEY APTS NEEDS A COMPLETE RE-MAKE. IT IS A MAGNET FOR OLD MATTRESSES AND A LOT OF OTHER TRASH. IT PROBABLY ALSO BREEDS MOSQUITOES IN SUMMER. IT IS A DISGRACE.

THE CITY OPEN SPACE RIDGE BEHIND THE DEER VALLEY APTS IS HORRIBLY NEGLECTED.

THE RETAINING WALL ALONG SILVEIRA PARKWAY HAS BEEN COLLAPSING FOR YEARS.
IT IS ALMOST CERTAINLY THE ORIGINAL WALL, PROBABLY BUILT BY THE SILVERIA FAMILY. IT NEEDS TO BE REPLACED AS AN EMERGENCY PRIORITY BEFORE SOMETHING REALLY BAD HAPPENS.

THESE ISSUES ALONG THE SMITH RANCH ROAD CORRIDOR MUST BE ADDRESSED.

Response to Letter C-239

Norman Wolff
January 19, 2024

Response C-239-1

This comment provides an opinion on the mix of facilities that should be included in the proposed library space on the project site. This comment, which is an opinion on the proposed project, is noted. Refer to Master Response 2, which addresses comments related to the project merits, design, and proposed uses.

The remainder of the comment addresses operations and maintenance of public facilities along the Smith Ranch Road corridor, which is not in the vicinity of the project site, and does not relate to the proposed project or the adequacy of the information and analysis in the Draft EIR, and is noted. No further response is required.

NORMAN WOLFF
1/26/2024

C-240-1

PLEASE INCLUCE SMITH RANCH ROAD CORRIDOR IN YOUR REDEVELOPMENT EFFORTS:

1) DEER VALLEY RD (OFF SMITH RANCH RD) SHOULD BE CHANGED TO A CITY MAINTAINED RD. THE CITY OPEN SPACE RIDGE ABOVE THE DEER VALLEY APTS AND THE CITY POND BELOW THE APTS AT JCT WITH SMITH RANCH ROAD ARE HORRIBLY NEGLECTED. TRASH IS A MAJOR PROBLEM. POND AREA IS BADLY OVERGROWN. THIS AREA NEEDS IMMEDIATE ATTENTION.

2) RETAINING WALL ON SILVEIRA PKWY HAS BEEN COLLAPSING FOR YEARS AND SHOULD BE REPLACED. EXISTING WALL LOOKS TEMPORARY AND IS PROBABLY THE ORIGINAL. NEW WALL MIGHT REDUCE TRASH ACCUMULATION. THIS RETAINING WALL NEEDS IMMEDIATE ATTENTION.

3) NEW NORTHGATE DEVELOPMENT SHOULD HAVE A NEW LIBRARY THAT IS A COMBO OF THE EXISTING COUNTY LIBRARY AND THE CITY LIBRARY. CIVIC CENTER SPACE OLD CARNEGIE BLDG CAN BE USED FOR OTHER THINGS (SUCH AS LAW LIBRARY AND MUSEUM).

4) THE ENTIRE CIVIC CENTER COMPLEX SHOULD BE TURNED INTO A MUSEUM AND FLW MONUMENT. THERE ARE OTHER POSSIBLE USES FOR THE FLW CIVIC CENTER.

5) THE NEW NORTHGATE PROJECT SHOULD INCLUDE A NEW CIVIC CENTER BUILT ON TRADITIIONAL CLASSICAL LINES.

Response to Letter C-240

Norman Wolff
January 26, 2024

Response C-240-1

This comment provides an opinion on the mix of public facilities that should be included on the project site. This comment, which is an opinion on the proposed project, is noted. Refer to Master Response 2, which addresses comments related to the project merits, design, and proposed uses.

The remainder of the comment addresses operations, maintenance, and redevelopment of other public facilities that are not located on or within the vicinity of the project site, and does not relate to the proposed project or the adequacy of the information and analysis in the Draft EIR, and is noted. No further response is required.

From: Christine Young
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project DEIR
Date: Tuesday, February 27, 2024 9:14:06 AM

Dear City of San Rafael Planning Division,

As a parent in the Miller Creek School District, I'm concerned that the Draft Environmental Impact Report for the Northgate Mall Redevelopment Project does not fully address impacts to the school district. I strongly support redeveloping the mall and building more housing. However, I hope the City and developer are working closely with the school district to ensure the developer fees are sufficient to cover the costs of accommodating additional students, including but not limited to, expanding school facilities and mitigating traffic impacts. **C-241-1**

Thank you,
Christine Young

Response to Letter C-241

Christine Young
February 27, 2024

Response C-241-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District and requests that the City negotiate higher development impact fees for the district. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Response A-3-2 regarding impact fees that mitigate impacts to schools. The City does not have the ability to regulate the school district's impact fees; these fees are determined by the district as an independent agency. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Alison Zampino
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project
Date: Tuesday, February 27, 2024 10:54:47 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-242-1**

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

In this time of statewide budget cuts, it is irresponsible to continue this project without accommodating the additional cost of increased enrollment. Part of what makes Terra Linda so wonderful is our amazing school district.

Thank you for your attention.
Alison Zampino
Parent and Educator

Response to Letter C-242

Alison Zampino
February 27, 2024

Response C-242-1

This comment generally states opposition to the location of housing on the site and that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Saum Zargar
To: April.Talley@cityofsanrafael.org
Subject: This increase in enrollment would exceed the capacity of our existing school facilities
Date: Tuesday, February 27, 2024 9:35:04 AM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District. **C-243-1**

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Response to Letter C-243

Saum Zargar
February 27, 2024

Response C-243-1

This comment generally states opposition to the location of housing on the site and that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Rachel Zwillinger <rachel.zwillinger@gmail.com>
Subject: Comments on Draft EIR for Northgate Redevelopment Project
Date: February 12, 2024 at 8:35:16 PM PST
To: planning@cityofsanrafael.org, AprilT@cityofsanrafael.org

Hi April,

Attached, please find my comments on the Draft Environmental Impact Report for the Northgate Redevelopment Project. Could you please write back to confirm that you have received my comments and that they will be included in the CEQA record? **C-244-1**

Thank you!

Rachel

February 12, 2024

Re: Comments on Draft Environmental Impact Report for the proposed Northgate Mall Redevelopment Project

Dear Ms. Talley,

I am writing to express concerns regarding fundamental flaws in the Transportation Impact Study ("TIS") (Appx. F to the Draft EIR) that render all analysis in the Draft EIR that relies upon the TIS inaccurate. I highlighted these flaws for staff in the City's Planning Department on the day the TIS was posted online—many months ago—and several times thereafter with the hope that the flaws could be corrected before the document was incorporated into the Draft EIR. Unfortunately, the flawed TIS was nonetheless incorporated into the Draft EIR, depriving the public of any meaningful opportunity to understand and assess the true traffic impacts of the proposed project. **C-244-1 (cont.)**

The TIS is misleading and inaccurate because it is based upon unrealistic assumptions regarding current traffic conditions at the mall. The TIS calculated existing traffic based on "standard rates" for a shopping center.[1] This rate was applied to the entire square footage of leasable retail space at the shopping center to determine trip generation for the existing mall.[2] Thus, the TIS assumes Northgate Mall is currently generating a standard number of trips for all retail square footage—i.e., it assumes every square foot of existing retail space at the mall is fully functional and generating an average amount of traffic for a shopping center.

This assumption is divorced from reality. First, much of the retail square footage at Northgate has been vacant for years. The vacant square footage should not be used as part of the baseline trip generation formula, as it does not generate any traffic. Second, the vast majority of the currently leased retail space at the mall is underperforming. Macy's, Kohl's, Restoration Hardware Outlet, Century Theatre, and many other vendors do not generate anything close to a "standard rate" of trips. Using a "standard rate" to calculate trip generation, rather than assessing how many trips the existing retail at the mall actually generates, dramatically inflates the trip generation numbers.

The attached photographs of the parking lots at the existing mall underscore the TIS's inaccurate assumptions regarding trip generation for the existing mall. Presumably, parking availability at the existing mall was designed to accommodate the existing retail square footage. The photos

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[1] TIS at 11 ("The anticipated trip generations for the existing mall and proposed project were estimated using standard rates published by the Institute of Transportation Engineers (ITE) in Trip Generation Manual, 11th Edition, 2021 for 'Shopping Center (> 150k)' (ITE LU 820) and 'Multifamily Housing (Mid-Rise)' (ITE LU 221).")

[2] *See* TIS Table 2 at p. 14 (identifying existing shopping center as 766,507 square feet) and Draft EIR at 3-17 (stating that "The existing gross leasable area (i.e., the total building square footage on the project site without the parking structure) is approximately 766,507 square feet.").

were taken at 12:30 p.m. on a Saturday during the comment period for the DEIR (February 10, 2024), a time when a "standard" shopping center should be bustling. Yet they show that the parking lots are only about 10-15% full, with thousands and thousands of empty spaces.

As we all know, Northgate is not a standard shopping center. It is a dead mall.

The inaccurate assumption regarding traffic generation at the existing mall is enormously consequential. By using the inflated baseline traffic estimates, the TIS concludes that adding 1,422 new residences to the site will generate a net reduction of 8,384 trips on a daily basis. TIS at 15. This would make sense if we were converting a functional retail space to residences. But the existing mall is not functional and currently generates dramatically less than the estimated 15,940 daily trips that would be generated by the proposed project. **C-244-1 (cont.)**

The TIS's inaccurate conclusion that the proposed project will reduce traffic at the project site presumably means the developer will not be required to pay traffic mitigation fees, to the detriment of roadways in the neighborhood. Further, because the TIS's conclusion regarding trip generation is fundamentally flawed, any analysis and conclusions in the Draft EIS that rely upon the TIS's analysis are inaccurate and flawed as well. This could impact assessment of greenhouse gas emissions, emergency response timelines, and more. Most importantly, the flawed assumptions regarding existing conditions make it impossible for community members to understand and comment on the proposed project's traffic impacts.

Use of unrealistic design values for assessment of existing traffic conditions undermines public trust in the City's analysis of this proposed project. It makes it seem like the City either didn't bother to review work of consultants who have never visited the project site, or that the City thought it could get by with an analysis designed to hide traffic impacts at the expense of existing and future residents.

Please redo the TIS using survey data for actual trip generation at the existing mall so that community members can understand the true impacts of the proposed project. Please also recirculate a revised draft EIR after amending the TIS so that community members have an opportunity to comment on an environmental analysis that includes an accurate assessment of traffic impacts.

Thank you for taking the time to read these comments. I appreciate your attention and all that you're doing to serve our community.

Rachel Zwillinger
355 Devon Drive
San Rafael, CA 94903

Photos of Northgate Mall Parking Lots from February 10, 2024

macy's

Response to Letter C-244

Rachel Zwillinger
February 12, 2024

Response C-244-1

This comment generally states that the Draft EIR does not properly establish the environmental setting because it relies on baseline conditions that are inaccurate; it therefore concludes that project impacts related to transportation and air quality, among others, are underestimated. The comment also includes photographs of empty parking lots at the Northgate Mall; these photographs are noted although the time and date of the photographs could not be independently verified by the City. Please refer to Master Responses 3 and 4 regarding the baseline environmental setting and the transportation methodology relied upon in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Sara Aceves
To: April.Talley@cityofsanrafael.org
Cc: Guerro
Subject: Re: Northgate Community Development
Date: Tuesday, March 5, 2024 5:36:00 PM

Dear City of San Rafael Planning Division,

The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

C-245-1

Specifically:

- *Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.*
- *Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.*

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Response to Letter C-245

Sara Aceves
March 5, 2024

Response C-245-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Beaton, Paul
To: April.Talley@cityofsanrafael.org
Cc: micolcortese@gmail.com
Subject: The impact of the Northgate Mall Redevelopment project
Date: Tuesday, March 5, 2024 5:55:05 PM

Dear April & The City of San Rafael Planning Division,

We are homeowners at 67 Montevideo Way, San Rafael, CA94903 and we are concerned about the impact of the proposed Northgate Mall Redevelopment project. **C-246-1**

The project will include up to 1,422 new residential units (apartments and townhomes). This project falls within the Miller Creek School District and it will need to prepare to welcome approximately 338 additional elementary and middle school students.

This increase in enrollment will exceed the capacity of their existing school facilities. The minimum required developer fees that will be provided from this project will not cover the significant costs to support such a large increase in enrollment.

Can you help the Miller Creek School District to negotiate higher developer fees in order for the District to be able to welcome new students to our community and maintain the high quality education they are committed to providing?

As it stands, the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

Specifically:
• Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
• Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.

Regards,
Paul Beaton & Micol Cortese

Homeowners at 67 Montevideo Way, San Rafael, CA94903

Response to Letter C-246

Paul Beaton
March 5, 2024

Response C-246-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District and requests that the City negotiate higher development impact fees for the district. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. The City does not have the ability to regulate the school district's impact fees; these fees are determined by the district as an independent agency. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Cara Bingham
To: april.talley@cityofsanrafael.org
Subject: Concerns for the Redevelopment Project of Northgate
Date: Tuesday, March 5, 2024 8:56:31 PM

Dear City of San Rafael Planning Division,

I am a Marinwood homeowner (565 Quietwood) and mother of two young boys who attend Lucas Valley Elementary school in the Miller Creek School District. C-247-1

While I support the need for growth and housing in our community, the scale and speed of this project is not currently structured for success. The Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.

Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

As a very involved HSC volunteer, I understand first hand that our district is struggling to make ends meet at the moment. We are facing a large budget deficit, struggling to recruit top teacher talent and losing top teachers to other school districts who pay more. The students currently are paying the price of the district's shortfalls. The current message from our current school district is "this increase in enrollment would exceed the capacity of our existing school facilities."

I urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District’s facilities cannot accommodate students generated from the project.

Thank you for your consideration and happy to discuss further if you have any questions, I have provided my phone number below.

Best,
Cara Bingham
415.847.8822

Response to Letter C-247

Cara Bingham
March 5, 2024

Response C-247-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

From: Laurey Greider
To: April.Talley@cityofsanrafael.org
Subject: Re:DEIR and over-development of the mall
Date: Tuesday, March 5, 2024 7:54:56 PM

C-248-1

Please do not move forward with 1400+ units built up to the street 3 stories (townhouses for sale for $1 million+?)-7 stories, twice as high as previously allowed, at Northgate mall, across from a quiet neighborhood of eichlers and 2-3 story apartment complexes. They'll be working on it 2 1/2-3 years (5 years I read somewhere!) 7 am to 6 pm, with asbestos, lead and who knows what else going into the air and streets where people, pets, wild animals and children live and walk from the demolition of mid-century building like Sears. The noise will be going on for far too long.
The streets are great and spacious as they are. Do not have mixed use bike and walking paths, the bike parts on the roads are good, and sidewalks are safer for pedestrians. A tiny number of units will be "affordable" but not to our kids, veterans, elders unless they are making$100k+yearly. Lawmakers in Sacramento made a mistake in calculations and said so publicly but are not changing their mandates. There will be a proposition in the fall to reverse these requirements, wait till the outcome before approving this irresponsible, disrespectful project.
They have waived all restrictions that were in place to protect quality of life. Environmental impact reports are skewed for the developers, extreme noise impacts and other major issues are called unavoidable and thus being allowed. Instead of setting back from the street and having a peaceful grassy tree filled park where it meets the neighborhood they are building up to the edge, cutting off views we are used to seeing from around the mall. Open space requirements are waived and they are replaced with an astroturf lawn for more loud events in the center of the project. Shopping amenities are cut way back to make more space for the high density market rate housing. Around 4,000 more people in Terra Linda, nearly half the number that currently reside here, on 2% of the land. Terra Linda is 14% of the land in San Rafael but is being saddled with 60% of the rhna housing requirements, which were falsely created, within one square mile. More water hook ups in drought land, more traffic where it already gridlocks if there's an accident on the freeway, more trouble in an emergency like fires and earthquakes where people can't leave and crews can't arrive. Terrible project. PLEASE Make it half as much housing, much more natural open space around the edge, community friendly shopping, 2-3-4 story pleasant housing away from the edges, covered parking, fountains, maybe an indoor music venue with a variety of options. Make it beautiful and lovely to attract passers by instead of a high density block of buildings we have to live with the rest of our lives. Other malls succeed by being attractive and pleasant to visit, and having community friendly options, local businesses instead of corporate junk stores. Keep homegoods macys and kohls, Sears/redeveloped into music venue and bowling alley/skating rink!, turn Macy's into housing instead of tearing it down. do less destruction and toxification to our neighborhood.
Noise and traffic too much for our neighborhood, buildings too dense and unattractive for the location.
Thanks

Response to Letter C-248

Laurey Greider
March 5, 2024

Response C-248-1

This comment expresses general opposition to the proposed project and states concerns related to the size and scale of the proposed project and associated impacts, including construction period hazards, air quality emissions, and noise, bicycle and pedestrian safety, population density, building setbacks, obstruction of views, provision of open space, water supply, traffic congestion, and emergency evacuation and access. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.8, Hazards and Hazardous Materials, 4.10, Air Quality, 4.12, Noise, 4.9, Transportation, 4.2, Population and Housing, 4.1, Land Use and Planning, 4.3, Visual Resources, 4.13, Public Services and Recreation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that off-site impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures. Refer to Response B-7-2 for more information related to open space requirements and Response B-9-1 for further information related to emergency evacuation. Also refer to Response B-1-3, which addresses the Regional Housing Needs Assessment (RHNA) process.

Regarding the hours of construction, these activities would be allowed to occur within the days and in the time frames permitted by the City's Municipal Code, as described on pages 4.12-11 and 4.12-12 of the Draft EIR. As discussed in the Draft EIR, construction noise impacts would be below identified thresholds with identified mii gai on measures.

Regarding wind-blown pollutants, asbestos-containing materials (ACMs) would be abated and removed consistent with exisı ng hazardous materials regulaı ons, including Bay Area Air Quality Management District (BAAQMD) Regulaı on 11, Rule 2, as described on page 4.8-20 of the Draı EIR. Also refer to Miı gaı on Measure AIR-2 on pages 4.10-28 and 4.10-29 of the Draı EIR, which idenı fies the BAAQMD's Basic Construcı on Measures, including Best Management Pracı ces (BMPs) to be implemented to ensure that fugiı ve dust is properly controlled. These impacts would be less than significant.

From: W Janet
To: april.talley@cityofsanrafael.org
Subject: Fw: Northgate
Date: Tuesday, March 5, 2024 5:02:33 PM

<april.tally@cityofsanrafael.org>:
550: 5.4.1 Recipient address rejected: Access denied.
[DS1PEPF00017E0A.namprd09.prod.outlook.com 2024-03-06T00:55:32.346Z
08DC39BCB36A8C74]

---------- Forwarded message ----------
April Talley & Planning Commission:

I'm a native of Terra Linda & we are original owners of an Eichler home, located within a couple of blocks of Northgate Mall. I grew up on Nova Albion Way from day one or two, & am likely more familiar with the area than you or anyone on the planning commission. I'm also an artist & designer with a university education. C-249-1

I am extremely disgusted with the lack of sanity with regards to the proposed development at Northgate for the following reasons:

1. 1400 housing units on the property is obviously too many! Anyone with even a bit of sense realizes this. The density of the proposed project is shockingly terrible.

2. Seven story buildings in that area would be very much out of scale, blocking light & views.
The proposed building height is "crazy bad"- it's an idea borne of greed, not sanity.

3. The proposal to build right up to the edge, near the sidewalk, walking & biking paths around the mall, is a physically unhealthy, & visually detrimental idea for all residents of the neighborhood, as well as visitors to local businesses.

Ms. Talley & Planning Commission, please go back to the proverbial drawing board & consider a plan that includes 2-3 or even 4-story buildings totaling many less units, which would be in scale with the surrounding neighborhood. Please do not allow new construction up to the edge of the property; this is a critical flaw in the proposed project.

Thank you for your consideration. Please use common sense & don't allow a ridiculously huge development to ruin fir all, the beautiful Northgate area in the heart of Terra Linda.

Wendy Janet

Response to Letter C-249

Wendy Janet
March 5, 2024

Response C-249-1

This comment expresses general opposition to the proposed project and states concerns related to the size and scale of the proposed project and associated impacts, including population density, building setbacks, obstruction of light and views, and overall visual character. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.2, Population and Housing, 4.1, Land Use and Planning, and 4.3, Visual Resources, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds.

From: Cynthia Kinavey
To: April Talley
Subject: Dear Commissioners,
Date: Tuesday, March 5, 2024 11:07:20 PM

Dear Commissioners,

I have lived in San Rafael for 54 years and both of our children graduated from Terra Linda High School.
I do believe that we need to create affordable housing with availability of stores and restaurants so that they can be accessed on foot and decrease traffic. However , I would prefer to prevent the addition of drive- through restaurants and add a supermarket. We have some in this area already. An in-dining one would be better. C-250-1
Also , having 7 story buildings does not fit in the aesthetics of the surrounding area (maybe 4-5) and could be an evacuation problem in case of emergency.
Again, I know that we need more housing but we need to be more mindful of how it will fit in this area.
Thank you, Cynthia Kinavey

Sent from my iPad

Response to Letter C-250

Cynthia Kinavey
March 5, 2024

Response C-250-1

This comment states general concerns related to the size, scale, and mix of uses for the proposed project and potential impacts associated with emergency access and evacuation, and visual character. These comments are primarily an opinion on the merits and design of the project and impacts identified in the Draft EIR, and are noted.

Please refer to Sections 4.9, Transportation, and 4.3, Visual Resources, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Refer to Response B-9-1 regarding additional information related to emergency evacuation. Also refer to Master Response 2, which further addresses comments related to the project merits, design, and proposed use.

From: Pamela Reaves
To: April Talley
Subject: Re: NG DEIR comment letters?
Date: Tuesday, March 5, 2024 7:12:26 PM

Hi April,
I appreciate your quick response but that was not my question. I asked that all of the already submitted comments be available to see on the city website. Not how to submit a comment. C-251-1
Best,
Pam

> On Mar 5, 2024, at 4:04 PM, April Talley <April.Talley@cityofsanrafael.org> wrote:
>
> Hi Pamela,
>
> Please use the link below to submit a comment. The comment box is located at the very bottom of the webpage.
>
> https://www.cityofsanrafael.org/northgate-town-square-environmental-review
>
> Thank you,
>
> -----Original Message-----
> From: Pamela Reaves <pamela1reaves@gmail.com>
> Sent: Tuesday, March 5, 2024 4:00 PM
> To: April Talley <april.talley@cityofsanrafael.org>
> Subject: NG DEIR comment letters?
>
> Hi April, I can't find anywhere on the website where we can see public comments that have been submitted through today. The only place I can see the ones submitted through February 12 are attached to the planning commission agenda. But nowhere else on the website. Please correct this and let me know when you have been able to do this.
> Best!
> Pam Reaves

Response to Letter C-251

Pamela Reaves
March 5, 2024

Response C-251-1

This comment requests access to all comments on the Draft EIR received by the City through the close of the public review period. All comments received are provided in this RTC Document and are listed in Chapter 3.0. The comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

From: Katie Ward
To: April.Talley@cityofsanrafael.org
Subject: Northgate Mall Redevelopment Project.
Date: Tuesday, March 5, 2024 8:05:23 PM

Dear April & The City of San Rafael Planning Division,
We are homeowners at 68 Montevideo Way, San Rafael, CA94903 and we are concerned about the impact of the proposed Northgate Mall Redevelopment project. The project will include up to 1,422 new residential units (apartments and townhomes). This project falls within the Miller Creek School District and it will need to prepare to welcome approximately 338 additional elementary and middle school students. C-252-1
This increase in enrollment will exceed the capacity of their existing school facilities. The minimum required developer fees that will be provided from this project will not cover the significant costs to support such a large increase in enrollment.
Can you help the Miller Creek School District to negotiate higher developer fees in order for the District to be able to welcome new students to our community and maintain the high quality education they are committed to providing?
As it stands, the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not fully analyze and mitigate the potential significant and cumulative impacts to the students, parents, faculty, staff, and community of the Miller Creek School District.
Specifically:

- Section 4.9 of the DEIR fails to consider the traffic impacts associated with school pick-up and drop off hours.
- Section 4.13 concludes that impacts to schools associated with the Project are less than significant. This is untrue. The developer fees do not fully mitigate the impacts of the project on district facilities, students, parents, and staff.

We urge the City to revise the impact findings to accurately reflect the real impact the project will have on our schools, including that the District's facilities cannot accommodate students generated from the project.
Regards,
Michael and Katie Ward
Homeowners at 68 Montevideo Way, San Rafael, CA94903

Response to Letter C-252

Katie Ward
March 5, 2024

Response C-252-1

This comment generally states that the Draft EIR does not adequately analyze and mitigate impacts to the Miller Creek School District and requests that the City negotiate higher development impact fees for the district. Please refer to Responses A-3-1 through A-3-12, which address these concerns, specifically Responses A-3-5 and A-3-7 regarding school pick-up and drop-off periods and transportation impacts, and Response A-3-2 regarding impact fees that mitigate impacts to schools. The City does not have the ability to regulate the school district's impact fees; these fees are determined by the district as an independent agency. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draı EIR, or that impacts would be substanı ally more severe than those identified in the Draı EIR.

D. PUBLIC HEARING TRANSCRIPT

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WEBVTT

[redacted]

The main item tonight is a public hearing to receive comments on the draft. Environmental Impact Report.

For the proposed North Gate. Town Square Project. The purpose of this hearing is to listen to all community members who have come here tonight to share their thoughts on the draft.

Looking around at the full chamber, I'm gonna set a 2 min per person limit because we want to hear from everyone here who came.

Here are some additional rules for this evening. If the person who speaks before you says what you want to say.

00:21:22.000 --> 00:21:29.000
Please feel free to just say I agree with that person. You don't have to take 2 min, but you're welcome to do so.

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You cannot cede your time to someone else. And please try to limit your comments to the draft ER.

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Document itself. There will be additional hearings later in the year. On the project. In the spring.

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You're not sure if you're comment is more project based than DIR-based, please go ahead and share your thoughts.

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And it almost goes without saying, but please allow each of our community members to speak. Their mind. No, you know, booing shouting over anyone clapping.

00:22:00.000 --> 00:22:06.000
We support civic engagement here and want to hear from everyone in attendance.

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So really, I'm gonna add to this script too as well that. You know, tonight is a listening session.

00:22:13.000 --> 00:22:17.000

So. Comments on the draft ER. Are required to be addressed in the final ER.

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So all the many letters that we've received. Any comments that we hear from you guys tonight? Will need to be addressed if they're applicable to the draft ER.

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And with that, I think that's maybe goes without saying, but. There's the impact of repeating stuff is is not necessary.

00:22:39.000 --> 00:22:50.000
We have definitely received a lot of letters. So with that, I'd like staff to give a presentation to further.

00:22:50.000 --> 00:23:01.000
Frame tonight's topic and we begin talking. Alright, please. Good evening, Madam Chair, members of the Planning Commission.

00:23:01.000 --> 00:23:14.000
Again, Margaret Cavanaugh and your new, very happy to be here, planning manager. We're gonna split this presentation into 2 sections and the first section is going to be completed by Heather Hinds who is principal with M-group.

00:23:14.000 --> 00:23:19.000
Thank you, Margaret. Good evening. Is this? Catching my voice, okay?

00:23:19.000 --> 00:23:28.000
Okay. Good evening. So, we're Very happy to be here tonight. This is a big milestone for the Northgate project.

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And We look forward to hearing all of the comments from the community and planning commission this evening. So next slide, please.

00:23:43.000 --> 00:23:51.000
Okay, there we go. So tonight myself and planning manager Kavanaugh Lynch will be providing the staff report.

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The presentation largely follows the written staff report. And the purpose of tonight's meeting as we're probably going to say multiple times this evening during this presentation is to receive public comment.

00:24:04.000 --> 00:24:19.000
On the draft EIR, the draft environmental impact report. So our overview will be relatively brief because we do want to allow every member of the community that would like to provide comment that opportunity this evening.

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Next slide. So. To that point, We're here to receive public comment.

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That includes both oral and written. Comments and we will be transcribing tonight's planning commission meeting so we will be recording all of the oral comments for the record.

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So if you make an oral comment, you don't not necessarily need to follow up in written form if you would like to also follow up with an email or in written form.

00:24:49.000 --> 00:25:01.000
Yeah, that's yours to do. We are in a state required for 45 day public comment period on the draft EIR.

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The city of San Rafael has extended that required 45 day public comment period to 60 days. So the end of that 60 day comment period is March, the fifth.

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And for clarification and the chair mentioned this. Comments received should be on the adequacy of the draft EIR and not necessarily the merits of the project.

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There will be other hearings. There have been previous hearings. Where the public has had an opportunity and will have an opportunity to make.

00:25:36.000 --> 00:25:43.000
Comments on the merits of the project itself.

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So as a very kind of brief overview, California Environmental Quality Act or CEQA is the state requirement for environmental review of all discretionary projects.

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The purpose of environmental review is to identify the significant impacts of a project. Against the baseline conditions.

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Of note baseline condition does not necessarily mean existing conditions. Or the Northgate project specific to the Northgate project.

00:26:22.000 --> 00:26:34.000
The baseline condition. The operation of a fully leased mall. And the reason that is is because that building is already there the approvals from the city to build that building.

00:26:34.000 --> 00:26:51.000
The permitted uses allowed to occupy that. Are already there. So with no additional review. The mall could be in its current form, least to maximum capacity tomorrow, let's say.

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So the baseline that is being used to evaluate the impacts of the project is a fully leased existing mall.

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So I just kind of want to underscore that. As you know the overarching discussion here purpose of the SQL review.

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It's also to identify ways to mitigate or reduce the impacts of the project. So the mitigation measures in the EIR.

00:27:21.000 --> 00:27:51.000
It's also required to identify a range of reasonable alternatives to the project. That still meet the basic project objectives but reduce the impacts that have been identified.

00:27:58.000 --> 00:28:02.000
That the project can't be approved. It's important to identify them. Identify ways to reduce it.

00:28:02.000 --> 00:28:19.000
And then for the decision makers to decide. The with all of that information so kind of wanted to just kind of give that primer of the CQUA statute that we're working with.

00:28:19.000 --> 00:28:31.000
Next slide, please. There we go. Thank you. So as evidenced in this timeline, the Environmental review process has actually been going on for some time.

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The publication of the notice of preparation, which is really kicking off the environmental review happened in December of 2021.

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And there has been, a several comment period scoping session, but this is a very big milestone.

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With release of the draft DIRR on January fifth of 2024 and leading us to tonight's hearing to receive public comment on that draft ER.

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As I mentioned, the 60 day public comic period extends to March fifth. The final environmental impact.

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Report will include response to all of the comments. That are applicable to the environmental analysis, the draft DIR, and that final EIR will be brought forward for certification.

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By the Planning Commission alongside the project entitlements. So the next time this environmental document comes forward for review will be alongside the project entitlements.

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And again, tonight's meeting is not the first public discussion of the Northgate project.

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There have been several hearings with the Planning Commission, with the Design Review Board leading up to this hearing.

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And although tonight's hearing is specifically to accept comments on the draft EIR, I am going to provide a little general background on the components of the project in the next couple slides.

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So the Northgate project is broken into 2 phases. The first phase being the 2025 master plan.

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And this first phase of the project involves demolition of over 300,000 square feet of existing retail on the Northgate site.

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It proposes construction of over 44,000 square feet of new retail on the site. As well as construction of 922 residential units on the site including 96 which would be affordable to lower income households.

00:30:53.000 --> 00:31:21.000
Also in phase one and this was in response to public comments and some of the previous discussions on this project, phase one includes construction of the town square, which is slightly over an acre in size at the center of the project as well as about 13,000 square feet of additional amenity area adjacent, including a bike hub.

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This slide is showing the demolition. So the, blue being the buildings, the existing buildings to remain.

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The red being the existing buildings that are proposed to be demolished as part of phase one. And I do want to note there's some pretty significant landmarks that remain in phase one.

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So the. Cinema remains. Macy's remains, Coles and Rite Aid are all remaining as part of phase one.

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Also part of the phase one is our 4. Residential parcels that are your kind of brought to the forefront of this graphic at the top residential one is a 96 unit all affordable multifamily.

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Project. Phase 2 or residential 2 are the town homes. So this is the ownership component of the project.

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A 100 townhomes. And then residential 3 and residential 4, 280 units and 446 units respectively.

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Our market rate rental product with some activated uses on the ground floor.

00:32:49.000 --> 00:33:01.000
So this is a site plan showing phase one the 2025 master plan including both what's currently existing to remain.

00:33:01.000 --> 00:33:09.000
The residential addition of residential and then you will see that town center in the pretty much smack dab in the middle of that site plan.

00:33:09.000 --> 00:33:18.000
You also have 2 new commercial pad buildings out along Las Vegas. They're in yellow.

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So that's that's a overall summary of the 2,025 master plan phase one of this project.

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Moving to phase 2, which is the 2040 vision plan. So this second phase is demolition of 339,000 square feet of existing.

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Retail so as part of this second phase, you do have the demolition of both Macy's and Coles, proposed.

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You also have elimination of about a 25,000 square foot open space area in front of the coals to make way for residential 6.

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As part of the second phase. Construction of an additional 55,000 square feet of new retail and construction of an additional 500 residential units including 51 affordable units.

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So again, this is the demolition plan showing the yellow. Or the additional buildings. Existing buildings to be demolished as part of phase 2.

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You will notice that Rite Aid down there in the bottom right hand corner remains as well as the cinema.

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And this highlighting the 2 additional residential parcels, residential 5 and residential 6. Residential 5 is 251 market rate rental units Residential 6 is 249 market rate.

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Rental units. But for both residential 5 and 6. 10% of the units would be inclusionary, affordable units, mixed within each of those parcels.

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You also have ground floor activation. With some commercial uses on the ground floor of these 2 of these 2 residential buildings.

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And this showing the fully proposed project including both phase one and phase 2 in full build out.

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So I'm going to now hand over the presentation to planning manager Kavanaugh Lynch to present findings specific to the EIR discussion.

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Thank you, Ms. Hynes. Is my mic picking up enough? I want to make sure I'm okay.

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Great. So I'm going to pick up with the overview of the draft. ER findings and they come into 4 different areas.

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Significant and unavoidable impact, less insignificant with mitigation. Less than significant impact and no impact.

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Of these we're gonna just skip over the no impact and talk a little bit more about the other categories.

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So.

00:36:19.000 --> 00:36:37.000
The items shown on tonight's slide are the items that are, either. Less insignificant or less insignificant with mitigation and we're going to dive down into each of these topics a little bit deeper.

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Start out with the population housing at public services and utilities. Basically, this project build out is within the scope of the general plan's projections.

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That means no new project services, service facilities would be required to specifically accommodate the increased population. The site in order to maintain acceptable performance standards.

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Service providers would accommodate increased staffing and facility needs to tax revenue and fee programs as necessary. Utility infrastructure and services can generally be accommodated through project demands.

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Though existing waste water trunk line would be required to be upsized for this project. And finally, the water supply assessment determined that adequate water supply is available for the project to build up.

00:37:23.000 --> 00:37:31.000
Okay, for the next item was the cultural and travel resources. Under historic architectural resources, those impacts were less than significant.

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There were no historic buildings present on the site. So no mitigations were needed. For the tribal resources in addition to standard mitigations you'll see in many types of EIRs 2 additional measures.

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Came out of consultation with the local tribal representatives. They are a preparation of a monitoring plan and onsite monitoring required for ground disturbing activities.

00:37:53.000 --> 00:38:03.000
To protect potential unidentified archaeological or tribal resources that could be encountered during construction. And an awareness training for the construction workers.

00:38:03.000 --> 00:38:11.000
Which is a great addition because it's something that you need to be educated on when you're working on a construction site.

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The next item is, geology and soils, which was less than significant with mitigations.

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Design measures include, IT idea. Standard building. Measures, I'm sorry, to address expansive soil conditions, design level geotechnical reports that are going to be required to address potential subsidence settlement.

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Differential settlement that could all occur within construction, excavation, or de-watering activities, and the placement of new building loads.

00:38:43.000 --> 00:38:56.000

And training and accidental and accidental discovery measures. In the event of potential Paleo resources are encountered.

00:38:56.000 --> 00:39:04.000
The next topic is hydrology and water quality. This was also found to be less than significant with medications.

00:39:04.000 --> 00:39:11.000
Measures include to prevent migration of potentially contaminated off-site groundwater and coordination with oversight agencies.

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Measures to ensure that Sonoma County considers the project in its groundwater management efforts. That's a collaboration.

00:39:17.000 --> 00:39:23.000
Obviously we're in Marin County in there, but we need to collaborate with Sonoma County on stormwater groundwater management.

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So it's a collaboration mitigation. And store water retention and conveyance systems are required to ensure that on-site flooding during the 100 years storm event does not occur.

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The next topic is hazards and hazardous materials, which is also found to be less than significant with mitigations.

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Measures are required to to ensure that hazardous building materials are not released into the environment during demolition.

00:39:51.000 --> 00:40:03.000
And measures are required to ensure that subsurface soil and groundwater contamination is not released into the environment during construction or project operation.

00:40:03.000 --> 00:40:10.000
The next topic is transportation. That was also found to be less than significant with mitigations. And here are some of those key findings.

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Projects would generally result in fewer overall daily and peak hour trips. Compared to the baseline conditions.

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And again, Miss Hions noted what the baseline conditions are for this project, which is a fully tenant.

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Tenated mall. No new traffic signals or off-site roadway improvements are required.

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Project would not conflict with policies or programs related to alternative modes of transportation. The project would result in an overall reduction in the city's average total vehicle miles traveled per service population.

00:40:39.000 --> 00:40:52.000
And I wanted to bring up a mitigation that the landscape maintenance measures would be required to make sure that we have adequate adequate site distance and select intersections.

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Next topic is air quality, also found to be less than significant with mitigations. To do that basic Bay Area air quality management district construction period measures are required to be implemented to reduce the fugitive dust emissions.

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The the acronym for area or quality metric district is back. You'll hear me refer to that going forward.

00:41:12.000 --> 00:41:22.000
Construction equipment will be required to achieve reductions in ozone precursor emissions or reactive organic gases and nitrogen oxides to below established back-mid thresholds.

00:41:22.000 --> 00:41:35.000
And construction equipment is required to achieve reductions in diesel particular emissions to below established threshold thresholds, excuse me, to protect sensitive receptors.

00:41:35.000 --> 00:41:44.000
There are 2 topics identified in the draft DIR that are significant and unavoidable impacts. I'm gonna kind of explain that a bit further.

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When you have, there are specific topics identified by the California environmental quality act that are included in ERs.

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In this case, both greenhouse gas emission impacts and noise impacts. We're found to be.

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The impacts that they're having are not mitigatable to the point of less than significant.

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That does not mean that we won't have. Many mitigations in place. You have to mitigate to the extent feasible possible.

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But Bat said, these 2 items could not be mitigated to a point of less than significance.

00:42:16.000 --> 00:42:34.000
When you have these type of. Findings of something that's significant. Unavoidable, that means the city council is going to have to adopt overriding considerations if they so choose and what they would basically be doing is considering the project in whole.

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And it is up to them based on the testimony based on the final impact report based on all of the other information available to them.

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If they find that the project is overall benefit to the community and therefore overriding considerations can be made. So that's a whole other layer to these 2 topics in particular.

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On the topic of greenhouse gas emissions. The project would meet most local regional and state objectives for reducing greenhouse gas emissions and would include electric vehicle parking and charging facilities consistent with the backbed requirements.

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The project would reduce the natural gas emissions compared to the baseline conditions, but would not be consistent with backmidt's design requirements that require new natural gas, no new natural gas use.

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Those standards came out. I believe we're decided was 2022. So they were a pretty recent addition.

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And their region why they're everything within the Bay Area air quality management district basin.

00:43:38.000 --> 00:43:40.000
No, new natural gas would be used for residential or recreational purposes, but it will be used for commercial kitchens.

00:43:40.000 --> 00:43:53.000
That is a significant and unavoidable project.

00:43:53.000 --> 00:44:04.000
Noise is the other item that comes into this category. Measures would be required during construction to reduce the short-term Increase in ambient noises.

00:44:04.000 --> 00:44:13.000
To below the city's thresholds. So existing residents. The the noise impacts. During construction can be mitigated to less than significant.

00:44:13.000 --> 00:44:21.000
Its future residence of the project. Will be having, How's the potential for noise impacts?

00:44:21.000 --> 00:44:30.000
During operation. So operation period, stationary source noise would exceed the city's land use compatibility thresholds for future onsite sensitive receptors.

00:44:30.000 --> 00:44:40.000
So to translate that, the people that move into this project will even though we will work hard to identify medications to reduce noise.

00:44:40.000 --> 00:44:53.000
There are going to be events in the city square and those events will be sustained noise capacity issues that will be louder than the city's thresholds are, which are 55 decibels.

00:44:53.000 --> 00:45:01.000
For daytime operation. So when there's a special event in the town square, it's going to be louder than what the city standards would allow.

00:45:01.000 --> 00:45:09.000
That is a significant and unavoidable impact as well.

00:45:09.000 --> 00:45:16.000
Finally, I want to address quickly the project alternatives that are identified in the draft environmental impact report. The first one is a mandated.

00:45:16.000 --> 00:45:24.000
Alternative called no project. Characteristics are exactly what you expect. There is no modifications to the project site.

00:45:24.000 --> 00:45:33.000
There are no mitigations needed. It does not meet the project objectives, however. The reduced development is the next one has identified.

00:45:33.000 --> 00:45:47.000
That's also really phase one of the master plan. That that Miss Hions went over. That includes the 501,941 square feet of commercial space and the 922 residential units.

00:45:47.000 --> 00:45:56.000
That has incremental decrease in the air quality, energy, greenhouse gas, and noise impacts do the reduced construction and operation intensity.

00:45:56.000 --> 00:46:03.000
But the transportation noise impacts actually increase. That's due to the all of the remaining commercial spaces. Staying there.

00:46:03.000 --> 00:46:07.000
So the Macy's and the Rite Aid and the things that would come out during phase 2.

00:46:07.000 --> 00:46:17.000

I believe they come out during phase 2, but all the commercial uses left in phase one. Would, would actually add to the transportation, noise associated.

00:46:17.000 --> 00:46:29.000
If we went with the reduced development option. Finally, the third option was to reduce residential and as you can see on the screen, that leaves you with 217,000.

00:46:29.000 --> 00:46:42.000
Some odd square feet of commercial space and 1,359 residential units. That would have an incremental decrease in the air quality energy greenhouse gas and noise impacts due to reduced operation intensity.

00:46:42.000 --> 00:46:51.000
And all the mitigation measures that are proposed in the full EIR would need to be included.

00:46:51.000 --> 00:46:59.000
Written comments on the draft DIR can be submitted as Miss Hind said until Tuesday, March, the fifth before 5 PM.

00:46:59.000 --> 00:47:06.000
To April Talley our project director who was seated over across from me this evening. There is her email.

00:47:06.000 --> 00:47:18.000
You Very happy to receive written comments right up into that date. Those written comments will be transposed and to the final ER along with responses to those.

00:47:18.000 --> 00:47:35.000
And I believe that comes up here, yeah. Along with, Responses to those questions or comments and any modifications we need to do to the finally IR to address those new comments if they weren't considered in the draft statement.

00:47:35.000 --> 00:47:36.000
To conclude, the recommendation of staff this evening is to accept the public comments of the public that has come here.

00:47:36.000 --> 00:47:53.000
Or this evening to present their oral testimony. And directs after prepare a final environmental impact report inclusive of the comprehensive list of comments and any necessary revisions to the draft.

00:47:53.000 --> 00:47:57.000
We do have tables that we can show you if you want, but we wanted to not put you through those this evening.

00:47:57.000 --> 00:48:09.000
We wanted to leave plenty of time for the public who came this evening to present their comments. So this concludes the staff report and we're happy to answer any questions you may have.

Note: Comments in the raw transcript are lightly edited for clarity.

00:48:09.000 --> 00:48:16.000
Okay, great. Thank you so much for that presentation. It was really helpful. I am.

00:48:16.000 --> 00:48:26.000
So we are going to go on and. Get comments from comments and questions from. The commissioners.

00:48:26.000 --> 00:48:35.000
And we'll just go down the line and I'll start with Commissioner.

00:48:35.000 --> 00:48:44.000 - **Commissioner Rodby**
Good evening. Thank you for the presentation. I just had a couple of comments after reading all the letters that came in.

D-1-1

Let's just say ER that I could. On the town square, the parking issues that were brought up.

I was curious if, it makes sense or if it's even probable to narrow the parking spaces around the town square so that additional room can be added for let's say a toddler playground. Whatever. I think that I looked at our parking regulations and it says that we can have compact spaces at 8 feet up to a maximum 30%. So I don't even know if that makes any difference or not. But I wanted to mention that.

On the reduced residential alternative I had a question on building one in phase one. So if we're not building the 96 low-income housing, does that mean that EAH would then not have that project and that concept would then not exist or? So I had questions on that. And then on the on the gas, the commercial operations, I know that now there probably isn't really a good alternative, but are we looking at potential future modifications? So for instance, I believe it was one of the cities in East Bay St. Pablo.

They actually put into an ordinance where they hardwired the new commercial restaurants so that in the future because we will get there where we'll have convection ovens or something that actually works for a commercial restaurants that they would be set up for that.

I don't know if we can look at that or not, but I thought I would mention that.

D-1-1 (cont.)

And that's it. Thank you. Okay, thank you very much, Commissioner Haveman. Do you have any questions or comments?

00:50:36.000 --> 00:50:45.000 - **Commissioner Haveman**
Just two quick questions and a little bit bit of comment. One is with regarding the baseline.

I understand why the baseline is selected. But it really doesn't provide much in the way of yeah forewarning for the public of what's coming with them all the baseline of a fully functioning, healthy mall.

Relative to this development and so if you could speak a little bit to the baseline is that just standard CEQA practice written in the CEQA law where exactly does the baseline come from.

D-2-1

And the other is with regard to run off from a hundred year storm event. Can you speak a little bit to the definition of a hundred years storm event. Because I think that going forward 100 year storm events are going to be much much stronger than than they are today. Those are my primary questions. Thank you.

D-2-2

00:51:43.000 --> 00:51:48.000
Would you like to address the questions now? Is that appropriate and then we can. Cause that may help the, it may help the overall.

00:51:48.000 --> 00:52:09.000
Public comment period, I think. Sure, I think that, I think that we're balancing the having time for everyone to make a comment versus making sure that we address any questions that the commissioners have that better easy or low hanging fruit.

00:52:09.000 --> 00:52:22.000

So, We could we could attempt to give brief answers. If it becomes complex, then we would, if it's related to the ER, we would put that question in and the response would be in the final and we could come back to the commissioners with those responses.

00:52:22.000 --> 00:52:31.000
If it's more entitlement based, we would, bring those questions back at a future meeting.

00:52:31.000 --> 00:52:43.000
There will be several meetings on this project before the plan. Yeah, absolutely. Okay, thank you. Do you want to, yeah, whatever you think is, you're able to answer.

00:52:43.000 --> 00:52:48.000
You know, reasonably right now that I think that'd be helpful.

00:52:48.000 --> 00:52:57.000
Okay, does anybody there's a number of staff present does anyone have a question they heard that they thought they could have a quick response to.

00:52:57.000 --> 00:53:09.000
I can jump in. The question about the town square so that the Increasing the size of the town square was something that did come up at the design review board.

00:53:09.000 --> 00:53:22.000
I know the applicant is looking at possibilities for that. So I don't have a specific answer that Yes, this is going to happen one way or the other or in this way or that way, but it was a comment that came out of the design review board.

00:53:22.000 --> 00:53:33.000
Hearing and is something that the applicant team is evaluating. Just add onto that actually just really quickly.

00:53:33.000 --> 00:53:49.000
This is a, land development. This is not, so custom zoning. Right, so if the development team can make a reasonable argument that they are meeting they're bringing enough parking spaces for the uses that they have and they have the information to back that up.

00:53:49.000 --> 00:53:55.000
They could do something different than what's in our established code. So that's to something else to consider.

00:53:55.000 --> 00:54:05.000
In turn in terms of the reduced residential alternative. My understanding is that yes, the component would go away.

00:54:05.000 --> 00:54:18.000

And what the proposal is is to expand. The that area of residential one would be more townhomes and then the inclusionary would be met within the market rate on the on the site.

00:54:18.000 --> 00:54:37.000
So that's that's one for that. In terms of the 100 year storm event that is something that is to find by your your federal emergency management and it is something that gets updated periodically so new modeling would happen.

00:54:37.000 --> 00:54:53.000
New applications would go into FEMA to define that as. As new forces are are occurring and changing where those boundaries might be.

00:54:53.000 --> 00:54:58.000
So those are the few that I've Thought I'd take a chance. You appreciate that.

00:54:58.000 --> 00:55:05.000
And it's, to the that point too and Commissioner Hitman's point you can have a hundred-year storm event every year.

00:55:05.000 --> 00:55:13.000
You can have 2. You can have 10. And we don't, you know, we do know that the climate is changing, but it's certainly not, it used to mean it was rare.

00:55:13.000 --> 00:55:17.000
But now it's a measurement of intensity, I believe, more than anything else. Could we hardware the commercial component?

00:55:17.000 --> 00:55:27.000
So I'm thinking of, One of my favorite fast foods would be the the walks found in China.

00:55:27.000 --> 00:55:41.000
It's a Pand Express, right? They are, there are a number of commercial restaurants that are very they can't imagine not having natural gas for their for their walk in that case but the Could we add a mitigation?

00:55:41.000 --> 00:55:47.000
We could definitely address that in the final ER that the future is coming and it will have less natural gas.

00:55:47.000 --> 00:56:04.000
So it's by every reach that's a very well timed comment and especially if we can, but we will reach over to the city of San Pablo and see what they have written and see if we can make it make sense for this for this project.

00:56:04.000 --> 00:56:14.000
And the final one was baseline. So I know that we have a legal counsel here, but I'll start and let me know if I'm going too far off.

00:56:14.000 --> 00:56:34.000
It is a reasonable baseline to set for this project. It's a, it was a lot of dialogue that actually precedes my employment and how that exact baseline was set, but it is certainly within the legal parameters of the California Environmental Quality Act.

00:56:34.000 --> 00:56:42.000
To say what's there now if no other planning entitlements. Are granted and which you have as a mall that fluctuates, right?

00:56:42.000 --> 00:56:49.000
Like a lot of our commercial centers in in the whole country, honestly. So Is it the only baseline possible?

00:56:49.000 --> 00:57:00.000
Probably not. Is it the one that they felt that was appropriate for this project? And is reasonably something we could defend.

00:57:00.000 --> 00:57:10.000
And in discussions. Is it a reasonable opportunity if the tenants all decided to come back tomorrow? We would not say anything besides welcome back to Sandra Fell.

00:57:10.000 --> 00:57:20.000
So that's kind of how we got here. But it's, certainly, It's a point of discussion.

00:57:20.000 --> 00:57:26.000
I think we hit the first 5 questions so we can go on from there. Yeah, that's great.

00:57:26.000 --> 00:57:40.000 - **Commissioner Previtali**
And can I see your Thank you. I have a few questions. One is about the transportation analysis and I understand that the baseline was you know, is for, transportation that's expected.

Or that would be expected with a fully leased mall. And not the current condition. But my question is actually around sort of like the the future condition of the intersections around. Northgate. My understanding is that along Freitas and actually getting this side of the freeway, they're going to be 3 traffic circles installed soon. **D-3-1**

And please correct me if I'm wrong. If wrong about that, but that's my understanding.

And I'm just wondering if the EIR, the final EIR, you know, should take into account that plan.

00:58:18.000 --> 00:58:24.000
That's my first question. The next question, do you want to answer that now or do you wanna?

00:58:24.000 --> 00:58:31.000
Does anyone want to answer that now? Certainly we can start at it. I, I do not have that information.

00:58:31.000 --> 00:58:33.000
To be honest, I don't have. Adequate answer to to the question of the traffic circles in the transportation plan. Okay.

00:58:33.000 --> 00:58:48.000
But it is something that we will definitely have in the draft. Yeah, and a comment. This comment addressed and in the final and in the meantime we could bring it back to the Planning Commission as we see you again.

00:58:48.000 --> 00:59:01.000
Okay, great. And then my next, question is sort of along the same theme. Really 2 themes, transportation and also work that's done, not necessarily by Merlon Geier, but by, other jurisdictions like the city or, or Caltrans and it's around the Merrydale Road intersection and the multi-use and the potential multi-use path there. There is sort of a multi-use path there, but there was a lot of comments around improving that intersection to facilitate not only the you know differences I should I guess you would say in transportation but also to improve access to the SMART train and I realized that the SMART train is not functioning in its expected state yet, but hopefully in the future it will. **D-3-2**

And I was just wondering if the. The city. You know could potentially commit to making some improvements in that. In that intersection as part of this project. Not necessarily tonight, obviously, but potentially as part of the approval of the project.

01:00:09.000 --> 01:00:16.000
I think that's a great item to come back with to the Planning Commission with more information and I would want to talk to our director public works in the city manager's office to make sure we have a complete answer for you.

01:00:16.000 --> 01:00:25.000
I appreciate that. Thank you. The next is about the water and electrical infrastructure.

D-3-3

And by the way, I love the idea of prewiring, an interconnection with the capacity that would support induction cooking. Which I think is what the future of things will be. So that's a great suggestion.

My question is, around the possibility that you know, we don't have sufficient utility infrastructure when, like over the course of time as the development happens. And I understand that a new waste water trunk line is needed and that makes sense to me. But could you sort of describe what would happen if for some reason the engineers and the planners did not properly account for the increase in demand. I imagine I don't want to put words in your mouth, but I imagine that the utilities would rise to the occasion and require additional infrastructure is that fair assessment.

01:01:21.000 --> 01:01:28.000
Yes, I believe so. Yes, it's definitely this is based on models. And models are based on data, right?

01:01:28.000 --> 01:01:42.000
So if it was found that additional utilities were necessary beyond the upgrade identified. That would be something that the utilities would work with the city and the property owner to, to bring forward.

01:01:42.000 --> 01:01:53.000
Okay, thank you. That's what I thought. And then finally, There was, there were, some comments around the the insufficient possible insufficiency of recreation facilities at Northgate at the location. And again, this is sort of like, this is similar to what I was asking about with regard to analogous to the Merrydale Road intersection.

D-3-4

Do you think that potentially we could as a city. Improve some of the recreational facilities like playgrounds and Perhaps even like tennis courts or whatnot or make it.

For instance, go into partnership with some of the schools in the area to make their facilities public. As part of the approval process.

D-3-4 (cont.)

I think that would help. Reduce the scarcity of those public recreational facilities. Certainly, maybe not related to this project directly.

But when we're talking about private public partnerships with schools and surrounding recreation facilities. There's a community center.

We, I know that the city of San Rafael is always looking for ways to create more recreational opportunities and to share the time with them with any number of groups that we can.

01:03:01.000 --> 01:03:13.000
So we can bring it back in terms of. The project we can talk about if there's what type of additional recreational entities might be on this, like in the open space that is proposed in the town square.

01:03:13.000 --> 01:03:31.000
In addition, I can make sure that I'm listening for other recreational opportunities that are being discussed rather as part of the recreation department or in a capital improvement program and make that like a part of the director's report I would make sure Mr. Ingle had a copy of what was what we have discovered in our time so that we can come back periodically and update the commission on that information.

01:03:31.000 --> 01:03:54.000
Excellent, great. Thank you very much. I think, yeah, I mean that you probably picked up on a theme and that is that it would be great if the environmental impact report and the information that we convey, you know, is not necessarily limited to the project boundary, but to the area around the project and how we can make it best use of that.

D-3-4 (cont.)

01:03:54.000 --> 01:04:01.000
Thank you. Thank you, Commissioner. Mr. Ricardo. Okay.

01:04:01.000 --> 01:04:07.000
I think I'm gonna reserve sort of comments and questions till the end. I would just say what jumped out at me.

01:04:07.000 --> 01:04:13.000
And it may not be appropriate for this hearing is a statement of oh writing considerations really wasn't much on that.

01:04:13.000 --> 01:04:18.000
And that's kind of a factual balancing act that has to happen, but I would think. That would be something that the public would be interested in.

01:04:18.000 --> 01:04:30.000

And just sort of Reiterate, I appreciate everybody being here tonight. I think it's really critical to make your comments, but just to reminder that really it's tonight is the draft EIR and that it will come back again, correct?

01:04:30.000 --> 01:04:40.000
Correct. And all those statements will be addressed. There'll be other issues that will come up during the discussion.

01:04:40.000 --> 01:04:48.000
So, again, I just appreciate what everybody's done so far because this has been pretty complicated.

01:04:48.000 --> 01:04:57.000
Yeah, I mean, also reserve comments and questions for after public discussion. Thank you. Thank you.

01:04:57.000 --> 01:05:02.000
Hmm. I had a couple questions.

01:05:02.000 --> 01:05:14.000 - **Commissioner Saude**
And. The first one is. Somewhat of a repeat of what's been said, but I think there's some additional things that I observed and that I have questions on. **D-4-1**

So page 11 of the staff report, you know, our baseline assumes that we have a full mall.

Is there a point in time with those conditions existed? Like, do we know if there was a date when when the last time the mall was fully functioning.

Because I think that will help the public understand kind of where that baseline is coming from. In like in real physical space. And then.

If I'm guessing, okay, I'm not gonna ask a question. I just think the actual impacts we may find. Well, we may find that they're significant to transportation, air quality, greenhouse gas emissions, public service, recreation, utilities and energy.

And right now we have no studies showing the actual impact of the project that will allow Merlon Geier and the city to thoughtfully and strategically plan for the actual impacts of the development.

And I think that's That's a real challenge because I think as a city we want to do the right thing and I think as a public we want to be able to. **D-4-1 (cont.)**

We all want to be able to know how to be strategic and thoughtful about making sure that all those things are addressed. But without that information, we can't do that.

And. I didn't see that any mitigation measures were in place for long-term operational noise even though it showed an impact. **D-4-2**

And. My other question was the tables in section 4.1 1 2 note. Most measurements with a yes on general compliance. The general plan includes goals and suggestions of policies. So my question is, just a guess? Refer to compliance with both policies and goals or just policies. **D-4-3**

I can keep going, but I'll I'll let you guys answer this.

01:07:29.000 --> 01:07:34.000
I'm gonna start with one I one concept that I think. I'm really glad that you brought that up.

01:07:34.000 --> 01:07:49.000
Madam Chair, the The California Environmental Quality Act is a legal construct and it looks at certain specific things, land use, and that we went over that in detail tonight.

01:07:49.000 --> 01:08:04.000
How this project fits into the community is not in and of itself a secret discussion. Right, that's that's another discussion and that's in the.

01:08:04.000 --> 01:08:14.000
Findings of the entitlements, which are the planning. Basically, that's the planning of it, the plan development, the density bonus, etc.

01:08:14.000 --> 01:08:24.000
And, it's a decision of the city. The commission and then the council on does the project.

01:08:24.000 --> 01:08:50.000

That with the needs of the community in that location. So it's going to bring a lot of new opportunities, it's going to bring a lot of new growth, it's going to revitalize a part of the Carolina community that's not currently as utilized it's going to have it's going to bring items that People are not going to be pleased with.

01:08:50.000 --> 01:08:58.000
But it's in the end the project on balance. Is this going to work for this community?

01:08:58.000 --> 01:09:13.000
Is it a decision? Of staff will make a recommendation at that time. We certainly will. But the commission will think it over and deliberate and discuss and talk to the development team and talk to staff and talk about where you see the challenges are and where the opportunities are.

01:09:13.000 --> 01:09:18.000
And then you will make a recommendation, I believe, to the City Council and they'll do the same thing too.

01:09:18.000 --> 01:09:25.000
So. It's beyond the scope of the environmental quality act discussion because they met that so they measure a number of things and that's why that document is so thick.

01:09:25.000 --> 01:09:34.000
Right. But That second item that I think you're getting to. The work of the upcoming public hearings.

01:09:34.000 --> 01:09:44.000
And the, the work that you've already done in the design review board meetings and a discussion about the open space and a discussion about how many cars versus how much recreational opportunities.

01:09:44.000 --> 01:09:52.000
That's the kind of thing that will be the topics of the next. Upcoming hearings. So that's what I wanted to bring forward.

01:09:52.000 --> 01:10:02.000
Okay, and that data, I guess. Well, we'll see and we'll look at the reports, but I mean, we need the data to be able to, you know, be strategic.

01:10:02.000 --> 01:10:07.000
I think I will go ahead and say reserve my comments. It's for or my other questions for the end of the meeting.

01:10:07.000 --> 01:10:18.000
I know everyone here has been here for a while tonight. And I'd like to give everyone opportunity to speak.

01:10:18.000 --> 01:10:30.000
And have us go home at. Maybe, I'm not too unreasonable. So with that, I'd like to open the public hearing.

01:10:30.000 --> 01:10:42.000
Everyone will have. 2 min to speak and we'd love to Get your name and if you're comfortable where you live so that we can have that on record.

01:10:42.000 --> 01:10:50.000
Thank you.

01:10:50.000 --> 01:10:55.000
Hi, my name is Julie Case. I'm at 4 4 6 Nova, Abbey and Way. **D-5-1**

I have been, my family's been in Terre Linda for since 1960.

And that location of 4 4 6 1972. My concerns for you regarding the environmental part about the traffic report that said it was fewer overall daily trips during the peak hours and stuff is erroneous and I really need you to be aware that since the pandemic there's been an there's been an uptake in Amazon UPS and Fedex.

Trips that are I don't think you're considering in that particular area. I live 5 houses up from the mall.

I also am concerned about that you may not be aware of how much of the emissions, the gas emissions will they're not going to be accurate because you don't have a lot of the impact of the Terra Linda high school students who not only drive very fast but they accelerate on and off on in off very quickly.

On Nova Albion and in that general vicinity as well as parents who are dropping off their kids at about between 7 30 and 8 30 and I want to say the noise impact is a great impact because of the fact is is that I can hear the music from my house during just the regular coals, band events and stuff like just the regular Coles band events and stuff like that.

But most importantly, I really just want to encourage you to really look at this greenhouse event and stuff like that.

But most importantly, I really just want to encourage you to really look at this greenhouse, I really just want to encourage you to really look at this greenhouse.

But most importantly, I really just want to encourage you to really look at this greenhouse event expectation about this baseline because I think it's totally erroneous and you really have to consider all the extra traffic and the kinds of cards that the kids are using right now because

a lot of them they like to go from room type of thing with and that affects the emissions.

D-5-1 (cont.)

So some ideas to consider. Please come walk around. I'll invite you over to my house. Thank you.

01:12:45.000 --> 01:12:51.000
Thank you. Hi, my name is Phil Hollstein. I live on Delgonado. First of all, I want to thank you guys for some great questions tonight.

D-6-1

Good, good challenging of the DIR. I'm going to read a letter from Gloria Smith, so She's an attorney and so this will be submitted at 1 point with decades of experience in SQL and case law.

Because I have less than 2 min, I'm going to read the conclusion. Neither CEQA nor existing case law supports the city's baseline assumption of full capacity.

It's absurd that you're using a mall that's been deteriorating for years.

The EIR must evaluate the project's impacts as compared to the existing baseline values when the environmental review began.

So Draft EIR hides the real impacts that will occur when the project is operational like substantial increase in traffic and air pollution that will affect both existing and future residents.

The draft claims that CEQA allows it to use the reduced use that occurred during the pandemic without providing any authority for this approach.

She's examined or I have examined I'm reading for Gloria the city's assumption of the mall operating with all the stores fully functional and well attended as the baseline and it's not appropriate.

Unlike general baseline case law, the redevelopment of this alien mall presents a completely different situation.

Here the proposed project would demolish a decrepit mall and use the property for massive mixed-use village that would bring more than 3,500 new residents.

For a community that is currently only having. 10,000 residents. So in some, this, law, this case law doesn't exist according to our attorney.

According to me, Gloria reading her letter. So thank you for listening tonight and. Good luck with this big project. Thank you. **D-6-1 (cont.)**

01:14:44.000 --> 01:14:51.000
Thank you for your comment.

01:14:51.000 --> 01:14:59.000
Good evening. My name is Shirley Fisher. I'm a long-term resident of North San Rafael and a member of Responsible Growth in Marin. **D-7-1**

I want to start by saying I support mixed use, development, development, redevelopment of the mall with housing.

I think it's the right thing, but there are a number of environmental impacts that need to be better mitigated.

When I talk to you about traffic, we've got the baseline issue has come up. So my understanding is it's not based on any actual counts of what's going on at Northgate it's based out of what is a typical full mall.

And that, and this instance really makes no sense because not only is the existing traffic over the last I've been here a long time the existing traffic has never been in the last decade up to what you would have a full mall and also we have now the new online trans of online retail that are not are changing the whole face of what traffic would be.

I want to point out several things about the traffic studies. The, DEIR, traffic studies, the intersection of highway 101 with Freitas, with Fritas with Civic Centre and Redwood Driveway is incorrectly counted as 2 intersections.

I was around 1990 when 2 traffic studies were done by the city and ourselves, showing that this should be counted as one intersection and it has a much higher congestion level, showing that this should be counted as one intersection and it has a much higher congestion level at that level.

The DEIR, traffic states do not consider the effects of the 3 roundabouts.

These are planned and are going to happen and very likely may be in under construction at the same time as this project. **D-7-1 (cont.)**

Lastly, I would like to bring out out the reduced residential option. Has another option which is a reduced in the same number of units by lowering 7 stories to 6 stories on residence 4.

It would allow maintaining this the building with the same 96 units instead of dropping out to 10 units.

And it would also decrease shading and make a better entryway to the project. So we would like that an alternative to be that option for the alternative to be considered in the EIR.

01:16:52.000 --> 01:16:58.000
Thank you. Thank you so much.

01:16:58.000 --> 01:17:06.000
Good evening. Thank you for this opportunity. My name is Laura Silverman. I'm a 20 year resident of Terre Linda. **D-8-1**

I'm also a member of responsible growth in Marin. These comments refer to the recreation chapter of the DEIR.

I refer you to the detailed letter submitted by RGM which elaborates the following points. The project does not provide for acres of new parkland.

Per 100 residents as specified in General plan 2040s Park standards. The amount of space provided does not adequately meet the needs of the approximately 3,500 new residents.

And the project will increase usage of local parks and recreation facilities. The requirement for the applicant to pay Parkland dedication fees for the project's townhouses demonstrates that the project is not providing adequate park space for new residents. The DEIR doesn't consider the 2,023 San Rafael Parks master plan that documents degraded conditions of nearby local parks. The EIR should include a mitigation measure that Parkland dedication fees are applied to improvementf local park and recreation facilities accessible to new residents. The EIR should include an option for the town square to be enlarged.

By eliminating parking lot 6. In the center of the project. The 117 parking spaces in Block 6 can be relocated to the periphery. In phase one. In phase 2, the 117 parking spaces can be a eliminated because the project exceeds parking requirements.

D-8-1 (cont.)

The EIR should specify that the town square should include playground facilities for toddlers and preschoolers.

The existing small toddler playground at Northgate should be replaced. And augmented rather than eliminated.

Finally, the 25,000 plus square feet. Of public open space near Kohls in phase one should be preserved or relocated.

In phase 2, creation of private open space. Inside new residential buildings in phase 2. Cannot be considered equivalent to providing open space.

Thank you so much. I think the 2 min is lapse, but we do have your letter. We've read it in detail and it will be addressed.

01:19:33.000 --> 01:19:45.000
Yeah, thank you. Yeah, thank you for your thoughtful comments.

01:19:45.000 --> 01:19:53.000
Hey, good evening. My name is David Smith. I'm a member of RGM and I live directly across the street from Northgate Mole.

I'd like to talk to you about noise and why the noise and analysis in the DEIR is severely flawed.

D-9-1

The city and the Draft EIR, agree that traffic is a major source of ambient noise.

Yet only 1 15 min long measurement of existing ambient sound was taken at 4 locations on the south and west sides of the mall between 2 30 and 4 pm on a Wednesday.

The measure, the measured noise levels at 2 locations were above the limits. Established in the noise ordnance.

The DEIR contends that because of that neither construction noise nor increased traffic noise are restricted by those limits.

D-9-1 (cont.)

Disagree with the finding and the data it's based on the measurements were taken at one of the peak traffic periods when students were leaving Terra Linda high school along and over Albion and on to Northgate Drive. The noise study at the Nova Albion and Northgate Drive location counted 118 vehicles in the 15 min.

I recently counted vehicles there on multiple days and times. Numbers vary from 37 vehicles in the morning to 87 in the early afternoon and 104 a little later.

The average noise measurements were never above the city's noise limits and in the mornings were significantly below.

Which makes sense because there were far fewer vehicles. Construction noise will be ongoing from 7 a.m. to 6 p.m. Monday to Friday and 9 to 6 on Saturdays for at least 28 months. The DEIR acknowledges that noise levels at nearby residences will reach far above the city's noise limits.It claims that substantial decreases can commonly be achieved, a quote. Using proposed mitigation methods. However, even if the reductions were actually achieved, the noise levels at the residential locations will be between 2 - 3 and a half times the city's limits for residences. Better mitigation is needed, especially for the near neighbors.

01:21:45.000 --> 01:21:51.000
Thank you. Thank you.

01:21:51.000 --> 01:21:52.000
Good evening. My name is Susan Coleman and this evening I'd like to read some comments from Dr. Petra Plus. So for tonight, I'm gonna speak be speaking as her. Good evening planning commissioners.

D-10-1

D-10-1 (cont.)

Thank you for the opportunity to comment. My name is Petra Plus. I'm a member of our GM and a twenty-year resident of Terra Linda.

Our home is located next and less than 600 feet from Northgate Mall. I'm a technical expert for air quality with decades of experience in CEQA analyses for both project proponents and opponents.

In my review, the draft EIR, I found that it in my review of it, I found that its analyses are profoundly flawed and as a result do not disclose the project's real impact on air quality.

The draft EIR estimates baseline emissions of air pollutants based on the hypothetical assumption of the Northgate mall operating at full capacity with all stores occupied and bustling.

With customers as any resident of Terra Linda as well as the city knows COVID 19 pandemic hit the mall has not been able to attract stores to fill its vacancies.

Let alone quality stores that would bring in enough customers for a humming mall. As a result of this hypothetical baseline assumption, the draft EIR finds that the proposed redevelopment in Northgate Mall would result in less than significant impacts on air quality.

This finding represents a complete and utter failure to inform the public about the actual impacts of this massive development project.

That this massive development project will have on local and regional air quality and on the health of its local residents, adding 3,500 plus units or plus new residents into a community of currently only 10,000 residents will substantially increase traffic compared to a barely functioning mall. This increase in traffic and other emissions will result in significant increase.

The project sponsor does not have a vested right to air pollution simply because it holds a development agreement that would hypothetically allow it to operate the mall at full capacity when it has failed to do so for many years.

Thank you. Thank you.

01:23:57.000 --> 01:24:01.000
Hi. I'm Claire Helen back. I'm a 45 year resident of San Rafael. **D-11-1**

First on this side and for the last 30 years in Terra Linda, been PTA president at Sun Valley and Davidson and founding member of the West End Neighborhood Association as well as member of RGM.

And I'd just like to say that. I have 2 ideas for you. For mitigation of traffic and greenhouse gases, etc.

Please, please, please eliminate the drive through restaurants. They will bring traffic that comes and idols their cars and leaves. They will not give any benefit to the community. And idling cars will contribute.

And also, please, please, please, as the Planning Commission did at the Loch Lomond development, require a grocery store such as Andy's market that they have. It provides center for for the community and it will reduce trips people won't have to get in their cars to go get a carton of milk.

So those are 2 easy things you can do that I think would really benefit the project. So thanks. And thanks for your service.

01:25:14.000 --> 01:25:21.000
Oh, yeah, thank you. Okay.

Good evening, I'm Bill Carney with Sustainable San Rafael. Our letter requested that the final EIR include several additional mitigations and analyses to correct and reverse the draft.

Yeah, the Draft EIR finding that Northgates Greenhouse gas impacts are, unavoidable. To summarize, the primary mitigation we request is that the project eliminate the use of methane gas in its small number of commercial restaurants. According to the EIR by complying with state and air district standards, this straightforward step would remove both greenhouse gaps impacts that the report has deemed to be unavoidable. **D-12-1**

It appears to be the only way to meet those state goals. Non-polluting induction cooking is now used in many restaurants.

And preferred by many chefs for its precise control of heat. The developer statement that this superior cooking technology is infeasible needs to be scrutinized and corrected in the final EIR. We also request additional analysis to back up the report statement that the project would achieve quote net negative impact on greenhouse gases by replacing existing land uses with less intensive uses.

Comparing baseline emissions to the total of both phases. Which the chart doesn't do, of the project suggests that additional mitigations reducing about another 11,000 tons of admission would be needed.

We requested the final EIR confirm that calculation and require sufficient mitigation to achieve net negative impact, including the use of renewable electricity, sequestration and trees and landscape and a number of others that are in our letter.

We appreciate the city's diligence and that of the developer. To assure that Northgate becomes a model of climate responsible development. **D-12-1 (cont.)**

Thank you. Thank you, Bill.

01:27:29.000 --> 01:27:35.000
Hi commissioners. I'm Pam Reeves and I live in San Rafael a short ways from the mall. And I do look forward to a wonderfully new mixed use development. However, including artificial turf in this project is a poster child for false climate solution to support the petrol chemical industry. It is not climate friendly.

It becomes super hot in the sun. When plastic is exposed. That's what this is. It's a chemical fossil fuel when it's exposed to UV light. **D-13-1**

It does break down into microplastics. Into the watershed and into our blood streams.

We all have heard. How these microplastics are now in everybody's body. When it rains, it'll just wash this off.

D-13-1 (cont.)

Weeds will still need to grow through it and will need to be killed by chemicals. There are excellent alternatives for this everywhere and I'd be happy to I've researched it and I could share those with you.

So the claim in CDP for debt. 10 and another one in policy C, 3.9. These are just examples.

Saying that it's entirely consistent. To include Plastic, artificial, astroturf. In this landscape is erroneous. It is not consistent. Thanks for your time.

Thank you. Pam.

01:29:00.000 --> 01:29:08.000

D-14-1

Good evening and thank you for hearing our comments. I'm Bobby Riles. I live in Quail Hill and I've been a resident for over 20 years.
I'm also chairman of the Emergency Preparedness Committee. And safety at Quail Hill and have been so for over 10 years.

We're deeply concerned about the evacuation routes. That because we have only 2 lane roads surrounding the mall. And I would like to quote a letter from Janine Alera who's here tonight.

She says, evacuation routes can negatively impact emergency response times. Addition she is deeply concerned that the project would delay emergency response times and obstruct safety evacuation routes in case of natural disasters. Fire or earthquake. Due to the limited road network at the Northgate Mall and surrounding residential and commercial areas.

The transportation impact study findings that the project would have a quote beneficial impact. Unquote. On emergency response times and she says, defies logic.

And I totally agree with that. I think almost all of us do. She's, saying, see the transportation impact study, page 33.

D-14-1 (cont.)

Without vastly improving the current road network, basic common sense clearly indicates that such a large population and vehicle increase in the condensed area with a limited road network would cause potentially dangerous and perhaps life-threatening conditions due to emergency response time delays and roads overwhelmed with vehicles if a sudden evacuation of the greater community were necessary. It could also cause enormous suffering for residents.

As you know, there are 3 communities, Villa Marin, Drake Terrace, and Almavia that are primarily senior citizens and you know they need emergency vehicles like ambulances and if they were ever fire necessary.

Your 2 min is, if you haven't already submitted your comments, please submit them and they'll be. If you haven't already submitted your comments, please submit them and they'll be addressed. I'm through.

01:31:14.000 --> 01:31:18.000
Thank you very much. Yeah, thank you.

01:31:18.000 --> 01:31:25.000
Hello, my name is Alan Jones. I'm a resident of Villa Marin, which is just above the mall. And I'm so touched tonight to hear all of the work that's been done by the people from Responsible Growth in Marin.

And although our written statement was sort of negative about the whole project. I'm I'm shifting gears and getting on board with a modified project according to their recommendations. I feel. That makes a lot of sense.

I agree and second the feeling that the the starting point for this, yeah, EIR is a bit of a joke.

D-15-1

I know I haven't seen them all fully operational in 15 years. Let me just make another couple of remarks.

I, I wonder if the developer couldn't be asked to contribute to the traffic situations surrounding the mall.

It seems to me that these very large buildings will be creating a kind of wall and and adding. Terrifically to the to the congestion on the surrounding roads.

And I should think that the developer should be asked to contribute that also just one more remark I think that sort of open space that's shown on the plan as little squares is is a kind of a joke.

Villa Marin when it was built. Some, 40 years ago, it's completely surrounded by dedicated open space on the hillside. We actually have fox and coyotes wandering all around and I don't think they're going to cross the street anymore.

Thank you.

D-15-1 (cont.)

01:33:06.000 --> 01:33:17.000
Thank you. Hi, good evening commissioners. My name is Janet Shirley and I live at San Rafael Meadows and for those of you that don't know San Rafael Meadows, we were kind of wedged between Merrydale and Los Ranchitos. So if we take Walter Place, which is a pedestrian space to get to the mall, we're just 2 blocks away from the mall.

D-16-1

So we're really going to be impacted very much by this development. I feel that, you know, the air quality in greenhouse gas impacts of this development, which is huge, have been severely underestimated. I really feel you should go back to the drawing board and reconsider because I think the traffic congestion is going to be horrendous and we're really worried many of the neighbors of San Rafael Meadows are worried about the evacuation routes also. Las Gallinas is, you know, this 2 lane road and, it in the event of a natural disaster like an urban wildfire or an earthquake. Where are the people going to go? Because also the people in Terra Linda.

Going west, are also going to have to use the same roads. So it's good, it's very, very concerning for us.

D-16-1 (cont.)

The project does not provide the additional 4 acres of park per 1,000 new president residents. As required by the city's general plan.

The town square as it's proposed right now is just way too small. It needs to be enlarged.

It's it's just too small for the type of development that's coming. I would like to propose a toddler playground be part of that town square. Please enlarge the town square. Please recommend that and include a toddler's playground.

Also I think one of the big concerns for many of us residents too of San Rafael Meadows is the 7 story residential number 4 that's going to face the cemetery. And it's going to be built out to the sidewalk. So we're very much concerned with that.

We feel that that seventh floor needs to be reduced. And, so I want to There's a lot more I could say, but I know the times limited here.

Thank you. Thank you.

01:35:36.000 --> 01:35:44.000
Good evening. My name is Colin. Terra Linda resident, have a 27 year old and a 3 year old.

D-17-1

Is about to be. Going into yeah scary we very much support the idea of responsible housing here in San Rafael.

We also are really excited about the idea of renovating. And revitalizing the the mall, which is we all know it is in dire need of that.

Unfortunately, what we see is the implementation of this project is resulting in our view and a number of negative impacts that far

overshadow the potential benefits to the new residents and we were hoping that the Environmental Impact Report would highlight these in more of a way that it does.

D-17-1 (cont.)

It's very difficult to read that report. And see the statement over and over of less than significant impact.

Given the fact that I and hundreds or thousands of others know. Empirical data not modeled. Evidence of what it means to drive around that community for us. There's already congestion. It's there's already congestion and we know that this is beating a dead horse, the baseline that is based on unreal metrics err go the findings are not based in reality either. That's hard to stomach. The other thing I want to call out is that there is a real lack and and a number of omissions in the environmental impact report that are, they're troubling not the least of which is there's no mention of the impact on our schools.

There will be 333 new students. Elementary and grade school age. Those schools are already at capacity. The only way to accommodate them is to build new facilities. Or expand, I don't see a plan or any money for that.

So, I'm out of time. Thank you. Thank you.

01:37:49.000 --> 01:37:59.000
Hi, Gail Napell, 24 year Terra Linda resident so I live work vote pay taxes here in San Rafael and raise my family here in Terra Linda, close to the mall.

D-18-1

A few things on the EIR and I won't repeat for what other people have said. FEMA flood maps are referenced. To date, FEMA has not incorporated climate change in its flood maps, but uses only historical data.

Any assessments for climate change including flooding, heat, dr, etc. Should be based on the excellent science-based data available through the

US Climate Resilience Toolkit and California state resources such as Cal-Adapt.

D-18-1 (cont.)

The San Rafael climate action plan is only referenced in a couple of sections in the EIR, but as it contains items that pertain to all aspects of the EIR.

It should be listed and referenced as a local regulatory framework. In all categories. There are important things like rainwater catchment and green roofs which are not dressed in the EIR at all but they are in the San Rafael climate action plan which this city and its citizens work very hard to put together and the city council passed.

The EIR states that the wastewater line to the Los Gallinas Valley Sanitary District wastewater treatment plant say that's 5 times fast must be enlarged to accommodate the project.

The EIR should assess the long-term viability of that treatment plant as it is vulnerable to sea-level rise and may need to be relocated within the project's design service life.

A mitigation might be to do on on-site blackwater treatment, but that is an issue with utilities.

Thank you, Commissioner Pavatali, that should be addressed. The EIR also states that the design is planned for net net 0 energy.

This is a code requirement. Net 0 energy for residential buildings. That means that there should be sufficient solar on those buildings to provide for the power that those buildings need to use.

It there is no reference to the actual amount of kilowatts that are shown in just generate generic plan on the roofs.

And also the design is a generic, albeit very nice, but design that does not address the solar exposure of each facade to its orientation.

So we would request those things be addressed in the Final EIR. Thank you. Thank you, Gail.

01:39:53.000 --> 01:39:59.000

D-19-1

Good evening, Commissioners. I'm, Keith, I'm with the Sheet Metal Workers local 1, 4.

D-19-1 (cont.)

I'm here also in conjunction with our mechanical trade. So we're here. We collectively represent 2,000 local families. These households are made, make a living as electricians, plumbers, sheet metal workers, pipe fitters.

So as a former training coordinator for the apprenticeship. I see every day how our joint labor management, state approved apprenticeship programs, create opportunities and true career pathways into the trades.

That's what we do. So I ask the questions, should we build a project in a way that promotes the values of the community?

Does the project promote sustainability? Does it help the, become more equitable? Does it create opportunities for working families?

I ask you all these questions because I think hopefully we know the answers and San Rafael is a very, very progressive city.

So hopefully you'll take my concerns and to consideration. And that's all I have. Thank you very much.

01:40:57.000 --> 01:41:02.000
Thank you.

D-20-1

01:41:02.000 --> 01:41:07.000
Good evening, commissioners. Thanks for hearing all the comments today. My name is John Mcintyre. I am lucky enough to serve the men and women of IBEW local 5 5 one as their business manager.

That would be the electrical union for this area. For those who don't know and we're also here talk about opportunity. Here are a lot of people here tonight talking about living here for. 10 years, 15 years, 20 years, I lived down here too, 30 years ago on Woodbine Avenue and I don't remember the mall ever been slammed out there like that.

So it's It's hard to see, you know, what the picture that was drawn, painted here tonight.

But either way, you know, we're here about construction. That's what we're here about. If this mall is to be built torn down and rebuilt. We would like you to think about building it with sustainable jobs. **D-20-1 (cont.)**

I don't hear anything about local hire here. You know, local hire, local sustainable jobs are not the same thing. Local hire is potentially a job for somebody that's gonna have to go do another job or go work another 40 or 60 hours a week just a sustained her family.

Local sustainable jobs mean I'm going to work 40 hours a week and I'll be able to sustain my family during that time.

And it would be nice if these were built, if these homes were built. That if I was a worker on these homes that I would be able to afford to buy one of these homes. We should be thinking about that too. Because potentially who's gonna buy those homes. The kids and the grandkids of the people behind me.

So if that's the case, then I find one of the folks behind me. I would like to know that my kids, my grandkids are gonna live here. So I could go see my kids, my grandkids, and not have to get on a plane or maybe take a drive across the state to go see them because that's where they're going to be able to afford to live Thank you.

Thank you.

01:42:45.000 --> 01:42:51.000
Hello, commissioners. My name is Ray Lorber. On the past president of Mont Marin/San Rafael Park neighborhood association And I have 2 topics this evening for you. **D-21-1**

Are you familiar with the North Rafael vision plans? It was past 1997. And the plan.

That not incorporate what you are proposing for the City. I think, example, one of the phrases in there says a sense of following a hometown feeling. Where people know their neighbors. That's not what's being done here. Second thing is this is all based upon Legislature passing. **D-21-1 (cont.)**

You mean the numbers. And there's this massive number in San Rafael of new homes having built in the North Bay and what we proposed to take care of that problem. The RHNA numbers are false. They've been proven false department of finance. They made a mistake. The numbers and our record, the auditor said no, the numbers are wrong.

So the project should be killed. Thank you.

01:44:01.000 --> 01:44:11.000
Hi, everyone. I'm, I'm Frank Reardon, business agent for local 38 plumbers of pipe fitters and age fact mechanics I'm here with my labor friends behind me My members serve Marin County. They also serve San Francisco, Sonoma. Lake and Medicino counties, wherever the work takes them.

We have a brilliant training facility right up north. Here in Santa Rosa. We have been training there since 1982. We turn out the highest trained plumbers and pipe fitters anywhere in the country. My ask of the developer as well as the Planning Commission. And City Council is to push hard against allowing The developer contractor hiring contractors outside of our North Bay area. Please be a part of mandating prevailing wage on this project for all contractors working on it. **D-22-1**

This would go a long way in beginning to mend the damage done to our counties here in the North Bay. And San Francisco due to the fallout from the pandemic as we read daily in our news. This is a fantastic project.

And a very visible and prominent location. I look forward to working with the electeds to find a path that will provide sustainable Good paying middle income jobs for men and women working on this project. Let's make this a high road project that we could be proud of and can put some of our apprentices to work on that are your neighbors and living your community. **D-22-1 (cont.)**

Thank you very much. Thank you.

01:45:19.000 --> 01:45:26.000
My name, excuse me. My name is Lori Griter. I live about a block away from the project. I've raised my 3 kids here. And. It seems like a huge impact. On our lives and neighborhood.

I love being able to see the mountains when I look across the mall from either side. I, I love having the wildlife have open space and, I'm concerned about light pollution and additional all these other things. **D-23-1**

I'm concerned about lead and asbestos and who knows what else in the demolition and all that dust that will go into our neighborhood.

Our kids will walk through our dogs and the wildlife will all be impacted by that. I think the second stage approval should wait till the time comes and just go forth with the first half of the project.

Because who knows what's going to be. Life is like in 20 years. The idea of 28 months with the destruction and construction noise and pollution is unimaginable.

Good luck. There's already gridlock when there are accidents on the freeway. I think this the park should be bigger. I think it should be a beautiful quiet park like a place you can relax, not be a loud park. Shady and grassy. It's far too much that people have talked about the huge number of population being added into that space and the height.

And there have been successful malls in Corte Madera. And I think ours is failing because of where design and You know, they could make it a beautiful place to come to and they haven't done that. **D-23-1 (cont.)**

I want, you know, trees and fountains and quiet and you know, a good community. Neighborhood place to live.

01:47:27.000 --> 01:47:32.000
Thanks. Thank you.

01:47:32.000 --> 01:47:38.000
Thank you, Commissioners, for hearing us. I'm Scott Norman, 25 year resident here in Terra Linda. I live, and the cul de sac that abuts the guide dogs for the blind. About a block away. **D-24-1**

And I'll admit I had absolutely no intention of saying anything tonight. But after the incredibly intelligent comments I've heard, I think maybe there's one thing missing. I've also not studied the DEIR, but I'm willing to bet that dark sky compliance is probably not on there. Something that, particularly irritates me. You know, having a neighbor with the light that every time you try to do something outside in the evening. It hits you and it just, it churns something in your stomach, you know. And when was the last time we saw anything more than the Big Dipper? You know, I, I hardly see any stars at all anymore. And, I know it's a huge issue for me and I know they have to balance safety with Comfortable ability, you know, in darkness.

So I would just ask that the, yeah, EIR address, you know, down lighting and balances, what kind of lighting there is around the community, what sort of lighting residents are allowed to have on their buildings facing outward towards the existing residence right now.

Thank you very much. Thank you.

Hello, my name is John Kay. Long time resident of San Rafael in the Terra Linda area. **D-25-1**

We know this project's gonna go through in one form or the other. But what struck me is the 10% affordable housing. I mean, those houses around Terra Linda, they're a starter house is close to 2 mill now.

I don't know why this entire project couldn't be affordable housing. We need it for people here. Firemen, policemen. Don't have to commute 50 miles to go to work. I mean I just don't understand the 10% number is Just baffles me why it's not 90% or 80%. Okay, thanks for hearing me out.

01:49:53.000 --> 01:50:01.000
Thank you.

01:50:01.000 --> 01:50:11.000
I thought I would come here to see what's going on. Hi, I'm just a 61 year resident of Terra Linda. I'm one of these people that just mentioned that you have to travel to see your kids. That grew up happily in Terra Linda. And I thought, you know. I don't want to speak because I know how this system works. **D-26-1**

And I know what has to be done and and I know the money and the programs behind this and all the regulations coming from federal and state. County, but I just wanted to give you an emotional feel. That you're missing something that you need to consider before you make some decisions. And one is. That the greatest impact that's going to be felt here is going to be felt by the people that have lived in this nearer area.

01:50:54.000 --> 01:51:03.000

Wherever and I don't hear too much. In their favor. We know that how stressed this area is already.

D-26-1 (cont.)

I don't understand how a thousand more residents in here with kids are going to crowd our school. Take our water and crowd the streets that are already spread. It's just, it's not going to work. You know, do yourself a favor. Come over and stand in front of the Terra Linda High School in the morning when the school starts or when the people get out or try to get in and out of the neighborhood.

It's impossible. But I know we need housing. But let's be honest with ourselves. This is not a development to increase the failing mall. This is a housing deal. And we're trying to meet some numbers that are demanded by somebody from out of this area. So keep that in mind that there's an emotional aspect. The people that have lived here in support of San Rafael for years.

Thank you. Thank you.

01:52:06.000 --> 01:52:09.000
Are there any other comments?

01:52:09.000 --> 01:52:20.000
In the chamber. Okay, thank you everyone for coming and speaking tonight. The comments are really helpful and I guess we'll end the public hearing. And okay, I have a question because we were just going to accept the comments.

01:52:32.000 --> 01:52:41.000
But I know some commissioners have. Held some of their comments and questions till now. So I'd like to go down the line and get those.

01:52:41.000 --> 01:52:50.000
Before we. Get to go home. And I'll start with Commissioner Samudzi.

01:52:50.000 --> 01:53:00.000 **Commissioner Samudzi**
I think Okay, I'll kind of speak to the areas that sort of are more relevant to my, I guess, professional expertise, cause I think there were a lot of comments.

D-27-1

D-27-1 (cont.)

I think there's a lot of conversation around the baseline scenario for the mall and I think there are a lot there's what I heard was a lot of misconception and misunderstanding of what the purpose of this specific meeting was.

And again, I think this was emphasized many times, but again, I understand the emotional component. People come because they're just about the project whatever. But this was specifically around environmental review. This discussion about the scenario of the mall. Is a financial. Feasibility. It's not really an environmental feasibility. Reason why this is an important distinction, right?

It's because what I heard frequently is that the mall is dying. So using an example of the mall at full capacity at baseline makes no sense. What we have to understand though is that we can't predict what's going to happen in 15-20 years with regards to capacity at the mall. Current economic trajectory. May not repeat itself in 10 years, whatever, right? So the mall might be a full capacity in 15 years.

So the point, the point being is that there is no land use change or Planning Commission decision that would impact the mall being at full capacity. But there is a planning decision impact decision. Don't have an impact on the project as being proposed. So we have to, we have to compare these projects at essentially full development to get a realistic sense of if this mall was at full capacity. How would that compare to this new project? Because again, just because the mall is dying right now, yeah, it may sound absurd. But for the purpose of the environmental review, we have to assume that we're comparing the mall at full capacity. Right?

I think I just want to clarify that point as to why it makes sense to use that particular base line. Because again, We're not doing a financial feasibility here. In that case, it would make sense to compare sort of realistic trajectory, but this is an environmental review.

D-27-1 (cont.)

So I just want to make sure that we understand the purpose of this meeting today and why we're here. So that's just kind of one point. I mean, I think there's another point that I think is very, that I heard a lot was was just sort of like a theme of challenging the data gathering methodology.

So as a data scientist, I, you know, I'm fully on board with questioning the methodology of any study that you might see. Looking at, you know, the times of day that you're actually collecting data to make sure it actually does make sense and reflect what traffic patterns you're actually trying to assess. So I think the extent to which I think we saw and heard comments about that. I think it would be fair. To just kind of examine the the EIR to make sure that we are in fact employing good faith methodology when we are capturing data about the traffic patterns.

Now I have no comment really about the I think it's easy to to talk about the your anecdotal experience in traffic versus like the actual traffic study and vehicle miles traveled and Yeah, I think that those studies don't necessarily make intuitive sense. But again, I think I would encourage people to trust as long as the methodology is clear to trust the outcomes of those results and not to simply Say yeah, and you know, anecdotally. You know, I see a lot of traffic here and therefore the study didn't accommodate that because like, I mean, dig into the study and and identify a specific place where it didn't, I think that would be more useful feedback than to say like, you know, I walked outside yesterday

and there's lots of traffic there for the study is wrong because like That's not apples to data.

Like that's just sort of like random whatever. So I think I think that's just one thing to keep in mind.

D-27-1 (cont.)

I would also want to maybe one further comment around the net 0 requirements and sort of the conversation around that.

D-27-2

I think that's a really easy excuse to to, downgrade projects because I think the reality is that Net 0 is something and I'm a clean energy developer and I develop large-scale clean energy projects across Africa.

So I'm not saying this from a fossil fuel, pro fossil fuel perspective. But I think net 0 stuff can easily be gamed by a lot of fraudulent credits you know offsets and things like that I don't necessarily know if it makes a lot of sense to put a ton of stock in the net 0 or the negative net impact requirement because again I think if it's not something that can be achieved through the embodied carbon that's being used for the construction.

It's all sort of carbon accounting, which can be fantasy anyway. You know, I don't know what impact we have on sort of how much that gets weighed, but that would just be a comment for me just from a from a clean energy sort of expertise perspective.

So I guess those are all the comments that I would have just based on the public discussion. Thanks.

Thank you, Commissioner.

01:57:27.000 --> 01:57:36.000
Yeah, great comments and thank you everybody for showing up. I think those were good. What I'm The way I view tonight is the public provides these questions, these comments.

01:57:36.000 --> 01:57:45.000
The way I view our role is we hear them and we want to make sure staff in the team. But from the applicant address these in the next batch of the EIR.

01:57:45.000 --> 01:57:50.000

And so the the I try to make sure I've hearing sort of a common theme or what are the big issues that came out.

01:57:50.000 --> 01:57:58.000
And this is my perspective, what I heard and what I hope. Will be addressed in the in in response to the public comment tonight.

01:57:58.000 --> 01:58:05.000
And I think as the chair said, if there's documents that are provided with that, please make sure they're submitted before the deadline date.

01:58:05.000 --> 01:58:13.000
Just in case we're not hearing you correctly, 2 min goes fast. It's kind of nervous with the camera on, so just giving that chance to make sure staff has that.

01:58:13.000 --> 01:58:20.000 **Commissioner Mercado**
The first one I'll echo what's been said already a few times is the baseline. I think there's a questions both the definition of the baseline as well as how it's applied. I think it'd be good to make sure we have that addressed so it's clear. **D-28-1**

I think there needs to be sort of a this is how CEQA looks at baseline this is how the project did. I think that's been done but just making sure that's addressed.

The other one that I don't know how or where to go is sort of the visual impact. There's a lot of concerns with the height of the tower, an alternative of reducing that height. I know that's been addressed, but I think making sure there's some clarity in response to that, the shadowing sort of that may tie into the emotional impact, which again, CEQA. Not much, CEQA doesn't really get into emotions. But maybe that will help address some of those concerns or those sort of non sequel issues tied to the height.

The visual impact. The other one that I that was really jumped out at me were the safety routes, the evacuation, the existing infrastructure, all of that.

I think those are very strong statements. I know that has been analyzed and addressed but making sure those comments are evaluated will be really critical to seems like there was a lot of sentiment behind that and the one that I don't have my head totally wrapped around with the park ratio per person.

D-28-1 (cont.)

That seemed to be another concern on the existing side of the town square, sort of the community components of the development. Does it meet that ratio? Does it not? Making sure that we evaluate what that ratio is and that, as you said, apples and apples are being compared and there's not a misunderstanding.

So those are sort of the main items I appreciate all of the comments.

01:59:52.000 --> 01:59:57.000
Thank you. So much, Commissioner Previtali.

01:59:57.000 --> 02:00:13.000
Yeah, thank you. I'll try to be brief. 1 one question is sort of a question on logistics and process so There were requests from a number of union representatives that Union labor and local labor be required.

02:00:13.000 --> 02:00:21.000
How would that go about being codified? Does anyone know? I don't think it was is it within the planning commission?

02:00:21.000 --> 02:00:33.000
Jurisdiction. Sorry. When the project entitlements come forward and they're in a development agreement, they could be included in that.

02:00:33.000 --> 02:00:39.000
That would be up to the council to recommend or to make that call on that. Okay, okay, thanks.

02:00:39.000 --> 02:00:50.000 **Commissioner Previtali**
And is that also the case for instance for with regard to the 7 am start time that just sounds for 28 months that sounds pretty bad.

D-29-1

So the hours of construction are a citywide. I believe they're in granted by ordinance. So if the city council or the planning commission could recommend if you choose to support the project moving forward when it comes to you.

02:01:06.000 --> 02:01:14.000
You could recommend different, hours of operation that you feel are more compatible with the community that this is adjacent to.

02:01:14.000 --> 02:01:21.000
I just do wanna note that if you make the hours, you know, 10 to 3. That wouldn't happen.

02:01:21.000 --> 02:01:26.000

Yeah, no, no, but the shorter you make the daily hours, the longer the project goes, right?

02:01:26.000 --> 02:01:37.000
So there's a unintended consequence that can come up, but that's You could stipulate a condition of approval that you would like to have the council, bring into it.

02:01:37.000 --> 02:01:51.000
Anyway, okay. And then the last. Questions actually just similar to the other one. You know, I frankly really liked the idea of requiring a grocery store.

02:01:51.000 --> 02:01:59.000
Is that again a city council decision that would be based on our recommendation?

02:01:59.000 --> 02:02:12.000
I'll start. So I know that that was a condition in the as preference by the community member and, edition, project that was approved here in city of NFL.

02:02:12.000 --> 02:02:19.000
I'm sure that if you choose to support the project, you could. That as a condition of approval.

02:02:19.000 --> 02:02:31.000
The thing that makes me hesitate and I am looking at the director or current and, elect, in the room is, It's very hard to make a tenant stay in a lease.

02:02:31.000 --> 02:02:38.000
Right. So there is something that is beyond the city's reach. I think Andy's market is beloved by that community over there and.

02:02:38.000 --> 02:02:47.000
I'm really glad it's going so successfully. I visited it myself, but I don't know how you hold a private company in a lease if they want to leave.

02:02:47.000 --> 02:02:54.000
So that's I just don't know how to address that. Yeah, so you can't necessarily require.

02:02:54.000 --> 02:03:02.000
A particular, yeah, you have in the past. So there must be something to this, right? I'm certainly not going to deny. So there must be something to this, right?

02:03:02.000 --> 02:03:04.000
I'm certainly not going to deny and not only. One thing to this, right? I'm certainly not going to deny and not only have been lucky.

02:03:04.000 --> 02:03:10.000

It's been, so that might, that might be true. But it's, it's, there's tenants in contracts and some of those are hard to.

02:03:10.000 --> 02:03:33.000
Backstop. Yeah. And then, finally I'll just mention that, you know, consistent with my remarks earlier, it would be great if the the city could kind of like offer up some improvements around the area that you know based on all the stuff we've been talking about, the traffic, the recreation, the parks, all that stuff. To sort of like ease ease the impact. Yeah. No, thank you. Thank you. **D-29-2**

02:03:40.000 --> 02:03:45.000
I appreciate. Thank you.

02:03:45.000 --> 02:03:49.000 **Commissioner Haveman**
I can't get off the baseline. I sort of, I'm not sure I completely agree with you. I, it begs in my view the question of why we do an EIR and then you know I haven't done my research to find out exactly why we do EIRs but I imagine it's to to learn about dangers that are lurking.

And to, to the extent possible mitigate them. But I, I don't feel like I have learned very much about the dangers lurking in this project. **D-30-1**

And, you know, if If you tell me that there is going to be another opportunity, another study that, Out of the, its, accurate, EIR, accurately portrays what comes with this project so that the Planning Commission and the City Council in particular can make really well-informed decisions. And then I, then I wouldn't be speaking. But I'm, but I'm not sure that there is going to be an opportunity for that and that that deeply troubles me.

02:04:55.000 --> 02:04:59.000
Thank you.

02:04:59.000 --> 02:05:02.000
Thank you.

02:05:02.000 --> 02:05:10.000
Yeah. Thank you everybody for coming. I think it's really amazing how tight this community is and you're very lucky to have each other.

02:05:10.000 --> 02:05:19.000 **Commissioner Rodby**

actual recreation facility.

The other comment I had was regarding the greenhouse gas impacts. I agree that sustainable, the letter.

D-32-1 (cont.)

Has merit and I offer support of the response. I also think the letter from Responsible Growth in Marin addresses important questions regarding recreation and public service, some of the mitigation measures are valuable to consider. Although I'd like to see an effort from LSA and Merlon Geier to offer solutions.

The town square has been described by developers or retail ammenity not necessarily a part to support the needs of the new residents.

02:08:04.000 --> 02:08:12.000
And then I also. I'm glad to hear that we're gonna get a response to smart.

02:08:12.000 --> 02:08:16.000
And that's all I have.

02:08:16.000 --> 02:08:28.000
Are we? Then on to? If you could, I think we request a motion, for, oh yeah, the recommendation. Oh yeah.

02:08:28.000 --> 02:08:37.000
Yeah. So I guess right now. What we would be doing is.

02:08:37.000 --> 02:08:48.000
You know, voting to move. On accepting the public comment. So if I can get. A motion on that.

02:08:48.000 --> 02:08:56.000
Yeah, Commissioner Marcado, make a motion. To accept the public comments tonight. Thank you. Thank you.

02:08:56.000 --> 02:09:02.000
Great. Can you have roll call, please?

02:09:02.000 --> 02:09:04.000
Commissioner Haven? Yes. Commissioner Makado. Yes.

02:09:04.000 --> 02:09:11.000
Commissioner Babitali? Yes. Commissioner Redby? Yes, Commissioner.

02:09:11.000 --> 02:09:14.000
Yes. Yes. Motion passes unanimously. Thank you.

02:09:14.000 --> 02:09:29.000
And that is the end of the hearing. I want to thank everyone for their comments. And we appreciate your time and attention and especially coming out tonight.

02:09:29.000 --> 02:09:36.000
So we've accepted the public comments and.

02:09:36.000 --> 02:09:42.000
I guess commissioner communication is next. So does Denny commissioners have communications to share? I'm sorry.

02:09:42.000 --> 02:09:56.000
A point of just clarification. Madam Chair, the, motion I believe as reflected in the agenda is to except the commas on the DR, but is it true that you intended also to direct staff to prepare a final environmental impact report inclusive of these responses.

02:09:56.000 --> 02:10:11.000
And any necessary revisions? I, I do. I'm sorry. I know that but I knew I knew that was there. That's where I thought you were going.

02:10:11.000 --> 02:10:12.000
We need to do another vote or are we? I don't think so. I thought you were going.

02:10:12.000 --> 02:10:23.000
Do we need to do another vote or are we? I don't think so. I think if anybody has any problems in that, let us know.

02:10:23.000 --> 02:10:33.000
We'd like to see the responses for sure. Any commissioner communication? Tonight. Mr. Pavatolli?

02:10:33.000 --> 02:10:38.000
Yeah, I just wanted to mention, I, wanted to keep this out of the public comment.

02:10:38.000 --> 02:10:47.000
But there was an attempted abduction at Northgate Mall. Yesterday and by of a 14 year old girl.

02:10:47.000 --> 02:11:11.000
And it resulted in a shelter in place. Alert for Terre Linda. So I just the reason I mentioned is that because I just I'm I'm I'd really like to see this project move along quick as quickly as possible and mitigation measures be taken to ensure that that mall doesn't fall into a state of blight.

02:11:11.000 --> 02:11:18.000
With a lot of crime. So that's my one communication. Thank you. Thank you, Commission.

02:11:18.000 --> 02:11:48.000
Anybody else? Okay, with that our meeting is adjourned.

Response to Commenter D-1

Commissioner Rodby
February 13, 2024

Response D-1-1

This comment questions whether or not proposed parking could be reduced in order to expand the size of the proposed Town Square or to provide a playground space, and if the proposed commercial restaurant buildings could include the necessary infrastructure to be all-electric in the future. The comment also requests clarification on the affordable housing component of the Reduced Residential Alternative. The comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

Please refer to Chapter 2.0, Revised Project, of this RTC Document regarding changes to the proposed project, which include an expansion of the proposed Town Square and inclusion of a playground area into the project design. No changes to the number of parking spaces are proposed. Regarding the commercial restaurant buildings, these buildings would be equipped with both natural gas and electric infrastructure as necessary to serve individual tenant needs, which could vary as occupancy changes.

Regarding provisions for low-income housing under the Reduced Residential Alternative, EAH Housing would not construct these units. Instead, they would be incorporated into other residential buildings in compliance with Section 14.16.030 of the City's zoning ordinance.

Response to Commenter D-2

Commissioner Haveman
February 13, 2024

Response D-2-1

This comment questions the baseline conditions against which impacts are evaluated in the Draft EIR. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response D-2-2

This comment questions the basis for evaluation of project impacts against a 100-year storm event when the frequency of such events is likely to increase in the future. It should be noted that the 100-year storm event thresholds measure intensity, not frequency. Section 4.7, Hydrology and Water Quality of the Draft EIR evaluates impacts of the proposed project in terms of the potential for on- or off-site flooding to occur and the adequacy and strength of the stormwater management system against this intensity. Mitigation measures are recommended to ensure that potential impacts would be less than significant.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-3

Commissioner Previtali
February 13, 2024

Response D-3-1

This comment questions whether planned roundabouts in the vicinity of the project were considered in the analysis of transportation impacts. Please refer to Response B-2-11, which addresses the future roundabouts.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response D-3-2

This comment requests more information related to the connection and extension/improvement of infrastructure along Merrydale Road between the project site and the existing Sonoma-Marin Area Rail Transit (SMART) Civic Center Station. Although such off-site improvements are not currently part of the proposed project, the project sponsor will contribute its fair share towards these improvements; this is included in the conditions of approval for the proposed project. Such improvements are not required to address an environmental impact of the project and therefore are not addressed in the EIR. The comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

Response D-3-3

This comment asks about the Draft EIR's determinations that - unlike for sewer demands - the proposed project's water and electrical demands are within the capacity of existing off-site infrastructure and do not require off-site construction to meet those demands. . (As stated in the Draft EIR, Mitigation Measure UTL-1 requires the project sponsor to fund upgrades to the existing sewer trunk line that would serve the project, and this recommendation is detailed in the Sanitary Sewer Trunk Main Analysis prepared for the proposed project.) The comment asks what the remedy would be if the Draft EIR's analysis of the proposed project's water and electrical demands in relation to the capacity of existing infrastructure turns out to be incorrect and additional off-site infrastructure must be constructed in the future to meet demand. Should such improvements be required in the future either due to the proposed project or future projects, the City would work with Marin Water (for water infrastructure), Pacific Gas & Electric (PG&E) (for electrical infrastructure), and the affected development project proponents to determine what improvements are needed and what public agency would be responsible for any additional CEQA study required. At this time however, upgrades to these infrastructure systems have not been identified for the proposed project (refer to Section 4.14, Utilities and Service Systems of the Draft EIR). The comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

Response D-3-4

This comment relates to the general provision of on- and off-site open space and recreational opportunities in the project vicinity. Parks and recreation are addressed in Section 4.13 of the Draft EIR, and it was determined that for CEQA purposes the proposed project would be adequately served by proposed on-site and existing off-site open space and recreational space and that the proposed project itself would not place additional demand on existing facilities such that physical environmental effects would occur. Nevertheless, the City will continue to explore opportunities to expand open space and recreational services to area residents. The comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

Response to Commenter D-4

Commissioner Saude
February 13, 2024

Response D-4-1

This comment requests more information on the occupancy history of the existing Northgate Mall and the baseline conditions used in the Draft EIR analysis. The comment expresses concern that project impacts are not adequately identified due to the baseline assumptions. Please refer to Master Response 3, which addresses these concerns.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response D-4-2

This comment states that mitigation was not provided for long-term operational noise impacts. Please refer to page 4.12-13 of the Draft EIR, which identifies Mitigation Measure NOI-2 (refer to Chapter 5.0, Draft EIR Text Revisions of this RTC Document for minor clarifications to this measure). This impact is mitigated to the extent feasible; however, given that it is not possible to confirm that the operational noise levels would absolutely be below the City's established thresholds, this impact is deemed significant and unavoidable.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response D-4-3

This comment states that the tables in Section 4.12, Noise, of the Draft EIR indicate that noise measurements and calculations indicate project compliance with the General Plan but do not distinguish between compliance with specific goals or policies. It appears that the commenter is referring to Tables 4.12.K through 4.12.M, which identify predicted roadway noise changes and show that under all scenarios, the change would be less than 3 dBA as required by the General Plan. The applicable General Plan goals and policies are listed on pages 4.12-9 through 4.12-11 of the Draft EIR. The thresholds against which the proposed project is evaluated are found in General Plan Policy N-1.2, which states that "new development shall not increase noise levels by more than 3 dB L_{dn} in a residential area…" and that "new development shall not cause noise levels to increase above the normally acceptable levels." These "normally acceptable" levels are identified in General Plan Program N-1.1A, which establishes the threshold of 70 day-night average noise levels in decibels (L_{dn} dB) for outdoor spaces and 45 L_{dn} for interior spaces. The analysis determined that including traffic noise, the proposed project would be below the established thresholds, and the impact would be less than significant.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-5

Julie Case
February 13, 2024

Response D-5-1

This comment expresses general concerns related to the Draft EIR's analysis of transportation-related impacts during proposed project operations, including air quality and greenhouse gas (GHG) emissions and traffic noise. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. Refer to Responses A-3-5 and A-3-7 regarding transportation impacts and school traffic, and Response B-8E-2 regarding existing noise. Further, operation period, transportation-related noise and air pollutant emissions, as well as GHG impacts, are evaluated in Sections 4.10, Air Quality, 4.11, Greenhouse Gas Emissions, and 4.12, Noise, of the Draft EIR, and these transportation-related impacts were determined to be less than significant.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-6

Phil Holstein
February 13, 2024

Response D-6-1

This comment questions the baseline conditions for which impacts are evaluated against in the Draft EIR and suggests that consideration of the current occupancy of the Northgate Mall would lead to different results in the analysis of transportation and emissions impacts. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-7

Shirley Fischer
February 13, 2024

Response D-7-1

This comment questions the baseline conditions against which impacts are evaluated in the Draft EIR and suggests that consideration of the current occupancy of the Northgate Mall would lead to different results in the analysis of transportation impacts. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, as well as Master Response 4 regarding the transportation analysis methodology and metrics evaluated under CEQA. The comment also suggests that the intersections of Manuel T. Freitas Parkway/Redwood Highway-Civic Center Drive are considered as two separate intersections in the Transportation Operations Study (TOS), which is incorrect. The intersection is evaluated as a single roadway with two separate approaches (north and south). Also refer to Response B-2-11 regarding planned roundabouts. The comment also suggests an alternative to the project that would reduce the height of the Residential Parcel 4 building. This comment is noted; refer to Master Response 5 regarding the scope of project alternatives.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-8

Laura Silverman
February 13, 2024

Response D-8-1

This comment references Responsible Growth in Marin's comment letter regarding recreation impacts (i.e., Comment Letter B-7). This comment states concerns regarding the provision of open space and parks to meet project demands, lack of consideration of the 2023 City of San Rafael Parks and Recreation Master Plan, and the adequacy and payment of parkland dedication fees. These concerns are addressed in Responses B-7-1 through B-7-6. The comment also states that the proposed Town Square should be enlarged or relocated, and that parking could be reduced to accommodate the expansion. The comment makes other suggestions regarding the location and provision of on-site open space amenities. Please refer to Chapter 2.0, Revised Project, of this RTC Document regarding changes to the proposed project, which include an expansion of the proposed Town Square and inclusion of a playground area into the project design. No changes to the number of parking spaces are proposed.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-9

David Smith
February 13, 2024

Response D-9-1

This comment references Responsible Growth in Marin's general concerns related to noise impacts, including the timing and location of noise measurements, the thresholds used for evaluation of noise impacts, and the adequacy of identified mitigation for construction-period noise impacts. These concerns are addressed in Responses B-8E-1 through B-8E-13.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-10

Susan Coleman
February 13, 2024

Response D-10-1

This comment references Responsible Growth in Marin's general concerns related to air quality impacts, including the baseline assumptions used in the analysis and resulting transportation-related emissions. Please refer to Master Response 3 regarding the environmental baseline used in the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-11

Claire Halenbeck
February 13, 2024

Response D-11-1

This comment expresses concerns related to the mix of uses proposed for the project and resulting traffic-related impacts. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Response to Commenter D-12

Bill Carney
February 13, 2024

Response D-12-1

This comment references Sustainable San Rafael's comment letter (Comment Letter B-13) regarding greenhouse gas (GHG) emissions impacts, states that natural gas use should be eliminated from the proposed project, and that other mitigation measures should be considered to ensure that the proposed project has a net-negative impact on GHG emissions. These concerns are further addressed in Responses B-13-1 through B-13-6. Also refer specifically to Response B-3-12, which further addresses the topic of natural gas use and proposed mitigation.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-13

Pam Reeves
February 13, 2024

Response D-13-1

This comment states general concerns regarding the use of artificial turf within the proposed Town Square. Please refer to Chapter 2.0, Revised Project, of this RTC Document; the project has been refined to replace the proposed artificial turf with natural turf.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-14

Bobbi Ryals
February 13, 2024

Response D-14-1

This comment states concerns related to emergency access and evacuation. Please refer to Response B-9-1 for further information related to emergency evacuation. Also refer to Master Response 3 regarding the baseline assumptions used in the Draft EIR.

Response to Commenter D-15

Alan Jones
February 13, 2024

Response D-15-1

This comment makes general statements regarding occupancy of the mall, potential traffic congestion that would occur with the proposed project, and provision of on-site open space and wildlife access. Refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, including a description of mall occupancy assumptions, as well as Master Response 4 regarding the transportation analysis methodology. Regarding open space requirements, these impacts were addressed in Section 4.13, Public Services and Recreation, of the Draft EIR and were determined to be less than significant. Also refer to Response B-7-2 for more information related to open space requirements. Also refer to Section 6.3.2 of the Draft EIR regarding impacts to biological resources; the project site is not within a wildlife movement corridor, and regulatory protections are in place to ensure that nesting birds and roosting bats are protected during project construction.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-16

Janet Shirley
February 13, 2024

Response D-16-1

This comment states general concerns related to the evaluation of environmental impacts and the baseline assumptions used in the Draft EIR analysis, emergency access and evacuation, provision of open space, and the size and scale of the proposed buildings, particularly the Residential Parcel 4 building. Refer to Master Response 3 regarding the baseline assumptions used in the Draft EIR, Response B-9-1 for further information related to emergency evacuation, and Response B-7-2 regarding open space requirements. Also refer to Chapter 2.0, Revised Project, of this RTC Document regarding changes to the proposed project, which include an expansion of the proposed Town Square and inclusion of a playground area into the project design. Comments related to the size and scale of the proposed project are noted.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-17

Colin
February 13, 2024

Response D-17-1

This comment states general concerns related to the baseline assumptions used in the Draft EIR analysis and overall traffic congestion in the area. The comment also states concerns regarding impacts to area schools. Refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, including a description of mall occupancy assumptions, as well as Master Response 4 regarding the transportation analysis methodology. Refer to Responses A-3-1 through A-3-12, which address concerns related to school capacity and impacts of the project.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-18

Gail Napell
February 13, 2024

Response D-18-1

This comment states several concerns regarding the Draft EIR's analysis of impacts related to sea-level rise, climate change, and overall energy use, and questions the lack of detail regarding solar panels. These comments are addressed in Responses C-153-1 through C-153-7. Also refer to Responses B-2-17 and B-3-23 regarding solar facilities and energy use.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-19

Keith
Sheet Metal Workers
February 13, 2024

Response D-19-1

This comment expresses general concerns regarding project sustainability, equity, and opportunities for working families. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. *State CEQA Guidelines* Section 21082.2(c) limits evaluation of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. Refer to Master Response 2 regarding the merits of the proposed project.

Response to Commenter D-20

John McIntyre
February 13, 2024

Response D-20-1

This comment expresses general concerns regarding construction employment opportunities and affordable housing. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. *State CEQA Guidelines* Section 21082.2(c) limits evaluation of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. Refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, and Master Response 2 regarding the merits of the proposed project.

Response to Commenter D-21

Ray Lorber
February 13, 2024

Response D-21-1

This comment expresses general opposition to the project and concerns regarding the project's impacts to community character and the overall population density. The comment also references the Regional Housing Needs Assessment (RHNA) for the region; refer to Response B-1-3, which addresses the RHNA process. Also refer to the analysis on pages 4.1-9 through 4.1-11 and on pages 4.2-11 through 4.2-15 of the Draft EIR (Sections 4.1, Land Use and Planning, and 4.2, Population and Housing), which confirms that the proposed project is an appropriate density for the site and that the proposed population fits within the growth projections of the General Plan. Refer to Master Response 2 regarding the merits of the proposed project.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-22

Frank Reardon
February 13, 2024

Response D-22-1

This comment expresses general concerns regarding construction employment opportunities and prevailing wage agreements. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. *State CEQA Guidelines* Section 21082.2(c) limits evaluation of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. Refer to Master Response 2 regarding the merits of the proposed project.

Response to Commenter D-23

Laurey Greider
February 13, 2024

Response D-23-1

This comment expresses general opposition to the proposed project and states concerns related to the size and scale of the proposed project and associated impacts, including construction period hazards, air quality emissions, and noise, bicycle and pedestrian safety, population density, building setbacks, obstruction of views, increased light and glare, provision of open space, traffic congestion; and wildlife habitat. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. Most of the concerns expressed in this comment are also reflected in Comment Letter C-248 and are addressed in Response C-248-1. Refer to Section 6.3.2 of the Draft EIR regarding impacts to biological resources; the project site is not within a wildlife movement corridor and regulatory protections are in place to ensure that impacts to biological resources would not occur. Also refer to Chapter 2.0, Revised Project, of this RTC Document regarding changes to the proposed project, which include an expansion of the proposed Town Square and inclusion of a playground area into the project design.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-24

Scott Norman
February 13, 2024

Response D-24-1

This comment expresses concerns related to existing light intensity and pollution, and the proposed project's contribution to increased lighting in the area. These concerns are addressed in Section 4.3, Visual Resources, of the Draft EIR, and this impact was determined to be less than significant given compliance with existing Municipal Code and General Plan requirements that govern new sources of light and glare.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-25

John Kay
February 13, 2024

Response D-25-1

This comment addresses the proposed mix of affordable and market rate housing proposed by the project. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted. The project would include a minimum of 10 percent affordable housing consistent with the City's inclusionary housing requirements. Refer to Master Response 2 regarding the merits of the project.

Response to Commenter D-26

Resident
February 13, 2024

Response D-26-1

This comment expresses general concerns related to community character, traffic congestion, population density, school capacity, and water demand. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Please refer to Sections 4.1, Land Use and Planning, 4.9, Transportation, 4.2, Population and Housing, 4.13, Public Services and Recreation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would either be less than significant pursuant to established thresholds or be reduced to less than significant with implementation of identified mitigation measures. Also refer to Master Response 2, which further addresses comments related to the project merits.

Response to Commenter D-27

Commissioner Samudzi
February 13, 2024

Response D-27-1

This comment provides opinions on economics and financial considerations, and addresses the baseline assumptions and evaluation of transportation impacts in the Draft EIR analysis. Refer to Master Response 3 regarding the environmental baseline used in the Draft EIR and Master Response 4 regarding the transportation analysis methodology.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response D-27-2

This comment references community concerns regarding net zero emissions for the proposed project. It should be noted that, as explained on page 4.11-24 of the Draft EIR, the proposed project would have a net negative impact on operational GHG emissions because the existing land uses would be replaced with less emission-intensive uses.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-28

Commissioner Mercado
February 13, 2024

Response D-28-1

This comment addresses the baseline assumptions and evaluation of transportation impacts in the Draft EIR analysis and expresses general concerns related to project impacts on visual resources, emergency access and evacuation, infrastructure, and open space. Please refer to Sections 4.2, Visual Resources, 4.9, Transportation, 4.13, Public Services and Recreation, and 4.14, Utilities and Service Systems, of the Draft EIR, which address the above concerns and, as demonstrated in the analysis, determined that impacts related to these topics would be less than significant pursuant to established thresholds. Refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, and Master Response 4 regarding the transportation analysis methodology. Also refer to Response B-9-1 for further information related to emergency evacuation, and Response B-7-2 regarding open space requirements.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-29

Commissioner Previtali
February 13, 2024

Response D-29-1

This comment expresses concerns related to the construction hours and overall duration. Construction activities would be allowed to occur within the days and in the time frames permitted by the City Municipal Code, as described on pages 4.12-11 and 4.12-12 of the Draft EIR. As discussed in the Draft EIR, construction noise impacts would be below identified thresholds with identified mii gai on measures.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response D-29-2

This comment relates to potential off-site improvements and community benefits. Please refer to Master Response 2 regarding the project merits. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-30

Commissioner Haveman
February 13, 2024

Response D-30-1

This comment addresses the baseline assumptions and evaluation of transportation impacts in the Draft EIR analysis. Refer to Master Response 3 regarding the environmental baseline used in the Draft EIR, and Master Response 4 regarding the transportation analysis methodology.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response to Commenter D-31

Commissioner Rodby
February 13, 2024

Response D-31-1

This comment expresses concerns related to the proposed parking ratio and potential for this to affect future funding for mobility improvements around the project site. This comment is primarily an opinion on the merits of the project and does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and is noted.

Response to Commenter D-32

Commissioner Saude
February 13, 2024

Response D-32-1

This comment addresses the baseline assumptions and evaluation of transportation impacts in the Draft EIR analysis and expresses general concerns related to project impacts on open space and recreational facilities, greenhouse gas (GHG) emissions, and public services. Please refer to Sections 4.13, Public Services and Recreation, and 4.11, Greenhouse Gas Emissions, of the Draft EIR, which address the above concerns. Refer to Master Response 3 regarding the environmental baseline used in the Draft EIR. Also refer to Response B-7-2 regarding open space requirements and Response B-3-12 regarding GHG emissions.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

E. LATE COMMENTS

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May 23, 2024

Via Email and Overnight Mail
April Talley, Project Director
City of San Rafael
1400 Fifth Ave. Top Floor
San Rafael, CA 94901
Email: aprilt@cityofsanrafael.org

Via Email Only
Heather Hines, Consulting Planner
Email: Hhines@m-group.us

Re: Northgate Mall Redevelopment Project (SCH No. 2021120187) - Alternative SB 330 Project Proposal

Dear Ms. Talley, Ms. Hines:

This letter is submitted on behalf of Marin County Residents for Responsible Development ("Residents") regarding the March 4, 2024, SB 330 Preliminary Application filed by Merlone Geier, LLC ("Applicant") as an alternative development proposal ("Alternative Project") for the Northgate Mall Redevelopment Project (SCH No. 2021120187) ("Project"). The original Project proposes a two-phase development totaling approximately 719.461 square feet of commercial space and up to 1,422 residential units (1,746,936 square-feet of residential area), 147 of which would be affordable units.[1] The Alternative Project proposes a two-phase development with reduced commercial space and increased residential space, totaling approximately 549,701 square feet of commercial space and up to 1,865 residential units, 168 of which would be affordable units.[2] E-1-1

[1] DEIR, p. 1-1.
[2] See Exhibit A, *Northgate Mall SB 330 Preliminary Application and Letter from Merlone Geier Partners, LLC to City of San Rafael re SB 330 Preliminary Application: Northgate Town Square* (March 4, 2024); see City of San Rafael, Merlone Geier Submits Alternative Concept SB330 Preliminary Application for Northgate Town Square (March 19, 2024), available at https://www.cityofsanrafael.org/merlone-geier-submits-alternative-concept-sb330-preliminary-application-for-northgate-town-square/ ("SB330 Press Release") (last visited 5/19/24).

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E-1-1 (cont.)

The Alternative Project preapplication was submitted on March 4, 2024, before the close of the CEQA public comment period on the Draft Environmental Impact Report ("DEIR").[3] The SB 330 Alternative was not analyzed in the DEIR or provided to the public during the DEIR public comment period.[4] The Applicant's Preliminary Application submission letter requests that the City process the two Project applications concurrently, explaining that the Preliminary Application "does not constitute a withdrawal of our pending development application for the Northgate Town Square project."[5] There are therefore two project proposals currently pending for the same site,[6] only one of which was analyzed in the DEIR.

On March 5, 2024, Residents submitted comments on the DEIR for the original Project. Residents' comments, supported by expert comments, demonstrated that the DEIR failed to comply with the California Environmental Quality Act's ("CEQA")[7] informational requirements, lacking meaningful analysis of the original Project's impacts, including air quality, GHG emissions, hazardous materials, and health risk impacts. Residents' comments also demonstrated that the DEIR lacked substantial evidence to support the City's conclusions regarding the Project's impacts and proposed mitigation. Residents' comments demonstrated that recirculation of the DEIR is required to correct the errors and omissions in the original DEIR, to disclose and mitigate significant impacts that the City failed to adequately analyze, improve mitigation measures, and to provide support for the DEIR's unsupported conclusions.[8] The City has not yet responded to public comments and has not released a revised DEIR or Final Environmental Impact Report ("FEIR").

The Alternative Project constitutes a substantial change in the scope of the Project and its alternatives with different impacts than the original Project. This necessitates revision and recirculation of the DEIR. The Alternative Project adds a

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[3] City of San Rafael, Draft Environmental Impact Report for the Northgate Mall Redevelopment Project (SCH No. 2021120187) (hereinafter "DEIR") available at https://ceqanet.opr.ca.gov/2021120187/2. The public comment period on the DEIR closed on March 5, 2024

[4] DEIR, pp. 5-2 – 5-3 (Chapter 5 of the DEIR analyzed a no-Project alternative, reduced development alternative, and a reduced residential alternative

[5] Exhibit A, Cover Letter.

[6] SB330 Press Release.

[7] Pub. Resources Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs ("CCR" or "CEQA Guidelines") §§ 15000 et seq.

[8] CEQA Guidelines § 15088.5(a).

new Project alternative which is substantially different from the original Project and may have new and more significant impacts than analyzed in the DEIR. The Alternative Project is new information which was not analyzed in the DEIR and requires substantial revisions to the DEIR to disclose and mitigate its impacts.

I. THE CITY MUST REVISE AND RECIRCULATE THE DEIR TO ANALYZE THE ALTERNATIVE PROJECT

The City's website explains that the Applicant submitted the SB 330 Preliminary Application to propose an alternative concept for the Northgate project.[9] The Alternative Project would increase the Project's residential footprint by over 400 units and approximately 600,000 square feet of residential space, while reducing the overall commercial footprint by just 170,000 square feet. The Alternative Project would have impacts that differ from, and are potentially more severe than, the original Project – such as construction and operational air quality impacts, vehicle miles travelled, energy consumption and utilities impacts associated with residential use, among other impacts. **E-1-1 (cont.)**

The Alternative Project therefore triggers the requirement for the City to revise and recirculate the DEIR. A lead agency must recirculate an EIR when "significant new information" is added to the EIR after the end of the public comment period, but before certification.[10] Recirculation is required when the addition of new information deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.[11] New information can include "changes in the project or environmental setting as well as additional data or other information."[12] The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it.[13]

"Significant new information" may include a new significant environmental impact, a substantial increase in the severity of an environmental impact, a feasible project alternative or mitigation measure considerably different from others

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[9] City of San Rafael, Merlone Geier Submits Alternative Concept SB330 Preliminary Application for Northgate Town Square ("SB330 Press Release") (March 19, 2024) available at https://www.cityofsanrafael.org/merlone-geier-submits-alternative-concept-sb330-preliminary-application-for-northgate-town-square/
[10] PRC § 21092.1; CEQA Guidelines § 15088.5(a).
[11] CEQA Guidelines § 15088.5(a).
[12] *Ibid.*
[13] *Spring Valley Lake Ass'n v. City of Victorville* (2016) 248 Cal.App.4th 91, 108.

previously analyzed or a situation where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.[14] In *Mountain Lion*, the court held that the crucial stage in which the public has the opportunity to meaningfully participate and comment on an environmental document is *before* the final document is issued. The court therefore refused to allow the analysis in the draft environmental document to be "bolstered by a document that was never circulated for public comment,"[15] stating: **E-1-1 (cont.)**

> Only at the stage when the draft EIR is circulated can the public and outside agencies have the opportunity to analyze a proposal and submit comments. No such right exists upon issuance of a final EIR unless the project is substantially modified, or new information becomes available.[16]

In *Laurel Heights*, the Supreme Court explained that Section 21092.1 favors EIR recirculation prior to certification. The Court stated:

> Section 21092.1 was intended to encourage *meaningful public comment*. (See State Bar Rep., supra, at p. 28.) Therefore, new information that demonstrates that an EIR commented upon by the public was so fundamentally and basically inadequate or conclusory in nature that public comment was in effect meaningless triggers recirculation under section 21092.1. (See, Mountain Lion Coalition v. Fish & Game Com., supra, 214 Cal.App.3d 1043.)[17]

Here, the Alternative Project was not analyzed in the DEIR. Chapter 5 of the DEIR analyzed a no Project alternative, reduced development alternative, and a reduced residential alternative.[18] None of the alternatives analyzed in the DEIR included the proposal to increase the residential footprint of the Project by 600,000 square feet. As a result, the DEIR lacks the facts or analysis necessary to provide decision makers or the public with the information needed to assess the potential impacts of the Alternative Project, in violation of CEQA.

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[14] CEQA Guidelines § 15088.5.
[15] *Mountain Lion Coal. v. Fish & Game Com.,* 214 Cal. App. 3d 1043, 1052.
[16] *Ibid.*
[17] *Laurel Heights Impr. Assn. v. Reg. of Univ. of Cal.* (1993) 6 Cal. 4th 1112. 1130.
[18] DEIR, pp. 5-2 – 5-3.

The Applicant's submission letter also recognizes the need to revise the EIR to analyze the Alternative Project, and expressly asks the City to evaluate the Alternative Project as an Project alternative in the existing EIR.[19] The Proposed Alternative presents significant new information that must be analyzed in a revised and recirculated DEIR prior to preparation of the FEIR for the Project. **E-1-1 (cont.)**

II. CONCLUSION

For the reasons discussed above, the DEIR prepared for the Project is wholly inadequate under CEQA. The DEIR must be thoroughly revised to provide legally adequate analysis of, and mitigation for, all the Project's potentially significant impacts including the impacts of the Alternative Project. These revisions will necessarily require that the DEIR be recirculated for additional public review. Until the DEIR has been revised and recirculated, the City may not lawfully approve the Project or the Alternative Project.

Sincerely,

Kevin Carmichael

KTC:ljl

[19] See Exhibit A. The Applicant's letter mistakenly asks to analyze the Project in the "Final" EIR rather than a recirculated Draft EIR, but correctly recognizes that the Alternative Project is an alternative to the Project which must be analyzed the same EIR.

EXHIBIT A

MerloneGeier Partners
4365 Executive Drive
Suite 1400
San Diego, CA 92121

March 4, 2024

Planning Division
Community Development Department
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Re: SB 330 Preliminary Application: Northgate Town Square

Planning Division Staff:

On behalf of Merlone Geier Partners, LLC, please find enclosed an SB 330 Preliminary Application for an alternative mixed-use development project at Northgate Mall in the City of San Rafael. This alternative project represents a zoning-compliant option for transforming Northgate Mall into Northgate Town Square, a vibrant and open-air, mixed-use town center. The future vision for Northgate mixes transit-oriented housing, community gathering spaces, and relevant retail and restaurants that naturally draw people into an active social environment and encourage public interaction.

Submission of this Preliminary Application does not constitute a withdrawal of our pending development application for the Northgate Town Square project. Rather, we ask the City to continue processing our pending application. City review of this Preliminary Application should occur alongside continued review of the pending development application, just as we understand the City recently processed, concurrently, multiple Preliminary Applications for the proposed Dominican Valley housing development project at Magnolia Avenue and Deer Park Avenue.

We also ask the City to evaluate the project identified in this Preliminary Application as an alternative to the proposed project in the Final Environmental Impact Report for the Northgate Mall Redevelopment Project. We will submit further information on this point prior to the conclusion of the public comment period on the Draft Environmental Impact Report. For now, note that we are confident the current environmental review process can—and should—continue without meaningful delay.

Merlone Geier appreciates the City's consideration of our proposed Northgate Town Square projects. Please contact me with any questions you may have.

Sincerely,

David E. Geiser

Enclosures

Response to Letter E-1

Marin County Residents for Responsible Development
Represented by Adams, Broadwell, Joseph, & Cardozo
Kevin Carmichael
May 23, 2024

Response E-1-1

This comment introduces the commenter and references the commenter's letter provided in Comment Letter B-3 of this RTC Document. The comment letter also includes an attachment that is included as Comment Letter B-5 of this RTC Document. The comment is submitted in response to the SB 330 Preliminary Application filed by the project sponsor on March 4, 2024 and requests that this application be considered as an alternative to the project in a recirculated EIR. The comment also repeats some of the earlier comments in Letter B-3, which are addressed in Responses B-3-1 through B-3-25. As explained in Response B-5-1, the City is in receipt of this preliminary application and declines at this time to further review the proposal as a potential alternative to the proposed project. If a formal application is filed for the SB 330 project, it would undergo separate environmental review at that time.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Phyllis Fox, PhD, PE
745 White Pine Ave.
Rockledge, FL 32955

May 28, 2024

Via Email

Gloria D. Smith
The Law Offices of Gloria D. Smith
48 Rosemont Place
San Francisco, CA 94103
gloria@gsmithlaw.com

Re: Supplemental Comments on Draft Environmental Impact Report for Northgate Mall Redevelopment Project, San Rafael, California, SCH# 2021120187, Section 4.13 Public Services and Recreation and Section 4.8 Hazards and Hazardous Materials

Dear Ms. Smith,

Per your request, I reviewed the Draft EIR's Section 4.13 Public Services and Recreation and Section 4.8 Hazards and Hazardous Materials considering additional information that Responsible Growth in Marin ("RGM") obtained from the City of San Rafael ("City") relating to the proposed Northgate Mall Redevelopment Project ("Project"), specifically, communications with the San Rafael Fire Department ("SRFD"). Based on this additional information, I prepared supplemental comments on the Draft Environmental Impact Report ("Draft EIR") for the Project.[1] **E-2-1**

I have experience preparing expert comments, responses to comments and sections of documents prepared under the California Environmental Quality Act ("CEQA") on air quality, greenhouse gas emissions, water supply, water quality, hazardous waste, public health, risk assessment, worker health and safety, odor, risk of upset, noise, fire hazards, and other areas for well over 500 CEQA documents, including environmental impact reports, Negative Declarations, and Mitigated Negative Declarations for numerous land use projects, such as specific plans, general plans, shopping malls, residential projects, mixed-use and commercial developments, and industrial projects for both project proponents and opponents. My expertise has

[1] City of San Rafael, Draft Environmental Impact Report, Northgate Mall Redevelopment Project, San Rafael, California, SCH# 2021120187, January 2024, prepared by LSA; available at: https://www.cityofsanrafael.org/northgate-town-square-environmental-review/, retrieved May 1, 2024.

been specifically cited in two published CEQA opinions: *Berkeley Keep Jets Over the Bay Committee, City of San Leandro, and City of Alameda et al. v. Board of Port Commissioners* (2001) 111 Cal. Rptr. 2d 598, and *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal. 4th 310; and has supported the record in many other CEQA cases.

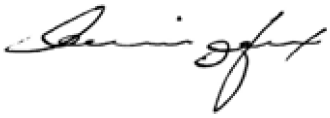
E-2-1 (cont.)

As discussed in my comments below, the Draft EIR's analysis of Project impacts with respect to fire protection, emergency services, and wildland fire is substantially deficient and failed to identify potentially significant impacts. As discussed, SRFD already draws down to zero emergency response availability for certain periods on a near daily basis, which means that no fire engines or ambulances are available because of current levels of emergency call volume. It would be irresponsible to substantially increase the population of Terra Linda without providing adequate emergency response capacity, which should be funded, at least in part, by the Developer.

I recommend that the City revise the Draft EIR's Section 4.13, Public Services, Section 4.14, Utilities and Service Systems, and Section 4.8, Hazards and Hazardous Materials, taking into consideration the substantial evidence included below, and recirculate the Draft EIR for public review and comment.

Since submittal of my March 4, 2024 comments on the Draft EIR, Merlone Geier ("the Developer") submitted an alternative proposal for the Project under Senate Bill 330 ("SB 330 Proposal).[2] My comments below focus on the Project presented in the Draft EIR. However, they apply equally to the SB 330 Proposal where not noted specifically.

Sincerely,



Phyllis Fox, Ph.D., PE

[2] City of San Rafael, Northgate Town Square, Redevelopment of Northgate Mall into Mixed Use, Northgate SB330 Application; available at: https://www.cityofsanrafael.org/northgate-town-square-rev/, retrieved May 18, 2024.

Supplemental Comments

on the

Draft Environmental Impact Report

for the

Northgate Mall Redevelopment Project

San Rafael
California

May 28, 2024

Phyllis Fox, PhD, PE
745 White Pine Ave.
Rockledge, FL 32955

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I. The Draft EIR's Analysis Regarding Project Operational Impacts on Fire Protection and Emergency Medical Services Was Erroneous, Not Supported by Substantial Evidence, and Failed to Identify Significant Impacts (Draft EIR Section 4.13 Public Services and Recreation)

The Draft EIR, Threshold 4.13.1, established that the Project would result in a significant impact related to public services, if it would: E-2-2

> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection; police protection; schools; parks; or other public facilities; …[3]

With respect to fire protection services, the Draft EIR further stated that impacts would be considered significant "if an increase in population or building area would result in inadequate response times or other performance objectives for fire protection and/or increased demand for services that would require construction of new fire protection facilities."[4]

Yet, the Draft EIR's analysis of Project operational impacts failed to provide any Project-specific discussion assessing the impacts of the proposed substantial increase in population and building area in Terra Linda considering these significance criteria. Rather, the Draft EIR's analysis relied almost entirely on determining the Project's consistency with the General Plan 2040 and its findings regarding maintaining service ratios and adequate response times for the San Rafael Planning Area:

> … the proposed project would be consistent with the development assumed for the project site in the General Plan, the General Plan EIR, and Housing Element. The General Plan EIR determined that the addition of the City's Public Safety Center, the recent reconstruction of Fire Station 52, the construction of Fire Station 57, and the planned rehabilitation of Fire Stations 54 and 55 would ensure that SRFD facilities are adequate to serve the anticipated buildout of the General Plan. Buildout of the General Plan is projected to occur over a 20-year horizon through 2040. Because potential future development under the General Plan would occur in existing urban areas serviced by the SRFD, and because buildout of the General Plan would occur over time and not all at once, the SRFD would be expected to be able to maintain service ratios and response times despite the growth. As noted previously, the SRFD also determined that existing equipment and staffing levels would be adequate to accommodate growth under buildout of General Plan 2040. The proposed project would be consistent with the amount of residential development assumed for the project site in the General Plan, and

[3] Draft EIR, p. 4.13-11.

[4] Draft EIR, p. 4.13-12.

> therefore would not result in any new or more substantial population growth than was previously planned for by the SRFD. In addition, as described above, the proposed project would result in an overall reduction in the number of jobs on the project site compared to full occupancy of the mall.[5]

The Draft EIR identified the need for three additional firefighters for Phase 1 (2025 Master Plan) and two new firefighters for Phase 2 of the Project (2040 Vision Plan) for consistency with the minimum National Fire Protection Association ("NFPA") standard to be funded through the City's General Fund (to which the Project would contribute revenue and taxes). However, it claimed that the "addition of new staff and equipment (i.e., ambulances) would not result in the need for new facilities, and the addition of new staff would ensure that the SFRD continues to meet established response time goals."[6] **E-2-2 (cont.)**

The Draft EIR provided no additional evidence that such as an assessment of the adequacy of existing fire protection and emergency medical services for the proposed substantial increase in population (3,541 new residents at full buildout[7]) and building area (1,746,936 square feet of residential area in 1,422 residential units plus 217,520 square feet commercial space at full buildout, more than doubling the existing 942,597 square feet of building area at the site[8]) in Terra Linda; a fire operations analysis; or communications with the SRFD to backup its claims. (In contrast, the Draft EIR, Appendix K, provided a water supply assessment prepared by the responsible agency, the Marin Municipal Water District, to support the analyses and findings presented in Section 4.14 Utilities and Service Systems.)

Based on this skeletal and unsupported analysis, the Draft EIR found that "because the proposed project would not result in any development beyond that which was already considered in the General Plan and General Plan EIR and because the proposed project would not require the provision of or need for new or physically altered facilities, the construction of which could result in adverse environmental effects, to continue to serve the project site, this impact would be **less than significant**."[9]

The City's unsupported analysis is entirely inadequate to assess the Project's potential impacts on fire and emergency medical services and is contradicted by the General Plan 2040 itself as well as by evidence contained in communications with the

[5] Draft EIR, pp. 4.13-12 and 4.13-13.

[6] Draft EIR, p. 4.13-13.

[7] Draft EIR, p. 4.2-13.

[8] Draft EIR, p. 1-1. (1,746,936 sqft + 217,520 sqft) / (942,597 sqft) = 2.1.

[9] *Ibid*, emphasis added.

SRFD. There are so many issues with the Draft EIR's analysis that it is challenging to know where to start. I discuss the most obvious and disconcerting issues below. **E-2-2 (cont.)**

A. The Draft EIR's Analysis of Project Operational Impacts on Fire Protection and Emergency Medical Services Was Not Supported by Substantial Evidence

E-2-3

As noted above, the Draft EIR identified the need for three additional firefighters for Phase 1 and two additional firefighters for Phase 2 for total of five additional firefighters at buildout in order for SRFD to be able to meet the "minimum NFPA standard."[10] According to the Draft EIR, this minimum NFPA standard required 1.54 to 1.81 firefighters per 1,000 residents.[11] This determination for the need of additional firefighters to accommodate the additional firefighting and emergency medical services required for the Project's new residents is erroneous and not supported by the evidence.

First, the ratio of 1.54 to 1.81 firefighters per 1,000 residents did not correspond to a "minimum NFPA standard," as claimed by the Draft EIR. Rather, it represented the median to high range of career firefighters per 1,000 residents reported in NFPA's most recent survey (2020) of fire departments across the U.S.[12] The NFPA clearly stated that "[i]t is important to note that **the rates of firefighters per 1,000 population are based on data reported to NFPA and do not reflect recommended rates or some defined fire protection standard**."[13] In other words, the NFPA rates are not indicative of the adequacy of the surveyed fire departments. Thus, the Draft EIR's analysis and finding of a less-than-significant impact was not supported.

Second, the NFPA further noted:

> **Departments experience great variation in their specific circumstances and policies, including the length of the workweek, unusual hazards, geographical dispersion of the community, and scope of services provided (e.g., whether the department handles emergency medical calls, etc.).**[14]

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[10] Draft EIR, p. 4.13-13.

[11] Draft EIR, p. 4.13-13.

[12] Rita Fahy, Ben Evarts, and Gary P. Stein, NFPA Research, US Fire Department Profile 2020, September 2022; available at: https://npr.brightspotcdn.com/03/bf/7bb8a5f04651b98de071b3464196/osfdprofile.pdf, retrieved May 16, 2024. (Exhibit 1.)

[13] *Ibid*, emphasis added.

[14] *Ibid*, emphasis added.

For example, fire departments protecting communities of 50,000 to 99,999 people such as San Rafael (total population of about 61,000[15]) had median and high rates of 1.29 and 2.86 career firefighters per 1,000 people, respectively.[16])

In sum, consistency with the national average ratio of career firefighters to residents in fire departments across the country does not demonstrate that the Project would result in a less-than-significant impact with respect to fire protection and emergency medical services. Instead, the Draft EIR should have addressed the specific circumstances and challenges for the SRFD in providing fire protection and emergency medical emergency services to Terra Linda in the context of a) the substantial increase in population and building area anticipated under the Project; b) the fact that paramedic transport agencies such as SRFD have far higher call volumes due to emergency medical service-related calls (as the Draft EIR recognizes, approximately 70% of the calls to SRFD are for medical-related needs[17]); and c) the specific circumstances, including the adequacy of the existing fire station within the applicable response district, the geographical dispersion of the community, unusual hazards such as the Project's location in and adjacent to a high fire hazard zone (*see* Comment II). **E-2-3 (cont.)**

B. SRFD Communications Contradicted the Draft EIR's Finding Regarding the Adequacy of Existing Fire and Medical Emergency Services for Accommodating the Project

In its discussion of the existing firefighting infrastructure in San Rafael, the Draft EIR referred to two nearby fire stations, Fire Station 56 (650 del Ganado Road) and Fire Station 57 (3530 Civic Center Drive),[18] presumably to support its claims that no additional fire stations would be needed. However, the Draft EIR failed to analyze whether the Project would be located within the response districts of these fire stations and whether they are adequately positioned and staffed to accommodate the required additional ambulances and five firefighters, an issue that was not addressed by the analyses supporting the General Plan 2040. Neither is the case. In fact, SRFD's Fire Chief Sinnott apprised the City and the development team that the Project is outside of **E-2-4**

[15] American Community Survey, DP05ACS Demographic and Housing Estimates, Marin County, San Rafael City, 2022: ACS 5-Year Estimates Data Profiles: 60,891 total population; available at: https://data.census.gov/table/ACSDP5Y2022.DP05?g=160XX00US0668364, retrieved May 16, 2024.

[16] Rita Fahy, Ben Evarts, and Gary P. Stein, NFPA Research, US Fire Department Profile 2020, Supporting Tables, September 2022; available at: https://content.nfpa.org/-/media/Project/Storefront/Catalog/Files/Research/NFPA-Research/Emergency-responders/osFDProfileTables.pdf?rev=db3aae47fbce4a9296a35117ecd12255&hash=408FD37DC4315EB9507F91328C962A4F, retrieved May 16, 2024. (Exhibit 2.)

[17] Draft EIR, Footnote 6, p. 4.13-2. ("This standard is for firefighting purposes only and does not take into account paramedic transport agencies such as SRFD that have far higher call volumes that are emergency medical service (EMS) related.")

[18] Draft EIR, p. 4.13-2.

Fire Station 57's response district and that Fire Station 56 is not properly positioned to provide adequate coverage for the Project:

> I indicated that **the need to reposition the fire station in the response district to a site at or within immediate proximity to the development would be necessary, as the Northgate Square development would become centric to the Zone 56 response district. It was noted that presently, the station is located at the extreme west end of the district and not properly positioned to provide adequate coverage to a development of this size…** The development team asked about whether Station 57 was effectively located, and I responded that **the development is outside of Station 57's response district**.[19]

E-2-4 (cont.)

With respect to additional equipment required to provide adequate fire protection services for the Project within the area, Fire Chief Sinnott emphasized the following lack of equipment:

> a. Due to the one ladder truck being in the southernmost part of the City, **we would not be able to provide adequate levels of service to the Northgate development and that funding for a second ladder truck would be needed.**
>
> b. I summarized the likelihood of increased EMS [emergency medical services] responses based on the projected numbers of new residents, persons working and conducting business in the offices and persons working and shopping in the retail areas. **It was noted that an additional ambulance could be necessary for this response zone.**[20]

Further, City documents indicate that SRFD has been requesting an additional fire station on or near the site to be funded by the Developer, necessitated by the highly unusual size, scope, and density of the Project for years (since at least 2021):

> There is a significant Fire review comment item that might be easily glanced over but which should be brought to the attention of the developer in this preliminary design phase of the project. **Item #3 refers to the developer potentially funding facilities or fire equipment. Specifically, what we are seeking is a fire station facility that will accommodate a fire engine and ambulance along living quarters to accommodate a five person crew. This is based on the highly unusual size, scope and density of the project. This item has been part of the Fire comments since the first submittal provided in 2021.**

[19] *See* Email from Robert Sinnott, City of San Rafael, to Darin White, City of San Rafael, Re: Northgate Square Development Update, September 28, 2022, emphasis added. (Exhibit 3.)

[20] *Ibid*, emphasis added.

> Placing a fire station in this centrally located part of Terra Linda will enable us to provide high levels of emergency services to those living, working, or visiting the Northgate area as well as other parts of northern San Rafael.[21]
>
> Based on the size and scope of the project, **the Fire Department is seeking that the developer set aside land and incorporate the construction of a new fire station facility into the scope of the development. The fire station would accommodate a three person cross staffed fire engine and paramedic ambulance.** The crew that is currently housed at Station 56 on Del Ganado Road would relocate to the new Northgate fire station. Based on the size of the development, we anticipate the annual emergency call volume for the Station 56 crew to increase substantially, particularly in the EMS category. Placing this crew at the Northgate Town Square site will significantly reduce response times and place our emergency resources in a more strategic location within the Terra Linda area. **It will also be determined if additional fire-paramedic staff and/or equipment is needed, funded by the developer.**[22]

E-2-4 (cont.)

(At the time, in September 2022, the Developer claimed that project plans were already cemented and there was no space for a fire station[23] but nevertheless proceeded to substantially revise the scope of the project several times.[24]) SRFD further noted that it already draws down to "zero emergency response availability for certain periods on a near daily basis."[25] SRFD explained in blunt terms that this "means that **no fire engines or ambulances are available due to emergency call volume. Future development could further stress the system to unacceptable levels. Thus, we need to communicate these concerns and would like to hopefully identify possible funding strategies tied to development that will enable us to both increase staffing levels and expand the inventory of fire apparatus and ambulances**."[26]

The Draft EIR ignored this and other input from SRFD entirely. What's more, since the General Plan was adopted, the Fire Department's Insurance Service Office ("ISO") rating appears to have been downgraded from Public Protection Classification Class 1[27] to Class 2, effective April 27, 2023, unless an improvement program was

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[21] *See* Email from Robert Sinnott, City of San Rafael, to Leslie Mendez, City of San Rafael, Re: 5800 Northgate, - Northgate Mall Property, March 21, 2022, emphasis added. (Exhibit 4.)

[22] *See* Email from Robert Sinnott, City of San Rafael, to Leslie Mendez, City of San Rafael, Re: Northgate Town Square - 5800 Northgate, July 13, 2022, emphasis added. (Exhibit 5.)

[23] *See* Exhibit 2.

[24] Communications with RGM.

[25] *See* Email from Robert Sinnott, City of San Rafael, to Leslie Mendez, City of San Rafael, Re: Fire Data Requests for Northgate Town Square Development, September 29, 2022, emphasis added. (Exhibit 6.)

[26] *Ibid*.

[27] General Plan 2040, p. 11-11.

implemented.[28] In sum, the Draft EIR is inconsistent with General Plan 2040 Policy CSI-3.2: Mitigating Development Impacts: Engage the Police and Fire Departments in the review of proposed development and building applications to ensure that public health and safety, fire prevention, and emergency access and response times meet current industry standards.[29]

E-2-4 (cont.)

There are currently fewer than 14,000 residents in Terra Linda (including The Meadows).[30] Given the inadequacy of Fire Station 56 to handle increased emergency calls and the fact that SRFD at present is already often at zero emergency response capability, adding a large number of new residents – 3,541 new residents at full buildout (2040 Vision Plan[31]) or about 4,644 new residents under the SB 330 Application,[32] increasing the existing population by 26 percent[33] or 34 percent,[34] respectively – without improving existing infrastructure in the area and adding additional equipment would clearly stress SRFD's already limited ability to respond to emergency calls or a disaster such as a wildfire well beyond its breaking point. This constitutes a significant impact that was not identified in the Draft EIR.

This is particularly troubling given that Terra Linda is home to a number of medical facilities, including Kaiser Permanente Hospital, as well as a disproportional number of older residents[35] (according to the latest Census data, in Terra Linda South

[28] ISO, Letter to Jim Schultz, City of San Rafael, Re: San Rafael, Marin Co, CA, Public Protection Classification: 2, Prior Public Protection Classification: 1, April 27, 2022. (Exhibit 7.)

[29] General Plan 2040, p. 11-12.

[30] United States Census Bureau, American Community Survey, 2022: ACS 5-Year Estimates, DP05 – ACS Demographic and Housing Estimates: (Census Tract 1082.01 (Terra Linda South): 4,777 residents) + (Census Tract 1082.02 (The Meadows): 2,365 residents) + (Census Tract 1081 (Terra Linda North): 6,701 residents) = Terra Linda: 13,843 existing residents); available at: https://data.census.gov/table, retrieved May 18, 2024.

[31] Draft EIR, p. 4.2-13.

[32] (SB 330 Application, p. 3: 1,865 new units) × (General Plan 2040, p. 2-17: average household size in San Rafael in 2020: 2.49 residents/unit) = SB 330 Application: 4,644 new residents.

[33] ((Terra Linda: 13,843 existing residents) + (Draft EIR: 3,541 new residents)) / (Terra Linda: 13,843 existing residents) = 1.256.

[34] ((Terra Linda: 13,843 existing residents) + (SB 330 Application: 4,644 new residents)) / (Terra Linda: 13,843 existing residents) = 1.335.

[35] 2023-2031 Housing Element, p. 3-5: "There is significant variation in age at the neighborhood level. Figure 3.1 shows the percentage of residents under 18 by Census Tract in San Rafael (several of these tracts include residents in the unincorporated area as well). In Gerstle Park/ Downtown, only 13 percent of the residents are under 18. By comparison, 38 percent of the residents in the "Core Canal" census tract (1122.01) are under 18. Less than one percent of the population in the Core Canal census tract is over 75. By comparison, about 17 percent of the residents in Tracts 1082 (Terra Linda South), 1060.01 (Smith Ranch), and 1102 (Peacock Gap) are over 75. Many of these residents have lived in San Rafael for decades and are "aging in community" in the homes where they raised their families.")

(incl. The Meadows), more than 31% are over 65 and 21% are over 75; in Terra Linda North, 24% are over 65 and 17% are over 75[36]), including those living in assisted living facilities, retirement communities, and hospice facilities. According to the General Plan 2040, the percentage of older residents is projected to increase:

> Forecasts for the Bay Area anticipate a 137 percent increase in the number of residents over 65 between 2010 and 2040 (*Plan Bay Area*). Aging baby boomers will drive this trend, as seniors become the fastest growing segment of the population.[37]
>
> Persons over 65 are projected to be the fastest growing segment of the population during the time horizon of the 2040 General Plan. Marin County already has the highest median age of any county in the Bay Area, and that median will rise in the future.[38]

E-2-4 (cont.)

The City in its 2020 Community Services Background Report for the General Plan 2040 noted with respect to future requirements, including the need for additional training, new equipment and technology and resources to support response capacity in the Northgate area:

> The new Public Safety Center has been designed to meet the long-term needs of the City. Additional facilities are not envisioned at this time, **although the opportunity to include field offices in other parts of the City (especially the Northgate area** and the Canal area) **should continue to be explored. Staffing needs will continue to grow and evolve in response to additional population and employment, as well as changing law enforcement practices. There is an ongoing need for training, new equipment and technology, and resources to support crime prevention, response capacity, and investigations.**[39]

Further, the City's Community Development Director, Micah Hinkle, stated in a meeting with RGM that the City currently owns only one ladder truck, stationed in the Downtown fire station, with a ladder that can reach a maximum of six stories.[40] Aside

[36] United States Census Bureau, DP05 – ACS Demographic and Housing Estimates for Census Tracts 1082.01 (Terra Linda South), 1082.02 (The Meadows), and 1081 (Terra Linda North); available at: https://data.census.gov/table, retrieved May 19, 2024.

[37] General Plan 2040, p. 2-5.

[38] General Plan 2040, p. 4-27.

[39] City of San Rafael, Community Services Background Report, San Rafael General Plan 2040, February 2020, p. 9, emphasis added; available at: https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2020/04/CommunityServicesReport.pdf, retrieved May 19, 2024.

[40] Notes from meeting of RGM members Shirley Fischer, Grace Geraghty, and Pamela Reaves, with Micah Hinkle and April Talley, City of San Rafael, and Heather Hines, consultant with M Group, April 24, 2024.

from the fact that this ladder truck is dedicated to a different response district, it is not adequate to deal with the Project's proposed seven-story building(s). (The cost of a new ladder truck with a reach of seven stories is $1 million or more.[41] It is questionable whether the taxes and revenue generated by the Project would be sufficient to cover the City's expenses for purchasing a new ladder truck and ambulance(s), constructing a new fire station, and supporting the salaries for additional firefighters. To fund these expenses, the City should require the Developer to pay adequate mitigation fees.)

This dire situation is further compounded by construction of the six- and seven-story buildings on the Project's eastern side along Los Ranchitos Road, creating a possible wind tunnel between the buildings and Mount Olivet, which is bordered by highly flammable eucalyptus trees. Los Ranchitos Road is one of only two emergency evacuation routes for the entire Terra Linda area.[42] The addition of thousands of residents and construction of a wind tunnel, where none exists now, without at the same time providing adequate firefighting capacity and equipment could be catastrophic. **E-2-4 (cont.)**

Finally, the General Plan 2040, Program S-4.3B: Development Review for Emergency Response, required that development applications in fire prone areas (*see* Comment II) be reviewed to ensure adequate emergency vehicle access, and adequate water pressure and supply for fire-fighting purposes.[43] The Draft EIR contained no such analysis. (The water supply assessment in Appendix K did not address the adequacy of water pressure and supply for fire-fighting purposes.)

In sum, the Draft EIR's finding of less-than-significant impacts with respect to fire protection and medical services was not supported by substantial evidence and are erroneous. The Project would result in significant operational impacts that must be fully mitigated.

C. The General Plan 2040 Does Not Support the Draft EIR's Finding of Less-than-significant Impacts on Fire Protection and Emergency Medical Services

The General Plan 2040 projected a growth forecast of 4,460 additional housing units in the San Rafael Planning Area (City and unincorporated area) by 2040 over a 20-year horizon.[44] Approximately 20% of these housing units were already accounted for in the City's development pipeline, *i.e.*, they had been approved but not yet **E-2-5**

[41] Based on internet research.

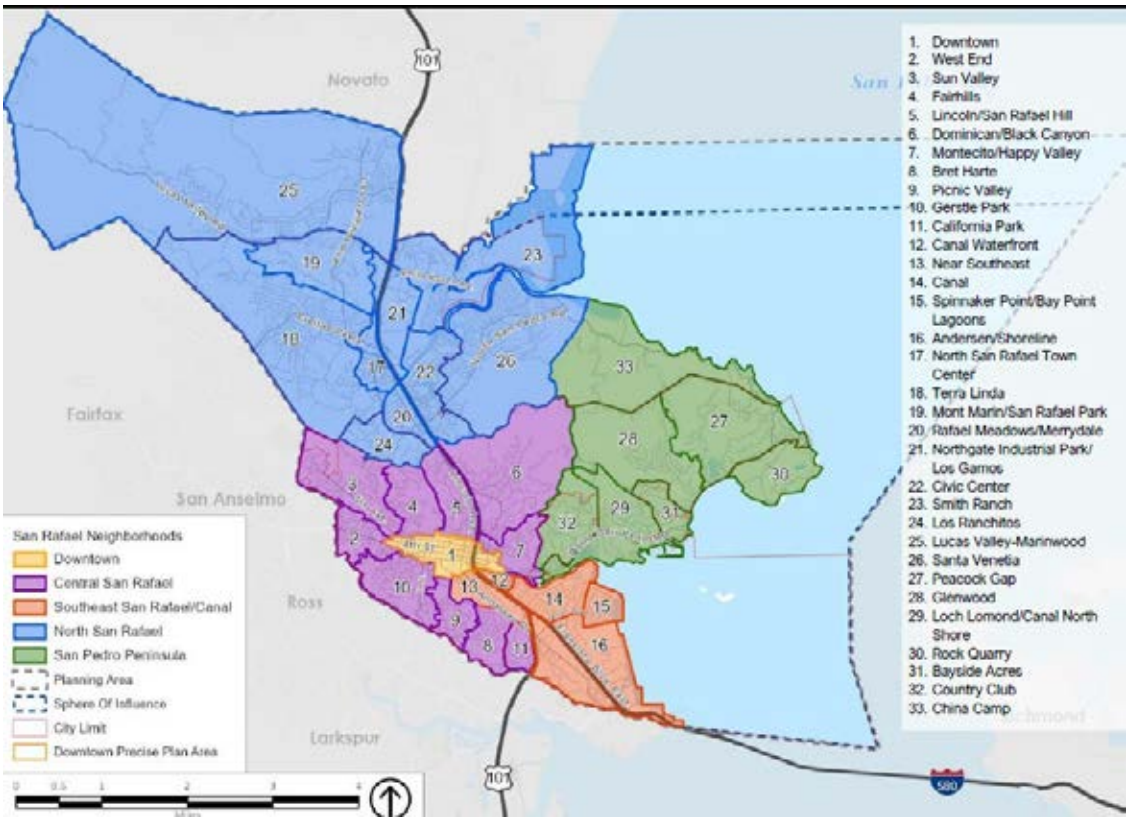
[42] Communications with RGM.

[43] General Plan 2040, p. 8-23.

[44] General Plan, p. 2-17.

completed at the time of the adoption of the General Plan 2040.[45] Roughly half of these additional housing units (2,200 housing units), was projected for Downtown sites.[46] The other 2,260 housing units were assumed to be constructed throughout the San Rafael Planning Area outside of Downtown, not densely clustered on the Project site where they pose a much higher fire risk.

The figure below shows the Downtown area (yellow) and the remainder of the San Rafael Planning Area, *i.e.*, Central San Rafael (purple), Southeast San Rafael/Canal (orange), San Pedro Peninsula (green), and North San Rafael (blue, includes Terra Linda, North San Rafael Town Center, San Rafael Meadows/Merrydale, Los Ranchitos, Lucas Valley/Marinwood, Mont Marin/San Rafael Park, Northgate Industrial Park/Los Gamos, Civic Center, Smith Ranch, and Santa Venetia).



From: General Plan 2040, Figure 4-1: Planning Areas and Neighborhoods, p. 4-3

The General Plan 2040 assumed that the projected growth of 4,460 housing units would result in 8,910 new residents in the San Rafael Planning Area and 3,570 new residents in Downtown.[47] Thus, the General Plan 2040 projected 5,340 new residents

E-2-5 (cont.)

[45] General Plan 2040, pp. 4.14-7 and 4.11-9.

[46] General Plan 2040, p. 4-13.

[47] Draft EIR for General Plan 2040, p. 1-1.

distributed throughout the San Rafael Planning Area outside of Downtown.[48] In contrast, the Project would have 3,541 new residents at full buildout,[49] or 66.3 percent of all projected new residents in the San Rafael Planning Area outside of Downtown,[50] concentrated on one site (*see* No. 17 North San Rafael Town Center in the figure above) rather than distributed throughout the entire area. Under the SB 330 Proposal, the site would have an estimated 4,644 new residents,[51] or 87 percent of all projected new residents in the San Rafael Planning Area outside of Downtown.[52] The effects of such a concentrated buildout on one site (rather than distributed over the entire San Rafael Planning Area outside of Downtown) on fire protection and emergency medical services was not analyzed in the General Plan 2040. **E-2-5 (cont.)**

Finally, as the Draft EIR recognized, the analysis supporting the General Plan 2040 assumed that buildout "would occur over time and not all at once."[53] In contrast, the Project's two phases would be built out over short periods (16-32 months for Phase 1 buildout by 2025 and 60 months for Phase 2 buildout by 2035[54]) rather than incrementally over 20 years by 2040.

In sum, the General Plan's conclusion that the SRFD would be expected to be able to maintain service ratios and response times despite the projected growth is not supported for the Project buildout. A project-specific analysis must be conducted to evaluate the demand for fire protection and emergency medical services, taking into consideration the above-discussed concerns of the SRFD.

II. The Draft EIR Failed to Adequately Address Wildland Fires (Draft EIR Section 4.8 Hazards and Hazardous Materials)

E-2-6

CEQA Guidelines, § 15126.2, require an analysis of "any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected," including by locating development in

[48] (San Rafael Planning Area: 8,910 new residents) - (Downtown: 3,570 new residents) = 5,340 new residents in San Rafael Planning Area outside of Downtown Planning Area.

[49] Draft EIR, p. 4.2-13.

[50] (Project: 3,541 new residents) / (San Rafael Planning Area outside of Downtown: 5,340 new residents) = 0.663.

[51] (SB 330 Application, p. 3: 1,865 new units) / (Draft EIR, p. 1-1: 1,422 new units) × (3,541 new residents) = SB 330 Application: 4,644 new residents.

[52] (SB 330 Proposal: 4,644 new residents) / (San Rafael Planning Area outside of Downtown: 5,340 new residents) = 0.870.

[53] Draft EIR, p. 4.13-12.

[54] Draft EIR, pp. 3-43 and 3-53.

wildfire risk areas.[55] The "environmental checklist form" in Appendix G of the CEQA Guidelines, Section IX Hazards and Hazardous Materials, section (g) broadly directs lead agencies to consider whether a project will "[e]xpose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires." The Attorney General recently clarified that in answering these questions, lead agencies must consider both on- and off-site impacts.[56]

E-2-6 (cont.)

The Draft EIR, Threshold 4.8.6, established that the Project would result in a significant impact related to hazards, including wildfires, if it would impair implementation of the following emergency-related activities:

- Preparedness for an emergency (activities undertaken prior to an emergency in order to improve the City's ability to coordinate, respond, and recover from a critical incident);
- Response to an emergency (actions taken immediately before, during, or directly after a critical incident in order to minimize the potential or existing impacts of the incident);
- Recovery from an emergency (damage assessment, short-term and long-term recovery activities, and administration of recovery assistance programs); or
- Mitigation of the potential for emergencies (actions and measures taken to reduce or eliminate the degree of long-term risk from natural and technological hazards).[57]

Yet, rather than determining the Project's potential impacts related to wildfire based on Threshold 4.8.6, the Draft EIR instead claimed to have addressed these impacts in Chapter 6, Other CEQA Considerations.[58] The Draft EIR, Section 6.3.4 Wildfire, provided the following one-paragraph analysis:

> The project site and adjacent areas are not located in a Very High Fire Hazard Severity Zone (VHFHSZ) as mapped by the California Department of Forestry and Fire Protection (CAL FIRE), and the project site is not located within any State Responsibility Areas (SRAs) for fire service. The project site is a generally

[55] Rob Bonta, Attorney General, Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act, October 10, 2022; available at: https://oag.ca.gov/system/files/Exhibits/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf, retrieved May 19, 2024. (Exhibit 8.)

[56] *Ibid*.

[57] Draft EIR, p. 4.8-17.

[58] Draft EIR, p. 4.8-18. ("Potential impacts related to wildfires, as presented in Appendix G of the State CEQA Guidelines, are addressed in Chapter 5.0, Other CEQA Considerations, of this EIR.") Note: the Draft EIR's "Other CEQA Considerations" are found in Chapter 6.0 of the Draft EIR, not Chapter 5.0, and impacts with respect to wildfire are addressed in Section 6.3.4 Wildfire.

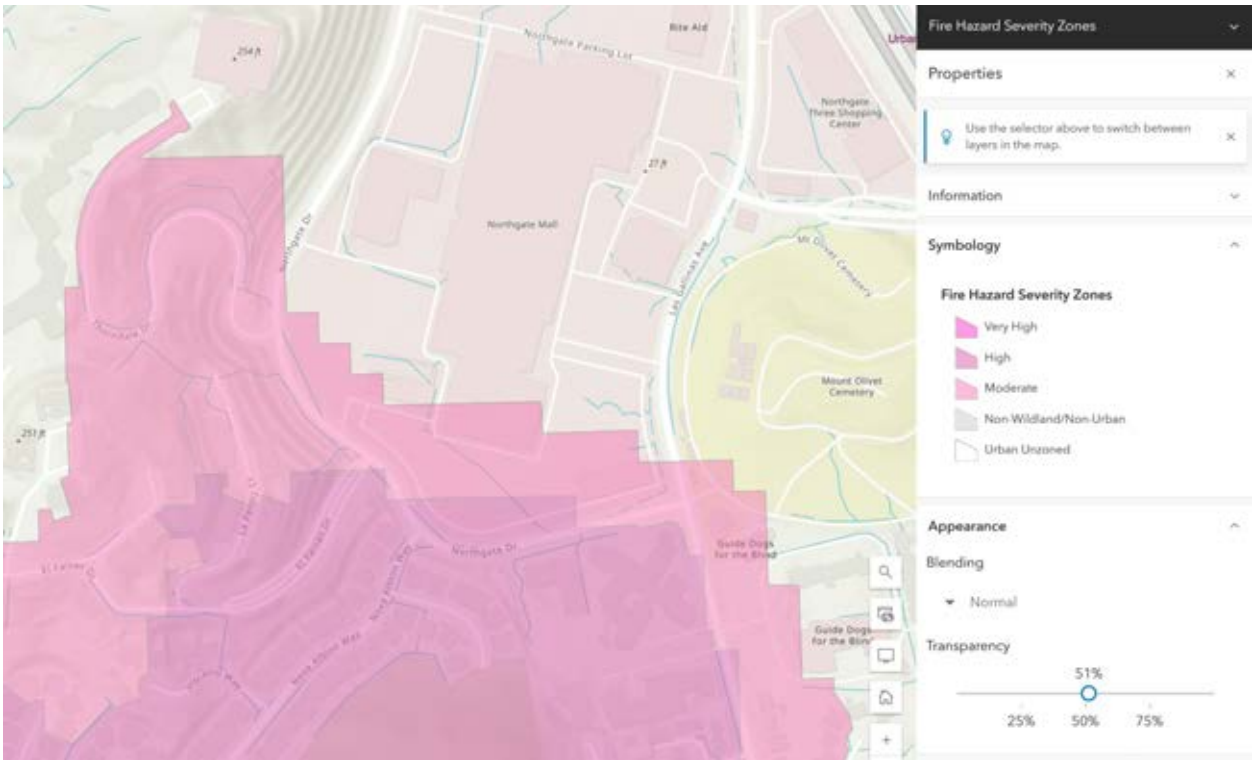
> level infill site in an urban area, and is bound by existing development on all sides. Therefore, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The project would also not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death related to wildland fires. There would be **no impact**.[59]

This superficial 'analysis' and its conclusion of no impact does not address potential Project impacts related to wildfire under Threshold 4.8.6. Rather, the discussion relates **only** to CEQA Guidelines, Appendix G, Section XX. Wildfire, which requires an analysis of impacts for projects located **in or near State Responsibility Areas or lands classified as very high fire hazard severity zones**. **E-2-6 (cont.)**

It is correct that the Project is not located in or near (depending on the definition of "near") State Responsibility Areas or lands classified as very high fire hazard severity zones. However, CAL FIRE is not responsible for firefighting outside the State Responsibility Areas. Consequently, the Fire Hazard Severity Maps prepared by CAL FIRE identify only State Responsibility Areas, as required by California Public Resources Code 4201-4204. Rather, the Project site is located in a Local Responsibility Area ("LRA"). CAL FIRE does not map the fire hazard severity for Local Responsibility Areas, *i.e.*, areas that are under control by local agencies. Instead, local agencies – here Marin County – prepare maps of fire hazards severity for LRAs. Therefore, the Draft EIR's discussion did not satisfy CEQA requirements with respect to Threshold 4.8.6 pursuant to Appendix G of the CEQA Guidelines, Section IX. Hazards and Hazardous Materials.

As shown in the below excerpted map for fire hazard severity zones below, prepared by Marin County, the southern end of Northgate Mall, where the Project's townhomes would be located, and the adjacent communities (Eichler homes, Alma Via and Drake's Terrace assisted living facilities, Villa Marin, Quail Hill, and offices along Northgate Drive), and the Oliver Hartzell open space are located **within moderate and high fire hazard zones**.

[59] Draft EIR, p. 6-6, emphasis retained.

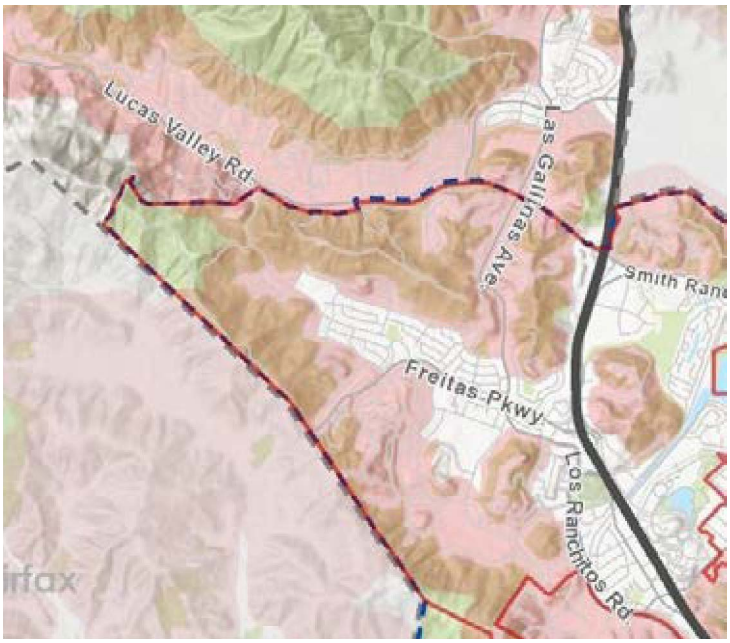


From: County of Marin, Fire Hazard Severity Zones, updated March 13, 2023; available at: https://marincounty.maps.arcgis.com/apps/mapviewer/index.html, retrieved May 19 2024

E-2-6 (cont.)

Further, much of the surrounding area is classified as Wildland Urban Interface, including at the eastern edge of Terra Linda along Ridgewood Fire Road and Terra Linda Sleepy Hollow Ridge (mapped as high and moderate fire hazard severity zones), as shown on the map below. (The greatest hazards tend to be associated with the steeply sloping open spaces and areas such as the Terra Linda and Sleepy Hollow Open Space areas.[60])

[60] General Plan 2040, p. 8-19.



From: General Plan 2040, Figure 8-4, Wildland Urban Interface Areas (pink)

E-2-6 (cont.)

The Draft EIR failed to address the impacts of adding thousands of new residents to this wildfire-prone area, especially when considering the above-discussed inadequate existing fire protection services. It is irrelevant that the Project site is "a generally level infill site in an urban area and is bound by existing development on all sides." A project must not directly border a wildland-urban interface in order to exacerbate wildfire risks and expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death related to wildland fires.

As the Attorney General recently summarized, residential developments in wildfire prone areas can significantly increase the risks of wildfires and the risk to public safety for several reasons, including introducing more people into a flammable landscape, which increases the likelihood of a wildfire igniting due to the increased presence of people: "Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires."[61] Specifically, in recent years, in addition to lightning, the State's most destructive fires have been caused by human activities, such as downed powerlines, arson, or electrical sources associated with residential development.[62]

[61] Bonta, *op. cit.*

[62] *See* CAL FIRE, Top 20 Largest California Wildfires, October 22, 2022, available at: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impact/fire-statistics/top-20-largest-ca-wildfires.pdf?rev=037e566cdfd540b9a9fe607b809b855c&hash=D7AC28D89B9F8FE36F3C7E5958CEE016, retrieved May 19, 2024; CAL FIRE, Top 20 Deadliest California Wildfires, October 24, 2022; available at: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impact/fire-statistics/top-20-deadliest-ca-

The substantial increase of the local population would increase the potential for human-caused wildland fire. Increased human presence in the Oliver Hartzell open space (bordered by Nova Albion Way, Golden Hinde Boulevard, and buildings along Los Ranchitos Road) is particularly concerning as fire can spread rapidly and access to the area is limited. Several fires have been reported historically in this open space.[63]

These issues should have been addressed in the Draft EIR but were not. I suggest that the City revise the Draft EIR to address the Project's potential impacts with respect to wildland fire to satisfy Threshold 4.8.6. I recommend that the City prepare an evacuation modeling and analysis that addresses the following:

E-2-6 (cont.)

- Evaluation of the capacity of roadways to accommodate Project and community evacuation and simultaneous emergency access;
- Assessment of the timing for evacuation;
- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency;
- Evaluation of the Project's impacts on existing evacuation plans;
- Consideration of the adequacy of emergency access, including the Project's proximity to existing fire services and the capacity of existing services; and
- Traffic modeling to quantify travel times under various likely scenarios.

This evacuation modeling and analysis must provide recommendations to address any concerns and must be completed and reviewed for adequacy prior to the issuance of the Final EIR. The Final EIR must implement all recommendations as mitigation measures to ensure safe evacuation.

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wildfires.pdf?rev=dddeac543dd84d21a4b01ad6bed5f48c&hash=6A2BD57BB8EC29DB9EC0C94F92B00F52, retrieved May 19, 2024; and CAL FIRE, Top 20 Most Destructive California Wildfires, March 27, 2024; available at: https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impbbontact/fire-statistics/top-20-destructive-ca-wildfires.pdf?rev=3f619258cab84b34b680ce521d615525&hash=6C6AD8F9377A31117DF437BBDBE68F07, retrieved May 19, 2024.

[63] Communication with RGM and Daily Independent Journal from San Rafael, California, July 14, 1973; available at: https://www.newspapers.com/newspage/87389566/, retrieved May 20, 2024 (San Rafael Grass fire behind Oliver Hartzell School on Los Ranchitos Road burned two-and-a-half acres; cause unknown).

NFPA RESEARCH

US Fire Department Profile 2020

Rita Fahy, Ben Evarts and Gary P. Stein

September 2022

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Key Findings

There were an estimated 1,041,200 career and volunteer firefighters in the United States in 2020. There were 364,300 career firefighters in 2020, representing an increase of 2 percent from the previous year. In addition, there were 676,900 volunteer firefighters, representing a 6 percent decrease from the previous year, and the lowest number of volunteer firefighters reported over the years.

In 2020, 89,600 firefighters were female (9 percent of all firefighters). Of the career firefighters, 17,200 (5 percent) were female. Of the volunteer firefighters, 72,400 (11 percent) were female.

Fifty percent of the firefighters were between 30 and 49 years old.

Forty-three percent of the volunteer firefighters had more than 10 years of active service (tenure period).

There were 29,452 fire departments in the United States in 2020. Of these, 18 percent were all-career or mostly-career fire departments; they protected 70 percent of the US population.

Nationwide, 37 percent of fire departments provided no emergency medical services, 46 percent provided basic life support (BLS), and 17 percent provided advanced life support (ALS).

From 1980 to 2019, local fire protection service expenditures (adjusted for the dollar value in 2019) tripled.

Background and Objectives

This report provides an overview of local and municipal fire departments in the United States. The analysis includes firefighters, fire departments, apparatus, and fire stations. The results are based on data collected by NFPA's *Survey of Fire Departments for US Fire Experience During 2020* and the NFPA fire service survey from 2018–2020. An earlier report, *Fire Loss in the United States During 2020*, measured the national fire experience in terms of the number of fires that fire departments responded to and the resulting civilian deaths, civilian injuries, and property losses that occurred. Estimates of non-fire incidents were also included.

Firefighters

There were approximately 1,041,200 career and volunteer firefighters in the US in 2020, according to estimates based on NFPA's *Survey of Fire Departments for US Fire Experience During 2020*. This is a 4 percent decrease from 2019, and the lowest total reported since 1991. This decrease was mainly due to the sharp drop in the estimated number of volunteer firefighters.

Career firefighters include full-time uniformed firefighters regardless of assignments (e.g., suppression, prevention/inspection, administrative, etc.). For the purpose of this survey, the term *career firefighter* includes only firefighters in municipal fire departments that protect people, residences, and public buildings; it does not include firefighters working in private fire brigades or for state and federal agencies.

Volunteer firefighters include any active part-time (call or volunteer) firefighters. Active volunteers are defined as being involved in firefighting. Of the total number of firefighters in 2020, 364,300 (35 percent) were career, while 676,900 (65 percent) were volunteers.[1] Most of the drop in the number of volunteer firefighters occurred in the smallest communities (population below 25,000) and may be a one-year anomaly rather than the beginning of a trend.

[1]Note that these results are based on a sample survey; as a result, there is a 95 percent confidence interval associated with each estimate. Based on the data reported by the fire departments that responded to the 2020 national fire experience survey, NFPA is confident that the actual number of career firefighters falls between 353,000 and 375,600 and the actual number of volunteer firefighters falls between 655,800 and 698,000.

Most career firefighters (71 percent) work in communities that protect 25,000 or more people. Most volunteer firefighters (95 percent) serve in departments that protect fewer than 25,000 people. Approximately half (48 percent) of the volunteer firefighters are with small, rural departments that protect fewer than 2,500 people.

Number and Rates of Firefighters

Since 1986, the number of career firefighters in the US has increased fairly steadily from 237,750 in 1986 to 373,600 in 2017, an increase of 57 percent (see Figure 1), before declining slightly over the next three years.

A good way to develop a sense of a fire department's size relative to the population they protect is to examine the rates of firefighters per 1,000 people protected as shown in Table 3 and Table 4 in the supporting tables document.

For mostly-career or all-career fire departments, the rates of career firefighters per 1,000 people protected have remained in the range of 1.54 to 1.81 (see Figure 1). Even though the number of career firefighters has increased over time, the number of people protected by career firefighters has remained relatively consistent as the population in the US has increased.

The number of volunteer firefighters declined in the late 1980s and 1990s, each time returning to the same level soon after. From 2005 through 2009, the number of volunteer firefighters was stable at a level slightly higher than any previously recorded other than in 1995 (see Figure 2). After a dip in 2010 through 2011, the number of volunteers appeared to increase and was in the range of 783,300 to 814,850, an increase of 4 percent. In 2018, the number of volunteer firefighters increased to 745,000 but then dropped in 2019 to 722,800 and in 2020 to 676,900. When the rates of volunteer firefighters per 1,000 people protected for mostly-volunteer or all-volunteer fire departments are examined, the rates show a downward trend and range from a high of 8.05 in 1987 to a low of 5.66 in 2020 per 1,000 population protected.

According to the Bureau of Labor Statistics in the US Department of Labor, in 2020:

- 13.1 percent of career firefighters were Hispanic or Latino
- 8.4 percent of career firefighters were African-American
- 1.2 percent of career firefighters were Asian
- 4.4 percent of career firefighters were female[2]

Figure 1. Number of Career Firefighters and Rate per 1,000 People

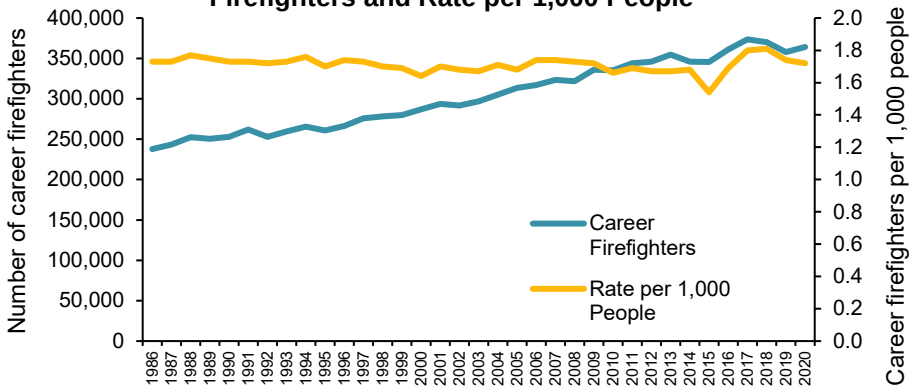
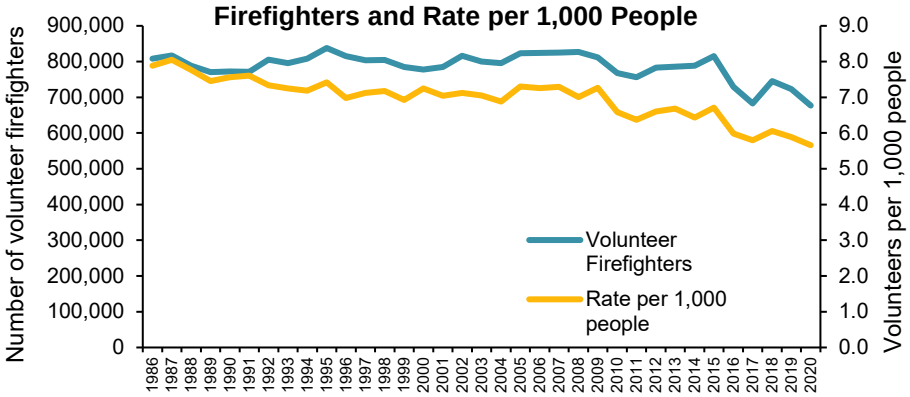


Figure 2. Number of Volunteer Firefighters and Rate per 1,000 People



[2]Figures are from the Labor Force Statistics from the *Current Population Survey*, Bureau of Labor Statistics, Washington DC. These numbers can change considerably from year to year because of their small size and sample variability.

NFPA estimates that in 2020, there were 17,200 female career firefighters and 72,400 female volunteer firefighters were employed by local fire departments.[3]

It is important to note that the rates of firefighters per 1,000 population are based on data reported to NFPA and do not reflect recommended rates or some defined fire protection standard.

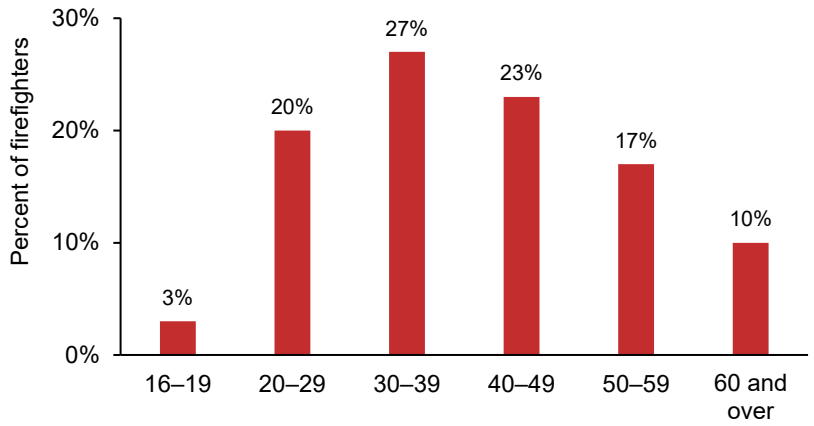
Fire departments protecting communities of 25,000 people or more had median rates of 0.84 to 1.30 career firefighters per 1,000 people. Departments experience great variation in their specific circumstances and policies, including the length of the workweek, unusual hazards, geographical dispersion of the community, and scope of services provided (e.g., whether the department handles emergency medical calls, etc.).

Fire departments protecting fewer than 25,000 people had median rates of 0.80 to 19.24 volunteer firefighters per 1,000 people. This wide range in median rates for smaller communities reflects the minimum number of firefighters needed to staff a department regardless of the community size. Volunteer firefighters are often available on a part-time basis only; it may take more volunteers to ensure an adequate response to each alarm. The median rate for volunteer firefighters increases as the population protected decreases.

The length of the workweek and its effect on the rate of career firefighters per 1,000 population by size of the community is provided in Table 5 in the supporting tables document. Generally, longer workweeks correlate with fewer career firefighters per 1,000 population protected. Tables 6 and 7 in the supporting tables document provide median rates for career and volunteer firefighters by region and size of the community.

Of the 1,041,200 firefighters, the age group accounting for the largest share of firefighters was the 30 to39 years old group (27 percent of all firefighters). See Figure 3.

Figure 3. Number of Firefighters in the US by Age Group: 2020



Age group patterns did vary somewhat by the size of the population protected. Departments that protected fewer than 25,000 people and were comprised mostly of volunteers tended to have higher proportions of firefighters in the under-30 age group. Departments that protected 25,000 people or more were comprised mostly of career firefighters and had higher proportions of firefighters in the 30 to 39 and 40 to 49 age groups. Departments protecting fewer than 2,500 people had the highest percentage of firefighters aged 50 and older (34 percent).

When age group patterns by year are examined between 1998 to 2020, there were slight changes over time (see Figure 4). The 30 to 39 and 40 to 49 age groups showed decreases (15 percent and 14 percent,

[3]Note that these results are based on a sample survey; as a result, there is a 95 percent confidence interval associated with each estimate. Based on the data reported by the fire departments that responded to the 2020 national fire experience survey, NFPA is confident that the actual number of female career firefighters falls between 15,900 and 18,500 and the actual number of female volunteer firefighters falls between 68,200 and 76,600.

respectively), while the 50 to 59 age group showed a large increase (49 percent). The 60 and over age group more than doubled.

Volunteer firefighter tenure periods show that more than two of every five (43 percent) volunteers have more than 10 years of active service. Almost two-thirds (64 percent) of volunteer firefighters have more than five years of active service.

Fire Departments

There are an estimated 29,452 fire departments[4] in the United States. Of these, 2,785 (9 percent) are comprised solely of career firefighters[5] and 18,873 (64 percent) are comprised of all-volunteer firefighters. An estimated 2,459 of the departments (8 percent) are mostly-career, while 5,335 (18 percent) are mostly-volunteer firefighters.

Fire departments categorized as all-career or mostly-career represent one-sixth (18 percent) of all the fire departments in the US and protect more than two-thirds (70 percent) of the US population. Departments categorized as mostly-volunteer or all-volunteer represent five-sixths (82 percent) of all the fire departments in the US and protect almost one-third (30 percent) of the US population.

The number of all-career or mostly-career fire departments increased from 3,043 in 1986 to 5,244 in 2020, an increase of 72 percent, while the number of all-volunteer or mostly-volunteer departments decreased from 26,797 in 1986 to 24,208 in 2020, a decrease of 10 percent. See Appendix A in the supporting tables document.

The number of fire departments by community size is provided in Table 13 in the supporting tables document. The department types varied considerably based on the population protected. For communities of 25,000 or more people, the percentage of departments classified as all-career or mostly-career ranged from 78 percent to 100 percent. For communities with fewer than 25,000 people, the percentage of departments classified as all-volunteer or mostly volunteer ranged from 47 percent to 98 percent.

Figure 4. Percent of Firefighters in the US by Age Group: 1998–2020

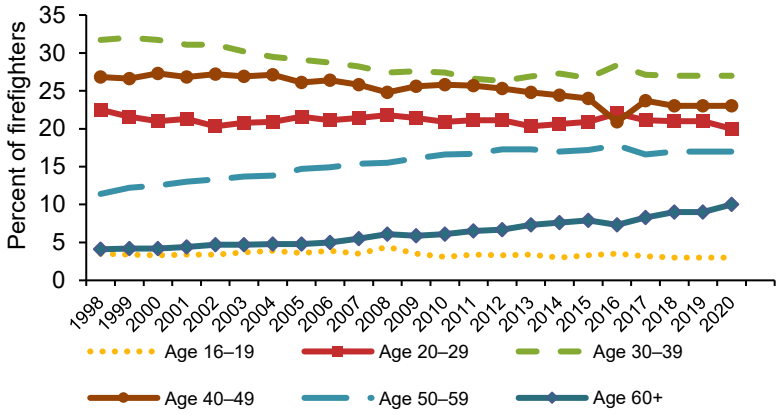
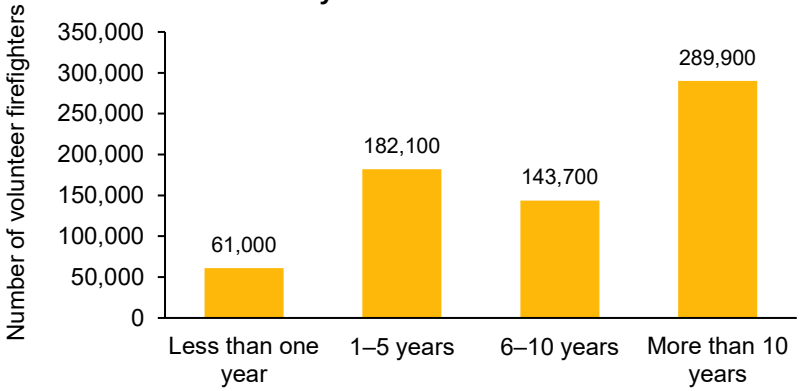


Figure 5. Number of Volunteer Firefighters by Tenure Period



[4]A fire department is a public organization that provides fire prevention, fire suppression, and associated emergency and non-emergency services to a jurisdiction such as a county, municipality, or organized fire district.

[5]The department type is broken into four categories. All-career departments are comprised of 100 percent career firefighters. Mostly-career fire departments are comprised of 51 to 99 percent career firefighters, while mostly-volunteer fire departments are comprised of 1 to 50 percent career firefighters. All-volunteer departments are comprised of 100 percent volunteer firefighters.

Fire Department Apparatus and Stations

Estimates of the number of apparatus and fire stations in the United States during 2018 to 2020 indicate that there were 68,800 pumpers; 7,400 aerial apparatuses; 76,300 other suppression vehicles (e.g., pumpers less than 1,000 gpm, brush vehicles, tankers); 48,800 other vehicles (e.g., rescue, lighting, and ambulance vehicles); and 54,600 stations. A breakdown of the average apparatus and station rates by community size and trend data can be found in Table 15 and Appendix B in the supporting tables document.[6]

It is worth emphasizing what the indicated rates in Table 15 represent. The numbers reflect apparatus averages and station rates per 1,000 people by population protected as reported to NFPA. They do *not* represent recommended rates or some defined fire protection standard.

The apparatus and station rates are higher for departments protecting smaller communities (under 2,500) because it takes a minimum number of apparatus and stations to operate a fire department regardless of the number of people protected. For example, for a department protecting 1,000 people, you would expect, according to Table 15, an average of 1.13 pumpers, 1.81 other suppression vehicles, 0.04 aerial apparatus, and 0.99 stations. The 0.99 stations per 1,000 people is the highest rate shown in Table 15, but for this community size, it is equivalent to roughly one station per department. In other words, for every 100 departments protecting 1,000 people, you would expect approximately 113 pumpers, 181 other suppression vehicles, 4 aerial apparatus, and 99 stations.

The prevalence of pumpers, other suppression vehicles, aerial apparatus, and stations by community size is covered in Tables 16 to 19 in the supporting tables document.

Fire Department Calls

During 2020, US fire departments responded to a total of 36,416,000 calls, more than three times the 10,819,000 responses in 1980. See Table 20 in the supporting tables document for more information on these responses. While the estimated number of fires has been cut almost in half, there were nearly five times as many medical aid or rescue responses in 2020 as in 1980. There were five times as many mutual aid responses. False alarms tripled over the same period. Two-thirds of the fire department responses in 2020 were medical aid or rescue calls, while fewer than 4 percent were actual fires.

Emergency Medical Services

The level of emergency medical service (EMS) provided by fire departments by community size during 2018 to 2020 is provided in Table 21 in the supporting tables document.

The larger the community, the more likely EMS service was provided. Nationwide, 46 percent of departments provided EMS with basic life support, 17 percent of departments provided EMS with advanced life support, and 37 percent of departments did not provide EMS.

US Expenditures on Local Fire Protection

Table 22 in the supporting tables document breaks down the expenditures for local fire protection with and without adjustment for inflation. Note that these expenditures, when adjusted for inflation, have tripled from 1980 to 2019. Other municipal service costs like police protection have risen in a similar manner. (Data for 2020 has not been published as of this report.)

Fire protection costs have risen 140 percent since 1986, while the number of career firefighters has increased 51 percent. (See Table 2 in the supporting tables document). Because chiefs of fire departments serving larger communities continue to report problems with shrinking budgets or level budgets combined with increasing responsibilities, this clear pattern of increasing fire department resources nationwide is

difficult to interpret. Some of the factors possibly contributing to this increase in costs are a shorter workweek[7] for some departments, which results in a need to increase staffing and apparatus or pay firefighters at overtime rates; increased EMS responsibilities that require increased staffing and, in some communities, a more frequent replacement of apparatus; and the rising costs of retirement and health benefits.

Methods

This report is primarily based on two data sources: NFPA's annual *Survey of Fire Departments for US Fire Experience* and the NFPA fire service survey.

The *Survey of Fire Departments for US Fire Experience* utilizes a sample of fire departments in the United States to make national projections about the fire problem. The sample is stratified by the size of the community protected by the fire department. All US fire departments that protect communities with a population of more than 5,000 are included in the sample. The 8,745 departments in the eight highest strata protect a population of 287 million, or 87 percent of the US population as of July 2020.

The remainder of the sample included 16,430 randomly selected departments in the smallest communities (less than 5,000 population protected), for a total sample size of 25,175 departments, or 85 percent of all the fire departments known to NFPA in the United States.

A total of 2,204 departments responded to the *Survey of Fire Departments for US Fire Experience During 2020*. National projections are made by weighting sample results according to the proportion of the total US population accounted for by communities of each size. There is a confidence interval that measures the statistical certainty (or uncertainty) of the estimate around any estimate based on a sample survey. We are confident that the actual number of total firefighters falls within 5 percent of the estimate.

The NFPA fire service survey is a three-year cycle survey that reaches about one-third of the states in the country each year. The survey includes questions on the number of career firefighters, the number of volunteer firefighters, the length of the workweek, the number of apparatus and stations, etc. In recent years, the survey has had a response rate of between 13 percent to16 percent from departments.

The results in this report are based on local and municipal fire departments. State and federal firefighting entities were not included in this sample. In addition, no adjustments were made for private fire brigades, such as industrial or military installations.

Acknowledgements

The authors would like to thank the fire departments who participated in NFPA's annual *Survey of Fire Departments for US Fire Experience* and/or the NFPA fire service survey.

The authors would also like to thank the members of the NFPA staff who worked on the 2020 US fire experience survey, Frank Deely, Steve Belski, and Jay Petrillo, for editing the survey form and making follow-up calls to fire departments.

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NFPA No. USS07

RESEARCH

US Fire Department Profile 2020

Supporting Tables

September 2022

Rita Fahy, Ben Evarts and Gary P. Stein

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US Fire Department Profile – 2020: Supporting Tables

The tables in this document are a companion to the report of the same name.

The report is based on two data sources: the NFPA *Survey of Fire Departments for US Fire Experience During 2020* and the NFPA *Fire Service Survey, 2018–2020*. See the *US Fire Department Profile – 2020* report for the full methodology.

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Table 1. Career and Volunteer Firefighters by Gender in the US by Population Protected, 2020

	Career			Volunteer			
Population Protected	**Male**	**Female**	**Subtotal**	**Male**	**Female**	**Subtotal**	**Total**
1,000,000 or more	33,800	1,800	35,600	1,500	400	1,900	37,500
500,000 to 999,999	38,700	2,700	41,400	4,200	900	5,100	46,500
250,000 to 499,999	26,600	1,600	28,200	700	100	800	29,000
100,000 to 249,999	53,000	2,500	55,500	2,800	400	3,200	58,700
50,000 to 99,999	44,400	1,500	45,900	6,500	900	7,400	53,300
25,000 to 49,999	48,900	1,600	50,500	14,100	1,100	15,200	65,700
10,000 to 24,999	56,500	1,900	58,400	51,600	5,000	56,600	115,000
5,000 to 9,999	26,200	1,700	27,900	80,600	8,400	89,000	116,900
2,500 to 4,999	10,300	800	11,100	151,400	18,400	169,800	180,900
Under 2,500	8,600	1,200	9,800	290,900	36,800	327,700	337,500
	347,100	17,200	364,300	604,500	72,400	676,900	1,041,200

Note the number of volunteer firefighters for communities of 25,000 or more and the number of career firefighters for communities of less than 10,000 may change considerably from year to year because of their small size and sample variability.

Population protected is based on resident population and not daytime or seasonal populations.

Sums may not equal totals due to rounding errors.

Note: See Appendix C for Bureau of Labor Statistics on gender, race, and Hispanic or Latino ethnicity for career firefighters (2020).

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020.*

Table 2. Number of Firefighters in the US, 1986–2020

	Total		Career		Volunteer	
Year	Number	Rate per 1,000 Population	Number	Rate per 1,000 Population	Number	Rate per 1,000 Population
1986	1,045,950	1.48	237,750	1.73	808,200	7.88
1987	1,060,000	2.57	243,200	1.73	816,800	8.05
1988	1,040,750	2.22	252,500	1.77	788,250	7.77
1989	1,020,700	3.05	250,600	1.75	770,100	7.45
1990	1,025,650	3.19	253,000	1.73	772,650	7.56
1991	1,033,600	6.22	261,800	1.73	771,800	7.61
1992	1,058,300	3.94	253,000	1.72	805,300	7.34
1993	1,055,050	4.09	259,650	1.73	795,400	7.25
1994	1,073,600	4.12	265,700	1.76	807,900	7.19
1995	1,098,850	4.18	260,850	1.70	838,000	7.42
1996	1,081,800	4.07	266,300	1.74	815,500	6.98
1997	1,079,050	4.03	275,700	1.73	803,350	7.12
1998	1,082,500	4.00	278,300	1.70	804,200	7.18
1999	1,065,150	3.90	279,900	1.69	785,250	6.93
2000	1,064,150	3.86	286,800	1.64	777,350	7.25
2001	1,078,300	3.85	293,600	1.70	784,700	7.04
2002	1,108,250	3.89	291,650	1.68	816,600	7.12
2003	1,096,900	3.77	296,850	1.67	800,050	7.05
2004	1,100,750	3.76	305,150	1.71	795,600	6.88
2005	1,136,650	3.82	313,300	1.68	823,650	7.30
2006	1,140,900	3.81	316,950	1.74	823,950	7.26
2007	1,148,000	3.81	323,350	1.74	825,450	7.29
2008	1,148,850	3.81	321,700	1.73	827,150	7.01
2009	1,148,100	3.81	335,950	1.72	812,150	7.27
2010	1,103,300	3.57	335,150	1.66	768,150	6.59
2011	1,100,450	3.54	344,050	1.69	756,400	6.37
2012	1,129,250	3.60	345,950	1.67	783,300	6.60
2013	1,140,750	3.60	354,600	1.67	786,150	6.68
2014	1,134,400	3.56	346,150	1.68	788,250	6.43
2015	1,160,450	3.36	345,600	1.54	814,850	6.71
2016	1,090,100	3.37	361,100	1.69	729,000	5.99
2017	1,056,200	3.24	373,600	1.80	682,600	5.80
2018	1,115,000	3.41	370,000	1.81	745,000	6.06
2019	1,080,800	3.29	358,000	1.74	722,800	5.89
2020	1,041,200	3.14	364,300	1.72	676,900	5.66

Source: NFPA *Survey of Fire Departments for US Fire Experience (1986–2020).*

Table 3. Career Firefighter Rates by Population Protected, 2020

	Career Firefighters Per 1,000 Population		
Population Protected	**Low**	**Median**	**High**
1,000,000 or more	0.24	0.84	2.16
500,000 to 999,999	0.20	1.22	2.83
250,000 to 499,999	0.47	1.14	2.57
100,000 to 249,999	0.00	1.20	2.74
50,000 to 99,999	0.00	1.29	2.86
25,000 to 49,999	0.00	1.30	5.32

The rates listed above are based on data reported to the NFPA and do not reflect recommended rates or a defined fire protection standard.

The rates of a particular size of community may vary widely because departments face great variation in their specific circumstances and policies, including the length of the workweek, unusual structural conditions, types of services provided to the community, geographical dispersion of the community, and other factors.

Career rates are shown only for communities with populations of 25,000 or more, where departments are comprised of all-career or mostly-career firefighters. Also, some of these departments have some volunteers who are not reflected in these figures.

The low and high values are the lowest and highest values by size of community. The median value is chosen so that half the departments had higher values, and half had lower.

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020.*

Table 4. Volunteer Firefighter Rates by Population Protected, 2020

	Volunteer Firefighters Per 1,000 Population		
Population Protected	**Low**	**Median**	**High**
10,000 to 24,999	0.00	0.80	10.00
5,000 to 9,999	0.00	3.23	12.30
2,500 to 4,999	0.00	6.46	15.43
Under 2,500	0.87	19.24	*

* Smaller communities of under 100 people can have very high rates because a minimum number of firefighters is needed to form even a single company.

The rates listed above are based on data reported to the NFPA and do not reflect recommended rates or a defined fire protection standard.

The rates of a particular size of community may vary widely because departments face great variation in their specific circumstances and policies, including structural conditions, types of services provided to the community, geographic dispersion of the community, and other factors.

Volunteer rates are shown only for communities under 25,000, where departments are comprised of all volunteers or mostly volunteers. Also, some of these departments, particularly those with population protected of 5,000 or more, have some career firefighters, who are not reflected in these figures.

The low and high values are the lowest and the highest values by size of community. The median value is chosen so that half of the departments had higher values, and half had lower.

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020*.

Table 5. Career Firefighters per 1,000 People for All-Career Departments Workweek and Population Protected 2018–2020

Population Protected	40-45 Hours	46-51 Hours	52-60 Hours
1,000,000 or more	*	1.41	0.86
500,000 to 999,999	1.70	1.79	1.14
250,000 to 499,999	1.89	1.56	1.16
100,000 to 249,999	1.98	1.47	1.28
50,000 to 99,999	2.06	1.49	1.37
25,000 to 49,999	2.01	1.61	1.62

*Insufficient data.

The rates listed above are based on data reported to the NFPA and do not reflect recommended rates or a defined fire protection standard.

The rates of a particular size of community may vary widely because departments face great variation in their specific circumstances and policies, including structural conditions, types of services provided to the community, geographic dispersion of the community, and other factors.

Career rates are shown only for communities over 25,000, where departments are comprised mostly of career firefighters.

Source: NFPA *Fire Service Survey, 2018–2020*.

Table 6. Median Rates of Career Firefighters per 1,000 People by Region and Population Protected, 2020

Population Protected	Northeast	Midwest	South	West
250,000 or more	1.42	1.05	1.37	0.83
100,000 to 249,000	1.17	2.03	1.53	0.97
50,000 to 99,999	1.11	1.72	1.53	0.89
25,000 to 49,999	1.14	1.78	1.51	1.01

The rates listed above are based on data reported to the NFPA and do not reflect recommended rates or a defined fire protection standard.

The rates of a particular size of community may vary widely because departments face great variation in their specific circumstances and policies, including structures conditions, types of services provided to the community, geographic dispersion of the community, and other factors.

Career rates are shown only for communities over 25,000, where departments are comprised mostly of career firefighters.

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020.*

As defined by the US Bureau of the Census, the four regions are the Northeast, South, Midwest, and West. See the map below:

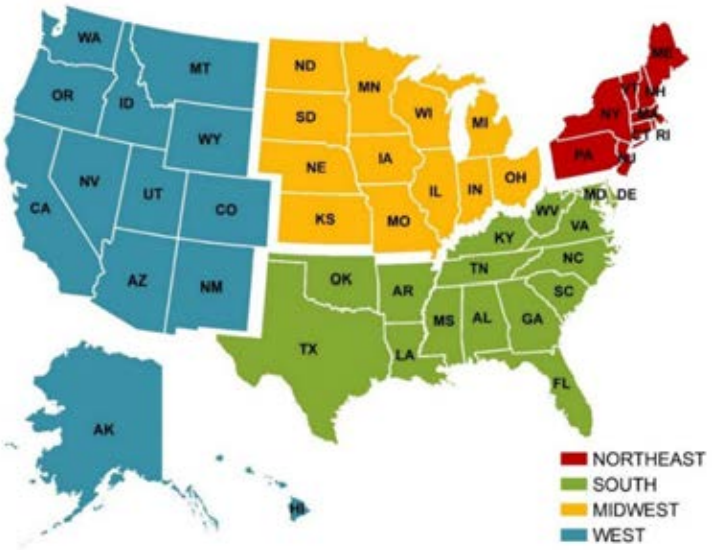


Table 7. Median Rates of Volunteer Firefighters per 1,000 People by Region and Population Protected, 2020

Population Protected	Northeast	Midwest	South	West
10,000 to 24,999	0.98	0.99	0.39	1.01
5,000 to 9,999	3.38	3.98	2.72	2.29
2,500 to 4,999	6.63	7.87	5.86	5.00
Under 2,500	20.91	16.67	16.90	20.00

The rates listed above are based on data reported to the NFPA and do not reflect recommended rates or a defined fire protection standard.

The rates of a particular size of community department may vary widely because departments face great variation in their specific circumstances and policies, including structural conditions, types of services provided to the community, geographic dispersion of the community, and other factors.

Volunteer rates are shown only for communities under 25,000, where departments are comprised of mostly-volunteer firefighters.

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020.*

As defined by the US Bureau of the Census, the four regions are the Northeast, South, Midwest, and West. See the map below:

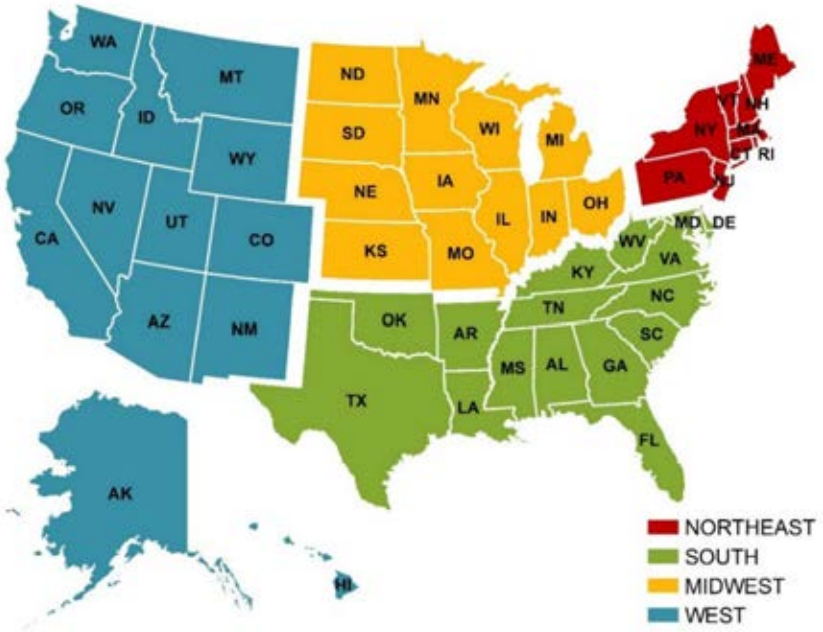


Table 8. Number of Firefighters in the US by Age Group, 2020

Age	Number	Percent
16–19	28,800	3%
20–29	211,300	20%
30–39	280,000	27%
40–49	242,600	23%
50–59	179.300	17%
60 and over	99,100	10%
Total	1,041,200	100%

Sums may not equal totals due to rounding errors.

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020.*

Table 9. Age Profile of Firefighters by Size of Community, 2020

Size of Community	Percent Firefighters under Age 30	Percent Firefighters Age 30–39	Percent Firefighters Age 40–49	Percent Firefighters Age 50 and Up	Total
Firefighters in Mostly-Career Fire Departments					
1,000,000 or more	11%	32%	31%	26%	100.0%
500,000 to 999,999	13%	31%	30%	26%	100.0%
250,000 to 499,999	17%	32%	29%	22%	100.0%
100,000 to 249,000	17%	33%	29%	22%	100.0%
50,000 to 99,999	20%	33%	29%	19%	100.0%
25,000 to 49,999	21%	32%	28%	19%	100.0%
Firefighters in Mostly-Volunteer Fire Departments					
10,000 to 24,999	26%	29%	24%	20%	100.0%
5,000 to 9,999	30%	27%	20%	23%	100.0%
2,500 to 4,999	28%	25%	20%	27%	100.0%
Under 2,500	22%	23%	20%	34%	100.0%

Sums may not equal totals due to rounding errors.

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020.*

Table 10. Volunteer Firefighter Tenure Period by Number and Percentage, 2020

Tenure Active	Number	Percentage
Less than one year	61,000	9%
1–5 years	182,100	27%
6–10 years	143,700	21%
More than 10 years	289,900	43%
Total	676,700	100%

Sums may not equal totals due to rounding errors.

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020.*

Table 11. Tenure Profile of Volunteer Firefighters by Size of Community, 2020

Size of Community	Percent of Firefighters Less than 1 Year	Percent of Firefighters 1–5 Years	Percent of Firefighters 6–10 Years	Percent of Firefighters More than 10 Years	Total
1,000,000 or more	*	*	*	*	*
500,000 to 999,999	11%	56%	10%	22%	100%
250,000 to 499,999	10%	48%	22%	20%	100%
100,000 to 249,000	19%	37%	16%	28%	100%
50,000 to 99,999	10%	38%	18%	34%	100%
25,000 to 49,999	12%	35%	17%	36%	100%
10,000 to 24,999	13%	31%	21%	36%	100%
5,000 to 9,999	11%	29%	22%	39%	100%
2,500 to 4,999	9%	26%	21%	44%	100%
Under 2,500	8%	25%	22%	46%	100%
Total	10%	30%	21%	39%	100%

*Denotes insufficient data.

Sums may not equal totals due to rounding errors.

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020*.

Table 12. Number of Departments and Percent of US Population Protected by Type of Department, 2020

Type of Department	Number	Percent	Percent of US Population Protected
All-career	2,785	9%	49%
Mostly-career	2,459	8%	21%
Mostly-volunteer	5,335	18%	14%
All-volunteer	18,873	64%	16%
Total	29,452	100%	100%

Department type is broken into four categories. All-career departments are comprised of 100 percent career firefighters. Mostly-career is comprised of 51 to 99 percent career firefighters, while mostly-volunteer is comprised of 1 to 50 percent career firefighters. All-volunteer departments are comprised of 100 percent volunteer firefighters.

Sums may not equal totals due to rounding errors.

Source: NFPA *Fire Service Survey 2018–2020* and NFPA *Survey of Fire Departments for US Fire Experience, 2020*.

Table 13. Number of Fire Departments in the US by Population Protected, 2020

Population Protected	Number of Fire Departments	Percentage
1,000,000 or more	18	<1%
500,000 to 999,999	45	<1%
250,000 to 499,999	72	<1%
100,000 to 249,999	296	1%
50,000 to 99,999	564	2%
25,000 to 49,999	1,308	4%
10,000 to 24,999	3,512	12%
5,000 to 9,999	4,325	15%
2,500 to 4,999	5,354	18%
Under 2,500	13,958	47%
Total	29,452	100%

Sums may not equal totals due to rounding errors.

Sources: NFPA *Fire Service Survey 2018–2020* and NFPA *Survey of Fire Departments for US Fire Experience, 2020*.

Table 14. Fire Department Type by Population Protected, 2020

Population Protected	All-Career	Mostly-Career	Mostly-Volunteer	All-Volunteer	Total
1,000,000 or more	55%	46%	0%	0%	100%
500,000 to 999,999	75%	21%	4%	0%	100%
250,000 to 499,999	81%	19%	0%	0%	100%
100,000 to 249,999	82%	15%	2%	1%	100%
50,000 to 99,999	74%	15%	9%	2%	100%
25,000 to 49,999	55%	23%	17%	6%	100%
10,000 to 24,999	26%	28%	36%	11%	100%
5,000 to 9,999	7%	14%	41%	38%	100%
2,500 to 4,999	2%	3%	22%	74%	100%
Under 2,500	0%	2%	6%	92%	100%
All departments	10%	8%	18%	64%	100%

Department type is broken into four categories. All-career departments are comprised 100 percent of career firefighters. Mostly-career is comprised of 51 to 99 percent career firefighters, while mostly-volunteer is comprised of 1 to 50 percent career firefighters. All-volunteer departments are comprised 100 percent of volunteer firefighters.

Sums may not equal totals due to rounding errors.

Source: NFPA *Survey of Fire Departments for US Fire Experience, 2020.*

Table 15. Average Apparatus and Station Rates per 1,000 Population by Community Size, 2018–2020

Population Protected	Pumpers per 1,000 Population	Other Suppression Vehicles* per1,000 Population	Aerial Apparatus per 1,000 Population	Stations per 1,000 Population
1,000,000 or more	0.03	0.01	0.01	0.03
500,000 to 999,999	0.05	0.02	0.01	0.05
250,000 to 499,999	0.05	0.02	0.01	0.06
100,000 to 249,999	0.06	0.03	0.01	0.07
50,000 to 99,999	0.08	0.04	0.02	0.08
25,000 to 49,999	0.10	0.07	0.02	0.09
10,000 to 24,999	0.18	0.13	0.03	0.13
5,000 to 9,999	0.31	0.29	0.04	0.19
2,500 to 4,999	0.52	0.61	0.03	0.34
Under 2,500	1.13	1.81	0.04	0.99
National average	0.20	0.21	0.02	0.16

*Other suppression vehicles include apparatus with pumps less than 1,000 gpm, hose wagons, brush fire vehicles, tankers, etc.

These results reflect average apparatus and station rates per 1,000 people by population protected reported to the NFPA. They do not reflect recommended rates or a defined fire protection standard.

Source: NFPA *Fire Service Survey, 2018–2020*.

Table 16. Pumpers (1,000 gpm or greater) by Community Size, 2018–2020

	Percentage of US Fire Departments With						
Population Protected	**No Pumpers**	**1–5 Pumpers**	**6–9 Pumpers**	**10–19 Pumpers**	**20–39 Pumpers**	**40 or More Pumpers**	**Total**
1,000,000 or more	0%	0%	0%	6%	22%	72%	100%
500,000 to 999,999	2%	0%	2%	2%	64%	30%	100%
250,000 to 499,999	0%	0%	6%	59%	34%	1%	100%
100,000 to 249,999	1%	21%	41%	32%	5%	0%	100%

	Percentage of US Fire Departments With					
Population Protected	**No Pumpers**	**1 Pumper**	**2 Pumpers**	**3–4 Pumpers**	**5 or More Pumpers**	**Total**
50,000 to 99,999	1%	2%	10%	34%	53%	100%
25,000 to 49,999	1%	6%	23%	46%	23%	100%
10,000 to 24,999	1%	9%	34%	46%	10%	100%
5,000 to 9,999	1%	14%	45%	36%	3%	100%
2,500 to 4,999	2%	23%	50%	24%	1%	100%
Under 2,500	11%	41%	39%	9%	0%	100%

Note that pumpers reported above had a capability of 1,000 gpm or greater. Note that many departments reported other fire suppression vehicles including apparatus with pumps less than 1,000 gpm, hose wagons, brush fire vehicles, tankers, etc.

Sums may not equal totals due to rounding errors.

Source: NFPA *Fire Service Survey, 2018–2020.*

Table 17. Other Suppression Vehicles by Community Size, 2018–2020

	Percentage of US Fire Departments with Other Suppression Vehicles							
Population Protected	**0**	**1–3**	**4–5**	**6–9**	**10–19**	**20–29**	**30 or More**	**Total**
1,000,000 or more	0%	17%	6%	0%	17%	22%	39%	100%
500,000 to 999,999	5%	20%	9%	16%	25%	14%	11%	100%
250,000 to 499,999	13%	23%	17%	26%	10%	9%	3%	100%
100,000 to 249,999	20%	38%	14%	16%	8%	1%	2%	100%

	Percentage of US Fire Departments with Other Suppression Vehicles					
Population Protected	**None**	**1**	**2**	**3–4**	**5 or More**	**Total**
50,000 to 99,999	31%	18%	15%	18%	18%	100%
25,000 to 49,999	29%	23%	17%	16%	15%	100%
10,000 to 24,999	24%	23%	20%	21%	11%	100%
5,000 to 9,999	16%	23%	25%	26%	10%	100%
2,500 to 4,999	11%	21%	28%	30%	10%	100%
Under 2,500	10%	23%	28%	29%	9%	100%

Other suppression vehicles include apparatus with pumps less than 1,000 gpm, hose wagons, brush fire vehicles, tankers, etc.

Sums may not equal totals due to rounding errors.

Source: NFPA *Fire Service Survey, 2018–2020*.

Table 18. Aerial Apparatus by Community Size, 2018–2020

	Percentage of US Fire Departments with					
Population Protected	**No Aerial Apparatus**	**1–5 Aerial Apparatus**	**6–9 Aerial Apparatus**	**10–19 Aerial Apparatus**	**20 or More Aerial Apparatus**	**Total**
1,000,000 or more	6%	11%	11%	28%	44%	100%
500,000 to 999,999	9%	32%	23%	25%	11%	100%
250,000 to 499,999	11%	59%	20%	10%	0%	100%

	Percentage of US Fire Departments with					
Population Protected	**No Aerial Apparatus**	**1 Aerial Apparatus**	**2 Aerial Apparatus**	**3–4 Aerial Apparatus**	**5 or More Aerial Apparatus**	**Total**
100,000 to 249,999	17%	27%	28%	19%	9%	100%
50,000 to 99,999	29%	42%	22%	7%	0%	100%
25,000 to 49,999	36%	51%	12%	1%	0%	100%
10,000 to 24,999	49%	47%	3%	0%	0%	100%
5,000 to 9,999	73%	26%	1%	0%	0%	100%
2,500 to 4,999	89%	10%	0%	0%	0%	100%
Under 2,500	96%	4%	0%	0%	0%	100%

Sums may not equal totals due to rounding errors.

Source: NFPA *Fire Service Survey, 2018–2020*.

Table 19. Fire Stations by Community Size, 2018–2020

	Percentage of US Fire Departments with					
Population Protected	**1-5 Stations**	**6–9 Stations**	**10–19 Stations**	**20–29 Stations**	**30 or More Stations**	**Total**
1,000,000 or more	0%	0%	6%	6%	89%	100%
500,000 to 999,999	0%	2%	2%	27%	68%	100%
250,000 to 499,999	0%	4%	56%	30%	10%	100%
100,000 to 249,999	15%	44%	35%	4%	2%	100%

	Percentage of US Fire Departments with					
Population Protected	**No Stations**	**1 Station**	**2 Stations**	**3–4 Stations**	**5 or More Stations**	**Total**
50,000 to 99,999	0%	2%	4%	18%	76%	100%
25,000 to 49,999	0%	14%	25%	26%	34%	100%
10,000 to 24,999	0%	45%	30%	14%	11%	100%
5,000 to 9,999	0%	69%	21%	6%	4%	100%
2,500 to 4,999	0%	77%	17%	4%	2%	100%
Under 2,500	0%	86%	11%	2%	1%	100%

Sums may not equal totals due to rounding errors.

Source: NFPA *Fire Service Survey, 2018–2020.*

Table 20. Fire Department Calls by Type of Incident and Year

Year	Total	Fires	Medical Aid or Rescue	False Alarms	Mutual Aid	Hazardous Materials	Other Hazardous Conditions	Other
1980	10,819,000	2,988,000	5,045,000	896,500	274,000	n/a	n/a	1,615,500*
1981	10,594,500	2,893,500	5,019,000	788,000	349,500	n/a	n/a	1,544,500*
1982	10,548,000	2,538,000	5,258,000	853,500	346,500	n/a	n/a	1,552,000*
1983	10,933,000	2,326,500	5,660,000	979,500	353,000	n/a	n/a	1,614,000*
1984	11,070,000	2,343,000	5,735,000	972,000	413,500	n/a	n/a	1,606,000*
1985	11,888,000	2,371,000	6,467,000	936,500	389,500	n/a	n/a	1,724,000*
1986	11,890,000	2,271,500	6,437,500	992,500	441,000	171,500	318,000	1,258,000
1987	12,237,500	2,330,000	6,405,000	1,238,500	428,000	193,000	315,000	1,328,000
1988	13,308,000	2,436,500	7,169,500	1,404,500	490,500	204,000	333,000	1,270,000
1989	13,409,500	2,115,000	7,337,000	1,467,000	500,000	207,000	381,500	1,402,000
1990	13,707,500	2,019,000	7,650,000	1,476,000	486,500	210,000	423,000	1,443,000
1991	14,556,500	2,041,500	8,176,000	1,578,500	494,000	221,000	428,500	1,617,000
1992	14,684,500	1,964,500	8,263,000	1,598,000	514,000	220,500	400,000	1,724,500
1993	15,318,500	1,952,500	8,743,500	1,646,500	542,000	245,000	432,500	1,756,500
1994	16,127,000	2,054,500	9,189,000	1,666,000	586,500	250,000	432,500	1,948,500
1995	16,391,500	1,965,500	9,381,000	1,672,500	615,500	254,500	469,500	2,033,000
1996	17,503,000	1,975,000	9,841,500	1,816,500	688,000	285,000	536,500	2,360,500
1997	17,957,500	1,795,000	10,483,000	1,814,500	705,500	271,500	498,500	2,389,500
1998	18,753,000	1,755,500	10,936,000	1,956,000	707,500	301,000	559,000	2,538,000
1999	19,667,000	1,823,000	11,484,000	2,039,000	824,000	297,500	560,000	2,639,500
2000	20,520,000	1,708,000	12,251,000	2,126,500	864,000	319,000	543,500	2,708,000
2001	20,965,500	1,734,500	12,331,000	2,157,500	838,500	381,500	605,000	2,917,500
2002	21,303,500	1,687,500	12,903,000	2,116,000	888,500	361,000	603,500	2,744,000
2003	22,406,000	1,584,500	13,631,500	2,189,500	987,000	349,500	660,500	3,003,500
2004	22,616,500	1,550,500	14,100,000	2,106,000	984,000	354,000	671,000	2,851,000
2005	23,251,500	1,602,000	14,373,500	2,134,000	1,091,000	375,000	667,000	3,009,000
2006	24,470,000	1,642,500	15,062,500	2,119,500	1,159,500	388,500	659,000	3,438,500
2007	25,334,500	1,557,500	15,784,000	2,208,500	1,109,500	395,500	686,500	3,593,000
2008	25,252,500	1,451,500	15,767,500	2,241,500	1,214,500	394,500	697,500	3,485,500
2009	26,534,500	1,348,500	17,104,000	2,177,000	1,296,000	397,000	625,500	3,586,500
2010	28,205,000	1,331,500	18,522,000	2,187,000	1,189,500	402,000	660,000	3,913,000
2011	30,098,000	1,389,500	19,803,000	2,383,000	1,252,000	379,000	720,000	4,171,500
2012	31,854,000	1,375,000	21,705,500	2,238,000	1,326,500	360,000	694,000	4,155,000
2013	31,644,500	1,240,000	21,372,000	2,343,000	1,298,000	366,500	678,000	4,347,000
2014	31,644,500	1,298,000	20,178,000	2,488,000	1,446,500	405,000	615,000	5,214,000
2015	33,602,500	1,345,500	21,500,000	2,533,500	1,492,500	442,000	643,000	5,646,000
2016	35,320,000	1,342,000	22,750,500	2,622,000	1,515,000	425,000	684,500	5,981,000
2017	34,683,500	1,319,500	22,341,000	2,547,000	1,353,000	423,500	693,000	6,006,000
2018	36,746,500	1,318,500	23,551,500	2,889,000	1,512,500	426,000	706,500	6,342,500
2019	37,272,000	1,291,500	24,481,000	2,893,000	1,487,000	439,500	744,000	5,936,000
2020	36,416,000	1,388,500	23,812,000	2,760,000	1,390,000	422,000	705,000	5,938,500

* Includes hazardous materials, other hazardous conditions, and other.
Hazardous material responses include spills, leaks, etc. Other hazardous responses include arcing wires, bomb removal, etc.
These estimates are based on data reported to the NFPA by fire departments that responded to the 1980–2019 fire experience survey.
Sources: *Fire Loss in the United States During 2020* and previous reports.

Table 21. Departments Providing Emergency Medical Service by Community Size (Percent), 2018–2020

Population Protected	No EMS	Basic Life Support (BLS)	Advanced Life Support (ALS)	Total
1,000,000 or more	0%	6%	94%	100%
500,000 to 999,999	0%	25%	75%	100%
250,000 to 499,999	1%	27%	71%	100%
100,000 to 249,999	3%	37%	59%	100%
50,000 to 99,999	7%	37%	55%	100%
25,000 to 49,999	16%	37%	47%	100%
10,000 to 24,999	26%	42%	32%	100%
5,000 to 9,999	38%	44%	18%	100%
2,500 to 4,999	40%	48%	12%	100%
Under 2,500	45%	49%	6%	100%
Nationwide	37%	46%	17%	100%

BLS refers to fire departments providing basic life support, and ALS refers to fire departments providing advanced life support.

Sums may not equal totals due to rounding errors.

Source: NFPA *Fire Service Survey, 2018–2020*.

Table 22. Direct Expenditures on Local Fire Protection

Year	Expenditures (in Billions)	Expenditures (in Billions) Adjusted for Inflation*	US Resident Population (in Thousands)
1980	$5.7	$17.7	227,225
1981	$6.3	$17.7	229,466
1982	$7.0	$18.4	231,664
1983	$7.6	$19.5	233,792
1984	$8.2	$20.2	235,825
1985	$8.5	$20.2	237,924
1986	$9.6	$22.5	240,133
1987	$10.5	$23.7	242,289
1988	$11.8	$25.6	244,499
1989	$11.9	$24.5	246,819
1990	$13.2	$26.0	249,623
1991	$13.8	$26.0	252,981
1992	$14.4	$26.3	256,514
1993	$15.4	$27.4	259,919
1994	$16.1	$27.8	263,126
1995	$17.0	$28.6	266,278
1996	$17.7	$28.9	269,394
1997	$19.4	$31.0	272,647
1998	$20.3	$31.9	275,854
1999	$21.3	$32.8	279,040
2000	$23.1	$34.3	282,162
2001	$25.0	$36.1	284,969
2002	$26.0	$37.0	287,625
2003	$28.4	$39.6	290,108
2004	$30.7	$41.6	292,805
2005	$34.2	$44.9	295,517
2006	$34.2	$43.1	298,380
2007	$36.8	$45.3	301,231
2008	$39.7	$46.3	304,094
2009	$40.3	$48.0	306,722
2010	$42.6	$50.1	309,322
2011	$42.3	$48.0	311,557
2012	$42.5	$47.6	313,831

Table 22. Direct Expenditures on Local Fire Protection (Continued)

Year	Expenditures (in Billions)	Expenditures (in Billions) Adjusted for Inflation*	US Resident Population (in Thousands)
2013	$43.4	$47.7	315,994
2014	$44.1	$47.5	318,301
2015	$45.8	$49.2	320,635
2016	$47.8	$51.0	322,941
2017	$50.4	$52.8	324,986
2018	$52.1	$53.0	326,688
2019	$53.9	$53.9	328,240

*Amounts were adjusted to match the dollar value in 2019 using the US Bureau of Labor Statistics' CPI Inflation Calculator.

Source: US Bureau of the Census.

Appendix A. Number of US Fire Departments by Year

Year	Total	All-Career	Mostly-Career	Mostly-Volunteer	All-Volunteer
1986	29,840	1,999	1,044	3,640	23,157
1987	29,741	1,683	1,335	3,635	23,088
1988	30,245	1,729	1,405	3,908	23,203
1989	30,315	1,799	1,303	3,878	23,335
1990	30,391	1,949	1,338	4,000	23,104
1991	30,587	2,017	1,257	4,162	23,151
1992	30,562	1,843	1,217	4,377	23,125
1993	30,528	1,646	1,342	4,378	23,162
1994	30,495	1,778	1,448	4,400	22,869
1995	31,197	1,831	1,660	4,581	23,125
1996	31,503	1,872	1,380	4,863	23,388
1997	30,665	1,979	1,490	4,808	22,388
1998	31,114	2,028	1,602	4,848	22,636
1999	30,436	1,752	1,639	4,651	22,394
2000	30,339	2,178	1,667	4,523	21,971
2001	30,020	1,928	1,539	4,671	21,882
2002	30,310	2,044	1,480	4,886	21,900
2003	30,542	2,018	1,582	5,271	21,671
2004	30,400	1,917	1,242	4,084	23,157
2005	30,300	2,087	1,766	4,902	21,575
2006	30,635	2,321	1,731	5,134	21,449
2007	30,185	2,263	1,765	4,989	21,168
2008	30,170	2,315	1,790	4,830	21,235
2009	30,165	2,457	1,752	5,099	20,857
2010	30,125	2,495	1,860	5,290	20,480
2011	30,145	2,550	1,865	5,530	20,200
2012	30,100	2,610	1,995	5,445	20,050
2013	30,052	2,477	1,971	5,797	19,807
2014	29,980	2,440	2,045	5,580	19,915
2015	29,727	2,651	1,893	5,421	19,762
2016	29,710	2,775	2,048	5,451	19,436
2017	29,819	2,785	2,316	5,405	19,313
2018	29,705	3,009	2,368	5,206	19,122
2019	29,537	2,789	2,533	5,148	19,067
2020	29,452	2,785	2,459	5,335	18,873

A fire department is a public or private organization that provides fire prevention, fire suppression, and associated emergency and non-emergency services to a jurisdiction such as a county, municipality, or organized fire district.

Sources: NFPA Fire Service Inventory and NFPA *Survey of Fire Departments for US Fire Experience, 1986-2019.*

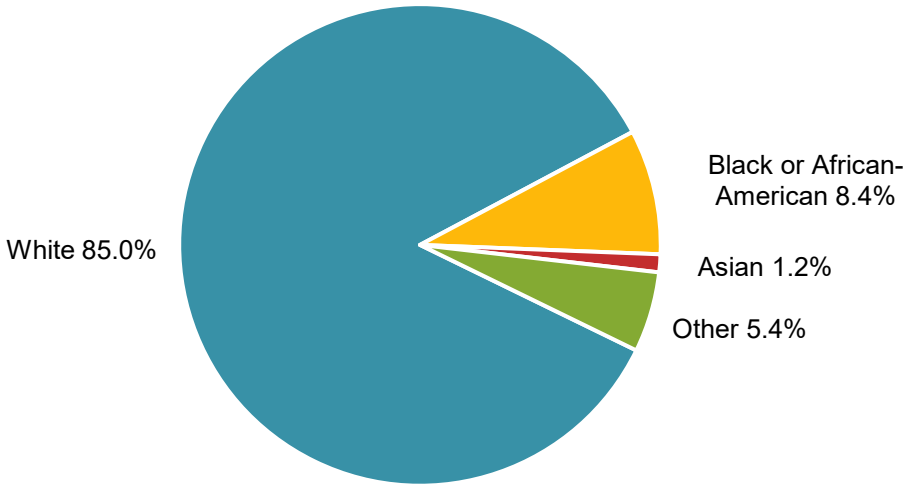
Appendix B. Number of Fire Stations, Pumpers, Other Suppression Vehicles, and Aerial Apparatus

Year	US Fire Stations	Pumpers >1,000 gpm	Other Suppression Vehicles*	Aerial Apparatus
1995-1997	48,850	68,300	---	6,450
1996-1998	51,000	69,150	---	6,450
1997-1999	52,100	69,000	---	6,300
1998-2000	49,200	68,200	---	6,400
1999-2001	51,500	68,000	---	6,500
2000-2002	50,900	67,950	---	6,300
2001-2003	51,650	68,950	---	6,500
2002-2004	51,450	67,800	---	6,500
2003-2005	52,950	68,950	---	6,600
2004-2006	53,200	69,300	---	6,700
2005-2007	51,900	68,050	74,350	6,750
2006-2008	52,400	68,200	75,300	6,725
2007-2009	52,050	68,400	74,250	6,750
2008-2010	51,300	66,800	72,800	6,800
2009-2011	55,400	67,000	73,800	6,900
2010-2012	51,650	66,900	74,000	6,900
2011-2013	51,150	69,150	76,300	7,000
2012-2014	58,150	70,550	81,000	7,200
2013-2015	58,750	71,800	79,050	7,300
2015-2017	51,000	66,400	71,900	7,200
2016-2018	57,500	72,100	80,900	7,400
2017-2019	57,000	71,800	80,600	7,500
2018–2020	54,600	68,800	76,300	7,400

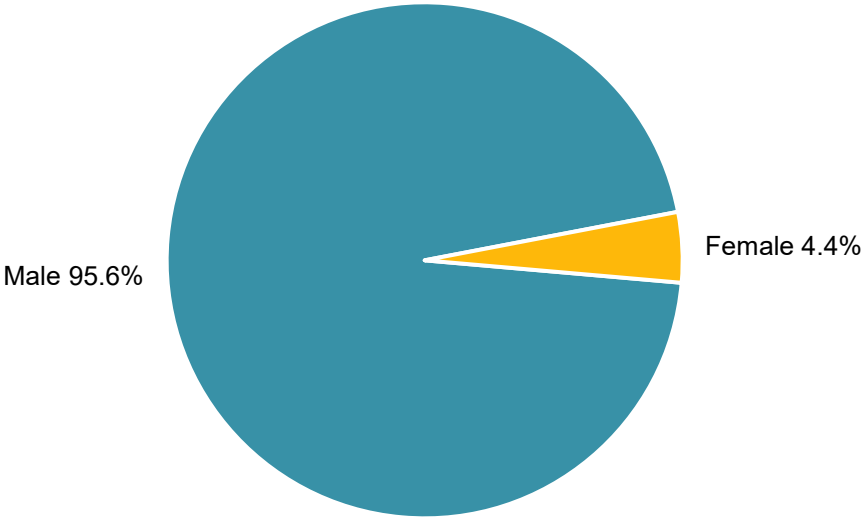
*Other suppression vehicles include apparatus with pumps less than 1,000 gpm, hose wagons, brush fire vehicles, tankers, etc.

Sources: NFPA *Fire Service Survey, 2018–2020* and NFPA *Survey of Fire Departments for the US Fire Experience, 2020*.

Appendix C. Average Percentage of Career Firefighters by Gender, Race, and Hispanic or Latino Ethnicity (2020)



Note: 13.1% of firefighters were Hispanic or Latino



*Note: These statistics do not include volunteer firefighters.

Source: Bureau of Labor Statistics, Labor Force Statistics from the *Current Population Survey* https://www.bls.gov/cps/cpsaat11.htm.

Methodology

The report is based primarily on two data sources: the NFPA *Survey of Fire Departments for US Fire Experience During 2020* and the NFPA *Fire Service Survey, 2018–2020*.

The NFPA Survey of Fire Departments for US Fire Experience Survey utilizes a sample of fire departments in the United States to make national projections of the fire problem. The sample is stratified by the size of the community protected by the fire department. All US fire departments that protect communities with a population of more than 5,000 are included in the sample. The 8,745 departments in the eight highest strata protect a population of 287 million, or 87 percent of the US population as of July 2020.

The remainder of the sample included 16,430 randomly selected departments in the smallest communities (less than 5,000 population protected), for a total sample size of 25,175 departments, or 85 percent of all the fire departments known to NFPA in the United States.

A total of 2,204 departments responded to the *Survey of Fire Departments for US Fire Experience During 2020*. National projections are made by weighting sample results according to the proportion of the total US population accounted for by communities of each size. There is a confidence interval that measures the statistical certainty (or uncertainty) of the estimate around any estimate based on a sample survey. We are confident that the actual number of total firefighters falls within 5 percent of the estimate.

The NFPA fire service survey is a three-year cycle survey that reaches about one-third of the states in the country each year. The survey includes questions on the number of career firefighters, the number of volunteer firefighters, the length of the workweek, the number of apparatus and stations, etc. In recent years, the survey has had a response rate of between 13 percent to 16 percent from departments.

The results in this report are based on local and municipal fire departments. State and federal firefighting entities were not included in this sample. In addition, no adjustments were made for private fire brigades, such as industrial or military installations.

Acknowledgements

The National Fire Protection Association thanks all the fire departments and state fire authorities who participate in National Fire Incident Reporting System (NFIRS) and the NFPA *Survey of Fire Departments for US Fire Experience During 2020*. These firefighters are the original sources of the detailed data that make this analysis possible. Their contributions allow us to estimate the size of the fire problem.

We are also grateful to the US Fire Administration for its work in developing, coordinating, and maintaining NFIRS.
To learn more about research at NFPA visit nfpa.org/research.

Email: research@nfpa.org
NFPA No. USS07ST

From: Robert Sinnott on behalf of Robert Sinnott <Robert.Sinnott@cityofsanrafael.org>
Sent: Wednesday, September 28, 2022 4:34 PM PDT
To: Darin White <Darin.White@cityofsanrafael.org>
CC: Abraham Roman <Abraham.Roman@cityofsanrafael.org>; Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: Northgate Square Development Update

Chief,

The Planning Division coordinated a zoom meeting with the principals of the Northgate development specifically to discuss Fire related issues. The meeting occurred on Tuesday, September 28. At the beginning of the meeting, I advised those on the call that I was only prepared today to speak conceptually, but that based on the unprecedented size of this project, Fire would not be able to provide adequate levels of service based on our current organizational structure and summarized the following areas:

1. **Fire Station.** I indicated that the need to reposition the fire station in the response district to a site at or within immediate proximity to the development would be necessary, as the Northgate Square development would become centric to the Zone 56 response district. It was noted that presently, the station is located at the extreme west end of the district and not properly positioned to provide adequate coverage to a development of this size. [Lot and building footprint sizes of Stations 54 and 55 were provided for comparison purposes.] The development team asked about whether Station 57 was effectively located, and I responded that the development is outside of Station 57's response district.

2. **Staffing.** Prevention staff was the focus of this part of the discussion. It was noted that based on our current staffing model, additional inspectors would be needed to conduct plan review and construction field inspections. Additionally, our current staffing model would not be able to conduct annual fire inspections after occupancy permits are granted.

3. **Apparatus**
   a. Due to the one ladder truck being in the southernmost part of the City, we would not be able to provide adequate levels of service to the Northgate development and that funding for a second ladder truck would be needed.
   b. I summarized the likelihood of increased EMS responses based on the projected numbers of new residents, persons working and conducting business in the offices and persons working and shopping in the retail areas. It was noted that an additional ambulance could be necessary for this response zone.

The response from the developer is that they want to see a fire operations analysis, data or other formal report to justify the need for the requests being made. I noted that we have no in-house capability at this time to develop a report. However, after the call I was thinking that we could consider utilizing the services of a consultant to prepare a deployment analysis that we could use for both the purposes of Northgate as well as that being sought by ISO. Possibly, the work that Stu Gary's team at CityGate is doing for SNR could be expanded to include a deployment analysis. As an option, possibly the City's consultant preparing the EIR could take on this work.

The Northgate team was distressed about the three points above, particularly the fire station. They claim that project plans are already cemented and there is no space for a fire station. They also bring up that the fire station and apparatus would also be used to provide service beyond the area of the Northgate development and that they should not have to shoulder the financial burden alone. Separately, this raised the issue that we need to develop a strategy in order to make a case that the current fire operations (and prevention) structure will not be able to provide adequate service levels to what is being proposed in San Rafael.

I suggest a follow up meeting with Planning Manager Leslie Mendez so that we can communicate the stress Northgate Square and other future development projects will have on the service delivery capabilities of our department.

Bob

c: DC Roman
Thomas Wong

Robert Sinnott, Deputy Fire Chief Administration
San Rafael Fire Department
1375 Fifth Ave
San Rafael, CA 94901
(415) 485-5067
https://www.cityofsanrafael.org/departments/fire/

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From: Robert Sinnott <Robert.Sinnott@cityofsanrafael.org>
Sent: Monday, March 21, 2022 3:06 PM PDT
To: Leslie Mendez <Leslie.Mendez@cityofsanrafael.org>
Subject: 5800 Northgate - Northgate Mall Property
Attachment(s): "5800 Northgate.pdf"

Hi Leslie,

There is a significant Fire review comment item that might be easily glanced over but which should be brought to the attention of the developer in this preliminary design phase of the project. Item #3 refers to the developer potentially funding facilities or fire equipment. Specifically, what we are seeking is a fire station facility that will accommodate a fire engine and ambulance along living quarters to accommodate a five person crew. This is based on the highly unusual size, scope and density of the project. This item has been part of the Fire comments since the first submittal provided in 2021.

Placing a fire station in this centrally located part of Terra Linda will enable us to provide high levels of emergency services to those living, working, or visiting the Northgate area as well as other parts of northern San Rafael.

Bob

Robert Sinnott, Deputy Fire Chief
San Rafael Fire Department
1375 Fifth Ave
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From: Robert Sinnott <Robert.Sinnott@cityofsanrafael.org>
Sent: Wednesday, July 13, 2022 2:25 PM PDT
To: Leslie Mendez <Leslie.Mendez@cityofsanrafael.org>
CC: Duty Chief <dutychief@cityofsanrafael.org>
Subject: Northgate Town Square - 5800 Northgate
Attachment(s): "5800 Northgate.pdf"

Hi Leslie,

It was great speaking with you prior to this afternoon's presentation. I was going to mention this to you, but the City Manager started things off before I had a chance. This is in regard to the Northgate Town Square project. The comments provided from Fire (attached) are now about 16 months old. Because of this and along with staffing changes in the Planning Division, I want to confirm the comments are still an active part of the review process. More significantly, two of the comments are substantial and should have the attention of the developer at an early stage. These include:

- Comment 2. Based on how the project rolls out, the Fire Prevention Division is not staffed to adequately handle the internal plan check or field inspection duties. The comment is provided to alert the developer that additional fees could be necessary to cover the expenses related to temporary staff or private consultants associated with these functions over the course of the construction project. At this time, it's not possible to estimate the cost associated with these services until more information from the developer is provided about how the project will be rolled out or phased.
- Comment 3. Based on the size and scope of the project, the Fire Department is seeking that the developer set aside land and incorporate the construction of a new fire station facility into the scope of the development. The fire station would accommodate a three person cross staffed fire engine and paramedic ambulance. The crew that is currently housed at Station 56 on Del Ganado Road would relocate to the new Northgate fire station. Based on the size of the development, we anticipate the annual emergency call volume for the Station 56 crew to increase substantially, particularly in the EMS category. Placing this crew at the Northgate Town Square site will significantly reduce response times and place our emergency resources in a more strategic location within the Terra Linda area. It will also be determined if additional fire-paramedic staff and/or equipment is needed, funded by the developer.

Again, the purpose of this message is to ensure that the March 19, 2021 Fire comments are still part of the active review process. I've copied Chief White and fire command staff members as they will be part of future conversations on these plan check comments.

Thanks,

Bob

Robert Sinnott, Deputy Fire Chief Administration
San Rafael Fire Department
1375 Fifth Ave
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From: Robert Sinnott <Robert.Sinnott@cityofsanrafael.org>
Sent: Thursday, September 29, 2022 9:29 AM PDT
To: Leslie Mendez <Leslie.Mendez@cityofsanrafael.org>
CC: Darin White <Darin.White@cityofsanrafael.org>; Abraham Roman <Abraham.Roman@cityofsanrafael.org>; Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: Fire Data Requests for Northgate Town Square Development
Attachment(s): "Northgate Square Development Update.msg"

Good Morning Leslie,

I have updated Chief White, Chief Roman and Senior Fire Management Analyst Thomas Wong on the meeting with the Northgate team (see attached). I have indicated that from here forward, we will need to take a team approach to determine the appropriate data collection strategy and involvement in future meetings with the Northgate reps.

Along with the Northgate development, the Fire Command staff needs to meet with you and other CD staff regarding future development and how it will impact fire and EMS capabilities. We share the excitement about the new development that is proposed for San Rafael but want to communicate that at the present time, we draw down to zero emergency response availability for certain periods on a near daily basis. This means that no fire engines or ambulances are available due to emergency call volume. Future development could further stress the system to unacceptable levels. Thus, we need to communicate these concerns and would like to hopefully identify possible funding strategies tied to development that will enable us to both increase staffing levels and expand the inventory of fire apparatus and ambulances.

My request is that the Northgate meeting invitation scheduled for Oct. 12 at 10 am be expanded to include Chiefs White & Roman and Thomas Wong. All are copied on this message. We can collectively discuss the needs tied to Northgate Town Square and if time permits introduce the topic of future funding possibilities linked to development to help meet the needs of the Fire Department.

Bob

-----Original Appointment-----
From: Leslie Mendez <Leslie.Mendez@cityofsanrafael.org>
Sent: Wednesday, September 28, 2022 6:02 PM
To: Robert Sinnott; Theresa Wallace
Subject: Fire Data Requests for Northgate Town Square Development
When: Wednesday, October 12, 2022 10:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

Hello Bob,

Thanks for meet with the Northgate team this week. I would like to work with you to support Fire's needs, which will require a bit more data from Fire to support. I am hoping you can fill out the attached survey to start (as we need the info for the CEQA analysis as well). I will also be digging a little deeper into any Fire requirements and thresholds within General Plan 2040 that might inform the discussion.

I have set up this meeting with our LSA consultant Thresea Wallace, if needed. It would be an opportunity to ask questions about the survey. I am more than willing to meet with you solo, but wanted to offer this as an opportunity and/or back up if you would find it useful.

Thanks!
Leslie

Microsoft Teams meeting

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T 1.800.444.4554 Opt 2
F 1.800.777.3929

April 27, 2022

Jim Schultz, City Manager
1400 Fifth Ave
San Rafael, CA 94901

RE: San Rafael, Marin Co, CA
Public Protection Classification: 2
Prior Public Protection Classification: 1

Dear Manager Schultz,

We wish to thank you, Chief Darin White, Superintendent Erik Westerman, Manager Heather Costello, and others for your cooperation during our recent Public Protection Classification (PPC™) survey. Insurance Services Office (ISO®) has completed its analysis of the structural fire suppression delivery system provided in your community. The resulting classification is indicated above. This is a retrogression from the previous classification.

If you would like to know how your community's classification could improve or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below or visit our website - www.isomitigation.com.

We are not implementing the class change at this time. Before we make this change, we would like to know if you desire to develop a program to retain class 1. We request that you acknowledge this letter in writing within 30 days and advise when this matter will be reviewed. If you choose to begin an improvement program, we would appreciate receiving a list of intended changes within 60 days. (The list of intended changes can be included in the 30-day letter if you wish.) In cases where improvements have not been completed within 12 months or by April 27, 2023, in this case, ISO will publish the retrogressed classification, but will continue to work with your community towards an improved future classification.

The PPC program is not intended to analyze all aspects of a comprehensive structural fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making loss prevention or life safety recommendations.

If you have any questions about your classification, please let us know.

Sincerely,

Dale Broyles
Email: dbroyles@iso.com
Office: 830-832-9803

cc: D. White

File

State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act

I. Introduction

Wildfires are part of California's present, and with the effects of climate change, an increasing part of our future. Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn. It is therefore imperative that local jurisdictions making decisions to approve new developments carefully consider wildfire impacts as part of the environmental review process, plan where best to place new development, and mitigate wildfire impacts to the extent feasible.

This guidance is designed to help lead agencies[1] comply with the California Environmental Quality Act, Public Resources Code, section 21000 et seq. (CEQA), when considering whether to approve projects in wildfire-prone areas. These areas are often in the wildland-urban interface, generally defined as the area where the built environment meets or intermingles with the natural environment.[2] The California Department of Forestry and Fire Protection (CAL FIRE) has classified lands based on fire hazard, the highest being those classified as high or very high fire hazard severity zones. It has also identified areas where the State (as opposed to a local agency) has responsibility for fire-fighting.[3] Particularly in these high-risk areas, but also throughout the

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[1] Lead agencies are any public agencies with "principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Pub. Resources Code, § 21067.)

[2] CAL FIRE has published an instructive map on the wildland-urban interface in California: https://frap.fire.ca.gov/media/10300/wui_19_ada.pdf. The wildland-urban interface is defined differently by different agencies for different purposes, but the most widely used definition for wildfire purposes include the intermix and interface areas mapped by Radeloff et al. 2005, 2018. See Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk.* PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018), available at https://www.pnas.org/doi/10.1073/pnas.1718850115.

[3] See https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Note that areas mapped by CAL FIRE as high or very high fire hazard are not always coextensive with the wildland-urban interface. In addition, CAL FIRE's maps are currently in the process of being updated and lead agencies should consult with CAL

wildland-urban interface, wildfire risks must be considered during the environmental review process for individual development projects.

This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.[4] This guidance is aimed at proposed development projects, such as residential, recreational, or commercial developments.[5] The extent to which it applies will inherently vary by project, based on project design and location. This document does not impose additional requirements on local governments or alter any applicable laws or regulations. Rather, it is intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process. This guidance is based on the Office of the Attorney General's experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas, and is intended to assist lead agencies with their planning and approval of future projects. The guidance reflects current requirements and conditions and may need to be updated as changes occur.

II. Background

Although wildfires are and have been an important natural process throughout California's history, recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years[6] and eight of the State's ten largest fires since 1932 have occurred in the last decade.[7] While lightning is a common cause of some of the State's largest

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FIRE before relying on the classifications listed on this map. CAL FIRE's list of state responsibility areas (defined as areas where the State of California, as opposed to a local agency, is financially responsible for prevention and suppression of wildfires) can be found at: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=468717e399fa4238ad86861638765ce1. Each county should have a map of the very high or high fire hazard severity zones in its jurisdiction, and they are also included on the CAL FIRE zone map: https://egis.fire.ca.gov/FHSZ/.

[4] Readers who want to determine their legal obligations under CEQA should consult their own attorney for legal advice.

[5] This guidance is not intended to apply to state and local agency fire management activities, such as prescribed burns, approval of vegetation management plans to reduce wildfire risk, and review of timber harvesting plans.

[6] CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf. See also Hugh D. Safford et al., *The 2020 California Fire Season: A Year Like No Other, a Return to the Past or a Harbinger of the Future?* (Apr. 17, 2022) GLOBAL ECOLOGY AND BIOGEOGRAPHY, available at https://onlinelibrary.wiley.com/doi/10.1111/geb.13498?af=R.

[7] Paul Rogers, *Map: 1 of Every 8 acres in California has Burned in the Last 10 Years. Here's Where the Biggest Fires Spread—and are Burning Now*, Mercury News (Sept. 29, 2021), available at https://www.mercurynews.com/2021/09/29/top-10-california-wildfires-megafires-map/. Notably, the large fires of late are not unprecedented in the State's history with similarly large fires occurring specifically during the 1920s. See Jon E. Keeley & Alexandra D. Syphard, *Large California Wildfires: 2020*

fires, in recent years, many of the State's most destructive fires have been caused by human activity, such as downed powerlines or electrical sources associated with residential development or industrial facilities.[8]

Wildfires can have dramatic, adverse ecological impacts. Frequent wildfires can result in habitat loss and fragmentation, shifts in vegetative compositions, reductions in small mammal populations, and accelerated loss of predatory species.[9] Wildfire can also have adverse impacts on erosion and water quality. During active burning, ash and associated contaminants can enter water supplies. Later, after large burns, rainstorms can flush vast amounts of sediment from exposed soils into those same water supplies.[10]

Wildfires also have tragic consequences for California's residents. Since 2010, wildfires have killed nearly 150 people in California[11] and, since 2005, wildfires have destroyed over 97,000 structures,[12] requiring mass evacuations and exacerbating the State's already-pressing need for more housing. In addition, wildfire smoke is unhealthy to breathe and is a public health concern.[13] Further, wildfire losses are not experienced equally. Lower-income households are more likely to lose all of their assets and less likely to have adequate insurance to cover their losses.[14] Meanwhile, the costs of wildfire suppression and resiliency have become significant. In

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Fires in Historical Context (Aug. 25, 2021) FIRE ECOLOGY, available at https://fireecology.springeropen.com/articles/10.1186/s42408-021-00110-7.

[8] See CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf; CalFire, Top 20 Most Destructive California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf.

[9] See Alexandra D. Syphard, et al., *Human Influence on California Fire Regimes.* ECOLOGICAL APPLICATION 17:1388-1402 (2007).

[10] United States Environmental Protection Agency, Wildfires: How do They Affect Our Water Supplies? (Aug. 13, 2019), available at https://www.epa.gov/sciencematters/wildfires-how-do-they-affect-our-water-supplies#:~:text=Vegetation%20that%20holds%20soil%20in,%2C%20rivers%2C%20and%20downstream%20reservoirs.

[11] CAL FIRE, Top Deadliest California Wildfires (Oct. 22, 2021), available at https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf.

[12] Headwaters Economics, Wildfires Destroy thousands of structures each year (Nov. 2020, updated Aug. 2022), available at https://headwaterseconomics.org/natural-hazards/structures-destroyed-by-wildfire/.

[13] See Kurtis Alexander, *California Ranks Worst in Nation for Air Pollution Because of Wildfire Smoke*, S.F. Chronicle (June 23, 2022), available at https://www.sfchronicle.com/bayarea/article/california-air-quality-17259687.php. See also Lora Kolodny, *The West Coast Is Suffering from Some of the Worst Air in the World — These Apps Show How Bad it Is*, CNBC (Sept. 13, 2020), available at https://www.cnbc.com/2020/09/12/air-quality-apps-purpleair-airnow-iqair-essential-in-western-us.html; and California Air Resources Board, *Protecting Yourself from Wildfire Smoke*, available at https://ww2.arb.ca.gov/protecting-yourself-wildfire-smoke.

[14] California Council on Science and Technology, The Costs of Wildfire in California (Oct. 2020), at p. 69, available at https://ccst.us/reports/the-costs-of-wildfire-in-california/.

2021, the State invested $1.5 billion in wildfire resiliency efforts, and the 2022-2023 budget includes an additional $1.2 billion to support wildfire and forest resilience.[15] The changing nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California's future.[16]

As of 2010, about one-third of California's housing units were located within the wildland-urban interface.[17] Residential developments in the wildland-urban interface and other wildfire prone areas can significantly increase the risks of wildfires and the risk to public safety for several reasons. First, introducing more people—via additional development—into a flammable landscape increases the likelihood of: (1) a wildfire igniting due to the increased presence of people; and (2) the ignition becoming a wildfire because of the placement of homes amongst the flammable vegetation.[18] Second, building housing units in the wildland-urban interface puts more people in harm's way.[19] Wildfires, particularly those that impact developments in relatively remote locations, may impede the evacuation of communities and emergency access, making it more difficult to ensure public safety and to limit, control, or extinguish wildfires. Finally, fires in remote locations require significant fire-fighting resources and mobilization of fire-fighters from all over the State—putting a major strain on the State's fire-fighters and the State's budget. Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.[20]

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[15] Gavin Newsom, California State Budget (2022-2023), at p. 61, available at https://www.ebudget.ca.gov/FullBudgetSummary.pdf; California State Budget, Budget Addendum (2021-2022), at p. 3, available at https://www.ebudget.ca.gov/BudgetAddendum.pdf.

[16] See California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 17, available at https://ccst.us/reports/the-costs-of-wildfire-in-california/.

[17] Community Wildfire Planning Center, Land Use Planning Approaches in the Wildland-Urban Interface (Feb. 2021), at p. 7, available at https://www.communitywildfire.org/wp-content/uploads/2021/02/CWPC_Land-Use-WUI-Report_Final_2021.pdf; see also Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf. At the current rate of growth and under current growth patterns, it is anticipated that an additional 645,000 housing units will be developed in areas designated by CAL FIRE as very high fire hazard severity zones by 2050. Next 10, Rebuilding for a Resilient Recovery: Planning in California's Wildland Urban Interface (June 2021), at p. 9, available at https://www.next10.org/publications/rebuilding-resilient.

[18] See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) Fremontia, *47*(2), at p. 29; Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk.* PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

[19] See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) International Journal of Wildland Fire, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; Volker C. Radeloff, et al., *Rapid growth of the US wildland-Urban interface raises wildfire risk.* PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

[20] See Michael L. Mann, et al., *Incorporating Anthropogenic Influences into Fire Probability Models: Effects of Human Activity and Climate Change on Fire Activity in California* (Apr. 28, 2016) PLOS ONE

III. Wildfire and Land Use Planning

While this guidance is focused on best practices to disclose, analyze, and mitigate wildfire impacts in compliance with CEQA, it is important to note that general planning also provides a critical opportunity for local jurisdictions to think proactively about how to accommodate their housing and development needs while reducing the risks of wildfire.[21] In the last ten years, new legislation has passed requiring local jurisdictions to consider wildfire risks in their general planning processes.[22] The Governor's Office of Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.[23] We encourage local jurisdictions to consult this guidance and to thoughtfully plan for new development given the increasing risk of wildfires throughout the state.[24]

11(4), available at https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0153589; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at pp. 28-35, available at https://pubs.er.usgs.gov/publication/70215982; Alexandra D. Syphard, et al., *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss* (2013) PLOS ONE, available at https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0071708&type=printable; see also Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines OAL Notice File No. Z-2018-0116-12 ("Statement of Reasons"), at p. 87, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf.

[21] See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at p. 33, available at https://pubs.er.usgs.gov/publication/70215982 [concluding that "the most effective strategy at reducing future structure loss would focus on reducing the extent of low-density housing via careful land planning decisions"].

[22] See Sen Bill No. 1241 (2011-2012 Reg. Sess.), amending and/or adding Gov. Code, §§ 65302, subd. (g)(3), 65302.5, subd. (b), and 66474.02) [requiring local jurisdictions within state responsibility areas or very high fire hazard severity zones to address wildfire risk when updating their safety elements and to submit their draft updates to the State Board of Forestry and Fire Protection for review]; Sen. Bill No. 99 (2019-2020 Reg. Sess.), amending Gov. Code, § 65302, subd. (g)(5) [requiring updated safety elements to identify residential developments within hazard areas that do not have at least two evacuation routes]; Assem. Bill No. 747 (2019-2020 Reg. Sess.), adding Gov. Code, § 65302.15 [requiring local jurisdictions to update their safety element to address the capacity of evacuation routes under a range of various emergency scenarios]; Assem. Bill No. 1409 (2020-2021 Reg. Sess.), amending Gov. Code, § 65302.15 [requiring that safety elements identify locations where people can evacuate to].

[23] Governor's Office of Planning and Research, Fire Hazard Planning Technical Advisory, 2022 Update (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Fire_Hazard_Planning_TA.pdf; and Wildland-Urban Interface Planning Guide: Examples and Best Practices for California Communities (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Complete_WUI_Planning_Guide.pdf.

[24] Local jurisdictions that have complied with their general planning obligations, including incorporating wildfire and evacuation planning considerations into their general plans, may benefit from streamlined CEQA requirements at the project approval level. If a development project is consistent with an updated general plan and an environmental impact report (EIR) was prepared for that plan, the CEQA review for the project may be limited to the parcel-specific impacts of the project or impacts that new information,

IV. Analyzing and Mitigating Wildfire Risk Impacts Under CEQA

A. CEQA's requirements for analyzing wildfire risks

CEQA requires local jurisdictions considering development projects to prepare an environmental impact report (EIR) or a mitigated negative declaration[25] if the project may potentially have a significant impact on the environment and is not otherwise exempt from CEQA.[26] Under CEQA, local jurisdictions may act as lead agencies with responsibility for preparing the EIR (or other CEQA document), or as responsible agencies relying on an EIR prepared by a lead agency. CEQA provides a critical process for local jurisdictions to understand how new developments will exacerbate existing wildfire risks, allowing them to consider project design features, alternatives, and mitigation measures that provide for smarter development and the protection of existing communities.

The CEQA Guidelines[27] require that an EIR include a description of the physical environmental conditions in the vicinity of the project, at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.[28] This "baseline" of existing environmental conditions is generally used to determine the significance of project-related impacts. In the EIR's discussion of the existing environmental conditions, lead agencies should include information about open space areas and habitats within the project area that may be fire prone, as well as a discussion of fire history and fuels on the project site. Including a discussion of existing available water supplies for fire-fighting is also critical. Providing detail about existing environmental conditions at the project site that may exacerbate or minimize wildfire impacts will help ensure that the EIR fully considers the project's impacts on wildfire risk.

The CEQA Guidelines require an analysis of "any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected," including by locating development in wildfire risk areas.[29] The "environmental checklist form" in Appendix G of the CEQA Guidelines, Section XX, directs lead agencies to assess whether

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arising since adoption of the general plan, shows will be more significant than described in the prior EIR. (Pub. Resources Code, § 21083.3; CEQA Guidelines, § 15193).

[25] Where "EIR" is used in this guidance it should also be considered to refer to a mitigated negative declaration.

[26] Pub. Resources Code, § 21067; CEQA Guidelines, §§ 15050 and 15367.

[27] The CEQA Guidelines are found at California Code of Regulations, title 14, section 15000, et seq.

[28] CEQA Guidelines, § 15125.

[29] CEQA Guidelines, § 15126.2.

projects located *in or near* state responsibility areas or lands classified as very high fire hazard severity zones,[30] would:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan;
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.[31]

In addition to the four questions above, Section IX(g) of the checklist broadly directs lead agencies to consider whether a project will "expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires."[32] In answering these questions, lead agencies must consider both on- and off-site impacts.[33]

B. Analyzing a project's impact on wildfire risks

Several variables should be considered in analyzing a project's impact on wildfire risk, including:

- **Project Density:** Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments.[34] This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough

[30] See footnote 1 for more information on state responsibility areas and very high fire hazard severity zones.

[31] CEQA Guidelines, Appendix G, XX.

[32] CEQA Guidelines, Appendix G, IX(g). This Guidance focuses on these key wildfire-related questions in Sections IX(g) and XX of the checklist, but in conducting environmental review, lead agencies must continue to thoroughly address the other questions identified in Section XX and the checklist more generally.

[33] CEQA Guidelines, § 15360 [defining the environment to be considered as "the area in which significant effects would occur either directly or indirectly as a result of the project"].

[34] Alexandra D. Syphard, *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (2019) GLOBAL ENVIRONMENTAL CHANGE; Alexandra D. Syphard, et al., *Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire* (Mar. 28, 2012) PLOS ONE, available at https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033954.

(as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation.[35] "Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation."[36] Moreover, fire-fighters may have difficulty accessing more remote and disconnected developments.[37]

- **Project Location in the Landscape:** Project placement in the landscape relative to fire history, topography and wind patterns also influences wildfire risk. Although wildfire ignitions are primarily human-caused in California, wildfire behavior is largely driven by topography, fuel, climatic conditions, and fire weather (such as low humidity and high winds). How a development project is planned within the landscape determines to what extent it will influence fire risk.[38] For example, if a project site is located in a wind corridor, above-ground power lines may become a source of ignition. Similarly, siting residential structures in rugged terrain or on the top of steep hills may increase the wildfire risk. By contrast, if a project site includes landscape features that could prevent or slow the spread of fire, such as a lake or an irrigated golf course, the development may be strategically located so as to capitalize on that feature as a natural fuel break.[39]

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[35] See generally Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021) MDPI FIRE 2021.
[36] Max A. Moritz, et al., *Learning to Coexist with Wildfire* (2014) NATURE 515(7525), at p. 64; see also Alexandra D. Syphard, et. Al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (March 12, 2021) MDPI FIRE 2021.

[37] See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at p. 31.

[38] See generally Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, available at https://escholarship.org/uc/item/6n12m6pn; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at pp. 28-35, available at https://pubs.er.usgs.gov/publication/70215982.

[39] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 10, available at https://escholarship.org/uc/item/6n12m6pn; see also Conservation Biology Institute, *Paradise Nature-Based Fire Resilience Project Final Report* (June 2020), available at https://d2k78bk4kdhbpr.cloudfront.net/media/reports/files/CBI_Paradise_Final_Report_for_Posting_Online.pdf [An examination of how siting and greenbelts may have protected homes during the Paradise fire]. Siting of a new fire-resistant development between wildlands and existing development may even serve as a protective barrier for the existing development. But there can still be some risk of ember spread if the new development succumbs to fire. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at pp. 28-35, available at https://pubs.er.usgs.gov/publication/70215982; California Council on Science and Technology, The Costs of Wildfire in California (Oct. 2020), at p. 67, available at https://ccst.us/reports/the-costs-of-wildfire-in-california/.

- **Water Supply and Infrastructure**: As part of evaluating a project's wildfire risk impacts, an EIR should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site.[40] This analysis should consider the potential loss of water pressure during a fire, which may decrease available water supply[41] and the potential loss of power, which may eliminate the supply.[42]

To understand how a project may exacerbate the risk of wildfire, an EIR should qualitatively assess these variables and also use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread.

Lead agencies are encouraged to develop thresholds of significance that either identify an increase in wildfire risk as a significant impact or determine, based on substantial evidence, that some increase in the risk of wildfires is not considered a significant impact. Relevant factors should include the project's impact on ignition risk, the likelihood of fire spread, and the extent of exposure for existing and new residents based on various fire scenarios. Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project adding more people to wildfire prone areas and to assess the risks according to the threshold of significance.

Some EIRs have concluded that the conversion of some wildland vegetation into paved development reduces or does not increase wildfire risk. This conclusion is contrary to existing evidence and the well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape.[43] Accordingly, the conversion of vegetation into developed land does not obviate the need for lead agencies to carefully consider and model how the addition of development into wildfire prone areas contributes to the risk of wildfire.

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[40] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 19 and Appendix B, available at https://escholarship.org/uc/item/6n12m6pn.

[41] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 19, University of California Agriculture and Natural Resources, Publication 8680, available at https://escholarship.org/uc/item/6n12m6pn.

[42] See Alexandra D. Syphard, *Nexus Between Wildfire, Climate Change and Population Growth in California* (2020) FREMONTIA, *47*(2), at p. 26.

[43] See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; see also Exhibit A to the Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, at p. 212, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_ExA_FSOR.pdf.

C. Analyzing the project's impact on evacuation and emergency access

The addition of new development into high wildfire risk or adjacent areas may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire. This can, in turn, impact the risk and extent of large-scale fire spread and community safety within and around the new development. The EIR should evaluate these impacts both during construction and over the life of the project. The required analysis is relative to a project's impacts and risks; e.g., a higher density infill project within an already developed area would likely not require the same level of analysis as a new low-density development within the wildland-urban interface and surrounded largely by open space.[44]

For projects located in high wildfire risk areas that present an increased risk of ignition and/or evacuation impacts, evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project's design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process. Lead agencies will be best-positioned to ensure proposed development projects facilitate emergency access and ease constraints on evacuation with this information in hand prior to project approval. The ultimate objective is to allow for informed decision-making that minimizes the environmental and public safety hazards associated with new developments that increase the risk of ignition and impede evacuation in high wildfire prone areas.

Evacuation modeling and analysis should include the following:

- Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- Assessment of the timing for evacuation.
- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Evaluation of the project's impacts on existing evacuation plans.
- Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- Traffic modeling to quantify travel times under various likely scenarios.

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[44] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), University of California Agriculture and Natural Resources, Publication 8680, at p. 5, available at https://escholarship.org/uc/item/6n12m6pn [describing the benefits of infill development].

In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- Utilize information from the EIR's analysis of traffic/transportation impacts, but they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times.
- Consult with local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts. Emergency conditions may not allow for ideal evacuation scenarios—staggered, staged, or targeted evacuation in response to a wildfire may sometimes be possible, but human behavior is difficult to predict and wildfires can be erratic, unpredictable, and fast-moving.[45]
- Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage,[46] can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.[47]

Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as

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[45] See FEMA and U.S. Fire Administration, *Wildland Urban Interface: A Look at Issues and Resolutions* (June 2022), available at https://www.usfa.fema.gov/downloads/pdf/publications/wui-issues-resolutions-report.pdf.

[46] FEMA, *Planning Considerations: Evacuation and Shelter-in-Place* (July 2019), available at https://www.fema.gov/sites/default/files/2020-07/planning -considerations-evacuation-and-shelter-in-place.pdf. The distinction between temporary shelter-in-place locations and buildings designed or retrofitted for longer term shelter-in-place should also be considered. See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 17, available at https://escholarship.org/uc/item/6n12m6pn [discussing the difference between "safety zones"—areas with little flammable vegetations, such as golf courses—versus buildings that are designed to provide protection from heat and embers while the front of a fire passes, typically for a duration of at least 30-60 minutes].

[47] See Mejia, *Pepperdine University Defends 'Shelter in Place' Decision During Woolsey Fire*, Los Angeles Times (Nov. 13, 2018), available at https://www.latimes.com/local/lanow/la-me-ln-pepperdine-shelter-20181113-story.html; Chandler, *Am I Going to Stay in the Parking Lot . . . While the Fires Burn Around Me?*, Record Searchlight (Dec. 12, 2019), available at https://www.redding.com/in-depth/news/2019/04/25/california-wildfire-shelter-place-plans-questioned-evacuation-preparation/3427075002/.

informed expert analysis of safe and reasonable evacuation times given the existing and proposed development. Local jurisdictions should consider whether any increase in evacuation times for the local community would be a significant impact. A conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards.

In establishing thresholds, local jurisdictions should consider referring to successful evacuations from prior emergencies within their community or similarly situated communities. The thresholds should include, but not be limited to, whether the project creates an inconsistency with: (1) an adopted emergency operations or evacuation plan; (2) a safety element that has been updated per the requirements in Government Code sections 65302(g)(5) and 65302.15 to integrate wildfire and evacuation concerns; or (3) recommendations developed by the California Board of Forestry and Fire Protection regarding the safety of subdivisions pursuant to Public Resources Code section 4290.5.

D. Mitigating wildfire risk, evacuation, and emergency access impacts

If a project presents significant increased wildfire risks and/or evacuation and access impacts, CEQA requires the lead agency to consider and adopt feasible alternatives and mitigation measures to avoid or reduce the project's impacts (or make a finding of overriding consideration).[48] Not all project design features or mitigation measures will achieve the same reduction in impacts for every project—the effects and effectiveness of measures will vary geographically and by project. An EIR that baldly concludes that certain project design features or mitigation measures will reduce or eliminate all potential wildfire risks, without first describing those risks, fails to fully analyze the project's impacts. Compressing the analysis of impacts and mitigation deprives decision makers of a full description of the project's adverse impacts and, therefore, fails to equip the decision makers with the necessary information to properly address the impacts by adopting project design features, mitigation measures, or alternatives. To avoid this error and provide for better project design, the project EIR should first analyze the increased wildfire risks and evacuation impacts, and then consider feasible mitigation and alternatives to avoid or reduce those impacts.

Set forth below are some examples of potential mitigation measures and design alternatives that may reduce wildfire risk impacts. This list is not exclusive and a lead agency's adoption of some or all of these mitigation measures for a particular project may not be sufficient to comply with CEQA's requirement to adopt all feasible mitigation measures.

- Increasing housing density and consolidated design, relying on higher density infill developments as much as possible.
- Avoidance and minimization of low-density exurban development patterns or leapfrog-type developments (i.e., those with undeveloped wildland between developed areas).

[48] Pub. Resources Code, § 21081.

- Decreasing the extent and amount of "edge," or interface area, where development is adjacent to undeveloped wildlands.
- Creation of buffer zones and defensible space within and adjacent to the development, with particular attention to ensuring that vegetation will not touch structures or overhang roofs.[49] It is also important that legal obligations are structured so that defensible space measures are retained over time.[50]
- Siting projects to maximize the role of low-flammability landscape features that may buffer the development from fire spread.
- Undergrounding power lines.
- Limiting development along steep slopes and amidst rugged terrain, so as to decrease exposure to rapid fire spread and increase accessibility for fire-fighting.
- Placement of development close to existing or planned ingress/egress and designated evacuation routes to efficiently evacuate the project population and the existing community population, consistent with evacuation plans, while simultaneously allowing emergency access.
- Placement of projects close to adequate emergency services.
- Construction of additional points of ingress and egress and modification of evacuation routes to minimize or avoid increasing evacuation times or emergency access response times.
- Fire hardening structures and homes—upgrading the building materials and installation techniques to increase the structure's resistance to heat, flames, and embers—beyond what is required in applicable building codes, both for new structures and existing structures in proximity to the new development.
- Requiring fire-hardened communication to the project site including high-speed internet service.
- Enhanced communication to the project population about emergency evacuation plans and evacuation zones.
- Parking limitations to ensure access roads are not clogged with parked vehicles.
- On-site water supply/storage to augment ordinary supplies that may be lost during a wildfire.

In all situations, mitigation measures should be combined and tailored to the specifics of the project, the surrounding landscape, and nearby existing uses. In some contexts, the mitigation measure itself may have an adverse impact that should be evaluated in an EIR. In addition,

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[49] Note, however, that defensible space around homes does not alone tend to account for structural survival. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, *47*(2), at p. 32, available at https://pubs.er.usgs.gov/publication/70215982; Alexandra D. Syphard et al., *The Role of Defensible Space for Residential Structure Protection During Wildfires* (Oct. 14, 2014) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at http://dx.doi.org/10.1071/WF13158.

[50] See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 12, University of California Agriculture and Natural Resources, Publication 8680, available at https://escholarship.org/uc/item/6n12m6pn.

mitigation measures may not provide the same level of protection or mitigation in all scenarios.[51] For example, home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. The California Building Code was updated in 2008 to require more advanced fire hardening and homes built to the revised standards were shown to be 40 percent less likely to be destroyed by a wildfire than similarly situated homes built prior to the update.[52] However, home hardening by itself may not be an adequate mitigation measure in all situations. During the Camp Fire, which swept through Paradise in 2018, homes built before and after the 2008 Building Code update were destroyed at roughly equal rates.[53] Home hardening in conformance with the 2008 Building Code alone did not meaningfully effect survivability; rather, proximity to other destroyed structures, the extent of vegetative overstory, and defensive space around homes was more relevant to whether or not a home survived.[54] While home hardening may be a worthy measure, this highlights the importance of combining measures, with an awareness to overall landscape conditions, to maximize public safety and minimize wildfire-related losses. It also demonstrates that defensive measures can improve but do not guarantee survivability, which highlights the continued importance of planning for evacuation and emergency access.

VII. Conclusion

As climate change and housing pressure continue to impact the State's landscape, wildfire risks, and development needs, local agencies need to thoroughly evaluate where and how new development is planned and constructed. With careful forethought during the various planning processes and thoughtful environmental review at the individual project development stage, new development can be designed and positioned to minimize future wildfire risks, enhance fire resiliency of our communities, and protect the health and safety of California's residents and natural resources. While the applicable rules, requirements, and analytical tools to reduce wildfire risk are evolving, this guidance is intended to provide suggestions for how best to comply with CEQA when analyzing and mitigating the wildfire risks of development projects in the wildland-urban interface and other fire prone areas.

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[51] See Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021), at p. 13, MDPI FIRE 2021 [noting that "the most effective fire risk reduction approach will account for multiple factors at multiple scales and will incorporate simultaneous strategies"].

[52] Patrick W Baylis, et al., *Mandated vs. Voluntary Adaptation to Natural Disasters: the Case of U.S. Wildfires* (Dec. 2021), National Bureau of Economic Research, available at https://www.nber.org/papers/w29621.

[53] Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf [37 percent of homes built between 1997 and 2008 survived, while 44 percent of homes built between 2008 and 2018 survived].

[54] Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf.

Response to Letter E-2

Responsible Growth in Marin
Represented by the Law Offices of Gloria D. Smith, Gloria D. Smith
Attachment from Phyllis Fox
May 28, 2024

Response E-2-1

This introductory comment, which provides the qualifications of the commenter and generally summarizes the commenter's opinion that the Draft EIR's analysis of fire protection, emergency services, and wildfire impacts is inadequate, is noted. More specific comments provided later in Letter E-2 are responded to in subsequent responses. Refer to Responses E-2-2 through E-2-6. Refer to Response B-9-1 regarding emergency access and evacuation and Response B-5-1 regarding the SB 330 application, which is not evaluated in the Final EIR. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

Letter E-2 also includes a number of attachments and these are noted.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response E-2-2

This comment asserts that the Draft EIR's analysis of operation period impacts on fire protection and emergency medical services is incorrect and not supported by substantial evidence. The comment further states the opinion that based on the established significance threshold these impacts are potentially significant and require mitigation. The comment also summarizes portions of Section 4.13, Public Services and Recreation, of the Draft EIR. The commenter incorrectly bases these statements on the Draft EIR's reliance on the project's consistency with the population projections provided in the San Rafael General Plan 2040 and further states that the Draft EIR analysis does not provide evidence that an assessment of fire protection and emergency medical services was conducted for the increase in population that would occur with the proposed project.

As explained in Response B-2-2, the Draft EIR properly tiers from the certified General Plan 2040 EIR where appropriate and in particular when evaluating the increased population that would occur with the proposed project as it was considered and evaluated in the General Plan EIR. Because the proposed project is within the population growth projections of the General Plan EIR, and because fire services and facilities were deemed to be adequate to serve new development, the Draft EIR for the proposed project relies on the analysis and conclusions of the General Plan EIR in the evaluation of potential impacts to fire services and capacity. However, the analysis of fire protection services in the Draft EIR also includes project-specific evaluation of potential impacts in relation to whether or not existing fire services would have the capacity to serve the proposed project and if the project itself, due to unique circumstances related to the location or fire service needs of the project, would have the potential to result in impacts that were not identified in the General Plan EIR. For example, the Draft EIR identified that an increase in staffing would be required to serve the project.

Per the established significance criterion which is quoted by the commenter, the Draft EIR looks at several factors when determining if there would be impacts to fire protection and emergency medical services, including whether the proposed project would have an adverse effect on the San Rafael Fire Department's ability to: (1) maintain acceptable staffing ratios; (2) maintain acceptable response times; or (3) maintain other established performance objectives such as provision of adequate firefighting apparatus and other equipment (i.e., ambulances). These three main criteria are viewed in the context of whether or not the proposed project would result in a failure of the SRFD to maintain these performance standards such that *new facilities would need to be constructed to serve the increased demand and these facilities would in turn result in physical impacts to the environment*. The emphasis is added because, as the threshold criterion clearly explains, the impact evaluation is tied to whether or not physical impacts to the environment from fire facility construction would result, not whether or not the SRFD would require additional staffing, equipment, or funding to serve the proposed development. These are matters for consideration, but these needs do not in and of themselves constitute an impact under CEQA.

Further, subsequent to preparation of the Draft EIR, the City undertook a comprehensive citywide evaluation of the adequacy of existing fire and emergency medical service capacity and infrastructure to serve existing and future demand for such services. The study also included a site-specific evaluation of facilities and projected population of the Northgate area (see Appendix B-1 to this RTC Document),[51] including the increased population and demand associated with the proposed project and any potential staffing or resource deficiencies. The study found that no additional facilities or firefighting and emergency medical service resources would be needed based on the projected size, density, and incident volume in the project area and this was confirmed by the SRFD in their review of the project (see Appendix B-2 of this RTC Document).[52] In particular, the study found that the impact of the project would vary, but may be considered based on the project incident volume extrapolated from the current incidents per 1,000 population within the City. For Station 56, the closest station to the project site, the projected workload with the proposed project is 2 to 3 percent greater than the current workload, and is still below the 25 percent best practice benchmark.

Refer to Response B-9-1 for additional information and responses related to emergency access and evacuation and wildfire risk. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

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51 San Rafael, City of. 2024. Northgate Project Impact Study. Prepared by Emergency Services Consulting International. October.

52 San Rafael. City of. 2024. Inter-Departmental Memorandum from Robert Sinnott, Deputy Fire Chief to Margaret Kavanaugh-Lynch, Planning Manager, Planning File #PLAN21-039 – 5800 Northgate Dr., Redevelopment of Northgate Mall. September 11.

Response E-2-3

This comment asserts that the Draft EIR's conclusion that impacts to fire protection services would be less than significant is not supported by substantial evidence related to staffing ratios. The comment specifically cites the Draft EIR's evaluation of the need for additional firefighters in relation to National Fire Protection (NFPA) standards and asserts that the Draft EIR fails to consider other factors that influence the ratio of firefighters required to provide adequate services per 1,000 residents. The comment asserts that the evaluation in comparison to NFPA standards is erroneous and cites a 2020 survey of fire departments across the United States which identified a potential range of between 1.29 and 2.86 firefighters per 1,000 residents for communities of a similar size as San Rafael. However, as acknowledged by the commenter, many factors contribute to fire protection staffing needs and appropriate service ratios; thus, the range is quite expansive and cannot alone be relied upon to identify staffing needs.

As stated in the Draft EIR, the SRFD is currently staffed at 1.16 firefighters per 1,000 residents, which is below the range of 1.54 to 1.81 firefighters cited as the standard to be achieved in the Draft EIR. The commenter is correct that updates to NFPA Section 1710 have since occurred; however, the SRFD currently uses the standard range of 1.54 to 1.81 firefighters per 1,000 residents as cited in the Draft EIR.[53] The standards for individual communities are set by individual local agencies and the NFPA provides benchmark standards from which to draw. Therefore, the analysis in the Draft EIR is correct in the conclusion that a total of five additional firefighters would be required to meet the minimum standard. This need is identified to serve both existing fire service needs and future demand generated by the proposed project.

Further, the Draft EIR does not base the less than significant impact determination solely on the adequacy of firefighter staffing ratios. Refer to Response E-2-2 which further addresses concerns related to project demand, medical transport services, and fire station location and response times, in the context of consistency with the General Plan EIR analysis. Refer to Response B-9-1 for additional information and responses related to emergency access and evacuation and wildfire risk. Also refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response E-2-4

This comment states that SRFD communications included in the record contradict the Draft EIR's determination that existing fire stations would be able to adequately serve the proposed project and that no new facilities would be required. The comment cites several communications which are also included as attachments to Letter E-2. The communications cited in the comment stated at the time that Station 56 was not centrally located to serve the proposed project, and that additional equipment, including a new ladder truck and ambulance may be required to serve the proposed development. However, it should be noted that these were informal assessments provided at the

[53] San Rafael Fire Department. 2023. Written communication from Robert Sinnott, Deputy Fire Chief Administration. March.

time by the SRFD as part of the initial development plan review, and the need for new equipment (ambulance) is acknowledged in the Draft EIR analysis. The initial development plan review conducted by the SRFD was not a formal assessment of fire service needs and was not based on data collection or a comprehensive review of fire service capacity within the City or the Northgate area in particular. As stated above, since publication of the Draft EIR, the SRFD has undertaken a comprehensive community-wide assessment of fire service needs, with additional focus on the Northgate area in consideration of the proposed project. Relying on the analysis and conclusions of this supporting evidence, the SRFD has since reviewed the current plans for the proposed project and withdrawn the initial review comment that suggested new or relocated facilities could be needed as cited in prior communications.[54] Specifically, the assessment concludes that the project would increase call volume by 2 to 3 percent, which is within the SRFD's capacity to continue to provide adequate services to the project area (refer to Response E-2-2).

Further, although the study noted that the existing aerial ladder truck is housed in a facility that is greater than 2.5 miles from the project site, the SRFD has adequate equipment available to serve the proposed project. Therefore, no new or expanded facilities would be required to house any additional equipment to serve the proposed project. Aerial ladder apparatus are used only in very specific and limited circumstances, and such equipment would not be the first to be dispatched to the project site during any fire or medical-related event. First response would always be from the closest station, in this case Station 56 or from the second closest station if the first responder is unavailable, in this case Station 57. Such equipment is always used as a secondary resource and is meant for upper story evacuation or ventilation needs, which are very rare events.

In addition, there already are existing mid-rise residential buildings in the project vicinity where the ladder truck might be used, making this an existing condition. The proposed project would be fully sprinklered and built to the most advanced fire codes in effect at the time of building permits, and thus should be less likely to need aerial ladder truck services.

Very few agencies with multiple story structures have aerial ladder trucks at all and it is not practical to house such rarely used and specialized equipment within 2.5 miles of every mid to high rise building. In fact, San Rafael is the only agency that currently has a staffed ladder truck in Marin County and this equipment is dispatched on an as-needed basis throughout various parts of San Rafael.

Of greater importance in meeting the service needs of the community and the project site is adequate staffing. As stated in the Draft EIR, five additional firefighters should be planned for to accommodate the increase in City population caused by the proposed development to maintain the City's staffing ratio (refer to Response E-2-3). Lastly, the fire service needs study found that response times would not be substantially affected by the proposed project; although the current response time average of 5 minutes and 51 seconds is outside of the desired 4 minute response time average, the current response rate would not be substantially affected by increased demands for services

[54] San Rafael. City of. 2024. Inter-Departmental Memorandum from Robert Sinnott, Deputy Fire Chief to Margaret Kavanaugh-Lynch, Planning Manager, Planning File #PLAN21-039 – 5800 Northgate Dr., Redevelopment of Northgate Mall. September 11.

resulting from the proposed project. Refer to Response E-2-2 for additional explanation and confirmation of compliance with General Plan Policy CSI-3.2.

Additionally, the change in the Insurance Safety Office (ISO) rating for the SRFD is also noted, as is the aging population of the Northgate area. However, it is not the responsibility of an individual project alone to provide community and medical services to serve the project area and provide for the demands that are not directly tied to the proposed project demand. Refer to Master Response 7 regarding CEQA mitigation requirements. As acknowledged in the Draft EIR, the addition of new staff and equipment would not result in the need for new facilities and these would be funded through development fees, property taxes, and the General Fund.

Regarding the potential for a wind tunnel to be created with taller buildings on the project site and emergency access and evacuation needs, refer to Response B-9-1. Also note that the project area is not considered to be a "fire prone" area. Although part of the southern edge of the site is within locally designated moderate to high fire hazard severity zones and another edge of the site is near a Wildland Urban Interface (WUI), none of the site is within a very high fire hazard severity zone and the site is not considered to be fire prone, nor would the project itself exacerbate existing fire hazards. In fact, the proposed project exemplifies the higher density infill development that is expressly encouraged in the Attorney General's *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects*, cited by the commenter and attached as Exhibit 8 to the comment letter. The Attorney General 's first recommendation to reduce wildfire risk impacts is: "Increasing housing density and consolidated design, relying on higher density infill developments as much as possible." (Page 12; see also pages 7-8 and 10.)

The SRFD will review emergency vehicle access and water pressure needs as part of the entitlement application review process. As stated on page 4.15-4 of the General Plan EIR, the City's development review process requires consultation with Marin Water to ensure adequate water supply necessary for a fire emergency. The City maintains local hydrants while Marin Water is responsible for fire flow. SRFD typically calculates required fire flow in accordance with Uniform Fire Code and ISO guidelines. Peak load requirements vary based on building construction, size, type, and location, and may be modified by the addition of fire alarm or sprinkler systems. Refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Response E-2-5

This comment states that the General Plan and General Plan EIR did not contemplate a concentration of projected growth within the Northgate area, or consider the pace of development that may occur more rapidly than the General Plan 2040 buildout scenario. The Draft EIR recognized that the pace of potential project development could be accelerated or slowed, depending on market conditions. Therefore, to be conservative, the Draft EIR analysis considers the impact of project operations at full buildout as a singular phase. While the General Plan EIR assumed for

purposes of evaluation that the pace of development would occur evenly over the term of the General Plan, it assumed no constraints on the actual pace or location of development.

Nevertheless, as explained in Response E-2-2, a citywide evaluation of fire protection services and capacity has been conducted since publication of the Draft EIR. The analysis includes an evaluation of the service and capacity needs of the Northgate area and based on this analysis, the SRFD determined that no new or expanded facilities would be required to serve the proposed project; however, citywide needs are outside of the scope of the EIR evaluation. The analysis concluded that no new impacts related to fire protection services or the need for new facilities would result.

Response E-2-6

This comment states that the Draft EIR fails to adequately address potential impacts associated with wildland fire hazards and cites Marin County and San Rafael General Plan mapping that indicate that the project site is near wildfire prone areas. The comment also cites documents and mapping from local, regional, and State agencies. Refer to Response B-9-1 for additional information and responses related to emergency access and evacuation and wildfire risk. While it is acknowledged that the project site is surrounded by areas that may have a higher risk of wildfire ignition, the proposed project itself does not exacerbate this condition. The proposed project would not increase traffic congestion in the area and, as demonstrated in Responses E-2-1 through E-2-5 above, the SRFD has adequate capacity to meet the fire service demands of the proposed project. Refer to Master Response 8 regarding the adequacy of the Draft EIR.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

Las Gallinas VALLEY SANITARY DISTRICT

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Engineering, Michael P. Cortez
Administrative Services, Dale McDonald

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Craig K. Murray
Gary E. Robards
Crystal J. Yezman

To:	PLANNING DEPARTMENT	**Fax:**	☑ City of San Rafael	415-485-3184
			☐ County of Marin	415-499-7880
	ATTN: April Talley, Project Director April.Talley@cityofsanrafael.org	**Phone:**	(415) 485-3050	
From:	Michael P. Cortez PE, District Engineer	**Date:**	3/5/2024	

We have received your referral/submittal for the following proposed project:

Northgate Mall Redevelopment Project
Draft Environmental Impact Report (DEIR)

APN #	Site Address
APN 175-060-12, -40, -59, -61, -66, & -67	**5800, 7000, 9000, 1000, 5000-5010, 1500, & 6000 Northgate Dr, San Rafael**

We have the following comments:

☐ The proposed project is within the Sphere of Influence but not District facilities boundary.

☑ **The proposed project is within the Sphere of Influence and District facilities boundary.**

☐ The proposed project is not within the Sphere of Influence or District facilities boundary.

☑ **The proposed project must apply for and receive an allocation of sewer capacity from this District before it can receive sewer services. Please download the application form at:** https://www.lgvsd.org/files/1a831664e/Application-for-Allocation-of-Capacity-8-16-23_fillable.pdf. E-3-1

☐ The proposed project has received an allocation of sewer capacity; however, the proposed building alteration/addition needs District staff review for possible additional load on sewer system. Please download the application form at: https://www.lgvsd.org/files/1a831664e/Application-for-Allocation-of-Capacity-8-16-23_fillable.pdf.

☑ **The proposed project must make satisfactory arrangements with this District for the construction of any off-site or on-site sewers which may be required.**

☐ No comments.

LGVSD COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT DATED JANUARY 2024:

1. DEIR, Section 2.4 Summary Table, Table 2.A Summary of Impacts and Mitigation Measures, Page 2-19

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
4.14 UTILITIES AND SERVICE SYSTEMS			
UTL-1: The proposed project would generate wastewater that would exceed the capacity of the existing sewer infrastructure that serves the project site.	S	**UTL-1:** Prior to the issuance of a certificate of occupancy for any of the residential units on the project site, the existing 12-inch-diameter Terra Linda Trunk Sewer line downstream of the project site shall be upsized to 15 inches in diameter in coordination with the Las Gallinas Valley Sanitation District.	LTS

   a) Typo: Las Gallinas Valley **Sanitary** District, not Sanitation. Correct everywhere else in the document.
   b) Replace all references of "Terra Linda Trunk Sewer" to "Northgate Trunk Sewer". The existing mall is not connected to the Terra Linda Trunk Sewer.
   c) LGVSD concurs with the *Level of Significance With Mitigation* as LTS ("Less than Significant Impact"); however, the *Mitigation Measures* needs to be updated to indicate that the Northgate Mall Redevelopment Project must obtain approvals from LGVSD in the following order: **E-3-2**
      i. Conditions of Approval – Issued on 6/12/2023. The project is within LGVSD's Sphere of Influence, and the existing mall is already connected to the LGVSD wastewater collection system. The Conditions of Approval outlined the preliminary requirements such as sewer main and pump station capacity analyses, connection fee obligations, and submittal of design plans. If off-site sewer improvements are necessary due to capacity issues, the Developer will be required to enter into an agreement with LGVSD that outlines cost-sharing responsibilities.
      ii. Development Agreement – The Development Agreement requires LGVSD Board approval of detailed project requirements, such as cost sharing of improvements and ownership of future available pipe and/or pump station capacity. Prior to approving the project, the Developer must commit to upsizing the existing 12-, 15-, and 18-inch diameter Northgate Trunk Sewer downstream of the project site to a larger pipeline as determined by hydraulic calculations. The calculations and design shall be reviewed and approved by LGVSD.
      iii. Sewer Main Construction Approval Letter – This will be issued upon Developer's compliance with LGVSD plan review comments on the off-site and on-site sewer design.
      iv. Will Serve Letter – Prior to start of construction, LGVSD Board will issue a Will Serve Letter upon Developer's compliance with all requirements outlined in the Conditions of Approval, Development Agreement, and Sewer Main Construction Approval Letter.
      v. Final Inspection of Sewer Facilities (City of San Rafael "Green Form") – LGVSD will sign off on the final inspection upon approval of the sewer facilities installation prior to final occupancy.

2. DEIR, Section 3.3.4 Project Approvals, Table 3.F Anticipated Approvals and Actions for Project Implementation, Page 3-54 **E-3-3**

Lead Agency	Permit/Approval/Action
City of San Rafael	• Environmental Impact Report (EIR) Certification • Adoption of Findings and Statement of Overriding Considerations • Rezone to the Planned Development (PD) District • Environmental and Design Review Permit • Development Agreement • Density Bonus Application • Tentative Subdivision Map • Master Signage Program
Responsible Agencies/Entities	
Pacific Gas & Electric (PG&E)	• Approval of electric improvements and connection permits
Marin Municipal Water District (MMWD)	• Approval of water improvements and connection permits
California Regional Water Quality Control Board (RWQCB)/Marin County Stormwater Pollution Prevention Program (SWPPP)	• Approval of National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge
Bay Area Air Quality Management District (BAAQMD)	• Permits for utility equipment

a) LGVSD was inadvertently omitted from the list of Responsible Agencies/Entities. Approvals from LGVSD are required for sanitary sewer facilities. See Comment #1(a) for a list of LGVSD approvals. **E-3-3 (cont.)**

3. DEIR, Section 4.7 Hydrology and Water Quality, 4.7.1.8 Regulatory Framework, Page 4.7-14 **E-3-4**

> **Program C-3.8C: Reclaimed Water Use.** Support the extension of recycled water distribution infrastructure by Las Gallinas Valley Sanitary and MMWD, along with programs to make the use of recycled water more feasible.

a) LGVSD is a recycled water producer for MMWD, but neither a purveyor nor a distributor of recycled water. Nevertheless, LGVSD encourages the use of recycled water in development projects.

4. DEIR, Section 4.14 Utilities and Service Systems, 4.14.1.2 Wastewater (Sanitary Sewer) System, Page 4.14-6 **E-3-5**
   a) Second Paragraph under *Wastewater Collection*:
      i. 4th Sentence. Insert 15- and 18-inch after 12-inch or as shown below:
      "The existing sewer main in Las Gallinas Avenue . . . conveys sewer flows northerly to ~~12-inch~~ **12-, 15-, and 18-inch** diameter gravity sewer . . ."
   b) First Paragraph under *Wastewater Treatment*:
      i. 2nd Sentence. Replace 2.92 with **3.2 mgd** for WWTP treatment capacity.
      ii. 4th Sentence. Revise as shown below:
      "From May through October . . . effluent . . . is either later discharged to Miller Creek or ~~taken to Marin Water~~ **sent to the LGVSD Recycled Water Treatment Facility** for further treatment and distribution **by North Marin Water District and Marin Municipal Water District** for landscape irrigation **and other uses**."

5. DEIR, Section 4.14 Utilities and Service Systems, 4.14.2.2 Project Impacts, Threshold 4.14.1 Utility Infrastructure, Page 4.14-17 & -18 **E-3-6**
   a) First Paragraph under *Wastewater*:
      i. 1st Sentence. Revise as shown below:

"Wastewater at the project site is currently divided between the ~~Terra Linda~~ **Northgate** trunk sewer to the north . . . and the ~~Merrywood trunk sewer~~ **a sanitary sewer main along Los Ranchitos Rd and Merrydale Rd** to the south . . ." E-3-6 (cont.)

b) Second Paragraph under *Wastewater*:
   i. Revise the entire paragraph, with exception of the last two sentences, to reflect the following LGVSD requirement:
   The Developer shall disconnect the existing sewer lateral(s) going to the Rafael Meadows Pump Station and re-direct all current and additional sewer flows from the Northgate Mall Redevelopment Project through the Northgate Trunk Sewer to John Duckett Pump Station, which has a maximum pumping capacity of 6.34 mgd. The operating strategy is to avoid impacting the Rafael Meadows Pump Station, which has limited pumping capacity. John Duckett Pump Station is the largest pump station in the LGVSD and the flow analysis by LGVSD concluded that it has sufficient capacity for both Phase 1 and Phase 2 of the Northgate Mall Redevelopment Project and the other potential project (Northgate Walk) listed in the latest City of San Rafael Housing Element.
   ii. Last two sentences. Revise as shown below:
   "The estimated available capacity in the ~~12-inch diameter sewer line~~ **existing Northgate Trunk Sewer** downstream of the project site is 1.3 mgd, which is insufficient to accommodate the full flow from the project site of 1.47 mgd in 2040. This is a potentially significant impact."

c) First paragraph under *Impact UTL-1*:
   i. Revise the entire paragraph to reflect the following:
      a. The estimated available capacity of 1.3 mgd in the Northgate Trunk Sewer downstream of the project site is reserved for peak wet weather flows from existing connections, including allowance for Accessory Dwelling Units (ADUs). The Northgate Mall Redevelopment Project and any future developments within the same subbasin shall not consume the existing capacity of the Northgate Trunk Sewer.
      b. To address the capacity deficiency in this portion of the Northgate Trunk Sewer and allow for future development, the existing 12-, 15-, and 18-inch diameter Northgate Trunk Sewer needs to be up-sized to a larger pipeline. Therefore, implementation of Mitigation Measure UTL-1 would be required.
      c. The Conditions of Approval issued by LGVSD on 6/12/2023 required Developer to analyze the combined impact of future developments and projected ADUs shown in the current City of San Rafael Housing Element in the Northgate Trunk Sewer flow analysis.

d) Mitigation Measure UTL-1
   i. See Comment #1 above for applicable comments.

6. DEIR, Section 4.14 Utilities and Service Systems, 4.14.2.2 Project Impacts, Threshold 4.14.3 Wastewater Treatment Capacity, Page 4.14-20 E-3-7
   a) 1st Sentence. Revise as shown below:

"*As described. . . the ~~wastewater pump stations~~* ***John Duckett Pump Station*** *that serves the project site would have adequate capacity to serve the project.*" **E-3-7 (cont.)**

7. DEIR, Section 5.2 Reduced Development Alternative, 5.2.2.14 Utilities and Service Systems, Page 5-18
   a) Second Paragraph, 2nd Sentence. Revise sentence to reflect Comment 5(c)(i)(a) above requiring that the Northgate Mall Redevelopment Project and any future developments within the same subbasin not to consume the existing capacity of the Northgate Trunk Sewer. **E-3-8**

8. DEIR, Section 5.3 Reduced Residential Alternative, 5.3.2.14 Utilities and Service Systems, Page 5-26 **E-3-9**
   a) Second Paragraph, 2nd Sentence. Same as Comment 7(a) above.

9. <u>Other General Comments:</u>
   a) LGVSD does not incur any liability of any nature, including but not limited to mandate, damages, or injunctive relief. LGVSD is making no representation to the Developer nor waiving any rights it has under any applicable State or Federal law. In the event there is any court-imposed moratorium on LGVSD, a connection to the LGVSD collection system may not occur. In the event any government agency imposes a moratorium on the LGVSD, a connection to the LGVSD system may not occur.
   b) Pursuant to current LGVSD Ordinance, Developer shall reimburse LGVSD for all plan review, field verification before and after construction, and inspection fees accrued associated with this project. **E-3-10**
   c) Developer must complete and submit Application for Allocation of Capacity to LGVSD along with application fee of $500 for new development or $250 for additional sewer capacity for existing development. Application is available at https://www.lgvsd.org/files/1a831664e/Application-for-Allocation-of-Capacity-8-16-23_fillable.pdf.
   d) Developers are required to obtain a sewer permit from LGVSD for any sewer lateral work. The permit application is available at https://www.lgvsd.org/files/f8a6f2386/SewerLateralPermitAppLGFill2_22_21-Repair.pdf. Submit the permit application to the LGVSD office and call 24 hours in advance of backfill for lateral inspections.
   e) Developers are required to obtain an encroachment permit from LGVSD for repair or replacement of sewer facilities, CCTV sewer inspections, and confined space entry into sewer facilities, when applicable. The permit application is available upon request. Submit the permit application to the LGVSD office. No work shall commence until the encroachment permit is issued.
   f) Developer shall submit plans electronically to LGVSD for review and approval.
   g) Based on the Miscellaneous Fee Schedule the LGVSD Board approved on January 4, 2024, preliminary cost estimates are:
      i. For new buildings, structures, and developments:
         a. $8,266 per Equivalent Sewer Unit (ESU)
         b. Actual fees will be adjusted according to specific conditions and ENR adjustments outlined in the Ordinance.

E-3-12 (cont.)

ii. For existing buildings, structures, and developments:
   a. $413 per Plumbing Fixture Unit (PFU)
   b. Credit may be given to existing plumbing fixtures.
   c. Actual fees will be adjusted according to specific conditions and ENR adjustments outlined in the Ordinance.

iii. Connection fee will be assessed based on the Capital Facilities Charge per ESU at the time of Will Serve Letter issuance.

Response to Letter E-3

Las Gallinas Valley Sanitary District
Michael Cortez, District Engineer
March 5, 2024

Response E-3-1

This introductory comment introduces the Las Gallinas Valley Sanitary District's (LGVSD) comments on the Draft EIR and specifies the applicable requirements for the project to be served by LGVSD. This comment is noted.

Although this comment letter was submitted prior to the close of the comment period, it was not received by the City until after March 5, 2024 due to a clerical error. Therefore, it is categorized as a late comment in this RTC Document, although the City acknowledges that the comment is not considered late.

Response E-3-2

This comment identifies two typographical and terminology errors in the Draft EIR and is noted. These errors are corrected throughout the Draft EIR as identified in Chapter 5.0 of this RTC Document (also refer to text changes identified in Response E-3-6 below). These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

This comment also concurs with the Draft EIR's finding that project impacts related to wastewater system service and capacity would be less than significant with mitigation, but requests modifications to Mitigation Measure UTL-1. The City acknowledges that the project site is within the LGVSD and is subject to the application and approval procedures outlined in this comment in order to obtain wastewater connections and services. As these are established LGVSD requirements and are incorporated into the project conditions of approval, these procedures are not required to be identified as mitigation measures in the Draft EIR. The City, in coordination with LGVSD, would not issue a certificate of occupancy until these requirements are met, particularly that a Will Serve Letter and final inspection (City of San Rafael "Green Form") are provided to the City's Building Division. Refer to Master Response 7 regarding mitigation requirements.

Response E-3-3

This comment states that LGVSD was inadvertently omitted from Table 3.F of the Draft EIR. In response to this comment, Table 3.F on page 3-54 of the Draft EIR is revised as follows:

Table 3.F: Anticipated Approvals and Actions for Project Implementation

Lead Agency	Permit/Approval/Action
City of San Rafael	● Environmental Impact Report (EIR) Certification ● Adoption of Findings and Statement of Overriding Considerations ● Rezone to the Planned Development (PD) District ● Environmental and Design Review Permit ● Development Agreement ● Density Bonus Application ● Tentative Subdivision Map ● Master Signage Program
Responsible Agencies/Entities	
Pacific Gas & Electric (PG&E)	● Approval of electric improvements and connection permits
Marin Municipal Water District (MMWD)	● Approval of water improvements and connection permits
Las Gallinas Valley Sanitary District	● Approval of wastewater improvements and connection permits
California Regional Water Quality Control Board (RWQCB)/Marin County Stormwater Pollution Prevention Program (SWPPP)	● Approval of National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge
Bay Area Air Quality Management District (BAAQMD)	● Permits for utility equipment

Source: Compiled by LSA (2023).

These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response E-3-4

This comment, which clarifies LGVSD's role as a recycled water producer and states that it is neither a purveyor nor a distributor of recycled water, is noted. This comment does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, and no changes to General Plan Program C-3.8C as identified in the Draı EIR are required.

Response E-3-5

This comment requests minor modifications to the existing wastewater collection and treatment descriptions in the Draft EIR.

In response to this comment, pages 4.14-6 through 4.14-7 of the Draft EIR are revised as follows:

> The project site has three existing points of connection to the existing public sewer system maintained by the LGVSD. Two points of connection are in manholes located in Las Gallinas Avenue at the northern boundary of the site, and the third connection is at a manhole in Los Ranchitos Road at the southeast corner of the site. The sewer pipes within the project site are 6 to 8 inches in diameter. The existing sewer main in Las Gallinas Avenue is 8 inches in diameter and conveys sewer flows northerly to a 12-, 15-, and 18-inch-diameter gravity sewer main that terminates northeasterly of the project site at the John Duckett sewer pump station. The John Duckett sewer pump station pumps sewer flows through a force main to the LGVSD wastewater treatment plant. The existing sewer main in Los Ranchitos Road is an 8-inch-diameter main that conveys sewer flows northerly toward Merrydale Road then easterly

and southerly to the San Rafael Meadows pump station. The San Rafael Meadows pump station pumps sewer flows east across United States Route 101 (US-101) into a gravity and force main system that eventually terminates at the LGVSD wastewater treatment plant.

Wastewater Treatment. The LGVSD Wastewater Treatment Plant (WWTP) was constructed in 1955 and expanded in 1958, 1972, and 1984. The WWTP has the capacity to treat ~~2.92~~ 3.2 mgd. From November through April, the treated wastewater is released to Miller Creek, which leads to San Pablo Bay. From May through October, effluent is reused to irrigate pasture land, is stored in ponds to accelerate evaporation, and is either later discharged to Miller Creek or ~~taken to Marin Water~~ sent to the LGVSD Recycled Water Treatment Facility for further treatment and distribution by Marin Water for landscape irrigation and other uses. The LGVSD WWTP has a dry weather capacity of 8 mgd and a wet weather capacity of 18 mgd. The LGVSD WWTP treats an average flow of 2.36 mgd, and the peak wet weather flow is approximately 22 to 24 mgd. Additional flows beyond the treatment capacity are diverted around the secondary treatment units and blended with secondary-treated effluent, all of which is then dechlorinated prior to discharge.

These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response E-3-6

This comment requests minor modifications to the impact discussion regarding wastewater collection and treatment in the Draft EIR.

In response to this comment, pages 4.14-17 through 4.14-18 of the Draft EIR are revised as follows:

Wastewater. Wastewater at the project site is currently divided between the ~~Terra Linda~~ Northgate trunk sewer to the north (discharging into the John Duckett Pump Station) and ~~the Merrywood trunk sewer~~ a sanitary sewer main along Los Ranchitos Road and Merrydale Road to the south (discharging to the San Rafael Meadows and Civic Center Pump Stations). The existing flow rate from the project site is approximately 0.03 mgd. The LGVSD sewer design standards typically require using 400 gallons per day per capita and the national average occupancy for multi-family apartments is 2.6 occupants per unit. Therefore, it is estimated that full buildout of the proposed project would generate 1.47 mgd of sewer flow, an increase of approximately 1.44 mgd compared to existing conditions. The proposed project would be required to disconnect the existing sewer laterals that are currently connected to the San Rafael Meadows Pump Station because this pump station currently has limited capacity. All current and additional wastewater flows from the project site would be required to be redirected through the Northgate Trunk Sewer to the John Duckett Pump Station, which has a maximum pumping capacity of 6.34 mgd. The John Duckett Pump Station is the largest pump station in the LGVSD service area and the flow analysis conducted by LGVSD concluded that there is sufficient capacity for both phases of the proposed project and other cumulative projects identified in the City's General Plan Housing Element. ~~Flows from a portion of the project site are discharged along Las Gallinas Avenue/Los Ranchitos Road to the San Rafael Meadows Pump Station followed by the Civic Center Pump Station. The San Rafael Meadows~~

~~Pump Station has a capacity of 1.3 mgd and the Civic Center Pump Station has a capacity of 2.3 mgd. The remaining flows from the project site are discharged to the John Duckett Pump Station, which has a capacity of 10.7 mgd. Therefore, there appears to be sufficient capacity at the John Duckett Pump Station to accommodate the proposed project through 2040.~~ However, ~~based on the model result for the Terra Linda Trunk Sewer,~~ there is not sufficient capacity in the sewer between the project site and the John Duckett Pump Station to accommodate flows from the project site. The estimated available capacity in the ~~12-inch-diameter sewer line~~ existing Northgate Trunk Sewer downstream of the project site is 1.3 mgd, which is insufficient to accommodate the full flow from the project site of 1.47 mgd in 2040. This is a **potentially significant** impact.

Impact UTL-1 The proposed project would generate wastewater that would exceed the capacity of the existing sewer infrastructure that serves the project site. (S)

The estimated available capacity of 1.3 mgd in the Northgate Trunk Sewer downstream of the project site is reserved for peak wet weather flows from existing and future permitted development (i.e., accessory dwelling units) and is not available for wastewater generated by the proposed project or any future cumulative development projects. To address the capacity deficiency and allow for additional development, the existing 12-, 15-, and 18-inch-diameter Northgate Trunk Sewer is required to be upsized to a larger pipeline. ~~The existing 12-inch-diameter sewer line could accommodate approximately 384 units, approximately 27 percent of full buildout, with no modifications. However, this is not sufficient to accommodate implementation of Phase 1 of the proposed project, which includes development of up to 922 residential units. To address the capacity deficiency in this portion of the Terra Linda Trunk Sewer and allow for additional development, the 12-inch-diameter sewer line would need to be up-sized.~~ Therefore, implementation of Mitigation Measure UTL-1 would be required.

Mitigation Measure UTL-1 Prior to the issuance of a certificate of occupancy for any of the residential units on the project site, the existing 12-, 15-, and 18-inch-diameter ~~Terra Linda~~ Northgate Trunk Sewer line downstream of the project site shall be upsized as determined by hydraulic calculations conducted by the project sponsor ~~to 15 inches in diameter~~ in coordination with the Las Gallinas Valley ~~Sanitation~~ Sanitary District (LGVSD). The analysis shall also identify the fair share cost for these improvements attributed to the proposed project. The certificate of occupancy shall not be issued until the LGVSD has issued final approval that the required upgrades have been completed. (LTS)

Future hydraulic calculations and m~~M~~odel results would be required to determine the ultimate size and location of required upgrades to the Northgate Trunk Sewer line to ensure that~~. indicate that increasing the pipe size to a 15-inch diameter would reduce~~ projected surcharging is ~~to~~ within allowable limits. ~~The new 15-inch-diameter line is anticipated to have a capacity of 2.55 mgd. The proposed project would account for approximately 58 percent of the capacity of the new sewer line.~~ Therefore, with implementation of Mitigation Measure

UTL-1, this impact would be **less than significant with mitigation.** Installation of this line would occur within existing developed rights-of-way and within existing utility trenches. The new line would replace an existing line within the same location; therefore, implementation of this improvement would not result in secondary effects or off-site impacts that are not addressed in this EIR.

These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis and mitigation requirements. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response E-3-7

This comment requests minor modifications to the impact discussion regarding wastewater treatment capacity in the Draft EIR.

In response to this comment, page 4.14-20 of the Draft EIR is revised as follows:

> **Threshold 4.14.3: Wastewater Treatment Capacity.** As described under Threshold 4.14.1, the ~~wastewater pump stations~~ John Duckett Pump Station that serves the project site would have adequate capacity to serve the project. In addition, with implementation of Mitigation Measure UTL-1, the wastewater pipes that serve the project site would also have adequate capacity. The LGVSD WWTP has a dry weather capacity of 8 mgd and a wet weather capacity of 18 mgd, and currently treats an average flow of 2.36 mgd. As described under Threshold 4.14.1, the proposed project would generate 1.47 mgd of wastewater, an increase of 1.44 mgd compared to existing conditions. Therefore, with implementation of the proposed project, the LGVSD would be estimated to have an average flow of 3.83 mgd, which is well below the dry weather capacity of 8 mgd. Therefore, this impact would be **less than significant with mitigation**.

These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis and mitigation requirements. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response E-3-8

This comment requests minor modifications to the wastewater infrastructure impact discussion for the Reduced Development Alternative in the Draft EIR.

In response to this comment, page 5-18 of the Draft EIR is revised as follows:

> Although implementation of the Reduced Development Alternative would decrease the overall demand on utilities and service systems compared to the proposed project, the increase in wastewater generation at the project site would still require that the existing ~~12-inch-diameter Terra Linda~~ Northgate Trunk Sewer line downstream of the project site be upsized ~~to a 15-inch diameter~~ in coordination with the Las Gallinas Valley ~~Sanitation~~ Sanitary District. According to Section 4.14, Utilities and Service Systems, the existing ~~12-inch-diameter~~ sewer lines could accommodate approximately 384 units with no modifications. However, this

> is not sufficient to accommodate implementation of Phase 1 of the proposed project, which includes development of up to 922 residential units. To address the capacity deficiency in this portion of the ~~Terra Linda~~ Northgate Trunk Sewer and allow for additional development, the ~~12-inch-diameter~~ existing sewer lines would need to be up-sized. With implementation of Mitigation Measure UTL-1, requiring improvements to the surrounding sewer system infrastructure, impacts related to utilities and service systems would be **less than significant with mitigation**, similar to the proposed project.

These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis and mitigation requirements. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response E-3-9

This comment requests minor modifications to the wastewater infrastructure impact discussion for the Reduced Residential Alternative in the Draft EIR.

In response to this comment, page 5-26 of the Draft EIR is revised as follows:

> Although implementation of the Reduced Residential Alternative would decrease overall demand on utilities and service systems compared to the proposed project, the increase in wastewater generation at the project site would still require the existing ~~12-inch-diameter Terra Linda~~ Northgate Trunk Sewer line downstream of the project site be upsized ~~to 15 inches in diameter~~ in coordination with the Las Gallinas Valley ~~Sanitation~~ Sanitary District. According to Section 4.14, Utilities and Service Systems, the existing ~~12-inch-diameter~~ sewer lines could accommodate approximately 384 units with no modifications. However, this is not sufficient to accommodate implementation of Phase 1 of the Reduced Residential Alternative, which includes development of up to 859 residential units. To address the capacity deficiency in this portion of the ~~Terra Linda~~ Northgate Trunk Sewer and allow for additional development, the ~~12-inch-diameter~~ existing sewer lines would need to be up-sized. With implementation of Mitigation Measure UTL-1, requiring improvements to the surrounding sewer system infrastructure, impacts related to utilities and service systems would be **less than significant with mitigation**, similar to the proposed project.

These revisions represent a minor change to the Draft EIR in order to clarify the Draft EIR analysis and mitigation requirements. These revisions do not change the conclusions or analysis of impacts in the Draft EIR.

Response E-3-10

This comment provides general comments related to development of the proposed project and the permit requirements imposed by the LGVSD for new wastewater connections and collection services. These comments do not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR and are noted.

5.0 DRAFT EIR TEXT REVISIONS

This chapter presents specific changes to the text of the Draft EIR that are being made to clarify and supplement materials in the Draft EIR. In no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with double underlined text. Text deleted is shown in ~~strikeout~~.

Page 2-5 of the Draft EIR is revised as follows:

- **Impact NOI-2:** Phase 2 operation period noise levels could ~~would~~ exceed the City's land use compatibility thresholds for future on-site sensitive receptors.

Table 2.A on page 2-13 of the Draft EIR is revised as shown on the following page because Mitigation Measures HYD-2 and HYD-3 were inadvertently omitted.

Table 2.A on pages 2-17 and 2-19 of the Draft EIR is further revised as shown on the following pages to include minor revisions to mitigation measures identified in Chapter 4.0 of this Response to Comments Document (RTC Document).

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
4.7 HYDROLOGY AND WATER QUALITY			
Impact HYD-2: The increase in water supply demand due to the project could potentially interfere with sustainable management of groundwater in the Santa Rosa Plain Subbasin.	S	**HYD-2, Water Supply Coordination.** The Water Supply Assessment (WSA) prepared for the project shall be provided to Sonoma Water for review so that Sonoma Water can account for the increased water supply demand that would be generated by the project in their groundwater management efforts to maintain sustainable management of the Santa Rosa Plain Subbasin.	LTS
Impact HYD-3: The 100-year storm runoff from the project site could exceed the capacity of proposed stormwater infrastructure and result in flooding on the project site and surrounding roadways.	S	**Mitigation Measure HYD-3, Hydraulic Modeling.** The project sponsor shall hire a qualified Civil Engineer to perform hydraulic modeling to evaluate the 100-year storm event hydraulic grade line water elevations on the project site under proposed project conditions. The qualified Civil Engineer shall coordinate with the City to determine the estimated sea level rise amount that shall be used in the hydraulic modeling. The evaluation shall account for contribution of runoff from the project site and surrounding properties (including reasonably foreseeable projects identified by the City) into public roadways. If the evaluation demonstrates that the 100-year storm event could result in on-site flooding above the minimum of 1 foot of freeboard from the finished floor elevations on the project site or that runoff from the project site could contribute to increased flooding in off-site areas (including roadways), the project shall incorporate additional stormwater retention systems (e.g., swales, retention ponds, or cisterns with metered outlets) and/or additional stormwater conveyance systems into the project design to ensure that stormwater runoff from the project would not result in on-site flooding or contribute to increased off-site flooding. The results of the hydraulic modeling and any changes to the project's stormwater management system designs shall be submitted to the City for review and approval prior to the issuance of grading or building permits.	LTS

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
4.10 AIR QUALITY			
AIR-3: Construction of Phase 1 would generate ROG and NOX emissions in excess of thresholds established by the BAAQMD, resulting in a violation of air quality standards.	S	**AIR-3a, ~~Phase 1~~ Construction Equipment Requirements.** Prior to the commencement of Phase 1 construction activities, the project sponsor shall require its construction contractor to demonstrate that all ~~75~~ 50-HP or greater diesel-powered equipment are powered with California Air Resources Board (CARB)-certified Tier 4 Final engines. ~~An exemption from this requirement may be granted by the City of San Rafael (City) if: (1) the project sponsor documents that equipment with Tier 4 Final engines are not reasonably available; and (2) the required corresponding reductions in criteria air pollutant emissions can be achieved for the project from other combinations of construction equipment.~~ ~~Before an exemption may be granted, the project sponsor's construction contractor shall (1) demonstrate that at least two construction fleet owners/operators in Marin County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Marin County during the desired construction schedule; and (2) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model (CalEEMod) or another industry-standard emission estimation method and the documentation provided to the City to confirm that necessary project-generated emissions reductions are achieved.~~	LTS
		AIR-3b, Phase 1 Architectural Coatings and Interior Paints. To address the impact relative to reactive organic gas (ROG) emissions during Phase 1 construction, all interior paints and other architectural coatings shall be limited to 50 grams per liter or less of volatile organic compounds (VOCs). The project sponsor's construction contractor shall procure architectural coatings from a supplier in compliance with the requirements of BAAQMD Regulation 8, Rule 3 (Architectural Coatings), that meet the 50 grams per liter or less VOC content.	
AIR-4: Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations through exceeding the carcinogenic inhalation health risk threshold.	S	**AIR-4~~, Construction Equipment Standards.~~** ~~During construction of the proposed project, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project construction at a minimum meets the California Air Resources Board (CARB) Tier 2 with level 3 diesel particulate filters emissions standards or equivalent, including Tier 4 Final engines.~~ Implement Mitigation Measure AIR-3a.	LTS

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
4.12 NOISE			
NOI-1: Construction of the proposed project would result in a significant short-term increase in ambient noise levels in the vicinity of the project site in excess of the thresholds established in the City of San Rafael General Plan or Noise Ordinance.	S	**NOI-1, Sound Barriers.** The City of San Rafael (City) Director of Community Development, or designee, shall verify prior to issuance of demolition or grading permits that the approved plans require that the construction contractor implement the following measures during project construction activities: • Temporary noise barriers or shrouds shall be installed (featuring materials and methods of assembly and installation that yields a sound transmission class [STC] of 20 or better) near the operating equipment in a safe, feasible, and practical manner to break sound paths between it and the off-site or on-site noise-sensitive receptors (e.g., single- or multi-family residences) of concern. • During Phase 1 of construction, the temporary barriers shall be a minimum of 10 feet tall. • During Phase 2 of construction, the barriers shall be a minimum of 11 feet tall.	LTS
NOI-2: Operation period noise levels could ~~would~~ exceed the City's land use compatibility thresholds for future on-site sensitive receptors.	S	**NOI-2, On-Site Noise Compliance Requirements.** Prior to City approval of building permits, the project sponsor shall include in construction documents for City review building operation noise control and sound abatement features or considerations for stationary equipment during nighttime hours. The documentation shall include at least the following: • Equipment sound emission data (or sufficient engineering data from the manufacturer of equipment model[s]); • Architectural renderings and details depicting, where technically feasible, roof parapets, screens, walls, or other barriers around mechanical equipment that may directly or indirectly occlude, reflect, and/or absorb equipment noise emissions—conveyed via airflows or via vibrating equipment casings or enclosures; and • Incorporation of dissipative duct silencers, shrouds, covers, acoustical louvers, acoustically lined ductwork, and other means to help attenuate noise from fans, pumps, compressors, and other equipment featuring reciprocating or revolving components. The documentation shall demonstrate whether these measures, or any additional feasible mitigation measures, will reduce the sound level to below the established ~~55 dBA L_{eq} daytime and~~ 45 dBA L_{eq} thresholds for on-site sensitive receptors. After City approval, information on subsequent project design changes, equipment selections, or construction alterations that substantially deviate from these noise control and/or sound abatement details appearing in the construction documents must be reviewed by a qualified acoustician and provided to the City with respect to expected sufficiency of expected conformance with applicable City noise thresholds or as otherwise approved by the City.	SU

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
4.14 UTILITIES AND SERVICE SYSTEMS			
UTL-1: The proposed project would generate wastewater that would exceed the capacity of the existing sewer infrastructure that serves the project site.	S	**UTL-1:** Prior to the issuance of a certificate of occupancy for any of the residential units on the project site, the existing 12-, 15-, and 18-inch-diameter ~~Terra Linda~~ Northgate Trunk Sewer line downstream of the project site shall be upsized as determined by hydraulic calculations conducted by the project sponsor ~~to 15 inches in diameter~~ in coordination with the Las Gallinas Valley ~~Sanitation~~ Sanitary District (LGVSD). The analysis shall also identify the fair share cost for these improvements attributed to the proposed project. The certificate of occupancy shall not be issued until the LGVSD has issued final approval that the required upgrades have been completed.	LTS

Table 3.F on page 3-54 of the Draft EIR is revised as follows:

Table 3.F: Anticipated Approvals and Actions for Project Implementation

Lead Agency	Permit/Approval/Action
City of San Rafael	• Environmental Impact Report (EIR) Certification • Adoption of Findings and Statement of Overriding Considerations • Rezone to the Planned Development (PD) District • Environmental and Design Review Permit • Development Agreement • Density Bonus Application • Tentative Subdivision Map • Master Signage Program
Responsible Agencies/Entities	
Pacific Gas & Electric (PG&E)	• Approval of electric improvements and connection permits
Marin Municipal Water District (MMWD)	• Approval of water improvements and connection permits
Las Gallinas Valley Sanitary District	• Approval of wastewater improvements and connection permits
California Regional Water Quality Control Board (RWQCB)/Marin County Stormwater Pollution Prevention Program (SWPPP)	• Approval of National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge
Bay Area Air Quality Management District (BAAQMD)	• Permits for utility equipment

Source: Compiled by LSA (2023).

Page 4.2-8 of the Draft EIR is revised as follows:

> ~~***Jobs-Housing Connection Strategy.*** The Jobs Housing Connection Strategy was adopted by ABAG and MTC as part of Plan Bay Area in July 2013. The Jobs Housing Connection Strategy reflects the preferred land use pattern, which was selected from a series of land use alternatives and based on input from the public, cities and counties, and transportation agencies. The preferred scenario aims to concentrate growth near transit-served employ-ment centers in the inner Bay Area. For the SCS, the methodology used for assigning household growth to local jurisdictions incorporates multiple factors, including housing development capacity, base housing unit growth, vehicle miles traveled/transit service adjustment, and additional growth factors.~~

Table 4.9.E on page 4.9-21 of the Draft EIR is revised as follows:

Plan/Ordinance/Policy	Project Consistency
Plan Bay Area 2050	***Consistent.*** The proposed project would be consistent with the Plan Bay Area 2050 goals and performance targets for transportation system effectiveness, particularly those related to the project site's location within a Priority Development Area (PDA). The proposed project would develop new housing units that would locate residents near existing residential, office, and commercial uses, reducing the demand for travel by single-occupancy vehicles. In addition, the project area is served by public transit facilities and would provide enhanced internal bicycle and pedestrian facilities, which would also help to reduce the demand for travel by single-occupancy vehicles. According to the PDA and Equity Priority Community designations, the project would align with regional growth strategies and equity priority zones.

Mitigation Measure AIR-3a on page 4.10-31 of the Draft EIR is revised as follows:

Mitigation Measure AIR-3a: ~~**Phase 1**~~ **Construction Equipment Requirements.** Prior to the commencement of ~~Phase 1~~ construction activities, the project sponsor shall require its construction contractor to demonstrate that all ~~75~~ 50 HP or greater diesel-powered equipment are powered with California Air Resources Board (CARB)-certified Tier 4 Final engines.

~~An exemption from this requirement may be granted by the City of San Rafael (City) if: (1) the project sponsor documents that equipment with Tier 4 Final engines are not reasonably available; and (2) the required corresponding reductions in criteria air pollutant emissions can be achieved for the project from other combinations of construction equipment.~~

~~Before an exemption may be granted, the project sponsor's construction contractor shall (1) demonstrate that at least two construction fleet owners/operators in Marin County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Marin County during the desired construction schedule; and (2) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model (CalEEMod) or another industry-standard emission estimation method and the documentation provided to the City to confirm that~~

~~necessary project-generated emissions reductions are achieved.~~

Mitigation Measure AIR-3b on page 4.10-31 of the Draft EIR is revised as follows:

Mitigation Measure AIR-3b: **Phase 1 Architectural Coatings and Interior Paints.** To address the impact relative to reactive organic gas (ROG) emissions during Phase 1 construction, all interior paints and other architectural coatings shall be limited to 50 grams per liter or less of volatile organic compounds (VOCs). The project sponsor's construction contractor shall procure architectural coatings from a supplier in compliance with the requirements of BAAQMD Regulation 8, Rule 3 (Architectural Coatings), that meet the 50 grams per liter or less VOC content. (LTS)

Pages 4.10-37 through 4.10-39 of the Draft EIR are revised as follows:

Table 4.10.I: Unmitigated Inhalation Health Risks from Project Construction

	Carcinogenic Inhalation Health Risk in 1 Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximally Exposed Individual (MEI) Off Site	~~11.58~~ 18.60	~~0.0061~~ 0.010	0	~~0.072~~ 0.12
Phase 2 MEI On Site	~~7.09~~ 11.08	~~0.0073~~ 0.010	0	~~0.11~~ 0.16
Threshold	**10**	**1**	**1**	**0.3**

Source: Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report (Dudek 2023) and *Supplemental Air Quality Analysis Technical Memorandum* (Dudek August 2024).
$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = particulate matter less than 2.5 microns in size

As shown in Table 4.10.I, the risk associated with project construction for the maximally exposed individual (MEI) off site would be ~~11.58~~ 18.60 in 1 million, which would exceed the BAAQMD cancer risk of 10 in 1 million. The total chronic Hazard Index would be ~~0.0061~~ 0.010, which would not exceed the threshold of 1.0. In addition, the total acute Hazard Index would be 0.000, which would also not exceed the threshold of 1.0. The results of the analysis indicate that the total $PM_{2.5}$ concentration would be ~~0.072~~ 0.12 $\mu g/m^3$, which would also not exceed the BAAQMD significance threshold of 0.30 $\mu g/m^3$.

For future on-site sensitive receptors, the risk associated with project construction at the on-site MEI would be ~~7.09~~ 11.08 in 1 million, which would ~~not~~ exceed the BAAQMD cancer risk of 10 in 1 million. The total chronic hazard index would be

~~0.0073~~ 0.010, which would not exceed the threshold of 1.0. In addition, the total acute Hazard Index would be 0.000, which would also not exceed the threshold of 1.0. The results of the analysis indicate that the total $PM_{2.5}$ concentration would be ~~0.11~~ 0.16 µg/m^3, which would also not exceed the BAAQMD significance threshold of 0.30 µg/m^3. Therefore, without Tier 4 Final construction equipment, there would be a ~~less than~~ potentially significant risk to off-site and future (Phase 2) sensitive receptors on the project site.

Impact AIR-4 Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations through exceeding the carcinogenic inhalation health risk threshold. (S)

As indicated above, the cancer risk of ~~11.58~~18.60 in 1 million would exceed BAAQMD thresholds. Therefore, implementation of Mitigation Measure AIR-4 would be required to reduce substantial pollutant concentrations during project construction.

Mitigation Measure AIR-4: ~~**Construction Equipment Standards.** During construction of the proposed project, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project construction at a minimum meets the California Air Resources Board (CARB) Tier 2 with level 3 diesel particulate filters emissions standards or equivalent, including Tier 4 Final engines.~~ Implement Mitigation Measure AIR-3a.

Mitigation Measure AIR-4~~, which~~ requires implementation of Mitigation Measure AIR-3a, which requires the use of (at a minimum) ~~level 3 diesel particulate filters emissions standards or equivalent (including~~ Tier 4 Final~~)~~ engines on all 50 HP or greater diesel-powered equipment, which ~~on construction equipment,~~ shall be implemented to reduce DPM during construction. Table 4.10.J summarizes the results of the HRA for project construction after mitigation.

As shown in Table 4.10.J, the mitigated cancer risk at the off-site MEI would be ~~4.85~~ 5.10 in 1 million, which would not exceed the BAAQMD cancer risk of 10 in 1 million. The mitigated cancer risk at the on-site MEI would be 4.06 in 1 million, which would not exceed the BAAQMD cancer risk of 10 in 1 million. Therefore, with implementation of Mitigation Measure AIR-4, construction of the proposed project would not exceed BAAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations. This impact would be **less than significant with mitigation.**

Table 4.10.J: Mitigated Inhalation Health Risks from Project Construction to Off-Site Receptors

	Carcinogenic Inhalation Health Risk in 1 Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Maximally Exposed Individual (MEI) Off Site	~~4.85~~ 5.10	~~0.0026~~ 0.0028	0.000	~~0.056~~ 0.089
Phase 2 MEI On Site	4.06	0.0037	0.000	0.13
Threshold	**10.0**	**1.0**	**1.0**	**0.30**

Source: Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report (Dudek 2023) and Supplemental Air Quality Analysis Technical Memorandum (Dudek 2024).
$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = particulate matter less than 2.5 microns in size

Page 4.10-41 of the Draft EIR is revised as follows:

Table 4.10.K: Maximum Cumulative Health Impacts – On-Site Receptors

Source[1]	Carcinogenic Inhalation Health Risk in 1 Million	Chronic Inhalation Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Macy's West Stores Inc.	8.87	0.0046	0.012
Villa Marin Homeowners' Association	0.43	0.00067	0.00055
AlmaVia of San Rafael	0.29	0.00041	0.00037
Kohl's Department Store	0.076	0.000020	0.00019
Guide Dogs for the Blind Inc.	8.74	0.0023	0.011
The Pasha Group	0.011	0.000042	0.000013
Chevron Station	0.81	0.0036	—
Fuel 24:7 at Northgate	0.50	0.0022	—
Terra Linda 76	0.31	0.0013	—
Northgate Shell	0.44	0.0019	—
Gateway Gas One	0.36	0.0016	—
Marin Specialty Surgery Center	0.43	0.00016	0.00064
US-101	7.58	—[2]	0.17
Major Roadways	0.62	—[2]	0.01
Railroad	0.33	—[2]	0.0004
Future on-site residents during Phase 2 Construction	~~7.09~~ 11.08	~~0.0073~~0.010	~~0.1067~~0.16
Total Cumulative Health Risk	**~~36.46~~40.89**	**~~0.0260~~0.029**	**~~0.31~~0.36**
BAAQMD Cumulative Significance Criteria	*100*	*10*	*0.8*
Exceed Threshold?	**No**	**No**	**No**

Source: Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report (Dudek 2023) and Supplemental Air Quality Analysis Technical Memorandum (Dudek August 2024).

[1] Screening health risk levels for all stationary sources, US-101, major roadways, and railroad were obtained from the BAAQMD. Per BAAQMD recommendations, the BAAQMD Distance Adjustment Multiplier Tools for Gasoline Dispensing Facilities and for Diesel Internal Combustion Engines were used to estimate the risk from the stationary sources based on distance to the proposed residential parcels.

[2] According to BAAQMD, chronic health risk from these sources was not included in the raster files because risk was found to be low and exceedances were not likely.

$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
BAAQMD = Bay Area Air Quality Management District
US-101 = United States Route 101

As shown in Table 4.10.K, the cumulative cancer risk from all sources within 1,000 feet of the proposed project boundary would be approximately ~~36.46~~ 40.89 in 1 million, which would be below the BAAQMD cumulative threshold of 100 in 1 million, and therefore less than significant. The cumulative Hazard Index from all such sources would be approximately ~~0.026~~ 0.029, which would be below the significance threshold of 10, and would therefore be less than significant. The cumulative $PM_{2.5}$ concentration would be approximately ~~0.31~~ 0.36 µg/m^3, which would be below the significance threshold of 0.8 µg/m^3 and hence would be less than significant. Since receptors on Residential 4 would be exposed to the maximum health risk, the health risk impacts at the other proposed residential receptors on site would also be **less than significant.**

Page 4.12-19 of the Draft EIR is revised as follows:

Mitigation Measure NOI-1 **Sound Barriers.** The City of San Rafael (City) Director of Community Development, or designee, shall verify prior to issuance of demolition or grading permits that the approved plans require that the construction contractor implement the following measures during project construction activities:

- Temporary noise barriers or shrouds shall be installed (featuring materials and methods of assembly and installation that yields a sound transmission class [STC] of 20 or better) near the operating equipment in a safe, feasible, and practical manner to break sound paths between it and the off-site or on-site noise-sensitive receptors (e.g., single- or multi-family residences) of concern.
- During Phase 1 of construction, the temporary barriers shall be a minimum of 10 feet tall.
- During Phase 2 of construction, the barriers shall be a minimum of 11 feet tall. (LTS)

Page 4.12-28 of the Draft EIR is revised as follows:

Impact NOI-2 **Operation period noise levels could ~~would~~ exceed the City's land use compatibility thresholds for future on-site sensitive receptors. (S)**

Page 4.12-29 of the Draft EIR is revised as follows:

The results indicate that all daytime sound levels at representative upper-floor, on-site receptor locations listed in Table 4.12.R comply with the City's 55 dBA threshold for "constant" type sounds as received by mixed-use land uses. Noise from daytime amplified

Town Square events would exceed 55 dBA L_{eq} at five of the on-site receptors but do not exceed the significance threshold due to the City's exemption of these noise sources from its general 55 dBA L_{eq} threshold. At night, predicted operation noise levels received by four on-site mixed-use land uses slightly exceed the City's 45 dBA hourly L_{eq} threshold and would therefore not comply with the City's noise ordinance without some applied noise reduction or other project design feature. For these reasons, there is a need for noise reduction of on-site outdoor-exposed HVAC systems, subsurface parking level ventilation systems, and/or noise-generating equipment in at-grade or above-grade exposed parking areas. Nevertheless, such noise reduction methods, further detailed below as part of the on-site noise compliance requirements, may not be sufficient to attain these predicted noise reduction needs at all of these affected future on-site residential receptors. The loudest sound levels from Town Square speakers during an event are predicted to be less than 80 dBA and would thus be considered compliant with Section 8.13.050.C from the City's exterior noise level exception as it applies to such sound reinforcement systems.

Pages 4.12-30 through 4.12-31 of the Draft EIR are revised as follows:

The results indicate that all daytime sound levels at representative upper-floor on-site receptor locations listed in Table 4.12.S comply with the City's 55 dBA threshold for "constant" type sounds as received by mixed-use land uses. At night, predicted operation noise levels received by six on-site mixed-use land uses for the nighttime condition and eight on-site mixed-use land uses for the nighttime with occupied cinema conditions slightly exceed the City's 45 dBA hourly L_{eq} threshold and would therefore not comply with the City's noise ordinance without some applied noise reduction or other project design feature. For these reasons, there is a need for noise reduction of on-site outdoor-exposed HVAC systems, subsurface parking level ventilation systems, and/or noise-generating equipment in at-grade or above-grade exposed parking areas. Nevertheless, such noise reduction methods, further detailed below as part of the on-site noise compliance requirements, may not be sufficient to attain these predicted noise reduction needs at all of these affected future on-site residential receptors. The loudest sound levels from Town Square speakers during an event are predicted to be less than 80 dBA and would thus be considered compliant with Section 8.13.050.C from the City's exterior noise level exception as it applies to such sound reinforcement systems.

Given that Phase 1 and 2 project operations would exceed the City's land use compatibility thresholds for future on-site sensitive receptors, the following Mitigation Measure NOI-2 should be incorporated into the proposed project design to reduce operational noise effects to on-site sensitive receptors to the extent feasible.

Mitigation Measure NOI-2 **On-Site Noise Compliance Requirements.** Prior to City approval of building permits, the project sponsor shall include in construction documents for City review building operation noise control and sound abatement features or considerations for stationary equipment during nighttime hours. The documentation shall include at least the following:

- Equipment sound emission data (or sufficient engineering data from the manufacturer of equipment model[s]);

- Architectural renderings and details depicting, where technically feasible, roof parapets, screens, walls, or other barriers around mechanical equipment that may directly or indirectly occlude, reflect, and/or absorb equipment noise emissions—conveyed via airflows or via vibrating equipment casings or enclosures; and

- Incorporation of dissipative duct silencers, shrouds, covers, acoustical louvers, acoustically lined ductwork, and other means to help attenuate noise from fans, pumps, compressors, and other equipment featuring reciprocating or revolving components.

The documentation shall demonstrate whether these measures, or any additional feasible mitigation measures, will reduce the sound level to below the established ~~55 dBA L_{eq} daytime and~~ 45 dBA L_{eq} thresholds for on-site sensitive receptors. After City approval, information on subsequent project design changes, equipment selections, or construction alterations that substantially deviate from these noise control and/or sound abatement details appearing in the construction documents must be reviewed by a qualified acoustician and provided to the City with respect to expected sufficiency of expected conformance with applicable City noise thresholds or as otherwise approved by the City. (SU)

Pages 4.14-6 through 4.14-7 of the Draft EIR are revised as follows:

The project site has three existing points of connection to the existing public sewer system maintained by the LGVSD. Two points of connection are in manholes located in Las Gallinas Avenue at the northern boundary of the site, and the third connection is at a manhole in Los Ranchitos Road at the southeast corner of the site. The sewer pipes within the project site are 6 to 8 inches in diameter. The existing sewer main in Las Gallinas Avenue is 8 inches in diameter and conveys sewer flows northerly to a 12-, 15-, and 18-inch-diameter gravity sewer main that terminates northeasterly of the project site at the John Duckett sewer pump station. The John Duckett sewer pump station pumps sewer flows through a force main to the LGVSD wastewater treatment plant. The existing sewer main in Los Ranchitos Road is an 8-inch-diameter main that conveys sewer flows northerly toward Merrydale Road then easterly and southerly to the San Rafael Meadows pump station. The San Rafael Meadows pump station pumps sewer flows east across United States Route 101 (US-101)

into a gravity and force main system that eventually terminates at the LGVSD wastewater treatment plant.

Wastewater Treatment. The LGVSD Wastewater Treatment Plant (WWTP) was constructed in 1955 and expanded in 1958, 1972, and 1984. The WWTP has the capacity to treat ~~2.92~~ 3.2 mgd. From November through April, the treated wastewater is released to Miller Creek, which leads to San Pablo Bay. From May through October, effluent is reused to irrigate pasture land, is stored in ponds to accelerate evaporation, and is either later discharged to Miller Creek or ~~taken to Marin Water~~ sent to the LGVSD Recycled Water Treatment Facility for further treatment and distribution by Marin Water for landscape irrigation and other uses. The LGVSD WWTP has a dry weather capacity of 8 mgd and a wet weather capacity of 18 mgd. The LGVSD WWTP treats an average flow of 2.36 mgd, and the peak wet weather flow is approximately 22 to 24 mgd. Additional flows beyond the treatment capacity are diverted around the secondary treatment units and blended with secondary-treated effluent, all of which is then dechlorinated prior to discharge.

Pages 4.14-17 through 4.14-18 of the Draft EIR are revised as follows:

Wastewater. Wastewater at the project site is currently divided between the ~~Terra Linda~~ Northgate trunk sewer to the north (discharging into the John Duckett Pump Station) and ~~the Merrywood trunk sewer~~ a sanitary sewer main along Los Ranchitos Road and Merrydale Road to the south (discharging to the San Rafael Meadows and Civic Center Pump Stations). The existing flow rate from the project site is approximately 0.03 mgd. The LGVSD sewer design standards typically require using 400 gallons per day per capita and the national average occupancy for multi-family apartments is 2.6 occupants per unit. Therefore, it is estimated that full buildout of the proposed project would generate 1.47 mgd of sewer flow, an increase of approximately 1.44 mgd compared to existing conditions. The proposed project would be required to disconnect the existing sewer laterals that are currently connected to the San Rafael Meadows Pump Station because this pump station currently has limited capacity. All current and additional wastewater flows from the project site would be required to be redirected through the Northgate Trunk Sewer to the John Duckett Pump Station, which has a maximum pumping capacity of 6.34 mgd. The John Duckett Pump Station is the largest pump station in the LGVSD service area and the flow analysis conducted by LGVSD concluded that there is sufficient capacity for both phases of the proposed project and other cumulative projects identified in the City's General Plan Housing Element. ~~Flows from a portion of the project site are discharged along Las Gallinas Avenue/Los Ranchitos Road to the San Rafael Meadows Pump Station followed by the Civic Center Pump Station. The San Rafael Meadows Pump Station has a capacity of 1.3 mgd and the Civic Center Pump Station has a capacity of 2.3 mgd. The remaining flows from the project site are discharged to the John Duckett Pump Station, which has a capacity of 10.7 mgd. Therefore, there appears to be sufficient capacity at the John Duckett Pump Station to accommodate the proposed project through 2040.~~ However, ~~based on the model result for the Terra Linda Trunk Sewer,~~ there is not sufficient capacity in the sewer between the project site and the John Duckett Pump Station to accommodate flows from the project site. The estimated available capacity in the ~~12-inch-diameter sewer line~~ existing Northgate

Trunk Sewer downstream of the project site is 1.3 mgd, which is insufficient to accommodate the full flow from the project site of 1.47 mgd in 2040. This is a **potentially significant** impact.

Impact UTL-1 The proposed project would generate wastewater that would exceed the capacity of the existing sewer infrastructure that serves the project site. (S)

The estimated available capacity of 1.3 mgd in the Northgate Trunk Sewer downstream of the project site is reserved for peak wet weather flows from existing and future permitted development (i.e., accessory dwelling units) and is not available for wastewater generated by the proposed project or any future cumulative development projects. To address the capacity deficiency and allow for additional development, the existing 12-, 15-, and 18-inch diameter Northgate Trunk Sewer is required to be upsized to a larger pipeline. ~~The existing 12-inch-diameter sewer line could accommodate approximately 384 units, approximately 27 percent of full buildout, with no modifications. However, this is not sufficient to accommodate implementation of Phase 1 of the proposed project, which includes development of up to 922 residential units. To address the capacity deficiency in this portion of the Terra Linda Trunk Sewer and allow for additional development, the 12-inch-diameter sewer line would need to be up-sized.~~ Therefore, implementation of Mitigation Measure UTL-1 would be required.

Mitigation Measure UTL-1 Prior to the issuance of a certificate of occupancy for any of the residential units on the project site, the existing 12-, 15-, and 18-inch-diameter ~~Terra Linda~~ Northgate Trunk Sewer line downstream of the project site shall be upsized as determined by hydraulic calculations conducted by the project sponsor ~~to 15 inches in diameter~~ in coordination with the Las Gallinas Valley ~~Sanitation~~ Sanitary District (LGVSD). The analysis shall also identify the fair share cost for these improvements attributed to the proposed project. The certificate of occupancy shall not be issued until the LGVSD has issued final approval that the required upgrades have been completed. (LTS)

Future hydraulic calculations and m~~M~~odel results would be required to determine the ultimate size and location of required upgrades to the Northgate Trunk Sewer line to ensure that~~. indicate that increasing the pipe size to a 15-inch diameter would reduce~~ projected surcharging is ~~to~~ within allowable limits. ~~The new 15-inch-diameter line is anticipated to have a capacity of 2.55 mgd. The proposed project would account for approximately 58 percent of the capacity of the new sewer line.~~ Therefore, with implementation of Mitigation Measure UTL-1, this impact would be **less than significant with mitigation.** Installation of this line would occur within existing developed rights-of-way and within existing utility trenches. The new line would replace an existing line within the same location; therefore, implementation of this improvement would not result in secondary effects or off-site impacts that are not addressed in this EIR.

Page 4.14-20 of the Draft EIR is revised as follows:

> **Threshold 4.14.3: Wastewater Treatment Capacity.** As described under Threshold 4.14.1, the ~~wastewater pump stations~~ John Duckett Pump Station that serves the project site would have adequate capacity to serve the project. In addition, with implementation of Mitigation Measure UTL-1, the wastewater pipes that serve the project site would also have adequate capacity. The LGVSD WWTP has a dry weather capacity of 8 mgd and a wet weather capacity of 18 mgd, and currently treats an average flow of 2.36 mgd. As described under Threshold 4.14.1, the proposed project would generate 1.47 mgd of wastewater, an increase of 1.44 mgd compared to existing conditions. Therefore, with implementation of the proposed project, the LGVSD would be estimated to have an average flow of 3.83 mgd, which is well below the dry weather capacity of 8 mgd. Therefore, this impact would be **less than significant with mitigation**.

Page 5-18 of the Draft EIR is revised as follows:

> Although implementation of the Reduced Development Alternative would decrease the overall demand on utilities and service systems compared to the proposed project, the increase in wastewater generation at the project site would still require that the existing ~~12-inch-diameter Terra Linda~~ Northgate Trunk Sewer line downstream of the project site be upsized ~~to a 15-inch diameter~~ in coordination with the Las Gallinas Valley ~~Sanitation~~ Sanitary District. According to Section 4.14, Utilities and Service Systems, the existing ~~12-inch-diameter~~ sewer lines could accommodate approximately 384 units with no modifications. However, this is not sufficient to accommodate implementation of Phase 1 of the proposed project, which includes development of up to 922 residential units. To address the capacity deficiency in this portion of the ~~Terra Linda~~ Northgate Trunk Sewer and allow for additional development, the ~~12-inch-diameter~~ existing sewer lines would need to be up-sized. With implementation of Mitigation Measure UTL-1, requiring improvements to the surrounding sewer system infrastructure, impacts related to utilities and service systems would be **less than significant with mitigation**, similar to the proposed project.

Page 5-26 of the Draft EIR is revised as follows:

> Although implementation of the Reduced Residential Alternative would decrease overall demand on utilities and service systems compared to the proposed project, the increase in wastewater generation at the project site would still require the existing ~~12-inch-diameter Terra Linda~~ Northgate Trunk Sewer line downstream of the project site be upsized ~~to 15 inches in diameter~~ in coordination with the Las Gallinas Valley ~~Sanitation~~ Sanitary District. According to Section 4.14, Utilities and Service Systems, the existing ~~12-inch-diameter~~ sewer lines could accommodate approximately 384 units with no modifications. However, this is not sufficient to accommodate implementation of Phase 1 of the Reduced Residential Alternative, which includes development of up to 859 residential units. To address the capacity deficiency in this portion of the ~~Terra Linda~~ Northgate Trunk Sewer and allow for additional development, the ~~12-inch-diameter~~ existing sewer lines would need to be up-sized. With implementation of Mitigation Measure UTL-1, requiring improvements to the

surrounding sewer system infrastructure, impacts related to utilities and service systems would be **less than significant with mitigation**, similar to the proposed project.

Page 6-3 of the Draft EIR is revised as follows:

The environmental topics analyzed in Chapter 4.0, Setting, Impacts, and Mitigation Measures, represent those topics that generated the greatest potential controversy and expectation of adverse impacts associated with development of the proposed project. The following topics are not addressed in this EIR because impacts related to these topics either would not occur or would be less than significant with implementation of applicable mitigation measures. ~~A summary of the conclusions provided in the Initial Study analysis for each of the topics scoped out of the EIR is provided below.~~

Page 6-6 of the Draft EIR is revised as follows:

- **Impact NOI-2:** Phase 2 operation period noise levels could ~~would~~ exceed the City's land use compatibility thresholds for future on-site sensitive receptors.

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APPENDIX A

SUPPLEMENTAL AIR QUALITY ANALYSIS TECHNICAL MEMORANDUM

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MEMORANDUM

To:	City of San Rafael Community Development Department
From:	Dudek
Subject:	Northgate Mall Redevelopment Project – Supplemental Air Quality Analysis Technical Memorandum
Date:	August 13, 2024
Attachments:	Attachment A – Model Outputs: Mitigated 2040 Plan CalEEMod, AERMOD, and HARP2 Attachment B – Maximum Cumulative Health Risk Evaluation

1 Purpose and Summary

The purpose of this memorandum is to provide supplemental air quality analysis in consideration of comments received by the City of San Rafael (City) during the public review period for the Draft Environmental Impact Report (Draft EIR) for the Northgate Mall Redevelopment Project (project). Specifically, comments were raised pertaining to the meteorological data used in the construction health risk assessments (HRA) and that one stationary source was identified that was not included in the cumulative HRA. Dudek used the current, best available data and guidance at the time the *Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report* (Dudek 2023) was prepared. Nonetheless, to be responsive to comments related to concerns regarding the meteorological data used in the construction HRAs, available meteorological data sets were re-evaluated and the HRAs were updated using alternative meteorological data. In addition, the additional emergency generator stationary source was added to the cumulative risk evaluation. While incorporating alternate meteorological data in the construction HRAs demonstrated an increase in the degree of estimated construction health risk impacts compared to that identified in the Draft EIR, existing mitigation included in the Draft EIR would continue to reduce the impact to a level of insignificance, consistent with the conclusion reached in the Draft EIR (Draft EIR, p. 410-38). Additionally, the revised analysis concluded that the cumulative health risk at future on-site residential receptors to be developed under the project would also be less than significant, consistent with the conclusion reached in the Draft EIR (Draft EIR, p. 4.10-41).

The contents and organization of this memorandum are as follows: Supplemental Air Quality Assessment; Conclusions; and References.

2 Supplemental Air Quality Analysis

2.1 Thresholds

As described in the Draft EIR, the significance criteria used to evaluate the project impacts to air quality are based on Appendix G of the CEQA Guidelines, which specify that a significant impact related to air quality would occur if a project would:

Threshold 4.10.1:	Conflict with or obstruct implementation of the applicable air quality plan.
Threshold 4.10.2	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.
Threshold 4.10.3	Expose sensitive receptors to substantial pollutant concentrations.
Threshold 4.10.4	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

This memorandum does not consider or present changes to the Draft EIR's discussions or conclusions as to air quality plan consistency (Threshold 4.10.1), net increase of any criteria air pollutants (Threshold 4.10.2), or odors (Threshold 4.10.4). Section 2.2.1 of this memorandum considers toxic air contaminant (TAC) health risk (Threshold 4.10.3) in light of comments expressing concerns regarding health risk impacts related to the project. Unless otherwise stated, this analysis uses the same assumptions provided in *the Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report* (Dudek 2023), which was the technical basis for the Draft EIR.

2.2 Results

2.2.1 Threshold 4.10.3: Would the project expose sensitive receptors to substantial pollutant concentrations?

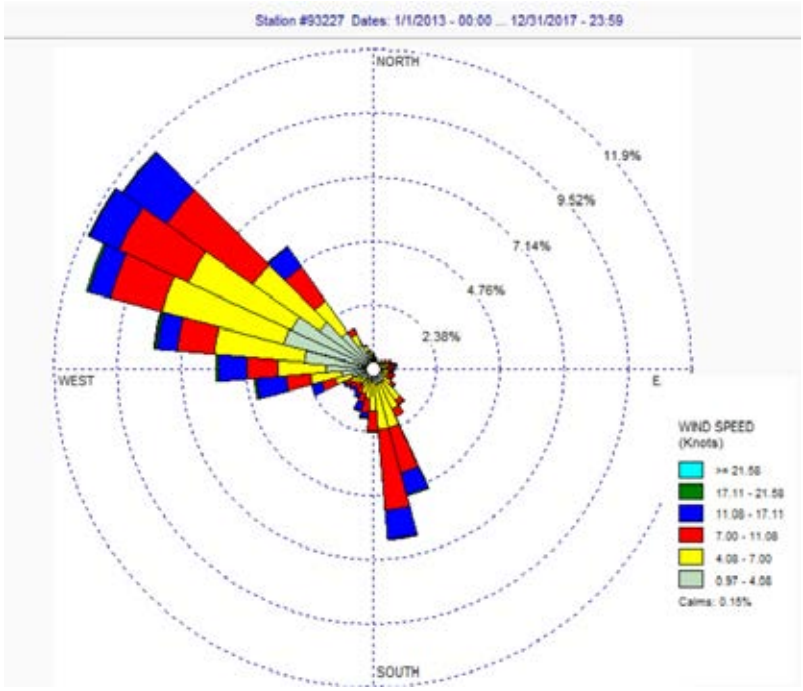
2.2.1.1 Construction Health Risk Assessment

2.2.1.1.1 Methodology

As described above, comments were received by the City that questioned the use of the Napa County Airport meteorological data for the construction HRAs when there are closer stations available, namely Gnoss Field and Sonoma Baylands. Notably, at the time *Northgate Town Square Project Air Quality and Greenhouse Gas Emissions Technical Report (*Dudek 2023) was prepared, Dudek based the construction HRA meteorological station on input from the Bay Area Air Quality Management District (BAAQMD) and Lakes Environmental and review of local data that reflected a different predominant wind pattern. However, upon further evaluation and in the abundance of caution, the Sonoma Baylands meteorological data (Figure 1 below) has been selected as the most representative data set (based on comparison to a current modeled windrose for San Rafael, provided below in Figure 2) and has been used to remodel the construction HRAs. Other methodological information detailed in the *Air Quality and Greenhouse Gas Emissions Technical Report Northgate Town Square Project* (Dudek 2023) was followed for this analysis, updated where noted, and is summarized below for context.

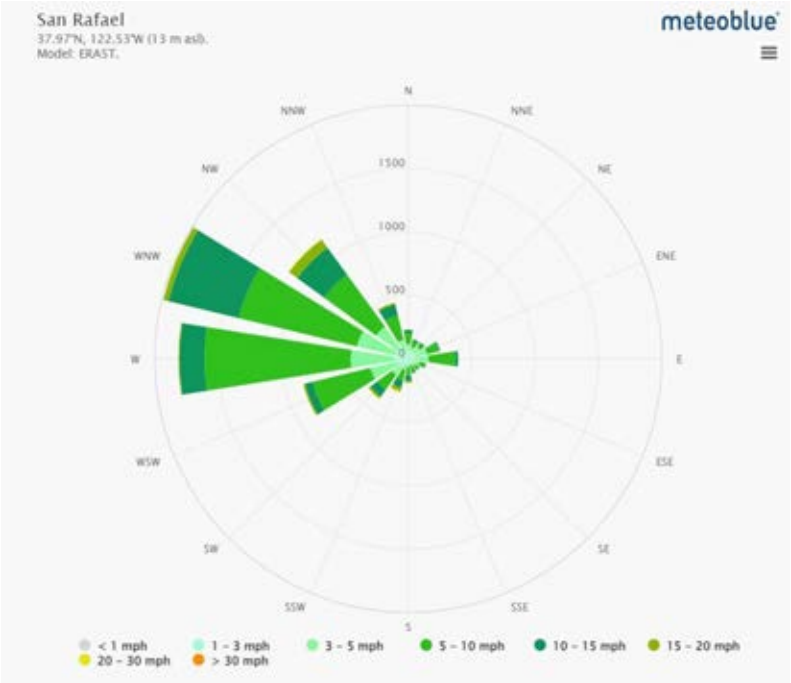
The greatest potential for TAC emissions during project construction would be diesel particulate matter (DPM) emissions from heavy equipment operations and heavy-duty trucks. A construction HRA was performed to evaluate the potential impact to existing off-site receptors as a result of construction of the 2025 Master Plan (Phase 1) and the 2040 Vision Plan (Phase 2). Since residential land uses would be constructed during the Phase 1 and occupied during the Phase 2 construction, the potential impact to on-site future sensitive receptors (residences) was also assessed. For risk assessment purposes, PM_{10} in diesel exhaust is considered a proxy for DPM. Complete model results for the construction HRA are included as Attachment A.

Figure 1. Measured Windrose for Sonoma Baylands Station



Source: BAAQMD 2022.

Figure 2. Modeled Windrose for City of San Rafael



Source: Meteoblue 2024.

The construction HRA applies the methodologies prescribed in the Office of Environmental Health Hazard Assessment (OEHHA) document, Air Toxics Hot Spots Program Risk Assessment Guidelines – Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2015). Cancer risk parameters, such as age-sensitivity factors, daily breathing rates, exposure period, fraction of time at home, and cancer potency factors were based on the values and data recommended by OEHHA are implemented in the California Air Resources Board's (CARB's) Hotspots Analysis and Reporting Program Version 2 (HARP2), which was used to estimate risk from construction activities.

Health effects from carcinogenic air toxics are usually described in terms of cancer risk. BAAQMD recommends a carcinogenic (cancer) risk threshold of 10 in one million (BAAQMD 2023). For context, the National Cancer Institute estimates that approximately 40.5% of people will be diagnosed with cancer during their lifetimes (National Cancer Institute 2024). A cancer risk of 10 in a million indicates that a person has an additional risk of 10 chances in a million (0.001%) of developing cancer during their lifetime as a result of the air pollution scenario being evaluated, which is minimal and defined as the "No Significant Risk Level" for carcinogens in Proposition 65. Additionally, some TACs increase noncancer health risk due to long-term (chronic) exposures. The Chronic Hazard Index is the sum of the individual substance chronic hazard indices for all TACs affecting the same target organ system. BAAQMD recommends a Chronic Hazard Index significance threshold of 1.0 (BAAQMD 2023).

The exhaust from diesel engines is a complex mixture of gases, vapors, and particles, many of which are known human carcinogens. DPM has established cancer risk factors and relative exposure values for long-term chronic health hazard impacts. No short-term, acute relative exposure level has been established for DPM; therefore, acute impacts of DPM are not addressed in this assessment.

A dispersion modeling analysis was conducted of DPM emitted from diesel vehicles and construction equipment on the project site for the HRA to assess the health risk impacts of the construction on proximate existing off-site and future on-site sensitive receptors. Additionally, dispersion modeling was conducted for fugitive dust $PM_{2.5}$. The dispersion modeling was performed using the American Meteorological Society/EPA Regulatory Model (AERMOD), which is the model BAAQMD requires for atmospheric dispersion of emissions. AERMOD is a steady-state Gaussian plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of surface and elevated sources, building downwash, and simple and complex terrain. Principal parameters of this modeling are presented in Table 1.

Table 1. Construction Health Risk Assessment AERMOD Principal Parameters

Parameter	Details
Dispersion model	The air dispersion model used was AERMOD Version 23132, with the Lakes Environmental Software implementation/user interface, AERMOD View, Version 12.0.0. This is the most recent version of AERMOD, which was released after the Draft EIR was published. A unit emission rate (1 gram per second [g/s]) was normalized over the line of adjacent volume sources and area sources for the AERMOD run to obtain the X/Q values. X/Q is a dispersion factor that is the average effluent concentration normalized by source strength. It is used as a way to simplify the representation of emissions from many sources. The maximum concentrations were determined for the 1-hour and PERIOD averaging periods.
Meteorological data	After comparing the primary wind directions of San Rafael, the latest 5-year meteorological data (2013–2017) for the Sonoma Baylands station were used in the analysis as the most representative data set. See also Figures 1 and 2 above for this comparison.

Table 1. Construction Health Risk Assessment AERMOD Principal Parameters

Parameter	Details
Urban versus rural option	Urban areas typically have more surface roughness, as well as structures and low-albedo surfaces that absorb more sunlight—and thus more heat—relative to rural areas. The urban dispersion option was selected and the Marin County population for year 2021 (260,206 persons) was input into AERMOD.
Terrain characteristics and elevation data	The terrain in the vicinity of the modeled project site is varied. Digital elevation model files were imported into AERMOD so that complex terrain features were evaluated as appropriate, and elevations were assigned to the emission sources and receptors. Digital elevation data were obtained through AERMOD View in the U.S. Geological Survey's National Elevation Dataset format with an approximately 1 arc-second resolution.
Emission sources and release parameters	Air dispersion modeling of DPM emissions was conducted assuming the equipment and trucks would operate in accordance with the modeling scenario estimated in the California Emissions Estimator Model (CalEEMod) for the Draft EIR. The construction equipment and diesel truck DPM emissions were modeled as a line of adjacent volume sources across the project site to represent construction with a release height of 5 meters (16 feet), plume height of 10 meters (33 feet), and plume width of 9 meters (30 feet). Additionally, an area source was input on the construction site to represent fugitive dust, with a release height of 0 meters and an initial vertical dimension of 1 meter (3 feet).
Receptors	The HRA evaluates the risk to existing off-site and future on-site sensitive receptors located in proximity to the project site. For the off-site receptors, a uniform fine 1.5- by 1.5-kilometer (0.9- by 0.9-mile) Cartesian grid with 20-meter (66-foot) spacing was centered over the project site and converted into discrete receptors to capture the maximum point of impact. For the on-site receptors, a uniform Cartesian grid with 20-meter (66-foot) spacing was input to account for residential units in Residential 1, 2, 3, and 4, which would be built during Phase 1 and occupied during the Phase 2 construction. Per BAAQMD guidance, all receptors were set at a flagpole height of 1.5 meters (BAAQMD 2023).

Notes: AERMOD = American Meteorological Society/EPA Regulatory Model; BAAQMD = Bay Area Air Quality Management District; DPM = diesel particulate matter; CalEEMod = California Emissions Estimator Model; HRA = health risk assessment.
See Attachment A for additional information.

Dispersion model plotfiles from AERMOD were then imported into CARB's HARP2 to determine health risk, which requires peak 1-hour emission rates and annual emission rates for all pollutants for each modeling source. For the off-site receptors, the project's potential cancer and noncancer health impacts from both Phase 1 and Phase 2 construction assume an exposure duration of 783 active construction days, starting at the third trimester of pregnancy. For the on-site receptors, the project's potential cancer and noncancer health impacts from Phase 2 construction Plan assume an exposure duration of 329 active construction days, starting at the third trimester of pregnancy. The risk results were then compared to BAAQMD thresholds to assess project impact significance.

2.2.1.1.2 Results

TACs that would potentially be emitted during construction activities would be DPM emitted from heavy-duty construction equipment and heavy-duty trucks. Heavy-duty construction equipment and diesel trucks are subject to CARB Airborne Toxic Control Measures to reduce DPM emissions. Table 2 summarizes the results of the HRA for project construction.

Table 2. Construction Health Risk Assessment Results – Unmitigated

Impact Parameter	Units	Project Impact	BAAQMD CEQA Threshold	Level of Significance
Off-Site Receptors				
MEIR – off site	Per million	18.60	10.0	**Potentially significant**
HIC – off site	Not applicable	0.010	1.0	Less than significant
$PM_{2.5}$ – off site	$\mu g/m^3$	0.12	0.3	Less than significant
On-Site Receptors				
MEIR – on site	Per million	11.08	10.0	**Potentially significant**
HIC – on site	Not applicable	0.010	1.0	Less than significant
$PM_{2.5}$ – on site	$\mu g/m^3$	0.16	0.3	Less than significant

Notes: BAAQMD = Bay Area Air Quality Management District; CEQA = California Environmental Quality Act; MEIR = maximum exposed individual resident; HIC = Chronic Hazard Index; $PM_{2.5}$ = fine particulate matter; $\mu g/m^3$ = micrograms per cubic meter.
See Attachment A.

As shown in Table 2, the results of the construction HRA for the project demonstrate that the construction emissions would result in a potential incremental increase in cancer risk at the off-site MEIR and future on-site MEIR that would exceed the 10 in a million-cancer risk threshold; however, construction emissions would be below the Chronic Hazard Index and $PM_{2.5}$ concentration thresholds. Overall, the project would result in a **potentially significant** impact in regard to cancer risk resulting from TAC emissions generated during construction; therefore, mitigation is required. The DEIR conclusion for potential cancer risk impacts during project construction was also potentially significant requiring mitigation.

Mitigation Measure

To clarify mitigation measures in the Draft EIR, Mitigation Measure AIR-3a was expanded to also apply to Phase 2 construction and all equipment with engines equal to or greater than 50 horsepower (which was a more stringent horsepower identified in Mitigation Measure AIR-4) and Mitigation Measure AIR-4 was removed. The following revised Mitigation Measure AIR-3a would reduce potentially significant construction impacts to a less-than-significant level.

Mitigation Measure-AIR-3a: Phase 1 and Phase 2 Construction Equipment Requirements.

Prior to the commencement of Phase 1 and Phase 2 construction activities, the project sponsor shall require its construction contractor to demonstrate that all 50 HP or greater diesel-powered equipment are powered with California Air Resources Board (CARB)-certified Tier 4 Final engines.

Level of Significance After Mitigation

Mitigation Measure AIR-3a, which requires the use of Tier 4 Final engines on construction equipment, shall be implemented to reduce DPM during Phase 1 and Phase 2 construction. Table 3 summarizes the results of the HRA for project construction after mitigation.

Table 3. Construction Health Risk Assessment Results – Mitigated

Impact Parameter	Units	Project Impact	BAAQMD CEQA Threshold	Level of Significance
Off-Site Receptors				
MEIR – off site	Per million	5.10	10.0	Less than significant
HIC – off site	Not applicable	0.0028	1.0	Less than significant
$PM_{2.5}$ – off site	$\mu g/m^3$	0.089	0.3	Less than significant
On-Site Receptors				
MEIR – on site	Per million	4.06	10.0	Less than significant
HIC – on site	Not applicable	0.0037	1.0	Less than significant
$PM_{2.5}$ – on site	$\mu g/m^3$	0.13	0.3	Less than significant

Notes: BAAQMD = Bay Area Air Quality Management District; CEQA = California Environmental Quality Act; MEIR = maximum exposed individual resident; HIC = Chronic Hazard Index; $PM_{2.5}$ = fine particulate matter; $\mu g/m^3$ = micrograms per cubic meter.
See Attachment A.

As shown in Table 3, the results of the construction HRA for the project demonstrate that the construction emissions would result in a potential incremental increase in cancer risk, chronic risk, and $PM_{2.5}$ concentrations that would each be below the respective BAAQMD thresholds at the off-site MEIR and future on-site MEIR. As such, the Project would result in a **less-than-significant** impact in regard to potential health risk resulting from mitigated TAC emissions generated during construction.

2.2.1.2 Cumulative Health Risk Assessment

2.2.1.2.1 Methodology

The BAAQMD method for determining cumulative health risk requires the review of health risk from permitted sources, railroads, and major roadways in the vicinity of a project site (i.e., within 1,000 feet of the proposed new sensitive receptors on the project site), then adding the project impacts to determine whether the cumulative health risk thresholds are exceeded. The 1,000-foot radius from a project site is used because TACs produced at distant locations from a particular project site do not readily combine to create concentrations that result in health risks at or near that site.

As noted on the BAAQMD Stationary Source Screening Map, data may be updated periodically, and the permitted emergency generator noted by the commenter at the Marin Specialty Surgery Center at 1 Thorndale Drive was added after the Draft EIR "Stationary Source Risk and Hazards Screening Report" was run on January 28, 2022. This source was added to the cumulative risk values from the Draft EIR. In addition, health risk values for project construction were updated based on revisions to the dispersion modeling as outlined in Section 2.2.1.1.2 above.

2.2.1.2.2 Results

Because sensitive receptors would be located at the project site, a cumulative HRA was performed in the DEIR and replicated below with the additional source identified. Unlike for a project-level assessment, for the cumulative assessment the risks from all sources within 1,000 feet of project sensitive receptors are summed and compared to a cumulative significance threshold. The cumulative health risk for each proposed residential parcel was

estimated based on proximity of the nearest parcel boundary with the existing sources of TACs. Maximum health risk levels from Project construction were also summed with the health risk from existing sources of TACs for Residential 1 through 4, since these parcels would be operating concurrently with Phase 2 construction. Based on this analysis, the maximally exposed proposed residential receptors would be at Residential 4 (located on the eastern edge of the project site), primarily based on proximity to the existing Macy's (emergency generator), Highway 101, and project construction. As shown in Table 4, health impacts at these proposed sensitive receptors from all proximate sources would be below the BAAQMD cumulative thresholds for cancer risk, chronic health hazards, and $PM_{2.5}$ concentrations.

Table 4. Maximum Cumulative Health Impacts – On-Site Receptors

Source[a]	Cancer Risk (Persons per Million)	Chronic Impact	$PM_{2.5}$ Concentration (µg/m³)
Macy's West Stores Inc.	8.87	0.0046	0.012
Villa Marin Homeowners' Association	0.43	0.00067	0.00055
AlmaVia of San Rafael	0.29	0.00041	0.00037
Kohl's Department Store	0.076	0.000020	0.00019
Guide Dogs for the Blind Inc.	8.74	0.0023	0.011
The Pasha Group	0.011	0.000042	0.000013
Chevron Station	0.81	0.0036	—
Fuel 24:7 at Northgate	0.50	0.0022	—
Terra Linda 76	0.31	0.0013	—
Northgate Shell	0.44	0.0019	—
Gateway Gas One	0.36	0.0016	—
Marin Specialty Surgery Center (added after Draft EIR)	0.43	0.00016	0.00064
Highway 101	7.58	—[b]	0.17
Major Roadways	0.62	—[b]	0.01
Railroad	0.33	—[b]	0.0004
Project Construction (without mitigation)[c]	11.08	0.010	0.16
Total Cumulative Health Risk	**40.89**	**0.029**	**0.36**
BAAQMD Cumulative Significance Criteria	*100*	*10*	*0.8*
Exceed Threshold?	**No**	**No**	**No**

Source: Appendix C
Note: BAAQMD = Bay Area Air Quality Management District; DPM = diesel particulate matter; N/A = not applicable; $PM_{2.5}$ = fine particulate matter; µg/m³ = micrograms per cubic meter.

[a] Screening health risk levels for all stationary sources, Highway 101, major roadways, and railroad were obtained from the BAAQMD. Per BAAQMD recommendations, the BAAQMD Distance Adjustment Multiplier Tools for Gasoline Dispensing Facilities and for Diesel Internal Combustion Engines were used to estimate the risk from the stationary sources based on distance to the proposed residential parcels.

[b] According to BAAQMD, chronic health risk from these sources was not included in the raster files because risk was found to be low and exceedances were not likely.

[c] Health risk associated with project construction is based on the unmitigated modeling results presented in Table 2, for on-site residential receptors.

As shown in Table 4, the cumulative cancer risk from all sources within 1,000 feet of the Project boundary would be approximately 40.89 in one million, which would be below the BAAQMD cumulative threshold of 100 in one

million and would be less than significant. The cumulative hazard index from all such sources would be approximately 0.029, which would be below the significance threshold of 10 and would be less than significant. The cumulative $PM_{2.5}$ concentration would be approximately 0.36 µg/m^3, which would be below the significance threshold of 0.8 µg/m^3 and hence would be less than significant. Since receptors on Residential 4 would be exposed to the maximum health risk, the health risk impacts at the other proposed residential receptors on site would also be **less than significant**, which is the same conclusion in the DEIR.

3 Conclusions

While incorporating alternate meteorological data in the construction HRAs demonstrated an increase in the degree of construction health risk impacts compared to that identified in the Draft EIR, existing mitigation (Mitigation Measure AIR-3a) included in the Draft EIR would continue to reduce the impact to a level of insignificance, consistent with the conclusion reached in the Draft EIR. Additionally, the analysis above concluded that the cumulative health risk at future on-site residential receptors to be developed under the project would also be less than significant, consistent with the conclusion reached in the Draft EIR. These improvements do not result in a new or more severe substantial adverse environmental impact, or identify a feasible mitigation measure or alternative not adopted by the applicant, or otherwise present significant new information.

4 References

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Attachment A

Model Outputs: Mitigated 2040 Plan CalEEMod, AERMOD, and HARP2

Available upon request

APPENDIX B

SAN RAFAEL FIRE DEPARTMENT SUPPLEMENTAL DOCUMENTATION

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APPENDIX B-1

SAN RAFAEL FIRE DEPARTMENT SERVICES – SUPPLEMENTAL DOCUMENTATION

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Northgate Project Impact

San Rafael Fire Department

San Rafael, California

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www.esci.us

Emergency Services Consulting International

Providing Expertise and Guidance that Enhances Community Safety

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Conclusion 9

Executive Summary

In conjunction with the staffing and resource deployment study requested by San Rafael Fire Department (SRFD), ESCI also evaluated the potential impact of a development project in process referred to as the Northgate Project. This evaluation was to provide SRFD leadership with information to be considered during discussions centered around this construction project. Of particular concern to city leadership was the potential offset requirements and impacts this project could have on fire rescue services. Considerations focused solely on the delivery of fire rescue services and did not evaluate any other factors of impact, such as traffic, utilities, etc.

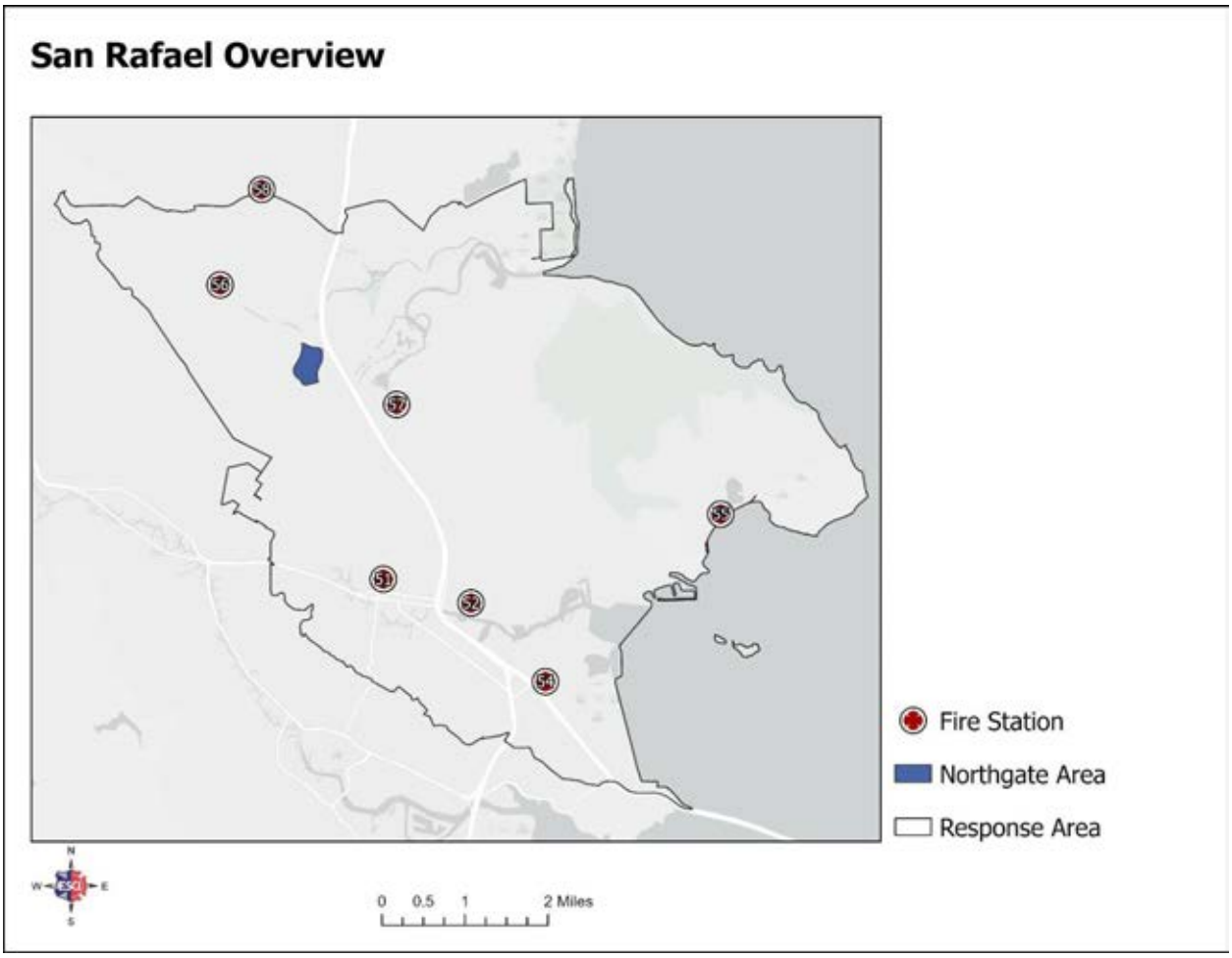
The Northgate Project is situated within the primary response zone for SRFD Station 56, which is staffed with three personnel on a daily basis. To predict the potential impact of the project, ESCI evaluated the current workload for Station 56 and current responses to the existing occupancies on the property slated for development. With a current average incident response of 89 incidents, it is projected that there will be an increase of 409–619 additional incidents annually. With a current workload of 6.4% (time committed to incidents, with a benchmark of 25% or less), it is projected that there would be an increase of 2–3% in workload.

Both of these estimates do indicate that there will be an impact on service delivery. However, the impact, though felt, appears not to reach a significant level. SRFD leadership and elected officials should consider this impact as they determine the need for any offsets required from the developer.

Background

The City of San Rafael contracted Emergency Services Consulting International to conduct a staffing and resource deployment study. While the full project is still in process, San Rafael Fire Department (SRFD) leadership requested assistance in projecting the impact of a proposed development within the Northgate area of the community, which is illustrated in the following figure.

Figure 1. SRFD Service Area



Northgate Town Square Project Description

The developer is currently working through approval processes with the City of San Rafael on this project. The proposed Northgate Town Square project, the first of its size in nearly 30 years, would replace the current commercial shopping mall with the following occupancies:

- Residential units – 1,000–1,422 (including affordable housing units)
- Commercial units – 250,000 ft^2
- Buildings of 2–7 stories in height

The primary response station to this area is Station 56 with daily staffing of three firefighters each day. These personnel are cross-staff to both Engine 56 and Medic 56 when responding to incidents. During the five-year study period, SRFD units responded to the existing Northgate occupancies a total of 447 times (an average of 89.4 responses per year), as illustrated in the following figure.

Figure 2. SRFD Responses to Northgate, 2019–2023

2019	2020	2021	2022	2023	Total	Average
124	56	91	82	94	447	89.4

Station 56 units were assigned to incidents throughout the service area, and not just Northgate, for 558 hours within calendar year 2023, achieving a workload percentage of 6.4%. While there are no specific industry standards to which this may be compared, best practice indicates that units should have a workload of less than 25% in order to maintain the reliability of service within the community. The combined workload of the units at Station 56 is well below that level.

Impact Considerations on Service Delivery

The impact of the project will vary but may be considered based on the projected incident volume. Incident volume is extrapolated from the current number of incidents per 1,000 people within the City of San Rafael (0.20 incidents/1,000 people). This also is based on the current community demographic of 2.54 people per household. The adjusted incidents value is the projected incidents minus the average number of current incidents, as illustrated in the following figure.

Figure 3. SRFD Annual Projected Service Demand to Northgate

Range	Households	People	Projected Increased Incidents
Low	1,000	2,540	409
Hi	1,422	3,612	619

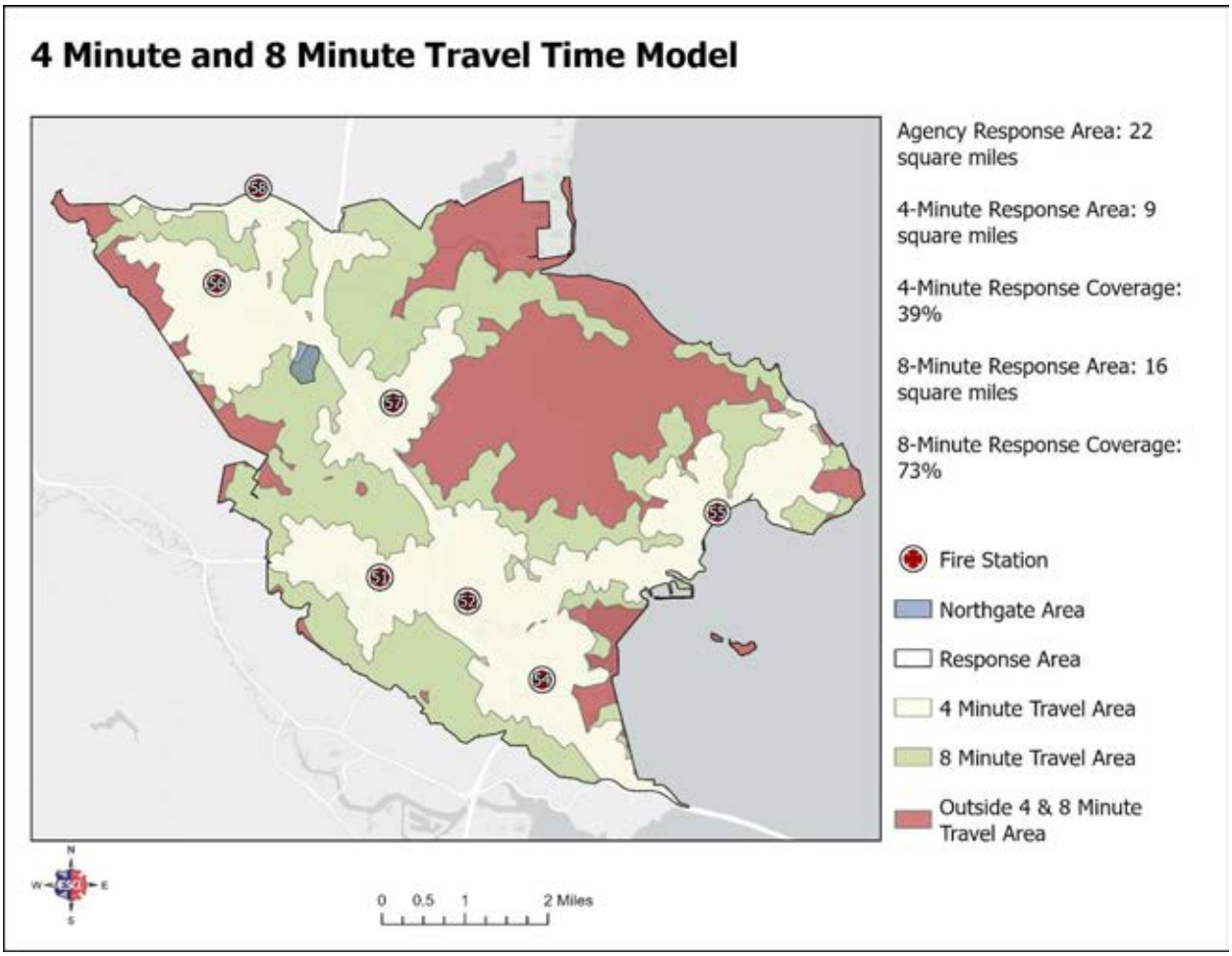
Combining the existing data for calendar year 2023 with the projected data (with a factor of 30 minutes per incident for projected demand), the following figure illustrates the projected workload for Station 56. While the higher projection is 2–3% greater than the current workload, it is still below the 25% benchmark.

Figure 4. SRFD Annual Projected Workload for Station 56

Households	Incidents	Hours	Workload
1,000	2,371	762.7	8.7%
1,422	2,581	867.7	9.9%

During the five-year study period, the travel time for the first unit to arrive was 5 minutes, 51 seconds. This is slightly greater than the 4 minutes or less recommended by a standard issued by the National Fire Protection Association, NFPA 1710: *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*. The following figure illustrates that the majority of the Northgate property is just outside of the 4-minute travel from the closest stations.

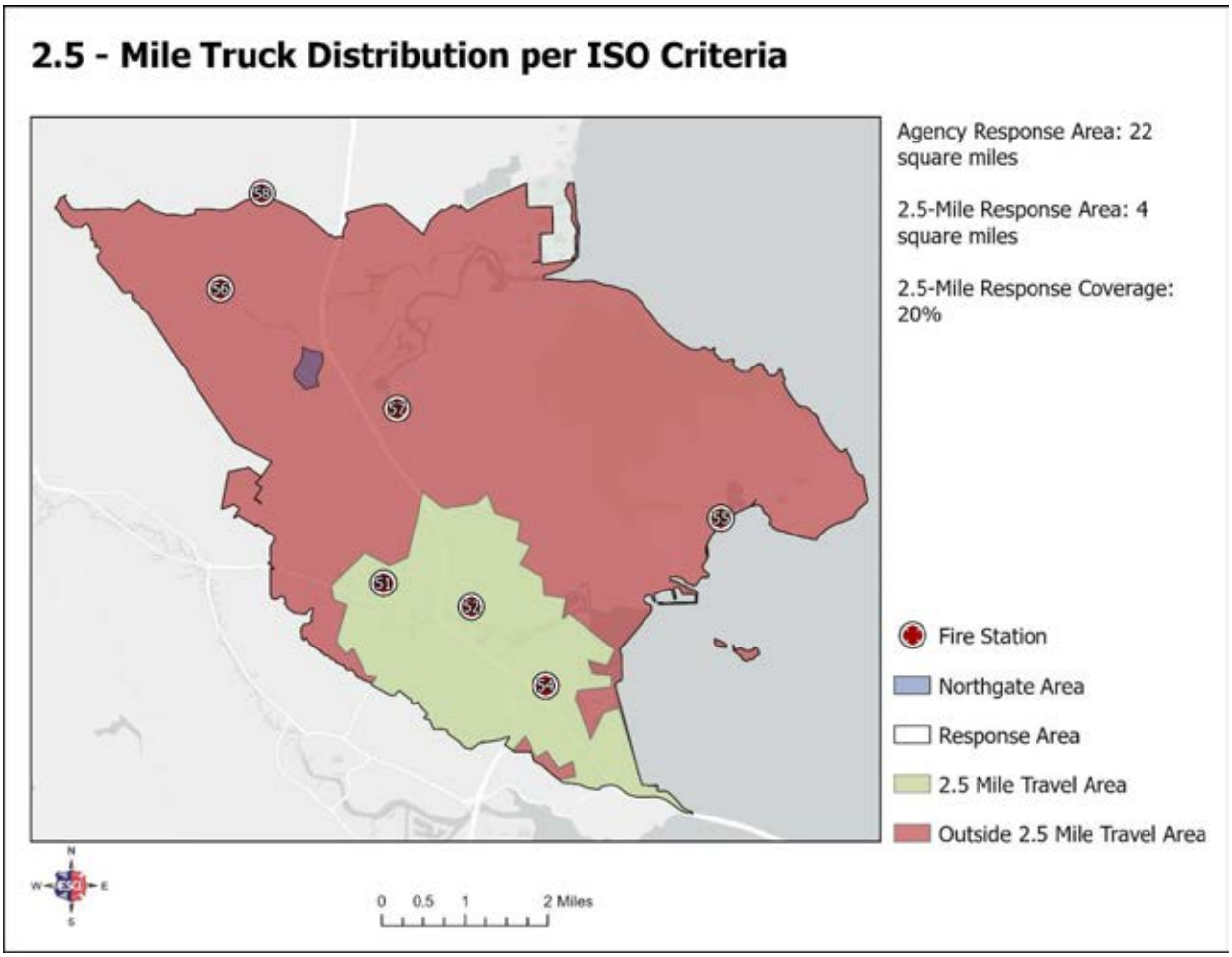
Figure 5. SRFD 4/8-Minute Travel Time Model per NFPA 1710 Criteria



Additional consideration has been paid to the ability other apparatus to respond as well. A timely response of an aerial apparatus to the multi-story buildings within the proposed project was examined. The use of aerial apparatus is more specifically needed in areas of the community where there are five or more buildings of three stories (or 32-feet) or more in height, five or more buildings requiring a needed fire flow of greater than 3,500 gallons per minute, or five or more buildings meetings any

combination of these requirements. Industry standards for the evaluation of aerial apparatus placement consider the amount of the service area within a 2.5-mile travel distance of the aerial apparatus. As illustrated in the following figure, while 20% of the SRFD service area meets this benchmark, the entire Northgate property is well outside of that distance.

Figure 6. SRFD 2.5-Mile Aerial Distribution



Conclusion

The analysis of the Northgate Project's impact on the San Rafael Fire Department (SRFD) services highlights several key considerations regarding response times and the deployment of critical apparatus. The study period revealed that the average travel time for the first unit to arrive was 5 minutes and 51 seconds, exceeding the NFPA 1710 standard of 4 minutes or less. This finding indicates that a significant portion of the Northgate property falls outside the ideal response time radius from the nearest fire stations.

The evaluation also extended to the timely deployment of aerial apparatus, which is essential in areas with multi-story buildings and high fire flow requirements. The study demonstrated that while 20% of the SRFD service area meets the industry benchmark of a 2.5-mile travel distance for aerial apparatus, the Northgate property is notably beyond this range. This suggests a potential gap in coverage for high-rise and high-demand structures within the project area.

Despite these challenges, the projected impacts on service delivery do not appear to be critically significant. However, it is imperative for SRFD leadership and elected officials to consider these findings when negotiating potential developer offsets and exploring additional mitigation strategies. Recommendations include the strategic placement of new fire stations, upgrading current infrastructure, and continuous collaboration with urban planners and developers to enhance response times and service efficiency.

Moreover, ongoing monitoring and assessment of service delivery metrics will be crucial. Adapting strategies based on real-time data will ensure that SRFD can meet the evolving needs of the community, maintaining a resilient and responsive emergency service framework. Proactive measures in planning, resource allocation, and infrastructure development will be essential to safeguard public safety and optimize fire suppression operations within the Northgate Project area and beyond.

In summary, while the Northgate Project poses some risks to current service delivery standards, with thoughtful planning and strategic investments, these challenges can be effectively managed, ensuring continued protection and safety for the community.

APPENDIX B-2

SAN RAFAEL FIRE DEPARTMENT SEPTEMBER 11, 2024 MEMORANDUM

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CITY OF SAN RAFAEL

SAN RAFAEL, CALIFORNIA

INTER-DEPARTMENTAL MEMORANDUM

DATE: September 11, 2024
TO: MARGARET KAVANAUGH-LYNCH, PLANNING MANAGER
FROM: ROBERT SINNOTT, DEPUTY FIRE CHIEF
SUBJECT: Planning File #PLAN21-039 - 5800 NORTHGATE DR
Redevelopment of Northgate Mall

This UPDATED memorandum is intended to assist the applicant in determining the feasibility of this project and in the preparation of construction documents regarding compliance with the California Code of Regulations Title 24 and local ordinance requirements. IT SUPERCEDES THE FIRE PREVENTION MEMORANDUM DATED MARCH 19, 2021.

A prior condition - ***Due to size of project and anticipated numbers of residents and visitors, the Fire Department will determine if additional levels of fire protection and emergency medical services, personnel, equipment, or facilities are needed. The developer could be subject to the costs associated with these needs.*** was removed based on a site-specific staffing and resource study conducted by Emergency Service Consulting International (ESCI). It was determined from this study that no additional facilities or firefighting/EMS resources will be needed based on projected size, density and estimated incident volume.

After review of the application and plans provided for this project, the **Fire Prevention Bureau** has the following comments:

1. The design and construction of all site alterations shall comply with the 2022 California Fire Code, current NFPA Standards, and all applicable City of San Rafael Ordinances and Amendments.

2. Due to the size of the project, the developer could be responsible to reimburse City costs associated with the following services:

    a. Plan review of fire protection systems.
    b. Personnel costs associated with on-site inspections.

3. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:

    a. Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
    b. Fire Standpipe plans (Deferred Submittal to the Fire Prevention Bureau)
    c. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
    d. Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
    e. Automatic Fire-Extinguishing System plans (Deferred Submittal to the Fire Prevention Bureau)
    f. Vegetation Management Plan. Submit a landscaping plan to the Defensible Space Division for review to verify conformance with SRMC Chapter 4.12.
    g. ERRCS/DAS (Deferred submittal to Fire Prevention Bureau)

4. The fire apparatus access roadway must conform to all provisions in CFC Section 503 and Appendix D.

Based on an emergency vehicle access study conducted by Parametrix Consulting dated August 12, 2024, working on behalf of the City, a list of incomplete items and other comments were developed. However, based on this review of the information provided, there do not appear to be code-compliance issues that will require significant revisions to the site plan or layout.

5. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:

    a. Designated fire apparatus access roads.
    b. Red curbs and no parking fire lane signs.
    c. Fire hydrants.
    d. Fire Department Connection (FDC).
    e. Double detector check valve.
    f. Street address sign.
    g. Recessed Knox Box
    h. Fire Alarm annunciator panel.
    i. NFPA 704 placards.
    j. Provide a note on the plan, as follows: The designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building.
    k. The contractor shall provide:
        a. Knox key access to the project site during construction.
        b. 24-hour emergency contact information conspicuously posted on the job site.
        c. Ensure the site is kept clear of any combustible debris or waste; removed daily.
        d. Mount fire extinguishers of a 2A10BC rating every 75 feet of travel distance and on each floor throughout the jobsite.

6. A Knox Box is required at the primary point of first response to the building. A recessed mounted Knox Box # 3200 Series is required for new buildings; surface mount for all others. the Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72" to 78" above finish grade; show the location on the plans. https://www.knoxbox.com/commercial-knoxboxes/

7. A Knox key switch is required for driveway or access road automatic gates. https://www.knoxbox.com/gate-keys-and-padlocks/

8. On site fire hydrants will be required. Residential model: Clow 950. Commercial Model: Clow 960. The Prevention Bureau will identify the locations.

9. When additions or alterations are made, the nearest existing fire hydrant shall be upgraded. Residential model: Clow 950. Commercial Model: Clow 960. This is required for the hydrant located at:

10. When a building is fully sprinklered all portions of the exterior building perimeter must be located within 250-feet of an approved fire apparatus access road.

    a. The minimum width of the fire apparatus access road is 20-feet.
    b. The minimum inside turning radius for a fire apparatus access road is 28 feet.

c. The fire apparatus access road serving this building is more than 150-feet in length; provide an approved turn-around. Contact the Fire Prevention Bureau for specific details.

11. If the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building.

    a. The Aerial apparatus access roadway shall be located within a minimum of 15 feet and a maximum of 30 feet from the building.
    b. The minimum unobstructed width for an aerial fire apparatus access road is 26-feet.
    c. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.

12. Fire lanes must be designated; painted red with contrasting white lettering stating, "No Parking Fire Lane" A sign shall be posted in accordance with the CFC Section 503.3 and to the satisfaction and approval of the San Rafael Parking Services Division.

13. Hazardous Materials Placards shall be installed in accordance with NFPA 704.

14. Provide address numbers plainly visible from the street or road fronting the property. Numbers painted on the curb do not qualify as meeting this requirement. Numbers shall contrast with the background and shall be Arabic numbers or letters. Numbers shall be internally or externally illuminated in all new construction or substantial remodels. Number sizes are as follows: For residential – 4" tall with ½" stroke. For commercial – 6" tall with ½" stroke. Larger sizes might be required by the fire code official or in multiple locations for buildings served by two or more roads.

15. Contact the Marin Municipal Water District (MMWD) to plan for the water supply serving the fire protection systems.

These preliminary comments could change as the project progresses through the review processes.