



## MEMORANDUM

**DATE:** November 22, 2024

**To:** City of San Rafael  
Micah Hinkle, Director of Community and Economic Development  
Margaret Kavanaugh-Lynch, Planning Manager

**FROM:** Theresa Wallace, AICP, Principal

**SUBJECT:** Supplemental Addendum to the Response to Comments (RTC) Document and Final Environmental Impact Report (EIR) for the Northgate Mall Redevelopment Project (State Clearinghouse #2021120187)

This memorandum is an Addendum to the RTC Document and Final EIR prepared for the proposed Northgate Mall Redevelopment Project (project). The Draft EIR for the proposed project was published on February 13, 2024 and the public comment period closed on March 5, 2024. The RTC Document and Final EIR were published on October 18, 2024 and a hearing was held before the City of San Rafael (City) Planning Commission to recommend certification of the Final EIR on October 29, 2024. Since publication of the Final EIR, the City determined that, due to technological and file transfer errors, a total of 21 comment letters submitted on the Draft EIR during the public comment period were not acknowledged or responded to in the Final EIR. This Addendum therefore includes and provides responses to each individual letter received but previously omitted in the Final EIR and is incorporated as Appendix C to the Final EIR.

The comment letters are grouped by the affiliation of the commenter in the following order: public agencies, organizations, and individuals. Following the organization of the RTC Document, the comment letters are numbered consecutively with the “F” designation in the format below:

Comments Received but Omitted from the Final EIR.....F-#-#

Each individual letter is numbered and comments within each letter are numbered consecutively after the hyphen. For example, Letter F-1 represents the first letter, and comment F-1-1 represents the first enumerated comment within that letter.

Following is a list of each commenter that submitted comments to the City during the public review period, but that was inadvertently omitted from the RTC Document and Final EIR:

- F-1: Marin County Transit District, Nancy Whelan, General Manager, March 4, 2024
- F-2: Sonoma-Marin Area Rail Transit, Emily Betts, Principal Planner, February 2, 2024
- F-3: Marin County Bicycle Coalition and WTB-TAM, Warren Wells, Policy and Planning Director and Matthew Hartzell, Director of Planning and Research, February 13, 2024
- F-4: Responsible Growth in Marin, David Smith, President, February 7, 2024

- F-5: Sheet Metal Workers Union Local 104, Represented by Adams Broadwell, Kevin Carmichael, February 23, 2024
- F-6: Acosta, Nur, March 4, 2024
- F-7: Bloomberg, Judith, February 13, 2024
- F-8: Brennan, Mark, February 28, 2024
- F-9: Jones, Christine, February 28, 2024
- F-10: Lese, Henri, February 28, 2024
- F-11: Levine, Jennifer, February 12, 2024
- F-12: Locke, Steve, February 13, 2024
- F-13: Lydon, Brendon, February 29, 2024
- F-14: Launer, Richard and Sadoff, Amy, March 5, 2024
- F-15: Nielson, Cecil, February 24, 2024
- F-16: Nelson, Carol, March 5, 2024
- F-17: Smith, David, March 4, 2024
- F-18: Striano, Natalee, February 28, 2024
- F-19: Vyas, Cynda and Chandu, February 19, 2024
- F-20: Ward, Linda, March 4, 2024
- F-21: Wood, Lea, February 28, 2024

As described in Chapter 4.0, Comments and Responses of the RTC Document, written responses presented in this memorandum 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 memorandum cross reference the Master Responses and individual responses provided in Chapter 4.0 of the RTC Document, where applicable.

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 provided in a compiled Errata attachment to this memorandum which includes all text revisions made to the Draft EIR including those identified in Chapter 5.0 of the RTC Document and those made in response to the comments included in this memorandum.

Similar to the findings of the RTC Document and Final EIR, there is 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 memorandum and the RTC Document, information added to the Draft EIR or in the responses 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 the RTC Document and this memorandum, 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. Also refer to Master Response 8 of the RTC Document.

The inadvertent omission of comment letters and responses to those letters from the Final EIR circulated on October 18, 2024 and considered by the Planning Commission on October 29, 2024 does not raise new concerns that were not already addressed or materially change the conclusions or analysis in the Final EIR. This memorandum will be made available to all commenting parties a minimum of 10 days prior to the City Council hearing considering certification of the Final EIR and a decision on the requested project approval.

Attachment: Draft EIR Text Revisions Errata

**F. COMMENTS RECEIVED BUT OMITTED FROM THE FINAL EIR**



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March 4, 2024

Ms. 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). Marin County Transit District (Marin Transit or the District) was formed by a vote of the people of Marin County in 1964 and was given the responsibility for providing local transit service within the County. Marin Transit provides fixed route and demand-response services throughout the County.

Key objectives of this project are to: Implement the San Rafael General Plan 2040 vision for mixed use, transit-oriented development, and high-density housing on the project site; and Implement the City's and regional agencies' designation of the project site as a Priority Development Area (i.e., a place with convenient public transit service that is prioritized by local government for housing, jobs, and services).

We strongly support this redevelopment of the Northgate Mall into a transit-oriented, mixed-use development. High density development projects in Priority Development Areas and Transit Priority Areas, such as this proposal, are conducive to building transit ridership, reducing traffic, and reducing harmful greenhouse gas emissions. We are glad to see that the proposed project is consistent with Plan Bay Area 2050 and is generally supportive of key regional and local policies related to supporting use of non-auto modes. However, we do think there are missed opportunities to build transit ridership and fully realize the potential of this transformative investment, as outlined below.

The project location is served by several of our highest ridership bus routes, including Routes 35, 49, 57, 71, and 245, and thus is of great importance to the District. Our riders are generally lower-income and minority compared to Marin County as a whole. Route 35 is our highest ridership single route carrying approximately 2,500 people per day. It operates from the Canal District through Downtown San Rafael and Civic Center and terminates at Terra Linda High near Northgate. The Canal District is an Equity Priority Community and we want to ensure that this particularly vulnerable, transit-dependent population benefits from, and is not adversely affected, by this project.

F-1-1

Our comments are related to realizing the full potential of this transit-oriented development, and to ensuring there are no unintended negative impacts to bus riders and bus services from this project. Our comments are briefly listed here and discussed in more detail below: 1) the DEIR does not quantify the number of new bus transit trips that will be generated by the project, and therefore does not analyze potential impacts of these new riders on existing bus services and riders; 2) the DEIR does not examine the potential for delay to existing bus services operating adjacent to the site; 3) the project does not offer transit improvements or incentives to attract new transit riders or encourage more transit use; and 4) some minor edits and corrections are needed to accurately describe current bus routes and services.

**F-1-1  
cont**

### **1. Transit Ridership and Impacts to Existing Service**

Central to the project's definition and merit is its definition as a transit-oriented development located in a central area near transit stations with frequent bus service and providing improved pedestrian and bicycle access to nearby transit. We strongly support developments like these. However, despite the project being identified as a transit-oriented development, the DEIR does not quantify new transit trips that are generated by the project. This leads the reader to either conclude that the proposed project will not generate any transit trips, or the transportation analysis section doesn't assess potential impacts of the project on all modes of transportation.

The DEIR finds that the project will generate lower than average VMT but makes this assumption absent any discussion of transit's role in achieving this reduced metric. The DEIR section on Transit System Impacts (p. 4.9-19, based on the Transportation Impact Study completed in February 2023) states simply: "Existing transit routes are adequate to accommodate project-generated transit trips, and existing transit stops are within an acceptable walking distance of the site." This statement is made without quantifying the current use of the existing transit services or the potential new transit demand from the project.

**F-1-2**

If this project proves to be successful in supporting citywide TOD and sustainability goals, it is very likely to create a notable number of bus trips, especially due to the sizeable affordable housing project onsite. In fact, all parties involved are invested in the project generating new transit trips rather than auto trips; it would be aligned with the purpose and description of the project, and beneficial to the City, County, and region if the project generates significant new transit trips. However, without calculating the number of new transit trips, it is impossible to understand whether there is sufficient capacity to serve these trips on existing services or whether new services will be needed. As noted above, several of Marin Transit's highest ridership routes serve this site; additional demand on these services could create crowding which would negatively impact current and future riders and undermine the ability of the bus system to adequately serve the demand generated by this project.

**REQUEST: Marin Transit requests that the DEIR quantify the number of trips generated and directly assess the impact of these additional riders on existing riders and services.**

### **2. Delay to Buses and Upgrades to Bus Facilities**

The project is served by multiple bus routes and is adjacent to three sets of paired stops, two of which are on the proposed development site. The proposed project does not offer improvements that directly benefit transit riders and services. Although the DEIR finds that all the study intersections surrounding the project site would continue to operate at an acceptable LOS under project conditions, it does not identify whether the project will cause any increase in delay for buses compared to current (2024)

**F-1-3**

conditions, nor propose any mitigations to reduce/eliminate potential new delays through tools such as transit signal priority, stop relocation relative to intersection, queue jump lanes and/or other transit priority design treatments. This is especially important for the intersection of Las Gallinas Ave. and Merrydale Rd. where more than 130 bus trips operate each day. We request that the EIR analyze transit delay, or person delay for transit riders, taking into consideration the specific movements that buses make at the study intersections and recognizing the passenger loads onboard these vehicles, to ensure transit remains a competitive option for people to choose.

The environmental analysis also states that the proposed project will not interfere with existing transit facilities. We understand that a multi-use trail is planned to close the gap in pedestrian/bicycle access between the project site and SMART. We support better pedestrian and bicycle connectivity to SMART and want to make sure that the plans for this pathway incorporate access to the bus stops and do not add additional delay for buses. We request that the EIR recognize the work being done by the City of San Rafael and explicitly include the transit partners in the design of this project to ensure it does not result in any unintended negative impacts on bus riders.

**REQUEST: Marin Transit requests that: the DEIR assess potential delay to buses and bus riders at study intersections, in particular Las Gallinas and Merrydale, and, if impacts are identified, that the DEIR include mitigations to eliminate any projected increase in delay to buses, such as transit signal priority, bus stop relocations, and/or other transit priority improvements.**

**REQUEST: Marin Transit requests that the City of San Rafael include transit agency partners, including Marin Transit and SMART, in design of the Merrydale Road access project.**

**F-1-3  
cont**

### **3. Transit Incentives for Residents and Employees**

As part of consistency with the City of San Rafael Climate Change Action Plan 2030, the DEIR (p. 4.11-28) notes that the “proposed project would participate in regional bike shares and rideshares available to the project site.” Marin Transit requests that the project also include transit incentives for residents and employees such as offering free bus passes. Marin Transit can provide passes through an institutional pass program which provides discounted bulk passes. Free bus passes are a proven way to encourage use of transit and would be a low-cost way to maximize the transit orientation of the development.

The DEIR finds that “the Reduced Residential Alternative would slightly reduce some of the potentially significant impacts of the proposed project... including an overall reduction in the number of vehicle trips generated to and from the site...” (pg. 5-28). Higher density housing accompanied by transportation demand management (TDM) strategies, including strong transit incentives, and transit improvements, will reduce GHGs, support transit ridership, and support San Rafael’s compliance with the regional Transit Oriented Communities Policy and other local and regional sustainability policies. We would like to see consideration of TDM measures to enable the higher residential density option.

**REQUEST: Marin Transit requests that the project include free bus passes for residents and employees at the project site to incentivize use of transit and enable higher density.**

**F-1-4**

### **4. Minor Edits to Correctly Characterize Marin Transit services**

We offer the following edits to your presentation of Existing Transit Services in the Transportation Section:

**F-1-5**

p. 4.1-13: The bus lines identified in this table need to be updated to reflect current conditions. Northgate is served by the following Marin Transit routes: 35, 49, 57, 71, 245. Golden Gate route numbers are also inaccurate.

p. 4.9-5: Marin Transit is an autonomous District and is not part of the County of Marin. Please revise the first sentence under Transit Services and Facilities to read: “Regional and local fixed-route bus transit service is provided by Marin County Transit District through Marin Transit, the Golden Gate Bridge Highway and Transportation District through Golden Gate Transit, and Sonoma Marin Area Rail Transit through SMART.”

p. 4-9.6: Update first paragraph to reflect current bus routes for Marin Transit and Golden Gate. Update third paragraph – our ADA-mandated service is called Paratransit, not Dial-a-Ride.

Table 4.9.B: Existing Transit Service: please make the following changes:

- The 35 operates until 10:45pm on weekdays;
- the 49 operates until 9pm on weekdays and 11pm on weekends;
- the 257 is now the 57 and operates from 7am to 9:15pm;
- the 245 should be added and operates 7am to 6pm on weekdays and weekends to the following destinations: San Rafael, Northgate, Kaiser Hospital, and Smith Ranch Road;
- Finally, the Golden Gate Transit rows in this chart are not accurate to the current Golden Gate Transit route numbers.

**REQUEST: Marin Transit requests that the abovementioned text edits be made to accurately characterize Marin Transit’s services.**

### **Conclusion**

As noted in the DEIR, this project is generally designed to align with applicable City regulations and policies guiding transportation planning and sustainability in San Rafael.<sup>1</sup> We agree that this project, in concept, supports these City policies and we support this redevelopment of the Northgate Mall into a transit-oriented, mixed-use development. However, there are missed opportunities to maximize the transit orientation of the project, benefit existing and future transit riders, and benefit the community as a whole. The environmental document should quantify transit trips generated by the development, assess impacts to existing services, address measures to improve the transit network, and provide incentives for transit use. Our comments here are designed to maximize the benefits this project can provide and fulfil its intended vision and purpose as a transit-oriented development. We look forward to continuing to work with the City of San Rafael on this important project as it progresses.

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<sup>1</sup> Several policies within the San Rafael General Plan stress the importance of public transit and access to transit. These policies include, but are not limited to: encouraging individuals to use alternative modes including local and regional transit; support for projects that reduce use of single-occupancy vehicles; support for design features that support transit use for projects located near transit facilities; and Complete Streets to plan for the needs of all travelers and to minimize conflicts between modes. Other Plans mentioned in this section also support transit, e.g. the Civic Center Station Area Plan prioritizes accessibility for transit users. The General Plan further includes the importance of transit in its policies pertaining to energy: “Focus future housing and commercial development in areas where alternatives to driving are most viable and shorter trip lengths are possible, especially around transit stations, near services, and on sites with frequent bus service. This can reduce the GHG emissions associated with motor vehicle trips and support the City’s climate action goals.” (p. 4.15-6).





Respectfully,

A handwritten signature in black ink that reads "Nancy E. Whelan".

Nancy Whelan  
General Manager

Cc: Cristine Alilovich, City Manager, City of San Rafael  
Micah Hinkle, Community Development and Economic Development Director, City of San Rafael

## Response to Letter F-1

### Marin County Transit District

Nancy Whelan, General Manager

March 4, 2024

### Response F-1-1

This introductory comment, which summarizes the Marin County Transit District's (Marin Transit) background and interest in the proposed project and lists the commenter's main concerns on the Draft EIR analysis, is noted. The more specific comments detailed by the commenter are addressed in Responses F-1-2 through F-1-5, below.

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 F-1-2

This comment states that the Transportation Impact Study (Draft EIR, Appendix F) and resulting analysis in Section 4.9, Transportation of the Draft EIR does not adequately address environmental impacts to existing and proposed transit facilities; specifically, due to increased transit ridership as a result of the project. This comment remarks that some of Marin Transit's highest ridership bus routes serve the project site, and observes that the Draft EIR does not quantify the number of new transit trips that would be generated by the project.

In response to this comment, a calculation of transit trips and comparison with existing service loading levels was performed for the project, accounting for different levels of transit mode share and time-of-day distribution for trips associated with residential and retail land uses and other local transportation factors. Inputs on bus station activity, reflected as on and off boardings; route loading; and other information was obtained from Marin Transit for this analysis.

The project site is served on adjacent roadways by four transit lines with six primary stops that serve transit trips for the project. The transit lines that service this area include Route 35 Canal – Northgate, Route 49 Downtown San Rafael – Novato San Marin, Route 57 Downtown San Rafael – Novato and Route 245 San Rafael Downtown – Smith Ranch Road. Each of the transit lines provides north-south service that connects to San Rafael Transit Center where the routes provide connections to local and regional bus and commuter rail. The stops include Las Gallinas at Northgate Mall (northbound and southbound), Las Gallinas/Northgate Drive (northbound and southbound) and Los Ranchitos Road at Northgate Drive (northbound and southbound). In October 2024, an average of 236 daily transit trips begin or end at these stops. Phase 1 of the proposed project would generate a net increase of 172 daily transit trips (reflecting existing retail space that will be redeveloped), resulting in 408 total daily transit trips that begin or end at these stops. Phase 2 of the proposed project would generate a net increase of 210 daily transit trips, resulting in a total of 446 transit trips that begin or end at these stops. These figures are shown in Table A, below.

**Table A: Project-Generated Transit Trips**

	Existing	Proposed Project	
		Phase 1	Phase 2
Overall Combined Transit Mode Share	1.1%	4.0%	4.9%
Retail-Generated Daily Transit Trips	212	161	98
Residential-Generated Daily Transit Trips	24	247	347
<b>Total Daily Transit Trips</b>	<b>236</b>	<b>408</b>	<b>446</b>

Source: Parametrix (2024).

Future estimated on and off boardings from the project transit trip generation and mode share analysis was completed. The resulting station activity which reflects passengers per day at each stop was compared against bus stop amenities guidelines in the Marin Transit Short Range Transit Plan to assess whether either Phase 1 or 2 of the proposed project would result in a change in designation as a result of the increase in station activity at any of the stations near the redevelopment area, as shown in Table B, below.

**Table B: Project-Generated Bus Stop Activity and Amenity Category**

	Existing			Proposed Project – Phase 1			Proposed Project – Phase 2		
	On Boardings	Off Boardings	Amenity Category	On Boardings	Off Boardings	Amenity Category	On Boardings	Off Boardings	Amenity Category
Las Gallinas & Northgate Mall NB	67	136	High	117	242	High	128	265	High
Las Gallinas & Northgate Mall SB	116	64	High	198	116	High	216	128	High
Las Gallinas & Northgate Drive NB	11	14	Low	18	24	Low	19	26	Low
Las Gallinas & Northgate Drive SB	40	10	Medium	69	16	Medium	74	17	Medium
Los Ranchitos & Northgate Drive NB	1	0	Low	1	1	Low	1	1	Low
Los Ranchitos & Northgate Drive SB	1	1	Low	2	1	Low	2	1	Low

Source: Parametrix (2024).

NB = northbound

SB = southbound

This analysis identifies that no bus stops would change amenity categories as a result of the project. The high amenity stops, Las Gallinas and Northgate Mall southbound and northbound, which are served by Routes 35, 49 and 57, already include schedule information and real-time display, benches, shelters, lighting, and trash receptacles. It is determined that there are no applicable recommended improvements to stop amenities from the Marin Transit Short Range Transit Plan.

In addition to a review of total daily boardings and station activity it was evaluated whether the added boardings would cause any load issues on the routes in operation. Under the existing conditions, there are no load issues along the lines as they enter or depart the Northgate Mall area. After project-generated transit trips were allocated to the existing service frequency network, accounting for time-of-day transit activity and trip distribution, the resulting maximum loads at the heaviest use location along each route remain below the available capacity on each of the transit lines operating through the area. These results for project buildout are displayed in Table C below, as these figures reflect the highest transit ridership scenario for the project.

**Table C: Project Buildout (Phase 2) Bus Route Loading**

	Bus Ridership Capacity	Phase 2 (Project Buildout) Load at Maximum Route Ridership Location
Route 35 NB	48	30
Route 35 SB	48	19
Route 49 NB	48	21
Route 49 SB	48	16
Route 57 NB	32	14
Route 57 SB	32	27
Route 245 NB	25	8
Route 245 SB	25	14

Source: Parametrix (2024).

NB = northbound

SB = southbound

Page 4.9-14 of the Draft EIR states the threshold of significance applied to evaluate potential impacts on the transit system, as included in the City of San Rafael Transportation Impact Analysis Guidelines. This threshold states, “The proposed project would create a significant impact related to transit service if it interferes with existing transit facilities or precludes the construction of planned transit facilities.” This threshold establishes that potential impacts to transit facilities would result if the project would have a direct or indirect physical impact on transit facilities, the construction, expansion, or relocation of which could in turn result in environmental impacts.

The results above confirm the conclusion included on page 4.9-19 of the Draft EIR that the proposed project would have a less than significant impact on the transit system.

The comment further notes that pages 4.9-23 and 4.9-24 of the Draft EIR conclude that the project will result in a less than significant impact on vehicle miles traveled (VMT), without specific discussion of transit’s role in achieving this metric outcome. Page 4.9-20 of the Draft EIR describes how the VMT analysis for the project was performed, which is underpinned by application of the Transportation Authority of Marin travel demand model (TAMDM). The Draft EIR explains that TAMDM is a set of mathematical procedures and equations that represent the variety of transportation choices that people make, and how those choices result in trips on the transportation network. By applying the TAMDM for the project scenarios and applicable land uses, the model does account for the transit mode share of trips taken by future project residents and patrons.

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 F-1-3**

This comment observes that while the Draft EIR finds that all study intersections surrounding the project site would continue to operate at an acceptable level of service, it does not identify if the project would result in increased delay for buses. The comment requests that delay to bus service as a result of the project be determined and evaluated in the context of ridership levels.

Average vehicle delay for study intersections, included in the Transportation Impact Study (Draft EIR, Appendix F), was evaluated for specific turning movements that buses make at each intersection, and baseline conditions were compared to post-project conditions to determine the influence of project-generated traffic on bus route travel duration. Figures were calculated for the morning peak traffic period, as the Transportation Impact Study was limited to this time period. See Table D, below.

**Table D: Average Intersection Bus Turning Movement Delay Due to Project**

Intersection	Bus Turning Movement <sup>1</sup>	Average Vehicle Delay					
		Baseline	Baseline Plus Phase 1	Change in Delay Due to Project	Future	Future Plus Phase 2	Change in Delay Due to Project
Las Gallinas Ave/ Merrydale Rd	NBT	14.8	13.2	-1.6	14.8	15.9	1.1
	SBT	9.4	6.7	-2.7	10.3	10.8	0.5
	WBR	12.6	11.9	-0.7	12.7	15.7	3.0
	SBL	11.7	11.3	-0.4	12.7	16.4	3.7
Northgate Dr/ Los Ranchitos Rd	NBT	3.0	3.2	0.2	3.6	3.8	0.2
	SBT	8.4	9.1	0.7	9.8	10.1	0.3
Del Presidio Blvd/ Las Gallinas Ave	SBR	42.8	43.0	0.2	38.8	39.3	0.5
	EBL	0.2	0.2	0.0	0.3	0.5	0.2
	WBT	43.1	42.6	-0.5	43.1	41.8	-1.3
	EBT	0.2	0.2	0.0	0.3	0.4	0.1
	WBR	31.7	31.4	-0.3	25.7	25.3	-0.4
	SBL	41.4	41.6	0.2	35.0	35.9	0.9
Northgate Dr/ Las Gallinas Ave	NBT	45.0	44.0	-1.0	45.0	44.5	-0.5
	SBT	43.1	40.0	-3.1	43.4	40.6	-2.8
	EBT	4.2	5.5	1.3	4.6	5.6	1.0
	WBT	4.6	6.0	1.4	5.6	6.6	1.0

Source: Parametrix (2024).

- <sup>1</sup> EBL = eastbound left turn  
EBT = eastbound turn  
NBT = northbound turn  
SBL = southbound left turn  
SBR = southbound right turn  
SBT = southbound turn  
WBR = westbound right turn  
WBT = westbound turn

For both Phase 1 and Phase 2 project conditions, it was determined that the project generally results in either reduced average delays or minor increased delays of one second or less for bus turning movements at the study intersections. The exception is for westbound right-turn and southbound left-turn movements at Las Gallinas Avenue and Merrydale Road; both of these movements would have average delay increases of between three to four seconds during the morning peak hours due to traffic generated by Phase 2 of the proposed project.

Marin Transit Routes 35 and 49 both make these movements at Las Gallinas Avenue and Merrydale Road. These routes are the highest two ridership routes serviced by Marin Transit, and both operate with a frequency of every 30 minutes during the morning peak period. Bus loads during the morning peak travel hours for Route 35 are forecast as 29 riders in the northbound direction and 9 in the southbound direction. Bus loads during the morning peak travel hours for Route 49 are estimated to

be 14 riders traveling northbound and 13 riders traveling southbound. Therefore, the increase of three to four seconds of average bus movement delay in both directions at this intersection would be incurred by approximately 130 people per hour during morning period on Routes 35 and 49. Overall increased return trip time delay accounting for all turning movements through the intersections adjacent to the project site for Marin Transit routes 35 and 49 would be 8.2 seconds and 7.2 seconds as a result of buildout of the proposed project.

Page 4.9-14 of the Draft EIR states the threshold of significance applied to evaluate potential impacts on the transit system, as included in the City of San Rafael Transportation Impact Analysis Guidelines. This threshold states, “The proposed project would create a significant impact related to transit service if it interferes with existing transit facilities or precludes the construction of planned transit facilities.” The reduced operational efficiency of Routes 35 and 49 resulting from Phase2 of the proposed project would not physically interfere with existing facilities or preclude construction of planned transit facilities. As such, the project would result in a less than significant impact on the transit system.

The comment further requests that the City of San Rafael include transit agency partners in the design of the Merrydale Road access project, which includes a potential multi-use trail along Merrydale Road between the Civic Center SMART station and the project site. The City is committed to continued coordination with transit agencies such as Marin Transit and SMART on planning and engineering 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.

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 F-1-4***

This comment requests that the project include transit incentives for project residents and employees, such as free bus passes, and references potential transportation demand management (TDM) strategies. This comment is noted. However, there is no nexus to require the proposed project to offer such incentives or to implement TDM measures, as all impacts related to transportation, including Vehicle Miles Traveled (VMT), were determined to be less than significant pursuant to established thresholds. Therefore, there is no nexus to require mitigation measures to reduce vehicle trips or VMT. Refer to Master Response 7 of the RTC Document 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 F-1-5***

This comment identifies several requested clarifications and corrections to the Draft EIR to ensure that existing Marin Transit services are accurately identified and described in the Draft EIR. Please

note that the Marin Transit bus line routes, service times, and frequencies identified in Table 4.9.B on page 4.9-6 of the Draft EIR were accurate at the time that the Notice of Preparation (NOP) was published for the Draft EIR and at the time that the Transportation Impact Study (Draft EIR Appendix F) was prepared. Refer to Master Response 3 regarding establishment of baseline conditions in the Draft EIR. Therefore, the City declines to make the requested changes to Table 4.1.A on page 4.1-13 and in Table 4.9.B on page 4.9.6 of the Draft EIR. The City acknowledges that the existing and planned routes, services, and frequencies of bus service in the vicinity of the project site have been modified since the Draft EIR was prepared and may continue to change over time and as the project, if it is approved, becomes operational.

In response to this comment, page 4.9-5 of the Draft EIR is revised as follows:

Regional and local fixed-route bus transit service is provided by ~~the County of Marin~~ Marin County Transit District through Marin Transit, the Golden Gate Bridge Highway and Transportation District through Golden Gate Transit, and Sonoma Marin Area Rail Transit SMART.

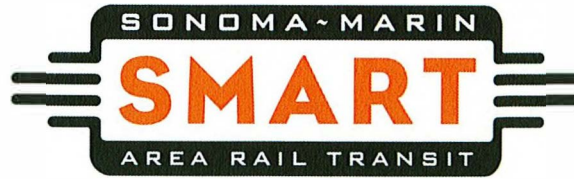
In response to this comment, page 4.9-6 of the Draft EIR is revised as follows:

~~Dial-a-ride, also known as p~~Paratransit, or door-to-door service, is available for those who are unable to independently use the transit system due to a physical or mental disability. Marin Transit offers ~~dial-a-ride~~ paratransit service designed to serve the needs of individuals with disabilities within the project area and Marin County overall.

These revisions represent a minor change to the Draft EIR in order to clarify the description of transit services. These revisions do not change the conclusions or analysis of impacts in the Draft EIR. These revisions are included in an Errata at the end of this memorandum and are added to Chapter 5.0, Draft EIR Text Revisions of the RTC Document as shown in the Errata.

#### ***Response F-1-6***

This concluding comment, which summarizes Marin Transit's previous comments addressed in Responses F-1-1 through F-1-5, is noted.



**Eric Lucan, Chair**  
Marin County Board of Supervisors

**Melanie Bagby, Vice Chair**  
Sonoma County Mayors' and  
Councilmembers Association

**Kate Colin**  
Transportation Authority of Marin

**Chris Coursey**  
Sonoma County Board of Supervisors

**Rachel Farac**  
Transportation Authority of Marin

**Debora Fudge**  
Sonoma County Mayors' and  
Councilmembers Association

**Patty Garbarino**  
Golden Gate Bridge,  
Highway/Transportation District

**Barbara Pahre**  
Golden Gate Bridge,  
Highway/Transportation District

**Gabe Paulson**  
Marin County Council of Mayors and  
Councilmembers

**David Rabbitt**  
Sonoma County Board of Supervisors

**Chris Rogers**  
Sonoma County Mayors' and  
Councilmembers Association

**Mary Sackett**  
Marin County Board of Supervisors

**Eddy Cumins**  
General Manager

5401 Old Redwood Highway  
Suite 200  
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Phone: 707-794-3330  
Fax: 707-794-3037  
[www.SonomaMarinTrain.org](http://www.SonomaMarinTrain.org)

February 2, 2024

Margaret Kavanaugh-Lynch, Planning Manager  
Community Development Department  
1400 Fifth Avenue, Top Floor  
San Rafael, CA 94901

Dear Ms. Kavanaugh-Lynch,

Thank you for the opportunity to review the draft EIR for the proposed Northgate Town Square development. We are excited to see this project moving forward, which will provide high-density multifamily residential near the SMART Marin Civic Center Station as well as an improved bicycle and pedestrian connection on Merrydale Road. Developments like these are essential for the long-term success of the SMART system.

As you are aware, in September 2023 the Metropolitan Transportation Commission (MTC) issued final Draft Guidance on the Transit Oriented Communities (TOC) policy<sup>1</sup>. This policy requires that developments within a half-mile of a high-capacity transit station meet certain density and parking standards to be eligible for future funding.

In the case of the SMART Marin Civic Center Station Area, the TOC average minimum density standard for residential developments is 25 dwelling units per net acre and for commercial office space is 1 FAR. Additionally, the TOC policy contains parking requirements of at least 1 bike parking space per dwelling unit, a maximum of 1.5 vehicle parking spaces per dwelling unit, and a maximum of 4 vehicle parking spaces per 1,000 square feet of retail space. While this project appears to meet the minimum threshold for residential density and does not contain commercial offices, the number of planned parking spaces for both the residential and commercial portions of the project are beyond the TOC maximums, and the number of bicycle parking spaces are below the TOC minimums.

To ensure eligibility for OBAG 4 funding and any other discretionary funding that may be linked to TOC Policy compliance, the City will be required to demonstrate compliance to MTC prior to adoption of OBAG 4, expected in 2026. Compliance will also be required for transit agencies, including SMART, Golden Gate

**F-2-1**

<sup>1</sup> <https://mtc.ca.gov/planning/land-use/transit-oriented-communities-toc-policy>



Transit, and Marin Transit, to apply for transportation improvements in the City of San Rafael. We recommend that the City review the parking requirements of this development and adopt station-area standards in compliance with this program in order to enable future project funding.

Thank you for the opportunity to review and we look forward to supporting this project as it moves forward in the process.

Sincerely,



Emily Betts  
Principal Planner

**F-2-1  
cont**

**Response to Letter F-2****Sonoma-Marin Area Rail Transit**

Emily Betts, Principal Planner

February 2, 2024

***Response F-2-1***

This comment states the proposed project appears to exceed the Metropolitan Transportation Commission's (MTC) Transit Oriented Communities (TOC) policy guidance relative to the provision of parking for the commercial and residential use and does not meet the policy guidance for the provision of bicycle parking spaces. The comment further states eligibility for future One Bay Area Grant (OBAG) funding may be linked to compliance with the TOC policies. The commenter recommends that the City review parking requirements for the proposed project and consider adoption of station-area standards to ensure future funding. This comment is primarily a comment on the project merits and is noted. Also refer to Response B-4-2 in the RTC Document which further addresses the MTC's draft TOC guidance and Response A-1-6 in the RTC Document which addresses parking standards. Also refer to Master Response 2 of the RTC Document.

While 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.



February 13, 2024

Re: 5800 Northgate Drive (Northgate Town Square Project)

The Marin County Bicycle Coalition (MCBC) and WTB-TAM are excited to see this important project moving forward. The redevelopment of Northgate Town Square is one of the largest residential developments in Marin's history and ensuring that the future residents can live in a healthy, environmentally sustainable manner is of the utmost importance.

Although this is a housing project rather than a transportation project, the two are tightly linked. Too much of our housing has been built in a way that makes it impossible to walk and bike for most trips, forcing auto dependence on people (and their children) no matter their actual preferences. If, instead, housing is connected to a robust bicycle network and provides substantial home-based bicycle parking (particularly parking that accommodates larger e-bikes), many people will choose not to use their cars every time they leave the house. If this is successfully done, much of the travel generated by the development will be on foot or bicycle, leaving the roads open for people who need to drive. We want to ensure that Northgate Mall is as walking- and biking-friendly as possible, and we are happy with the progress being made, though we do have a concern about the amount of motor vehicle parking being provided.

F-3-1

### **Internal Street Configuration**

As presented at the September 6th, 2023 Design Review Board, the project's internal street network will have a shared use path on one side of every street. This is an excellent and forward-looking design. Narrow streets will calm car traffic and shorten crosswalks, improving pedestrian safety. Bicycle riders unwilling to share the road with cars, such as older adults or people traveling with children, may use the shared use path and will travel at slower speeds relative to pedestrians. More confident riders may still use the streets if they choose.

### **Circumferential Path**

There is an existing pathway that encircles roughly half of the Northgate Mall site. This project would see it extended to the entire Las Gallinas Avenue frontage, as well as along the southern portion of Northgate Drive. This will substantially aid travel along the busier external roads, and will help students ride from their new homes to school.

### **Bicycle Parking**

The project will provide a substantial amount of secure bicycle parking for its future residents, ensuring that, if people want to travel by bike, they will be able to store it in a bike room.

### **Merrydale Promenade**

Northgate Mall lies less than a quarter mile from the SMART Civic Center Station and the SMART Multiuse Path. However, there is no all-ages-and-abilities route between the two for people walking or biking. The City of San Rafael has planned a “promenade” between the SMART Civic Center Station and Northgate Mall for some time - it has been cited in the 2002 North San Rafael Vision Promenade Conceptual Plan (2002), the San Rafael Civic Center Station Area Plan (2016), and the San Rafael Bicycle and Pedestrian Master Plan (2018). The Merlone Geier Partners has offered to contribute a portion of the funding to complete this connection, which we fully support.

**F-3-1**  
**cont**

## Motor Vehicle Parking

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.

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.

**F-3-2**

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. 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.

—

After review of the Draft Environmental Impact Report (DEIR), we provide the following comments:

P. 110, 4.1-8

### Threshold 4.1.1: Physically Divide an Established Community.

Paragraph three omits any reference to the multi-use trail on Northgate Drive from Las Gallinas Avenue to El Faisan Drive, as presented at the 9/6/2023 Design Review Board meeting. We recommend that this be included.

**F-3-3**

P. 337, 4.9-19

## **Bicycle System**

This paragraph states that there would be “a network of bicycle lanes (Class 2 bikeways) on the internal street network around the project’s residential areas.” This is inconsistent with the statement made in 3.3.1.3 Parking and Circulation (and elsewhere), which states that “[n]ew pedestrian and bicycle paths (Class 1 bikeways) would be provided throughout the project site.”

**F-3-4**

The same paragraph omits any reference to the multi-use trail on Northgate Drive from Las Gallinas Avenue to El Faisan Drive.

P. 340, 4.9-22

## **Table 4.9.E**

Policy M-6.1 “Project Consistency” refers to “the presence of bike lanes.” Given that the design includes both Class 1 and Class 2 bicycle facilities, this should be changed from “bike lanes” to “bikeways.”

**F-3-5**

P. 385, 4.10-24

## **Transportation Control Measures**

This paragraph makes reference to the fact that the project sponsor proposes to make financial contributions to off-site improvements that would link the project to the SMART Civic Center Station, a project known as the Merrydale Promenade. We ask that more detail be provided about the amount of contribution to the project.

**F-3-6**

P. 420, 4.11-26

## **Table 4.11.E**

The Bicycle Parking Regulations element states:

Project consistency with the San Rafael CAP states: Project Complies. The proposed project would comply with bicycle parking regulations and would provide a total of 181 bicycle parking spaces consisting of 91 bike racks (open) and 91 bike lockers (closed). The 181 bicycle parking spaces equate to 10 percent of the total minimum vehicle parking spaces required. In addition, the proposed project also features new multimodal pathways for pedestrian and bicycle circulation throughout the interior of the site. The proposed project also includes a proposed financial contribution toward the City’s development of an off-site multimodal pedestrian and bicycle pathway connecting the project site to the nearby SMART Marin Civic Center station.

**F-3-7**

This is inconsistent with the bicycle parking numbers presented at the 9/6/2023 Design Review Board staff report ([linked here](#)), which listed the following amounts of bicycle parking:

Residential 1: 72 spots

Residential 3: 284 spots

Residential 4: 476 spots  
Residential 5: 284 spots  
Residential 6: 276 spots

F-3-7  
(cont.)

—

In summary, MCBC and WTB-TAM are highly supportive of the project and only have minor comments on the DEIR. We strongly recommend that the currently proposed bicycle and pedestrian facilities both within and surrounding the site be maintained. We believe that, if developed as currently planned, the housing at Northgate Mall has the potential to be some of the most bike-friendly homes in Marin County. Beyond the minor comments on the DEIR, our substantial suggestion has to do with alignment between the development at MTC’s Transit Oriented Communities Policy.

F-3-8

Thank you for your time and consideration.

Sincerely,

Warren J Wells, AICP  
Policy & Planning Director  
Marin County Bicycle Coalition

Matthew Hartzell  
Director of Planning and Research  
WTB TAM

### **Response to Letter F-3**

#### **Marin County Bicycle Coalition and WTB-TAM**

Warren Wells, Policy and Planning Director

Matthew Hartzell, Director of Planning and Research

February 13, 2024

#### **Response F-3-1**

This introductory comment expresses general support for the proposed project, highlights the benefits of bicycle transportation, and identifies project components that complement existing and future features to facilitate bicycle usage in the project area. This comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

#### **Response F-3-2**

This comment identifies Metropolitan Transportation Commission (MTC) Transit Oriented Communities (TOC) policies relative to the provision of parking and requests project compliance with TOC policies to ensure future One Bay Area Grant (OBAG) funding. Please refer to Response F-2-1 of this RTC Document Addendum, which addresses this comment.

While 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 F-3-3**

This comment states that the discussion and analysis under Threshold 4.1.1 in Section 4.1, Land Use and Planning of the Draft EIR omits reference to the multiuse trail on Northgate Drive from Las Galinas Avenue to El Faisan Drive and recommends this feature be included. However, this noted improvement is not included as part of the proposed project (refer to Sheet SD-5, Multi-Modal Site Connectivity Map of the June 2024 application submittal).

As stated in Table 4.9.A of the Draft EIR and Figure 1 of the Traffic Impact Study (see Draft EIR, Appendix F), the existing Class II bikeway on Northgate Drive between Las Galinas Avenue and El Faisan Drive will be maintained with development of the proposed project. The threshold referenced by the comment pertains to the division of an established community or the removal of a means of access that would impair mobility through an existing community. As no existing bicycle facilities would be removed, the project would not contribute to the division of an established community and the discussion and impact conclusion do not need to be revised.

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 F-3-4**

This comment references an inconsistency but incompletely cites the referenced page (page 4.9-19) of the Draft EIR. This page of Draft EIR states, "A network of bicycle lanes would be provided on the

internal street network around the project's residential areas, while the remainder of the streets would have shared lane markings." Section 3.3.1.3 states: "New pedestrian and bicycle paths would be provided throughout the project site, and a multi-modal path would be provided along the Las Gallinas Avenue frontage." The two statements are not inconsistent. As cited in the Draft EIR, the proposed project would provide a variety of new internal pedestrian and bicycle features.

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 F-3-5***

This comment cites a preference regarding terminology used to generally describe bicycle facilities in the analysis provided in Table 4.9.E on page 4.9-22 of the Draft EIR. While this preference is noted, it would not change the analysis provided, 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 F-3-6***

This comment requests additional information regarding the financial contribution by the project sponsor for off-site improvements related to the Merrydale Promenade, connecting the project site to the 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 F-3-7***

This comment states the opinion that an inconsistency exists between the discussion of bicycle parking stated in Table 4.11.E of Draft EIR and the bicycle parking numbers cited in a Staff Report for the City's Design Review Board. The referenced statement in Table 4.11.E concerns bicycle parking for non-residential uses, which per San Rafael Municipal Code Section 14.18.090 is five percent of the required automobile parking, while the Design Review Board report calls out the parking provided at the various residential buildings. As the comment references bicycle parking for differing uses, there is no inconsistency between the Draft EIR and the Design Review Board report and the Draft EIR accurately describes proposed bicycle 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 F-3-8***

This concluding comment expresses support for the proposed project, recommends that existing bicycle facilities within and around the site be maintained, and suggests alignment of the proposed project with the MTC's TOC policies. The comment, which does not raise concerns regarding the adequacy of the information or analysis provided in the Draft EIR, is noted.

**From:** [Responsible Growth Marin](#)  
**To:** [April Talley](#)  
**Cc:** [Margaret Kavanaugh-Lynch](#); [Laura Simpson](#); [Lindsay Lara](#)  
**Subject:** Fwd: FOR PUBLIC RECORD--RGM Comments on the Northgate Town Square Draft EIR (Pedestrian Impacts)  
**Date:** Tuesday, February 13, 2024 10:50:50 AM  
**Attachments:** [Northgate DEIR Pedestrian Impacts Comments.pdf](#)

---

Hi April,

It looks like this letter has not made it into the Public Comments link on the Agenda page. Would you please add it, and also make sure the Commissioners see it? The other two letters we submitted are included in the Public Comments link.

Thanks,  
David

----- Forwarded message -----

**From:** **Responsible Growth Marin** <[info@rgmarin.org](mailto:info@rgmarin.org)>  
**Date:** Wed, Feb 7, 2024 at 3:42 PM  
**Subject:** FOR PUBLIC RECORD--RGM Comments on the Northgate Town Square Draft EIR (Pedestrian Impacts)  
**To:** <[AprilT@cityofsanrafael.org](mailto:AprilT@cityofsanrafael.org)>  
**Cc:** <[Laura.Simpson@cityofsanrafael.org](mailto:Laura.Simpson@cityofsanrafael.org)>, Margaret Kavanaugh-Lynch  
<[Margaret.Kavanaugh-Lynch@cityofsanrafael.org](mailto:Margaret.Kavanaugh-Lynch@cityofsanrafael.org)>, Lindsay Lara  
<[lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org)>

Dear April,

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

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

Thank you,

David Smith, *President*  
Responsible Growth in Marin



# 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, Pedestrian and Bicycle Impacts (Section 4.9 and Appendix F)

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 Mall Redevelopment Project to provide needed housing, create a town center/urban village, and provide new outdoor amenities and open spaces. However, we are concerned that the DEIR Multimodal Transportation Impact Study (Appendix F) does not adequately assess the environmental impacts of the Northgate Square Project on existing and proposed pedestrian facilities. Specifically,

1. The Transportation Impact Study only considers pedestrian improvements within the project site and how they connect with walkways outside the project. It 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 (DEIR, p. 3-25) 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.***
  - a. Existing conditions: The nearest Sonoma-Marín Area Rail Transit (SMART) station is the Civic Center Station, an approximately 0.39-mile walk southeast of the project site along Merrydale Road (DEIR, p. 3-1).
    - i. 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 traffic along Merrydale Road. (DEIR, p. 4.9-4)
    - ii. A multi-use trail to close this gap is included in the City's Bicycle and Pedestrian Master Plan. The City prepared the Merrydale Conceptual Design Informational

F-4-1

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. (DEIR, p. 4.9-4)

- iii. 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. 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. The Draft EIR acknowledges that even though a multi-use path is planned to close this gap, as documented in the City's Bicycle and Pedestrian Master Plan, these planned improvements are not currently funded. (DEIR, p. 4.9-4 and Appendix F, p. 22)

- b. In multiple public meetings, 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, the DEIR does not propose any monetary contribution to the City for the final design and construction of this multi-use trail.

- c. A conversation with April Miller on July 26, 2023 confirmed that design and construction of the multiuse path on Merrydale Road will not move into priority on San Rafael's Capital Improvement Program (CIP) until some funding for the project is obtained. For example, if some funding for the Promenade on Merrydale was secured through the Development Agreement for the Northgate Town Square Project, that would move the project higher on the CIP list and grant money could be sought to finalize the conceptual design and work plan.<sup>1</sup>

- 2. ***In sum, 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 station and the necessity for the planned multiuse path on Merrydale Road to be constructed simultaneous with the project. A mitigation measure is required in order for the project impact to be deemed Less Than Significant with Mitigation.***

**RGM's RECOMMENDED MITIGATION MEASURE:** The project sponsor shall commit to providing a monetary contribution to the City of San Rafael sufficient to allow the multiuse path on Merrydale Road from the project site to the SMART train station to proceed through conceptual design, work plan, and construction.

**RGM recommends inclusion of the above Mitigation Measure in the Northgate Town Square DEIR.**

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](mailto:sfischer_94903@yahoo.com)

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

<sup>1</sup> Telephone and email conversation between April Miller and Shirley Fischer, July 26, 2023.

**Response to Letter F-4****Responsible Growth in Marin**

David Smith, President

February 7, 2024

**Response F-4-1**

This comment states that the Transportation Impact Study (Draft EIR, Appendix F) and resulting analysis in Section 4.9, Transportation of the Draft EIR does not adequately address environmental impacts to existing and proposed pedestrian facilities; specifically, the significant increase in pedestrian and bicycle traffic along Merrydale Road accessing the SMART rail transit station. The comment identifies the existing absence of sidewalks on Merrydale Road between the US-101 overpass and the SMART Civic Center station, acknowledges the City's April 2022 report to address this gap in pedestrian facilities, and notes the planned improvements in this facilities gap are not currently funded. This comment correctly recounts the project sponsor's commitment to fund its "fair share" cost of the required pedestrian and bicycle facilities on Merrydale Road and suggests mitigation to address this concern.

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 connections 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."

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. Please refer to Master Response 7 in the RTC Document regarding CEQA mitigation requirements, which addresses the concept of a "nexus" and "rough proportionality" between the required mitigation measure and the significant environmental effect 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.

## ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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*Of Counsel*

MARC D. JOSEPH  
DANIEL L. CARDOZO

February 23, 2024

### **Via Email and U.S. Mail**

Laura Simpson  
Interim Community Development Director  
City of San Rafael  
1400 Fifth Ave. Top Floor  
San Rafael, CA 94901  
[laura.simpson@cityofsanrafael.org](mailto:laura.simpson@cityofsanrafael.org)

### **Via Email Only**

April Talley, Project Director, [aprilt@cityofsanrafael.org](mailto:aprilt@cityofsanrafael.org)

**Re: Request to Extend the Public Comment Period for the Draft  
Environmental Impact Report - Northgate Mall Redevelopment  
Project (SCH No. 2021120187)**

Dear Ms. Talley and Ms. Simpson:

I am writing on behalf of Sheet Metal Workers Union, Local 104 ("Local 104") and Marin County Residents for Responsible Development ("Marin County Residents") to request that the City of San Rafael ("City") extend the public review and comment period for the Draft Environmental Impact Report ("DEIR") for the Northgate Mall Redevelopment Project (SCH No. 2021120187) ("Project").

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 include 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.

**F-5-1**

February 23, 2024

Page 2

The California Environmental Quality Act<sup>1</sup> (“CEQA”) requires that “all documents referenced in the draft environmental impact report” be available for review and “readily accessible” during the entire public comment period.<sup>2</sup> 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.<sup>3</sup> It is also well settled that an EIR may not rely on hidden studies or documents that are not provided to the public.<sup>4</sup> By failing to make all documents referenced in the DEIR “readily available” during the entire CEQA comment period, the City is violating the clear procedural mandates of CEQA, to the detriment of Residents and other members of the public who wish to meaningfully review and comment on the DEIR.

On January 12, 2024, Local 104 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, Local 104 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.<sup>5</sup> 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. The City’s response failed to comply with CEQA’s disclosure and public access requirements.

On February 7, 2024, in correspondence with Deputy City Attorney, Nira Doherty, Local 104 reiterated its request for the missing DEIR reference documents and requested that the City extend the public review and comment period for 45-days from the date that the DEIR reference documents were made available to the public.

**F-5-1  
cont**

<sup>1</sup> Public Resources Code §§ 21000 et seq. (hereinafter “PRC”); 14 Cal. Code Regs. §§ 15000 et seq. (hereinafter “CEQA Guidelines”).

<sup>2</sup> PRC § 21092(b)(1); CEQA Guidelines § 15087(c)(5).

<sup>3</sup> *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.

<sup>4</sup> *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.”).

<sup>5</sup> PRC §§ 21091(a); 21092(b)(1).

February 23, 2024

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In a letter dated February 9, 2024, the Deputy City Attorney stated that the City was in the process of gathering the requested DEIR reference documents. However, the letter also stated that the City would not extend the public comment period for the DEIR. Finally, on February 13, 2024, the City uploaded the requested DEIR reference documents to the website for the Project maintained by the City.<sup>6</sup>

**F-5-1  
cont**

We appreciate that the City extended the public comment period for the DEIR by 15 days from February 19, 2024, to March 5, 2024. However, the 15-day extension did not comply with CEQA because the City had not, at the time, provided access to the DEIR reference documents, and the extension is less than the 45 days required under CEQA for public access to the DEIR and all reference documents. CEQA requires making those documents available during the *entire* CEQA public comment period, not just midway through the period.<sup>7</sup>

Accordingly, we request that the City extend the public review and comment period on the DEIR to March 29, 2024, 45 days from the date on which the City released the DEIR reference documents for review.<sup>8</sup>

Please contact me with any questions regarding the above request by telephone at (916) 444-6201 or via email at [kcarmichael@adamsbroadwell.com](mailto:kcarmichael@adamsbroadwell.com). Thank you for your prompt attention to this matter.

Sincerely,



Kevin Carmichael

KTC:ljl

<sup>6</sup> City of San Rafael, Northgate Town Square Environmental Review, available at <https://www.cityofsanrafael.org/northgate-town-square-environmental-review/>

<sup>7</sup> PRC §§ 21091(a); 21092(b)(1).

<sup>8</sup> This Project has a 45-day public comment period, pursuant to CEQA Guidelines § 15105 (projects submitted to the State Clearinghouse).



February 23, 2024

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cc: Via Email

Mayor Kate Colin

Email: [kate.colin@cityofsanrafael.org](mailto:kate.colin@cityofsanrafael.org)

District 1 Councilmember: Maika Llorens Gulati

Email: [maika@cityofsanrafael.org](mailto:maika@cityofsanrafael.org)

District 2 Councilmember: Eli Hill

Email: [eli.hill@cityofsanrafael.org](mailto:eli.hill@cityofsanrafael.org)

District 3 Councilmember: Maribeth Bushey

Email: [maribeth.bushey@cityofsanrafael.org](mailto:maribeth.bushey@cityofsanrafael.org)

District 4 Councilmember: Rachel Kertz

Email: [rachel.kertz@cityofsanrafael.org](mailto:rachel.kertz@cityofsanrafael.org)

**Response to Letter F-5****Sheet Metal Workers Union Local 104**

Represented by Adams, Broadwell, Joseph, & Cardozo

Kevin Carmichael

February 23, 2024

***Response F-5-1***

This introductory comment, which states that the Sheet Metal Workers Union has an interest in enforcing the State's environmental laws that encourage sustainable development and a safe working environment and requests an extension of the public review and comment period for the Draft EIR, is noted. This comment states that the City did not make available all requested documentation supporting the Draft EIR analysis in a timely manner. The comment details the dates for which the referenced material was requested from the City, the City's response, and a request for an extended public review period to March 29, 2024. 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 Master Response 1 and Responses B-3-3 and B-3-15 in the RTC Document, which address requests for extension of the public comment period and public records requests.

**From:** [silkroadstudio8@gmail.com](mailto:silkroadstudio8@gmail.com)  
**To:** [April Talley](#)  
**Subject:** Concern about Northgate development  
**Date:** Monday, March 4, 2024 9:57:15 PM

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Hello April and the City of San Rafael,

We live in Terra Linda above the Mall Center and we have a concern with this Big Project it will raking over our living area.

1) Traffic ( already gets difficult to commute daily to get out of the Freeways. We have only two access. Daily traffic includes High School TR, Kaiser, Service dog for blinds, Alma Via and Villa Marin, Nursing schools, elementary schools, and daily commuters of the neighborhood. The TR High School will be doing renovations for their gym, swimming pool, and athletic departments- starting this summer that is already noise and high traffic and dust will be in the air. We can't handle the major construction of the apartment complexes which will be taking over for 20 years.....

2) Environmental effects of increasing already gas and fume and air quality.

3) Water supplies ( is it will be enough water? We are already struggling and conserving.

4)During an emergency how do we have to get in and out of the area?

5) increase of the quit population with too much noise and tall buildings in the small area it is insane.

6) decrease the amount of the height and part to convert to townhouses it would be adequate instead of building tall buildings. Max 2-3 stores.

7) how and where would be collected in the apartment complexes? We have wild animals living in these surroundings, and more foot traffic wouldn't help it all.

8) Terra Linda gets pretty hot in the spring, and summer times. And it would be nice to create an outdoor family entertainment environment, for example like in The Larkspur shopping center, Bon Air, Mill Valley Lumberyard.

Or place for youth, young children facilities to play and educate for after school care area. Including facilities for elders who are living in the neighborhood. Keep using designated areas for Farmers Markets, Shopping centers with Restaurants, indoor ice-skating or perhaps skiing facilities, and bigger roller-skating areas. Rock climbing, Fencing, Basketball court

, Dancing studios, kickboxing, Music, and art studios for kids and seniors, places to be in one place to celebrate birthdays and fun for kids including for seniors, indoor or outdoor yoga studios, and perhaps zen gardens with rooftops. Why can't create a family-oriented educational relaxing, and gathering area for all Marin communities?

Thank you.

Best

Nur Acosta (resident of the Quill Hill )

Sent from my iPhone

**F-6-1**

**Response to Letter F-6****Nur Acosta**

March 4, 2024

***Response F-6-1***

This comment, which expresses general concerns related to traffic congestion, emergency access and evacuation, greenhouse gas and air quality emissions, noise, wildlife, and water supplies but 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, 4.11, Noise, 4.10, Air Quality, 4.14, Utilities and Service Systems, 4.13, Public Services and Recreation, and 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 be less than significant pursuant to established thresholds. Also refer to Response B-9-1 of the RTC Document regarding additional information related to emergency evacuation.

This comment also expresses general concerns related to the size and scale of the proposed project, the proposed mix of housing types, and the provision of outdoor and recreation features geared to the community. While this stated opinion does not identify any issue related to the adequacy of analysis contained in the Draft EIR, it is noted. Also refer to Master Response 2 in the RTC Document regarding the merits of the proposed project.

**From:** [Planning Public Comment](#)  
**To:** [April Talley](#)  
**Cc:** [Micah Hinkle](#); [Doherty, Nira F.](#)  
**Subject:** FW: Public Comment for 2/13/24 San Rafael Planning Commission: Support for Northgate Drive DEIR  
**Date:** Friday, November 1, 2024 4:33:04 PM

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-----Original Message-----

From: Judith Bloomberg <jabloomberg@icloud.com>  
Sent: Tuesday, February 13, 2024 4:35 PM  
To: Planning Public Comment <PlanningPublicComment@cityofsanrafael.org>  
Subject: Public Comment for 2/13/24 San Rafael Planning Commission: Support for Northgate Drive DEIR

February 13, 2024

Dear Members of the San Rafael Planning Commission:

As a longtime resident of San Rafael and a Leader of the Marin Organizing Committee, I am writing in my support for the Draft Environmental Impact Report (DEIR) for the Northgate Redevelopment project. The DEIR is thorough and did not identify any significant impacts that cannot be mitigated. I also urge your support for the project, and hope to see it moved forward.

Northgate offers 45 underutilized acres that are close to jobs, transportation, and amenities. It is the perfect site to produce environmentally sustainable, infill housing in Marin County. Northgate Town Square will transform a dying, car-centered big box shopping mall into a thriving mixed-use center for existing residents and new neighbors to enjoy. This will provide all of us in the Marin County community a place that will allow area residents to reduce their visits to more distant destinations for shopping, dining, and community gathering.

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. Sixty-two percent of Marin County workers live outside of Marin and so commute many ours deal for work. Therefore, the creation of housing, particularly affordable and workforce housing, will benefit our environment by reducing vehicle miles travelled each day.

The redevelopment plan represents a model for future growth in San Rafael. Northgate will use recycled water for landscaping and within the new residential buildings. The project also will utilize solar power and all the residential buildings will be entirely electric.

Northgate is in a transit-rich setting with onsite access to Marin Transit bus routes and directly adjacent to the SMART Civic Center Station. In addition to onsite amenities that will reduce the need for driving, the new residents will have convenient access to these public transportation options which will further lessen the need to get in the car. The ideas for this development offer extensive bicycle and pedestrian options to and from the property. Northgate has the potential to add meaningful housing density because the property was specifically built to handle ingress and egress through multiple access points into the site.

It takes many years to get a project like this completed. The Northgate Redevelopment project is a win-win for the City of San Rafael and the residents and workers in Marin County.

Sincerely,  
Judith Bloomberg

F-7-1

**Response to Letter F-7****Judith Bloomberg**

February 13, 2024

***Response F-7-1***

This comment, which expresses general support for the proposed project and generally states that the information and analysis in the Draft EIR appears to be adequate, is noted. Refer to Master Response 2 in the RTC Document regarding the project merits.

**From:** [notify@proudcity.com](mailto:notify@proudcity.com)  
**To:** [April Talley](#)  
**Subject:** New submission from Northgate Mall Project Updates Sign Up Form  
**Date:** Wednesday, February 28, 2024 5:26:10 PM

## Next Steps: Sync an Email Add-On

### Name

Mark Brennan

### Email

[markokenya@gmail.com](mailto:markokenya@gmail.com)

### Submit Public Comment

Dear City of San Rafael,  
 We do indeed need to build housing, and we absolutely need to redevelop the distressed shopping mall at Northgate.  
 However, there is a big difference between as well designed, well executed redevelopment, one that fits well with the community and contributes to the beauty and high quality of life we enjoy in San Rafael. The factors the make this difference are essentially "who will live here?" and "which retailers and restaurants will come here?"

Here are my primary concerns:

- we must absolutely ensure there are no drive-through food establishments in Northgate. This attracts non-locals and significant traffic, and brings nothing positive to the residents and surrounding community.
- Merlone Geier should be incentivized to remain and be landlord, whereby effectively if they lower the desirability of the area, they will command lower rents.
- all efforts should be made to attract retailers and food establishments that add to the vibrance and 24x7 liveliness of the development. If we fail, we will have a depressing, closed-down mass of humanity living in close quarters, with no attractions or place of interest within the large space. This creates a risk to public safety and quality of life for the broader community.

If we are successful, this area could resemble Marin Mart (near Larkspur Ferry area) of Bon Air area in Greenbrae. If we fail, we will be neighbors to a crowded, depressing and possibly unsafe neighborhood.

Sincerely,  
 Mark Brennan  
 Quail Hill neighbor.

**F-8-1**

**Response to Letter F-8****Mark Brennan**

February 28, 2024

***Response F-8-1***

This comment expresses general concerns related to the size, scale, mix of uses, and operational management for the proposed 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. Please refer to Master Response 2 of the RTC Document regarding the merits of the proposed project.



**From:** [Christine Jones](#)  
**To:** [April Talley](#)  
**Subject:** northgate mall redevelopment  
**Date:** Wednesday, February 28, 2024 5:14:24 PM

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*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.*

*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.*

*As a teacher at Miller Creek Middle School and as a resident of Terra Linda for over 21 years, I hope that you will work to resolve these issues. It is imperative to ensure that we can continue to provide high quality education to the Miller Creek School District community.*

*Thank you for your consideration,  
Christine Jones (Math Teacher at Miller Creek Middle School)  
16 Galleon Way  
San Rafael, CA 94903*

**F-9-1**

**Response to Letter F-9****Christine Jones**

February 28, 2024

***Response F-9-1***

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 of the RTC Document, 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 of the RTC Document 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:** [Henri Lese](#)  
**To:** [April Talley](#)  
**Subject:** For Public Comment re: the Northgate DEIR  
**Date:** Wednesday, February 28, 2024 4:21:45 PM

I am very concerned about potential negative impacts from the construction at the Northgate Mall and other locations.

**F-10-1**

I am very concerned about potential negative impacts from the construction at the Northgate Mall and other locations.

(1) The project will add 1,442 new homes (Marin IJ, February 26), and includes a 7 story building! The number of homes is too high. The height of the tallest building should be reduced. Traffic is already heavy in the area, and adding parking for the residential unit occupiers will make traffic more congested.

(2) Will there be multiple construction projects occurring at the same time? If so, the DEIR must account for reducing the impact on local communities. Several of these projects are:

- a. The Northgate project
- b. The TLHS project to improve sports facilities, including the new aquatics center
- c. The traffic circles east and west of route 101
- d. The construction of townhomes on the Nazareth House Property

The EIR should account for this possibility.

(3) Heavy construction and supply vehicles should not be allowed on Nova Albion for the Northgate project. This will reduce the impact of heavy traffic on noise and pollution in the existing community.

(4) Construction should be limited to day hours.

(5) There are already periods of very heavy traffic during daylight hours. These include Terra Linda High School, Vallecito school, Mark Day School, and Kaiser Permanente. Traffic flow should be improved, including possible widening of access routes.

Henri K. Lese, PhD

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*Please share the OLLI website - [www.dominican.edu/olli](http://www.dominican.edu/olli) - with your friends and neighbors. Urge them to sign up for any classes that are interesting to them.*

**Response to Letter F-10****Henri Lese**

February 28, 2024

***Response F-10-1***

This comment expresses concerns regarding the overall size and density of the proposed project and resulting traffic congestion and construction period impacts. This comment primarily addresses the merits and resulting impacts of the proposed project 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 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, refer to Master Responses 3 and 4 of the RTC Document. Also refer to Responses A-3-5 and A-3-7 of the RTC Document regarding school pick-up and drop-off periods and transportation impacts.

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. Regarding cumulative projects, please refer to Responses B-2-11 and B-8B-45 of the RTC Document, which address the cumulative analysis assumptions.

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:** [Planning Public Comment](#)  
**To:** [April Talley](#)  
**Cc:** [Doherty, Nira F.](#); [Micah Hinkle](#)  
**Subject:** FW: Public Comment: Support for Northgate Drive DEIR  
**Date:** Friday, November 1, 2024 4:30:42 PM

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-----Original Message-----

From: Jennifer Levine <jen@levine.net>  
Sent: Monday, February 12, 2024 2:21 PM  
To: Planning Public Comment <PlanningPublicComment@cityofsanrafael.org>  
Subject: Public Comment: Support for Northgate Drive DEIR

Dear Planning Commissioners,

I am writing in my support for the Draft Environmental Impact Report (DEIR) for the Northgate Redevelopment project. The DEIR is thorough and did not identify any significant impacts that cannot be mitigated. I also urge your support for the project, and hope to see it moved forward.

Northgate offers 45 underutilized acres that are close to jobs, transportation, and amenities. It is the perfect site to produce environmentally sustainable, infill housing in Marin County.

Northgate Town Square will transform a dying, car-centered big box shopping mall into a thriving mixed-use center for existing residents and new neighbors to enjoy. This will provide a community hub within North San Rafael that will allow area residents to reduce their visits to more distant destinations for shopping, dining, and community gathering.

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.

The redevelopment plan represents a model for future growth in San Rafael. Northgate will use recycled water for landscaping and within the new residential buildings. The project also will use solar power and all the residential buildings will be entirely electric.

Northgate is in a transit-rich setting with onsite access to Marin Transit bus routes and directly adjacent to the SMART Civic Center Station. In addition to onsite amenities that will reduce the need for driving, the new residents will have convenient access to these public transportation options which will further lessen the need to get in the car.

The Northgate redevelopment offers an extensive pedestrian and bicycle circulation plan that will promote multimodal transportation to and from the property. This includes multi-use pathways on the perimeter and integrated into the property connecting to the town square.

Northgate has the potential to add meaningful housing density because the property was specifically built to handle ingress and egress through multiple access points into the site.

Thank you for your time and consideration, Jennifer Levine

F-11-1

**Response to Letter F-11****Jennifer Levine**

February 12, 2024

***Response F-11-1***

This comment, which expresses general support for the proposed project and generally states that the information and analysis in the Draft EIR appears to be adequate, is noted. Refer to Master Response 2 in the RTC Document regarding the project merits.

**From:** [Planning Public Comment](#)  
**To:** [April Talley](#)  
**Cc:** [Micah Hinkle](#); [Doherty, Nira F.](#)  
**Subject:** FW: Northgate Town Square - Public Comment  
**Date:** Friday, November 1, 2024 4:31:09 PM  
**Attachments:** [image001.png](#)

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**From:** Stephen Locke <stolodesign@gmail.com>  
**Sent:** Tuesday, February 13, 2024 2:02 PM  
**To:** Planning Public Comment <PlanningPublicComment@cityofsanrafael.org>  
**Subject:** Northgate Town Square - Public Comment

Dear Planning Commission,

I am writing in support of the draft EIR and current plan for the Northgate Mall site.

I would encourage the Commission to seize this opportunity to make a bold statement by prioritizing both pedestrian and bicycling infrastructure. Shared use paths, reduced street width and prominent raised cross walks will all work toward calming traffic and encouraging alternative forms of transportation. Promoting denser housing closer to the SMART train will be a great way to directly affect traffic and the climate.

Thank you for your consideration,

SL  
` ` `

Steve Locke

Co-Chair, Walk/Bike San Rafael

[Join Walk/Bike San Rafael!](#)

**F-12-1**

**Response to Letter F-12****Steve Locke**

February 13, 2024

***Response F-12-1***

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 in the RTC Document regarding the project merits.



**From:** [notify@proudcity.com](mailto:notify@proudcity.com)  
**To:** [April Talley](#)  
**Subject:** New submission from Northgate Mall Project Updates Sign Up Form  
**Date:** Thursday, February 29, 2024 9:27:22 AM

### Next Steps: Sync an Email Add-On

#### Name

Brendon Lydon

#### Email

[brendonlydon@gmail.com](mailto:brendonlydon@gmail.com)

#### Submit Public Comment

I am writing to express my support for the Northgate Mall Redevelopment project, as outlined in the Draft Environmental Report recently published. I appreciate the opportunity to provide feedback on this transformative initiative that seeks to revitalize a once-vibrant commercial space in our community.

One of the primary reasons for my endorsement is the critical need for additional housing in Marin County. As you may be aware, the housing shortage in our region has led to increased inequality, making it challenging for individuals and families to find affordable and suitable living spaces. The Northgate Mall Redevelopment project represents a commendable effort to address this issue by incorporating housing units into the development plan.

The introduction of housing to Marin County is not only a social imperative but also has positive environmental and economic implications. By strategically placing residential units within the redevelopment, we can reduce commute times, minimize traffic congestion, and contribute to a more sustainable urban environment. Additionally, increasing the housing supply is a crucial step towards fostering economic growth, creating job opportunities, and enhancing the overall prosperity of our community.

I would like to emphasize that the proposed density of the development is appropriate for the area. Smart and well-planned urban development can contribute significantly to the overall functionality and vibrancy of a community. The Northgate Mall Redevelopment strikes a balance by providing housing options without compromising the character of the neighborhood.

Furthermore, incorporating a mix of residential, commercial, and recreational spaces will not only breathe new life into the Northgate Mall area but also make the project economically feasible. This adaptability is essential for the long-term success of the development and ensures its sustainability over time.

Lastly, I want to commend the visionary approach to reimagining a space that has become a symbol of urban decay. The transformation of the Northgate Mall from a once-horrific dead shopping mall to a vibrant, mixed-use community aligns with the needs and aspirations of our evolving society.

In conclusion, I urge you to consider the positive impact that the Northgate Mall Redevelopment project can have on addressing the housing shortage, reducing inequality, improving the environment, and bolstering our local economy. I believe that this project has the potential to create a model community that embraces the principles of sustainability, inclusivity, and economic vitality.

Build it!

#### Opt Out of Email Updates

- Select the checkbox if you do NOT want to sign up for email updates.

**F-13-1**

**Response to Letter F-13****Brendon Lydon**

February 29, 2024

***Response F-13-1***

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 in the RTC Document regarding the project merits.

**From:** [Amy Sadoff](#)  
**To:** [April Talley](#)  
**Subject:** For Public Comment re: the Northgate DEIR  
**Date:** Tuesday, March 5, 2024 9:50:16 AM

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We are homeowners in the Quail Hill Townhome Development in San Rafael. We believe we will be impacted by the proposed development in a number of significant ways that will be detrimental to our health and the livability and quality of our community.

First, we do believe there is a need for more affordable housing in the Bay Area and we believe every area needs to contribute to the end result of providing that housing. We in Marin should not be excluded from contributing. We also support the redevelopment of the Northgate Mall into a sustainable mixed use property. We understand the need to move forward with that goal. However, we believe the redevelopment as it is currently proposed will unnecessarily negatively impact the residents in this area and that changes can be made to accomplish the needs of the entire community in a better way:

The excessive number of residential units combined with proposed drive-through restaurants and other businesses will result in more traffic than the current infrastructure can accommodate. Our primary concern is that we are fearful that older residents (including ourselves and the residents of the 3 senior facilities nearby), would be put at greater risk from the pollution and lack of ingress and egress to our residences which will be created by all of the traffic on the limited narrow roads nearby. Reducing the disproportionately large number of residential units proposed for this one development and spreading the needed number of units over a number of communities within Marin County would help to eliminate excessive traffic in this area. The lack of ingress and egress will of course obstruct safely evacuating the residents in this area in times of emergencies, personal or communal. This concern alone should be of sufficient necessity to require re-evaluation of the current proposal.

We feel that changes should be made to the current proposal to address these real concerns of residents whose safety and health will be impacted by the enormous scope of this project relative to the existing infrastructure.

Thank you for your consideration.

Amy Sadoff and Richard Launer

**F-14-1**

**Response to Letter F-14****Richard Launer and Amy Sadoff**

March 5, 2024

***Response F-14-1***

This comment expresses general support for the proposed project and concerns related to the size, scale and density of residential development and proposed mix of commercial uses. Specifically, the comment raises concerns related to increased traffic congestion, air quality emissions, and emergency access and evacuation.

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 be less than significant pursuant to established thresholds. Also refer to Response B-9-1 of the RTC Document regarding additional information related to emergency evacuation. Refer to Master Response 2 in the RTC Document 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.

**From:** [Cecil Nielsen](#)  
**To:** [Planning Public Comment](#); [April Talley](#)  
**Subject:** For Public Comment re: the Northgate DEIR  
**Date:** Monday, February 26, 2024 10:14:42 AM  
**Attachments:** [LVFRG Press Release \(3\).pdf](#)

February 24, 2024

Planning Commission Members  
 City Council Members  
 City of San Rafael, California

## Re: Northgate Development—Emergency Heads Up

Dear Members of the Planning Commission:

I would like to ask the Planning Commission and City Council to please exercise caution when reviewing the plans at Northgate. It is imperative to keep in mind evacuation routes in case of emergency for residents of Terra Linda and beyond.

Commissioners need to keep in mind the need to be able to have roads available for evacuation and have roads that have access for emergency vehicles. As you know, Kaiser is inserted deep inside Terra Linda, there are many schools as well: Mark Day, Vallecito, Terra Linda HS, St. Isabellas as well as many preschools, disabled housing and senior facilities.

If there is a fire and everyone leaves to get out, having Northgate be so overpopulated will only cause a bottleneck. Which will prevent emergency vehicles to get to Kaiser Hospital or other emergency vehicles to get to fire. Not only that, if there is a fire, Kaiser would need to be evacuated as well as all the elderly residents of Villa Marin, Alma Via, the schools, etc.

The DEIR needs to consider wildfire as a risk. With California's recent history of wind-driven fires which spread rapidly, fueled by sparks, through urban areas that are not in high fire hazard severity zones, this leaves very little time to evacuate. Terra Linda homes are primarily constructed of wood and flammable materials which are at high risk in a fire. The tall eucalyptus trees on the cemetery property are a hazard threatening evacuation on Los Ranchitos and the Merrydale Overcrossing. Evacuation modeling needs to be done.\*

(Some history: It should also be noted that when this area was being designed years ago, they thought of continuing the road at the end of Manuel Freitas that goes up into Sleepy Hollow and San Anselmo and Lucas Valley but that idea was rejected and it was decided to be kept closed and only open to foot traffic. Therefore, there is only **one way out** for the residents.)

\*I have attached a document from Lucas Valley and Marinwood residents on their recent

F-15-1

evacuation practice wherein approx. 10 percent of residents participated and it took them 30-45 minutes to go **two miles** from Lucas Valley to the YMCA which is a problem.

Thank you for your attention to this important matter.

Sincerely,

Cecil Nielsen

[crnielsen@comcast.net](mailto:crnielsen@comcast.net)

cc:

Rachel Kertz

Shirley Fisher

**F-15-1  
cont**

**FOR IMMEDIATE RELEASE****NOVEMBER 10, 2023****CONTACT:** Susan Morgan - (617) 797-0451 - susanemorgan@gmail.com**LUCAS VALLEY EVACUATION PRACTICE REVEALS CONCERNING GAPS IN MARIN COUNTY'S  
WILDFIRE MANAGEMENT PLANS****Community advocates call for immediate actions to protect against future disaster**

MARIN COUNTY, California - In September 2021, a relatively small brushfire in the golden hills of Lucas Valley led to a very limited number of residents being notified by officials to evacuate via its sole escape route, Lucas Valley Road. In spite of the limited number of evacuees, the two-lane road was overloaded and traffic came to a stop. Evacuation was further hampered by concerned family members driving westbound to reach school children or assist elderly relatives at Rotary Valley Senior Village.

The 2021 Lassen fire response demonstrated challenges including notification gaps, exit routes, blocked by emergency vehicles and other issues. These challenges led a local advocacy group, Lucas Valley for Responsible Growth (LVFRG), to propose and plan for a full-scale evacuation practice to help residents prepare for future wildfire evacuations and to provide the County with critically important data to inform needed improvements. Marin's County's Office of Emergency Management (OEM) agreed to support the evacuation practice and participated in a preparatory community-wide informational meeting held October 1, 2023.

On October 22, over 22% of the 1,185 homes in Lucas Valley joined this evacuation practice. Based on post-practice survey responses completed by over half of the participants, the drive time to Los Gatos Drive averaged over 36 minutes, six times longer than the average drive time under normal conditions with only about 22% of residents on the road. A real wildfire requiring evacuation of the entire Lucas Valley community would clearly result in a dramatically higher number of evacuees and much longer drive times to safety. Further, residents in Lucas Valley Estates did not receive the AlertMarin texts, and many residents elsewhere had challenges with cell service quality.

Leaders at LVFRG reached the following conclusions based on the practice and from the survey feedback from 113 respondents: 1) Without traffic direction assistance and more evacuation lanes/routes, it will take an unacceptable amount of time to reach safety in cars, 2) Even with improved traffic direction and road capacity, the current valley population will be challenged to evacuate efficiently, 3) Additional housing development in Lucas Valley will necessitate further wildfire safety measures, changes in infrastructure capacity, and evacuation route improvements, 4) Existing emergency communication systems need improvement.

According to Kelby Jones, a member of the Lucas Valley for Responsible Growth Leadership Team, some of the failures demonstrated in the Sept. 2021 Lassen fire were repeated in Oct. 22 practice. "The OEM underestimated the extent of community participation and decided against putting traffic control measures in place," he stated. "This decision missed a valuable opportunity to

validate the capabilities of, and build confidence in, county emergency services; and ignored the need to capture and demonstrate lessons that contribute to life-saving preparedness and behaviors in a wildfire emergency."

Lucas Valley for Responsible Growth is now calling upon county officials to help improve management of future evacuations. Its recommendations include::

1. Prepare an overview of wildfire risk to Lucas Valley, including evacuation alternatives, and two likely scenarios (prevailing westerly winds, Diablo winds), with expectations for emergency response
2. Meet with local school staff (Miller Creek School District, Lucas Valley Elementary School and Waldorf School) to discuss needs and strategies in a wildfire event requiring evacuation
3. Designate Lucas Park field as a temporary refuge area, requiring annual grasses to be cut to 2 inches by the first week in Oct.
4. Complete and distribute Lucas Valley evacuation maps with temporary refuge areas identified
5. Support an MWPA project to clear excessive dead and invasive, fire hazardous vegetation from Miller Creek west of Mt. McKinley Rd to Westgate Dr.
6. Support an MWPA project to widen and improve the restricted section of Idylberry Rd between Mt Lassen Dr and Huckleberry Rd to support 2 lane traffic, including vertical clearance westbound for fire vehicles
7. Apply MWPA's new Ingress/Egress Evacuation risk assessment tool to evaluate Lucas Valley evacuation alternatives, enhance to include time stamp capability to compare with LVFRG traffic projections
8. Obtain Marin Municipal Water District evaluation of water pressure and supply infrastructure required to accommodate a 25% increase in demand for Lucas Valley
9. Conduct an evacuation practice testing contraflow traffic management to build confidence in emergency management capabilities
10. Explore means to improve cellular phone coverage in Lucas Valley.

County officials, including District 1 Supervisor Mary Sackett, OEM Director Steven Torrance and Marin County Fire Chief Jason Weber have deferred the group's requested meeting until "sometime in December" in spite of the fact that the month of November is peak fire season. The group encourages residents to call or write Supervisor Sackett with any concerns in the meantime.

###

*Lucas Valley for Responsible Growth is a group of local residents who have come together in response to shared concerns about development decisions related to Marin's Housing Element for 2023 - 2031. Our mission is to engage with community members and elected officials to promote responsible planning decisions in Lucas Valley. We support the development of more affordable housing in our community. We advocate for growth that is safely supportable with the infrastructure, commensurate with growth in other parts of Marin, and which preserves the highly-utilized community resource, Lucas Valley Park, and the rich wildlife it supports. In this way, Lucas Valley will continue to offer a high quality of life for both current and future residents.*



**Response to Letter F-15****Cecil Nielson**

February 24, 2024

***Response F-15-1***

This comment expresses concerns related to emergency access and evacuation and proximity of medically vulnerable populations within the project area, and wildfire risk. This comment also attaches a press release from Lucas Valley for Responsible Growth that asserts, based on practice evacuation that did not include traffic control measures, that there were gaps in the County's wildfire management plans for Lucas Valley. This attachment is noted. Refer to Responses B-9-1 and E-2-1 through E-2-6 of the RTC Document which address emergency access and evacuation, wildfire risk, and fire services.

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:** [carol nelson](#)  
**To:** [April Talley](#)  
**Subject:** Re Proposed Northgate Mall project  
**Date:** Tuesday, March 5, 2024 12:34:37 PM

---

Dear Commissioners,

While I understand the need for more affordable housing and low cost housing in particular, and I do understand that the Northgate shopping mall is no longer viable, I do oppose building 6 and 7 story structures at the Northgate Mall site. I think that these structures would look as out of place as the Salesforce building does in San Francisco.

What I ask is that when the rebuilding takes place, please make sure that all safeguards are in place to protect neighboring residents, pets and wildlife from toxic exposure to asbestos and other toxic substances.

Please do not allow the buildings to come right up to the streets — without a little yard in front of the buildings for aesthetics.

Please figure out a way to accommodate the increase in traffic on the streets surrounding the new development.

Please keep out retail chains like Chick-fil-a, Burger King and other fast food places that profit from “foods” that increases cardiovascular disease, diabetes and cancer. At some point we have to take a stand to stop corporate profit and greed from destroying public health and the environment. I see that you have done so in most of San Rafael, and I thank you for it.

Sincerely,

Carol Nelson 427 Miller Creek Rd. San Rafael, CA. 94903

**F-16-1**

**Response to Letter F-16****Carol Nelson**

March 5, 2024

***Response F-16-1***

This comment expresses general concerns related to the size, scale, and mix of uses for the proposed project and potential impacts related to exposure to asbestos and other toxic substances and increased traffic on surrounding streets.

Regarding potential demolition and structure contaminants, 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. Further, please refer to Response A-3-7 of the RTC Document regarding the results of the Health Risk Assessment (HRA) prepared for the proposed project which concluded that the potential health risks resulting from the proposed project are less than significant to the maximally impacted receptor near the project site and Response B-8B-39 of the RTC Document which provides additional information regarding this issue.

Regarding traffic congestion, refer to Section 4.9, Transportation of the Draft EIR, which determined that transportation-related impacts would be less than significant pursuant to 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 Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

**From:** [David Smith](#)  
**To:** [April Talley](#)  
**Subject:** Northgate DEIR - Public Comment re Visual Impact and Privacy  
**Date:** Monday, March 4, 2024 11:37:58 AM

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Attachment available until Apr 3, 2024

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Hi April,

Attached is a link to a comment letter and exhibits regarding the Northgate Town Square Project Draft Environmental Impact Report. The files are too big to send by direct email so I am sending them by a weblink.

Would you please download the letter and 7 exhibits and distribute appropriately. If this is not possible please let me know so that I can deliver the letter and exhibits by a different means.

Would you please also confirm receipt.

Thanks!  
David

-----  
*David B. Smith*  
-----

[Click to Download](#)

Archive.zip

29.7 MB

**DAVID B. SMITH**  
475 Nova Albion Way  
San Rafael, CA 94903  
415-497-5171

Date: March 4, 2024

*Via Email:* April.Talley@cityofsanrafael.org

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

cc: Micah Hinkle, Director, Community Development Department;  
Margaret Kavanaugh-Lynch, Planning Manager;  
April Talley, Northgate Project Manager.

Re: Written Comments on Northgate Town Square Mall Redevelopment Project Draft  
Environmental Impact Report: Land Use and Planning (Section 4.1) and Visual Impacts  
(Section 4.3)

---

Dear Planning Division,

I live at 475 Nova Albion Way, San Rafael. My house is on the corner of Nova Albion Way and Northgate Drive and is only 90 feet away from the site of the proposed new Northgate Town Square project.<sup>1</sup> I have owned and lived in this house for over 25 years.

I have reviewed the Draft Environmental Impact Report (“DEIR”) for the Northgate Town Square project. While I generally support the proposed development and the conversion of the mall to a mixed-use development, I want to draw your attention specifically to an environmental problem the DEIR does not adequately address – loss of privacy that will be suffered by existing neighboring residences. The protection of privacy of existing residences is mandated by both General Plan 2040 (“GP2040”) and the San Rafael Design Guidelines. The DEIR states it conforms with both these documents but it is factually incorrect in its conclusions and statements about privacy. As explained below, the DEIR fails to identify and mitigate significant impacts to the nearby neighbors of the project.

This letter makes preliminary comments on this issue and is based on an initial review of the DEIR and related documents. I reserve the right to submit additional comments as more information becomes available.

### **LOSS OF PRIVACY**

The DEIR acknowledges that “implementation of the proposed project would have a significant impact on the environment related to land use and planning if it would . . . result in a conflict between the proposed project and the provisions of . . . San Rafael General Plan . . .” DEIR at p. 4.1-7. The DEIR also states that the potential conflicts with specific General Plan policies are evaluated in detail in Table 4.1.A. DEIR at p. 4.1-9.

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<sup>1</sup> See DEIR at page 4.10-37 and Exhibits 1 and 3.

As Table 4.1.A notes, GP2040 requires that new development in residential neighborhoods “minimize reduction of views, **privacy** and solar access for neighboring properties.” *See* DEIR at Table 4.1.A (p. 4.1-16) citing GP2040 Policy LU-3.2 (emphasis added) (excerpt below).

Goal/Policy/ Program No.	Policy Summary	Project’s Relationship to Policy
<b>Policy LU-3.2:</b> New Development in Residential Neighborhoods	<p>Preserve, enhance, and maintain the residential character of neighborhoods to keep them safe, desirable places to live. New development, redevelopment of existing buildings, and land use changes within and adjacent to residential areas should:</p> <p>....</p> <ul style="list-style-type: none"> <li>Minimize reduction of views, <b>privacy</b>, and solar access for neighboring properties</li> </ul>	<p><b>Consistent.</b> The proposed project would enhance the neighborhood image and design quality by upgrading the appearance of buildings, improving landscaping and outdoor spaces, providing community services, and providing multi-use pathways. The proposed project would incorporate sensitive transitions to the nearby residential uses by including the lower height residential buildings along the western edge and the higher height buildings near the center and eastern edges where the adjacent uses are commercial.</p> <p>....</p> <p>Finally, although parking and privacy are not environmental concerns, the proposed project is expected to exceed the parking requirements for the proposed development. Due to the topography of the site and surrounding development and vegetation, <b>privacy for surrounding neighborhoods would not be reduced.</b></p>

F-17-1  
(cont.)

In the third column (“Project’s Relationship to Policy”) the DEIR states that “[d]ue to the topography of the site and surrounding development and vegetation, **privacy for surrounding neighborhoods would not be reduced.**” DEIR at p. 4.1-17 (emphasis added). As explained below, that statement is simply flat out wrong and the privacy of several houses, as well as the senior living facility Alma Via, will be impacted by a severe loss of privacy.

The DEIR also states that the project is consistent with GP2040 Policy CDP-4.1 Design Guidelines and Standards. *See* DEIR Table 4.1.A at p. 4.1-19. GP2040 Policy CDP-4.1 requires that “new construction . . . [be] compatible with the surrounding neighborhoods . . .” as well as with the San Rafael Design Guidelines.

F-17-2

<b>Policy CDP-4.1:</b> Design Guidelines and Standards	<p>Use design guidelines and standards to strengthen the visual and functional qualities of San Rafael’s neighborhoods, districts, and centers. Guidelines and standards should ensure that new construction, additions, and alterations are compatible with the surrounding neighborhoods while still allowing for innovative, affordable design.</p>	<p><b>Consistent.</b> As discussed in Section 4.3, Visual Resources, the proposed project would be constructed in accordance with applicable residential and nonresidential design guidelines outlined in the San Rafael Design Guidelines, dated June 19, 2019. Compliance with these guidelines would be verified through the design review process.</p>
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However, the DEIR ignores GP2040 Policy CDP 4.8 (“Scale Transitions”) which states in part that “[i]n areas where taller buildings are allowed, they should be designed to minimize shadows, **loss of privacy**, and dramatic contrasts with adjacent low-scale structures.” GP2040 at p. 5-24) (emphasis added). The existing single-story homes on Nova Albion Way and Sao Augustine Way, only 90 feet away from the project, are clearly “adjacent low-scale structures.”

As noted above, the DEIR also states it is consistent with the “residential and nonresidential design guidelines outlined in the San Rafael Design Guidelines, dated June 19, 2019.” Those

guidelines state, in relevant part, that “window placement along rear and side elevations should consider privacy needs of adjacent neighbors.” *See* San Rafael Design Guidelines at p. 3.

**F-17-2  
(cont.)**

As further explained below, my house, as well as houses on the north side of Sao Augustine Way (which are all single story Eichler homes), will suffer a severe loss of privacy because of the direct view into their yards and windows from the three-story townhouses less than a hundred feet away. It should be noted that the Design Review Board has already noted and commented on the loss of privacy that will be suffered by Alma Via residents from users of the Residential 3 building.

**F-17-3**

## ANALYSIS<sup>2</sup>

- The townhome buildings will be approximately 90 feet from my fence line. (*See* DEIR p. 4.10-37 (p. 387/576); *see also* plans SD-8; SD-9; L-30 and L-35 at Sections 13 and 14). Attached as **Exhibit 1** is an annotated copy of 2025 Master Plan SD-9 showing the location of my house relative to the project.
- The windows in Residential 2 townhomes facing Northgate Drive go almost to, and in some case higher than, the eaves level – 30 feet above ground level (*see, e.g.*, plans SD-11; RE-21; RE-22; RE-24; RE-25; RE-26; RE-27).
- The decks in Residential 2 Unit Plans (or types) 2, 3, and 4 have balconies or decks at the Level 3 floor level – that is, 20 feet above ground level (*see* plans RE-22; RE-26). Attached as **Exhibit 2** is a copy of Plan RE-22 showing the height above ground of the windows and decks of the buildings in Residential 2. This includes units that look out over Northgate Drive.
- The eyeline of people standing on those decks/balconies or looking out of those windows will be 5 – 6 feet higher than the floor or deck level. Thus, the sight line of an adult on the third floor of the townhomes will be approximately 25 feet above ground level.
- Some of the units in Residential 2 Building 2, including Plan [types] 2, 3, and 4 will be directly across Northgate Drive from my house and backyard (*see, e.g.*, plans C-2.I4; C-3.I4; C-5.I4; SD-8; SD-9; SD-11; L-3; L-4; L-12; L-13).<sup>3</sup>
- These townhomes include decks and windows that face the side of my house, as well as the side and back yards. Attached as **Exhibit 3** is an annotated copy of 2025 Master Plan SD-11 showing the aspect of the windows and decks of Residential 2 Buildings 1 and 2 to my house.
- Landscaping trees on Northgate Drive are shown as 20 feet at most (*see, e.g.*, plans RE-26; RE-27) – that is, well below the eyeline of someone standing on a deck. While acknowledging that the trees may not be shown to scale, these trees will be thin and sparse

<sup>2</sup> Note that this analysis is in general specific to my house, though houses on the north side of Sao Augustine Way are similarly close and will be similarly affected.

<sup>3</sup> The Residential 2 Building numbers are taken from Plans C-2.I4; C-3.I4 and C-3.I4

during winter and will provide virtually no privacy at their tops even during summer. Additionally, it will take years for these trees to grow to that height and fill out. In sum, these trees will not block the view across Northgate Drive into my yard or windows. Attached as **Exhibit 4** is a copy of Plan RE-27 showing the height of the planned trees on the project side of Northgate Drive.

Attached as **Exhibit 5** is a photograph taken from my backyard, looking directly at where Building 2 of these townhomes will be. We have a hot tub in our back yard that we use both during daytime and evening time. The photograph was taken from the level of the hot tub lid. As the photograph shows, a tree branch approximately 11 feet above mall ground level is clearly visible over the top of my fence from the location of the hot tub in my backyard. The tree is approximately 80 feet from my fence line, roughly where Building 2 of Residential 2 will be. Anyone standing on the second or third floor decks or at the southwest windows of those townhomes will have an unobstructed view of our backyard, including the hot tub and the people in it.

**F-17-3  
(cont.)**

Further, those townhomes will also have an unobstructed view into my kitchen window, which is on the Northgate Drive side of my house facing the townhomes, only around 20 feet away from the fence line. Even a two or three foot height extension to my fence would not block the line of sight of a person standing approximately 25 feet above ground level at Building 2 of the Residential 2 units. Attached as **Exhibit 6** is a photograph taken from inside my kitchen window showing the same tree as in Exhibit 5.

Attached as **Exhibit 7** is a photograph taken by a drone at a height of 25 feet above the mall parking lot from roughly the position of the tree shown in Exhibits 5 and 6. This photograph most clearly shows the unobstructed view into my backyard, side yard and kitchen window from that location – the location of decks and windows of units in Residential 2. This photograph was taken during a time when the kitchen light was not on; however, when the light is on, the inside of the kitchen (and anyone in it) will be clearly visible. The tree in the photograph has been there for decades, yet even if it was in full leaf, would not provide any privacy for my house from those decks and windows.

**This constitutes an unacceptable loss of privacy for me and will severely affect the way my family can use our yard as well as our hot tub. In addition, we will lose the privacy of our kitchen. This huge loss of privacy will also negatively affect the value of my house.**

\* \* \* \* \*

As noted previously, houses on the north side of Sao Augustine Way will suffer a similar loss of privacy into their backyards and the living areas of their homes.

The loss of privacy to Alma Via residents from the roof of the Residential 3 building was already noted by the Design Review Board (“DRB”) at its 9/6/2023 meeting, with a request that the



design be altered so that privacy be maintained, possibly by building a higher wall around the edge of the roof deck area of Residential 3.<sup>4</sup>

I therefore request that the developer, Merlone Geier, be required to mitigate this loss of privacy (and the attendant loss of value) I and the other residents will suffer. As noted above, the trees planned for the project side of Northgate Drive will **not** provide privacy to my house and yard. One possibility would be to for the developer to plant a significant number of fast-growing evergreen trees, of a type approved by the Fire Department, on my side of Northgate Drive or in my yard, which should be maintained by the developer or its successor. The same mitigation should be implemented to protect the privacy of the affected houses on Sao Augustine Way and the DRB's comments with regard to Alma Via should be addressed.

**F-17-3  
(cont.)**

Thank you for your time and attention to this matter.

Yours sincerely,



David B. Smith  
Attachments (Exhibits 1 – 7)

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<sup>4</sup> This recommendation was made at the September 6, 2023 Design Review Board (“DRB”) meeting. It is unclear whether the Planning Commission has seen either the recommendations of the DRB or the minutes from that meeting.



# Exhibit 1



2025 MASTER PLAN - TYPICAL UPPER LEVEL

## NORTHGATE TOWN SQUARE

REDEVELOPMENT PLAN

MAY 8, 2023

MerloneGeier  
Partners

CSW | ST2

OCULUS

URBAN  
ARENA

STUDIO  
TODD

FIELD  
PAOLI

SD-9



## EXHIBIT 2



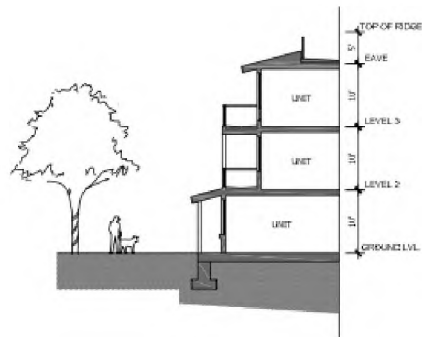
1

2

3

VIEW FROM NORTHGATE DRIVE

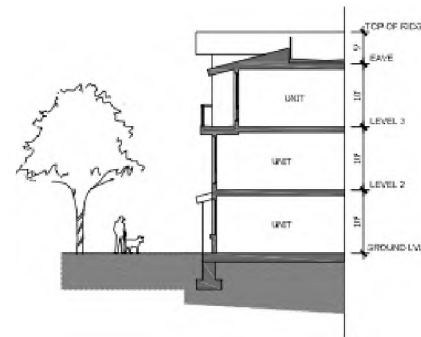
N.T.S.



1

TYPICAL WALL SECTION A

SCALE: 1/8" = 1'-0"



2

TYPICAL WALL SECTION B

SCALE: 1/8" = 1'-0"



KEY PLAN



B2

TRESPA - PURA  
AGED ASH



B3

TRESPA - PURA  
SIBERIAN LARCH



B4

TRESPA - PURA  
TROPICAL IPE



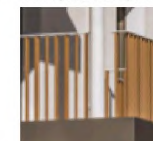
F1

CEMENT PLASTER  
SW 7553  
FRAGILE BEAUTY



F3

CEMENT PLASTER  
SW 7069  
IRON ORE



G2

GUARDRAIL

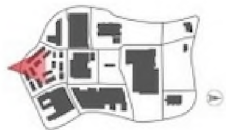


L1

WALL MOUNTED  
LIGHT FIXTURE

TOWNHOME PLAN PROTOTYPE DESIGNED BY URBAN ARENA.  
RESIDENTIAL 2 - BUILDING WALL SECTIONS

## EXHIBIT 3



# NORTHGATE TOWN SQUARE

REDEVELOPMENT PLAN

MAY 8, 2023

2025 MASTER PLAN - AERIAL VIEW

MerloneGeier  
Partners

CSW | ST 2

OCULUS  
LIGHT STUDIO

URBAN  
ARENA

STUDIO  
T SQUARE

FIELD  
PAOLI

SD-11



# EXHIBIT 4



KEY PLAN



SOLO 7-PLEX TOWNHOME - LEFT



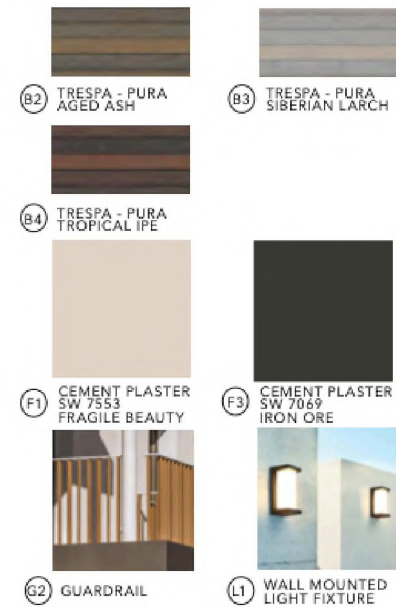
SOLO 7-PLEX TOWNHOME - RIGHT



SOLO 7-PLEX TOWNHOME - FRONT



SOLO 7-PLEX TOWNHOME - REAR



SCALE 1/8" = 1'-0"

TOWNHOME PLAN PROTOTYPE DESIGNED BY URBAN ARENA.  
RESIDENTIAL 2 - ENLARGED ELEVATIONS

## NORTHGATE TOWN SQUARE

REDEVELOPMENT PLAN

MAY 8TH, 2023

MerloneGeier  
Partners

CSW | ST 2

URBAN  
ARENA

STUDIO  
SQUARE

FIELD  
PAOLI

RE-27



Tree branch is approx 11 ft above  
mall parking lot ground level.



Text

Hot tub pad

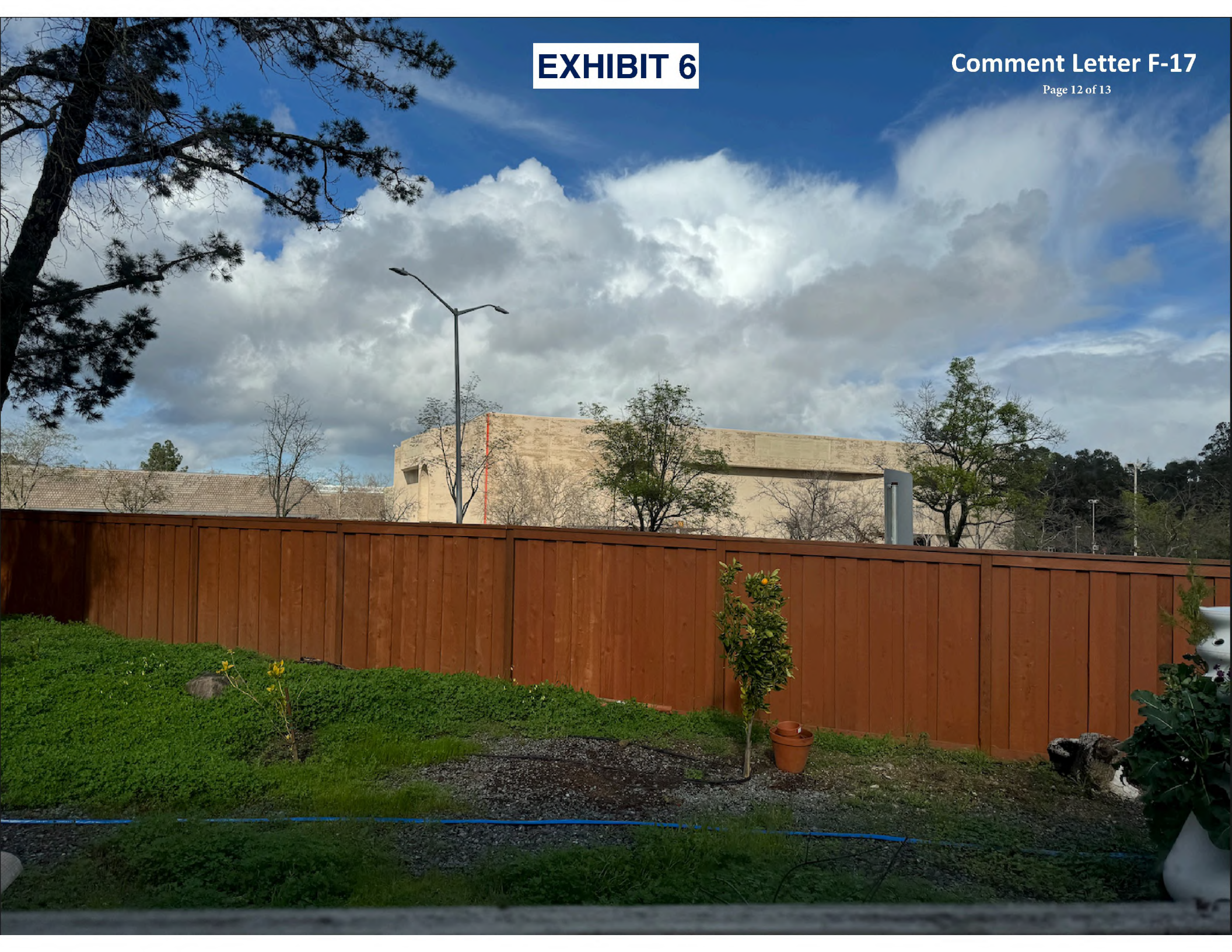




# EXHIBIT 6

Comment Letter F-17

Page 12 of 13





# EXHIBIT 7

Comment Letter F-17

Page 13 of 13





**Response to Letter F-17****David Smith**

March 4, 2024

**Response F-17-1**

This comment expresses specific concerns related to the potential loss of privacy for individual residents in the vicinity of the project site. The comment cites the City's General Plan (specifically Policy LU-3.2) and Design Guidelines to claim that the Draft EIR does not adequately identify and mitigate significant impacts to nearby residential uses. This concern is noted and addressed below in the context of General Plan policy consistency; however, as discussed in Response B-8B-5 of the RTC Document, loss of privacy is not a CEQA impact. Impacts under CEQA focus on direct and indirect physical impacts to the environment.

In addition to the actions cited in the Draft EIR regarding City General Plan Policy LU-3.2, the policy recognizes, "While these principles are fundamental, they do not preclude neighborhood change. Neighborhoods are dynamic places, and should adapt to changing tastes, styles, technology, and needs as they evolve." Per the City's General Plan (page 3-2), "The land use goals and policies are underpinned by a basic belief that change is both inevitable and necessary and should be harnessed to achieve the vision of a thriving city."

General Plan Policy LU 3.2 does not assign precedence for any of the cited actions. The City's Design Guidelines reflect what the City considers to be desirable design and are applicable to each area of the city. Design Guidelines specific to both residential and non-residential developments include, but are not limited to, building design, scale, building height, roof shapes, and lighting. The review of projects is conducted by City staff and the Planning Commission (formerly the Design Review Board) to evaluate the quality of project design. Through the City's design review process, the proposed project has incorporated transitions in height and setbacks from adjacent properties; satisfied expected parking demand; and provided sidewalks, pathways, and landscaping within the site and along the project perimeter.

As the privacy of existing residences is not a CEQA issue, the consistency determinations included in Draft EIR are based on the project's overall effect on the neighborhood and surrounding community, not the specific impacts to an individual property or even a small group of properties. As discussed in Table 4.1.A, overall, privacy for the surrounding neighborhoods would not be reduced. Additionally, as the General Plan recognizes that changes in the community is inevitable and necessary, no revision to Draft EIR to address the specific concerns cited in the comment is required.

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 F-17-2**

This comment references General Plan Policy CDP 4.8 which states that taller buildings should be designed to minimize loss of privacy and dramatic contrasts with adjacent low-scale structures, and that the Draft EIR does not consider the loss of privacy and contrasting scale between the proposed buildings and adjacent homes.

As stated in General Plan Program CDP-4.8A, the City may use tools such as setbacks and daylight planes to improve height transitions where taller buildings are constructed near lower-scale buildings. The height and bulk of new buildings can be reduced through measures such as stepping back the upper floors, articulating the building elevation, and using varied exterior building materials and colors. The cited Design Guidelines are used by City staff and the Planning Commission in its role in conducting design review to evaluate the project design. They are discretionary and are intended to assist project sponsors to achieve high quality design. Through the City's design review process, the proposed project has incorporated transitions in height and setbacks from adjacent properties; satisfied expected parking demand; and provided sidewalks, pathways, and landscaping within the site and along the project perimeter. Also refer to Response F-17-1.

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 F-17-3**

This comment expresses specific concerns related to the potential loss of privacy for individual residents located along Nova Albion Way and on the north side of Sao Augustine Way, and specifically the property located at 475 Nova Albion Way. This comment provides specific descriptions and photographic and drone imagery to support this assertion, provided as attached Exhibits 1-7, which are noted. The comment also suggests that the project sponsor mitigate for the loss of privacy and the loss of value, suggesting methods to improve screening and prevent the loss of privacy for the individual properties (i.e., the planting of fast-growing evergreen trees that will be maintained by the developer).

Please refer to Responses F-17-1 and F-17-2 regarding general consistency with General Plan policies governing the protection of community privacy. As stated previously, the privacy of residences is not a CEQA issue. 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 practical and feasible*, consistent with General Plan Policy and Program CDP-1.5A. Further, individual residences may install their own exterior or interior screening, including fencing and vegetation in compliance with the City's Municipal Code, and window treatments. Regarding property value, 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.

The suggested methods to reduce the loss of privacy are noted. As stated previously, the privacy of residences is not a CEQA issue; therefore, the implementation of mitigation is not warranted. Refer to Master Response 7 of the RTC Document 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.

**From:** [Natalee Striano](#)  
**To:** [April Talley](#)  
**Subject:** Northgate Mall Project  
**Date:** Wednesday, February 28, 2024 4:42:19 PM

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Dear City of San Rafael Planning Division,

The Environmental Impact Report (EIR) draft for the Northgate Mall Redevelopment Project inadequately addresses and mitigates the notable and combined effects on the students, parents, faculty, staff, and broader community of the Miller Creek School District.

In detail:

The analysis in Section 4.9 of the DEIR overlooks the traffic ramifications during school pick-up and drop-off times.

Section 4.13 inaccurately asserts that the project's repercussions on schools are minimal. However, the developer fees fall short of fully compensating for the project's influence on the district's infrastructure, students, parents, and staff.

We strongly recommend that the City refine the impact assessments to more accurately depict the actual consequences the project will impose on our schools, especially highlighting that the District's facilities are ill-equipped to support the influx of students resulting from the project.

Thank you,

Natalee Striano

**F-18-1**

**Response to Letter F-18****Natalee Striano**

February 28, 2024

***Response F-18-1***

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 of the RTC Document, 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:** [Cynda Vyas](#)  
**To:** [April Talley](#)  
**Cc:** [Laura Simpson](#); [Margaret Kavanaugh-Lynch](#); [Lindsay Lara](#)  
**Subject:** Northgate Mall proposed development  
**Date:** Monday, February 19, 2024 3:37:25 PM  
**Attachments:** [Northgate Mall development PDF.pdf](#)

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Dear Commissioners,

We have attached our comments regarding the proposed Northgate Mall development. We are in agreement with RGM findings and have added some of our own.

**F-19-1**

Thank you for your consideration of our concerns and comments,  
Cynda and Chandu Vyas

Dear Commissioners,

My husband and I have watched with interest and participated in meetings and surveys over the years as the future of North San Rafael was discussed. We've lived in Terra Linda for 38 years and were delighted when discussions began to redevelop the Northgate Mall. Something productive should certainly be done with this valuable space but we have many concerns with the current proposed project:

### 1. Size and density

It seems too immense of a project for the space allotted. Residents won't have enough open space amenities and will need to travel to other parks thus causing more traffic in an already congested area. I thought the whole purpose originally was to create a public gathering place for North San Rafael. Now the Mall plans seem more like a low-income housing development and not an inviting place where we would want to go.

Remedies:

A). Lower the density and make the public gathering place larger in keeping with San Rafael planning documents from the last 20+ years. Does this public space need to be on the inside of the project? Could it be adjacent to one of the surrounding streets making it more accessible to others in North San Rafael who might want to go there?

B). Follow the City's General Plan which requires an additional four acres of park per 1000 new residents. Why would you not follow your own plan? Instead apply in-lieu parkland dedication fees to local recreation facilities rather than city-wide since nearby facilities will be the ones that will get increased use.

C). Ensure toddler and children's playgrounds on-site.

D). Erect story-poles so that we might better envision what the development heights will be.

### 2. Safety and health

We've long been concerned about the traffic jams that will occur if a large earthquake strikes or wildfires threaten or reach Terra Linda. Most of Terra Linda accesses Hwy 101 at the Freitas Pky exit. School traffic gives just a small hint of what it would be like if most of Terra Linda tries to exit onto the freeway in an emergency. Las Gallinas and side streets will also be jammed.

With huge numbers of additional residents in new a developmet adjacent to the Freitas Pky interchange, we have nightmares about everyone being able to evacuate in a timely manner.

Likewise, so many new cars in this area will increase air pollution year round. This is a health and safety issue for people of all ages.

Remedy:

A). Lessen development density so that there will be fewer cars.

B). Work with the city police department and fire officials to create a comprehensive emergency plan for the area that takes into account worse-case scenerios of a fast moving wildfire. Wildfires have become more intense and new evacuation approaches are needed.

F-19-2

F-19-3

C). Have a small grocery store on-site that allows for residents to meet many of their daily shopping needs thus eliminating extra driving trips.

**F-19-3  
cont**

### 3). **School capacity**

How many more children can Vallecito Elementary School absorb? The same with Miller Creek Middle School and Terra Linda High School. Will class sizes need to be increased to accomodate the number of students expected? Will new buildings be needed?

**F-19-4**

Will local homeowners in the Miller Creek School and San Rafael School Districts be responsible for funding added teachers and space or will developers be responsible for contributing to this funding?

4). **Demographics are changing and recent studies show that many people are happily single.** Will there be apartments for people that only wish to have a small living space such as a studio apartment? Many seniors may like to shake the burden of home ownership and likewise have a studio or one-bedroom apartment. Having small units accomodates these needs, especially if the building has a community space where people can gather and socialize, etc. Please consider the needs of those who no longer want large living areas as long as other amenities such as indoor and outdoor communal space is nearby.

**F-19-5**

We agree with all of the RGM concerns and suggestions. Thank you for considering our additional comments.

We vote in every election and will be watching that our elected officials take seriously this opportunity to improve circumstances for North San Rafael. Let's get it right the first time!

Thank you,  
Cynda and Chandu Vyas



**Response to Letter F-19****Cynda and Chandu Vyas**

February 28, 2024

***Response F-19-1***

This introductory comment, which indicates the commenter is in agreement with previous comments provided by Responsible Growth in Marin (RGM), is noted.

***Response F-19-2***

This comment provides an opinion on the size, density, and mix of uses proposed by the project and the size, location, and type of proposed recreational and open space amenities. This comment is primarily an opinion on the merits and potential impacts of the project and does not address the adequacy of the information and analysis of the Draft EIR, and is noted. Impacts related to parks and recreation are addressed in Section 4.13, Public Services and Recreation of the Draft EIR, and were determined to be less than significant pursuant to established thresholds. Refer to Response B-7-2 of the RTC Document for more information related to open space requirements and Response B-6-7 of the RTC Document regarding story poles. Also refer to Chapter 2.0, Revised Project of the RTC Document, which identifies that a playground facility is included in the revised project. Refer to Master Response 2 regarding the merits of the proposed project.

***Response F-19-3***

This comment expresses concerns regarding traffic congestion and mobile source emissions generated by the proposed project in general, and in particular emergency access and evacuation during an emergency event. The comment also provides a suggestion related to the proposed mix of commercial uses on the project site. This comment is primarily an opinion on the merits and potential impacts of the project and does not address the adequacy of the information and analysis of the Draft EIR, and is noted.

Regarding traffic congestion and mobile source emissions from project operations, refer to Sections 4.9, Transportation and 4.10, Air Quality of the Draft EIR, which determined that operation period transportation-related impacts would be less than significant pursuant to established thresholds. Refer to Response B-9-1 of the RTC Document for further information related to emergency evacuation and wildfire risk. Refer to Master Response 2 of the RTC Document regarding the merits of the proposed project.

***Response F-19-4***

This comment questions the capacity of the local schools to accommodate the potential increase in student population that may result from project development and the source of school funding. This comment is primarily an opinion on the potential impacts of the project and does not address the adequacy of the information and analysis of the Draft EIR, and is noted. This issue is addressed in Section 4.13, Public Services and Recreation of the Draft EIR. Also refer to Response A-3-2 of the RTC Document regarding impact fees that mitigate impacts to schools.

***Response F-19-5***

This comment, which expresses a general opinion regarding the mix of residential unit types 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 of the RTC Document regarding the merits of the proposed project.

**From:** [notify@proudcity.com](mailto:notify@proudcity.com)  
**To:** [April Talley](#)  
**Subject:** New submission from Northgate Mall Project Updates Sign Up Form  
**Date:** Monday, March 4, 2024 2:30:47 PM

## Next Steps: Sync an Email Add-On

### Name

Linda Ward

### Email

[ljward08@icloud.com](mailto:ljward08@icloud.com)

### Submit Public Comment

Northgate Town Square Draft EIR Comment

As a 35-year resident/homeowner of Terra Linda, I'm excited about the development of Northgate Mall into a vibrant, active, living part of the community again. I do, however, have a number of concerns about the project as it's currently being proposed:

- a 7-story building -- why? Totally out of place in this neighborhood.
- not enough open space for such a large community
- traffic studies were not done appropriately -- only done for 15 minutes during the high traffic time when Terra Linda High School classes are finished for the day. Also, as I understand, they were based on traffic and noise pollution when the mall was fully occupied, which, of course, it hasn't been for many years.

I am disappointed in the way the developer has decided to play a 'rigged' game with this peaceful community. Since they purchased the property, they've given every indication that they are community-focused and interested in comments and working with us for the best results. Of course, this is not the case. It seems all they're interested in is maximizing their profits with inappropriately tall buildings and way too many people squeezed into way too small a space. Too bad.

**F-20-1**

**Response to Letter F-20****Linda Ward**

March 4, 2024

***Response F-20-1***

This comment expresses concerns regarding the overall size and density of the proposed project and resulting traffic congestion and operation period noise generated by mobile sources. This comment primarily addresses the merits and resulting impacts of the proposed project 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 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, refer to Master Responses 3 and 4 of the RTC Document. Also refer to Responses A-3-5 and A-3-7 of the RTC Document regarding school pick-up and drop-off periods and transportation impacts. Also refer to Response B-7-2 of the RTC Document 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 Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

**From:** [Lea Wood](#)  
**To:** [April Talley](#)  
**Subject:** Northgate Mall Redevelopment & Miller Creek School District  
**Date:** Wednesday, February 28, 2024 3:01:17 PM

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Dear City of San Rafael Planning Division,

I am the parent of a Miller Creek Middle School student and a long-time Terra Linda homeowner. It has come to my attention that the Draft Environmental Impact Report (DEIR) for the Northgate Mall Redevelopment Project does not adequately analyze and mitigate the potential significant and cumulative impacts on 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 patently untrue. **The developer fees will not fully mitigate the impacts of the project on district facilities, students, parents, and staff.**

I am writing to urge the City to revise the impact findings to ensure that they 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,

Lea Wood

**F-21-1**

**Response to Letter F-21****Lea Wood**

February 28, 2024

***Response F-21-1***

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 of the RTC Document, 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.

**ATTACHMENT**  
**DRAFT EIR TEXT REVISIONS ERRATA**

## 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
<b>4.7 HYDROLOGY AND WATER QUALITY</b>			
<u><b>Impact HYD-2:</b> The increase in water supply demand due to the project could potentially interfere with sustainable management of groundwater in the Santa Rosa Plain Subbasin.</u>	<u>S</u>	<u><b>HYD-2, Water Supply Coordination.</b> 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.</u>	<u>LTS</u>
<u><b>Impact HYD-3:</b> 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.</u>	<u>S</u>	<u><b>Mitigation Measure HYD-3, Hydraulic Modeling.</b> 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.</u>	<u>LTS</u>

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>4.10 AIR QUALITY</b>			
<b>AIR-3:</b> 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	<p><b>AIR-3a, Phase 1 Construction Equipment Requirements.</b> Prior to the commencement of Phase 1 construction activities, the project sponsor shall require its construction contractor to demonstrate that all <del>75</del> <u>50</u>-HP or greater diesel-powered equipment are powered with California Air Resources Board (CARB)-certified Tier 4 Final engines.</p> <p><del>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.</del></p> <p><del>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.</del></p>	LTS
		<p><b>AIR-3b, Phase 1 Architectural Coatings and Interior Paints.</b> 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), <u>that meet the 50 grams per liter or less VOC content.</u></p>	
<b>AIR-4:</b> Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations through exceeding the carcinogenic inhalation health risk threshold.	S	<p><del><b>AIR-4, Construction Equipment Standards.</b> 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.</del></p>	LTS

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>4.12 NOISE</b>			
<b>NOI-1:</b> 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	<p><b>NOI-1, Sound Barriers.</b> 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:</p> <ul style="list-style-type: none"> <li>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 <u>off-site or</u> on-site noise-sensitive receptors (e.g., single- or multi-family residences) of concern.</li> <li>During Phase 1 of construction, the temporary barriers shall be a minimum of 10 feet tall.</li> <li>During Phase 2 of construction, the barriers shall be a minimum of 11 feet tall.</li> </ul>	LTS
<b>NOI-2:</b> Operation period noise levels <u>could</u> <del>would</del> exceed the City's land use compatibility thresholds for future on-site sensitive receptors.	S	<p><b>NOI-2, On-Site Noise Compliance Requirements.</b> 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:</p> <ul style="list-style-type: none"> <li>Equipment sound emission data (or sufficient engineering data from the manufacturer of equipment model[s]);</li> <li>Architectural renderings and details depicting, <u>where technically feasible</u>, roof parapets, screens, walls, or other barriers <u>around mechanical equipment</u> that may directly or indirectly occlude, reflect, and/or absorb equipment noise emissions—conveyed via airflows or via vibrating equipment casings or enclosures; and</li> <li>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.</li> </ul> <p>The documentation shall demonstrate whether these measures, or any additional feasible mitigation measures, will reduce the sound level to below the established <del>55 dBA L<sub>eq</sub> daytime and</del> 45 dBA L<sub>eq</sub> 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.</p>	SU

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>4.14 UTILITIES AND SERVICE SYSTEMS</b>			
<b>UTL-1:</b> The proposed project would generate wastewater that would exceed the capacity of the existing sewer infrastructure that serves the project site.	S	<b>UTL-1:</b> 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 <del>Terra Linda Northgate</del> Trunk Sewer line downstream of the project site shall be upsized <u>as determined by hydraulic calculations conducted by the project sponsor to 15 inches in diameter</u> in coordination with the Las Gallinas Valley Sanitation Sanitary District (LGVSD). <u>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.</u>	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	<ul style="list-style-type: none"> <li>• Environmental Impact Report (EIR) Certification</li> <li>• Adoption of Findings and Statement of Overriding Considerations</li> <li>• Rezone to the Planned Development (PD) District</li> <li>• Environmental and Design Review Permit</li> <li>• Development Agreement</li> <li>• Density Bonus Application</li> <li>• Tentative Subdivision Map</li> <li>• Master Signage Program</li> </ul>
<b>Responsible Agencies/Entities</b>	
Pacific Gas & Electric (PG&E)	• Approval of electric improvements and connection permits
Marin Municipal Water District (MMWD)	• Approval of water improvements and connection permits
<u>Las Gallinas Valley Sanitary District</u>	• <u>Approval of wastewater improvements and connection permits</u>
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 employment 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.

Page 4.9-5 of the Draft EIR is revised as follows:

Regional and local fixed-route bus transit service is provided by ~~the County of Marin~~ Marin County Transit District through Marin Transit, the Golden Gate Bridge Highway and Transportation District through Golden Gate Transit, and Sonoma Marin Area Rail Transit SMART.

Page 4.9-6 of the Draft EIR is revised as follows:

~~Dial-a-ride, also known as p~~Paratransit, or door-to-door service, is available for those who are unable to independently use the transit system due to a physical or mental disability. Marin Transit offers ~~dial-a-ride~~ paratransit service designed to serve the needs of individuals with disabilities within the project area and Marin County overall.

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	<b>Consistent.</b> 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.

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 <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )
Maximally Exposed Individual (MEI) Off Site	<del>11.58</del> <u>18.60</u>	<del>0.0061</del> <u>0.010</u>	0	<del>0.072</del> <u>0.12</u>
Phase 2 MEI On Site	<del>7.09</del> <u>11.08</u>	<del>0.0073</del> <u>0.010</u>	0	<del>0.11</del> <u>0.16</u>
<b>Threshold</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>0.3</b>

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).

µg/m<sup>3</sup> = micrograms per cubic meter

PM<sub>2.5</sub> = 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<sub>2.5</sub>

concentration would be ~~0.072~~ 0.12  $\mu\text{g}/\text{m}^3$ , which would also not exceed the BAAQMD significance threshold of  $0.30 \mu\text{g}/\text{m}^3$ .

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  $\text{PM}_{2.5}$  concentration would be ~~0.11~~ 0.16  $\mu\text{g}/\text{m}^3$ , which would also not exceed the BAAQMD significance threshold of  $0.30 \mu\text{g}/\text{m}^3$ . 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 <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )
Maximally Exposed Individual (MEI) Off Site	<del>4.85</del> 5.10	<del>0.0026</del> 0.0028	0.000	<del>0.056</del> 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).

µg/m<sup>3</sup> = micrograms per cubic meter

PM<sub>2.5</sub> = 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 <sup>1</sup>	Carcinogenic Inhalation Health Risk in 1 Million	Chronic Inhalation Hazard Index	Annual PM <sub>2.5</sub> Concentration (µg/m <sup>3</sup> )
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	— <sup>2</sup>	0.17
Major Roadways	0.62	— <sup>2</sup>	0.01
Railroad	0.33	— <sup>2</sup>	0.0004
Future on-site residents during Phase 2 Construction	<del>7.09</del> <u>11.08</u>	<del>0.0073</del> <u>0.010</u>	<del>0.1067</del> <u>0.16</u>
<b>Total Cumulative Health Risk</b>	<del>36.46</del> <u>40.89</u>	<del>0.026</del> <u>0.029</u>	<del>0.31</del> <u>0.36</u>
<b>BAAQMD Cumulative Significance Criteria</b>	<b>100</b>	<b>10</b>	<b>0.8</b>
<b>Exceed Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>

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).

<sup>1</sup> 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.

<sup>2</sup> 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.

µg/m<sup>3</sup> = micrograms per cubic meter

PM<sub>2.5</sub> = 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<sub>2.5</sub> concentration would be approximately ~~0.31~~ 0.36 µg/m<sup>3</sup>, which would be below the significance threshold of 0.8 µg/m<sup>3</sup> 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~~Model 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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