

9.1 Comments Received on the Draft Environmental Impact Report

This chapter includes the text of all comments received on the Draft Environmental Impact Report (EIR). The comment letters (i.e., commenters) have been numbered as shown in Table 9-1.

Table 9-1. List of Commenters

Letter #	Date of Comment	Organization	Commenter Name(s)
<i>State Agencies</i>			
1	October 12, 2021	California Department of Transportation	Mark Leong
2	October 27, 2021	California Department of Fish and Wildlife	Amanda Culpepper
3	November 3, 2021	California Department of Fish and Wildlife	Amanda Culpepper
<i>Local Agencies</i>			
4	September 3, 2021	County of Sonoma Permit & Resource Management Department	Tennis Wick, AICP, Director
5	October 11, 2021	City of San Rafael	Mayor Kate Colin; Jim Schultz
6	October 29, 2021	Transportation Authority of Marin	Anne Richman
<i>Organizations</i>			
7	September 9, 2021	Wilderness Bike Trails/ Transportation Alternatives for Marin	Patrick Seidler; Matthew Hartzell
8	September 15, 2021	League of Women Voters	Ann Wakeley
9	September 29, 2021	San Rafael Heritage	Linzy Klumpp
10	October 4, 2021	Transportation Solutions Defense and Education Fund	David Schonbrunn
11	October 8, 2021	Resilient Shore	Jeffrey Rhoads
12	October 11, 2021	Wilderness Bike Trails/ Transportation Alternatives for Marin	Patrick Seidler; Matthew Hartzell
13	October 12, 2021	Sustainable San Rafael	William Carney
14	Date Unknown	Canal Alliance and Voces de Canal	Omar Carrera; Marina Palma; Darlin Ruiz
15	November 3, 2021	Canal Alliance	Omar Carrera
<i>Individuals</i>			
16	September 15, 2021	N/A	Sprague Terplan
17	September 27, 2021	N/A	Annette Holloway

Letter #	Date of Comment	Organization	Commenter Name(s)
18	September 27, 2021	N/A	Jamie Mackie
19	September 30, 2021	N/A	Amy Glaza
20	September 30, 2021	N/A	Luana Miller
21	September 30, 2031	N/A	Stephen Spicer
22	October 1, 2021	N/A	Joseph Tassone
23	October 2, 2021	N/A	Stuart Brown
24	October 6, 2021	N/A	Leslie Simons
25	October 7, 2021	N/A	Philip Mooney
26	October 11, 2021	N/A	Fred Grange
<i>Public Meeting Comments</i>			
27	September 14, 2021	N/A	N/A
	September 15, 2021	N/A	N/A

9.2 Responses to Comments

The following sections include responses to each of the comments identified in the comment letters and identifies if revisions to the draft EIR were made. In responding to comments, the California Environmental Quality Act (CEQA) does not require a lead agency to conduct every test or perform all research, study, or experimentation recommended or demanded by a commenter. Rather, a lead agency need only respond to significant environmental issues and does not need to provide all information requested by reviewers, as long as a good-faith effort at full disclosure is made in the EIR (State CEQA Guidelines Sections 15088, 15204).

California Department of Transportation

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



October 12, 2021

SCH #: 2018102042
GTS #: 04-MRN-2018-00209
GTS ID: 13098
Co/Rt/Pm: MRN/101/10.98

Raymond Santiago, Principal Planner
Golden Gate Bridge Highway
and Transportation District
1011 Andersen Drive
San Rafael, CA 94901

Re: San Rafael Transit Center Replacement Project Draft Environmental Impact Report (DEIR)

Dear Raymond Santiago:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the San Rafael Transit Center Replacement Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August 2021 DEIR.

Project Understanding

1-1 The Golden Gate Bridge, Highway and Transportation District, in coordination with the City of San Rafael, Marin Transit, Transportation Authority of Marin (TAM), and Sonoma-Marín Area Rail Transit (SMART), proposes to replace the transit center in Downtown San Rafael. The proposed San Rafael Transit Center Replacement Project is needed primarily to preserve and enhance the functionality and effectiveness of the transit center following the implementation of the SMART Phase 2 line in Larkspur and the resulting loss of some of the transit center facilities. The new transit center would address short and long-term transit needs as well as improve transit usability for local residents and regional commuters. The project site is adjacent to US-101.

Right of Way (ROW)

1-2 The "Under the Freeway" alternative would have the most impact on State facilities and will require a ROW agreement with Caltrans. Please note that there are existing ROW use agreements for parking between 3rd and 4th streets. There is also a Park and

"Provide a safe and reliable transportation network that serves all people and respects the environment"

1-2
cont.

Ride lot from 3rd Street to Mission Avenue. This alternative may impact the State's ability to conduct future maintenance on US-101. Please clarify under this alternative if the State would have the ability to partially or completely close the transit center to facilitate maintenance activities and who would be responsible for additional costs incurred by this process.

1-3

Cultural Resources

Since significant impacts to tribal cultural resources are being reduced to "less than significant" without input from local tribes, Caltrans recommends that further outreach to local Native American tribes be conducted when drafting and implementing Cultural Resources and Tribal Cultural Resources mitigation measures. If this outreach is ongoing, Caltrans recommends details regarding outreach be included in the Cultural Resources and Tribal Cultural Resources section of the EIR.

1-4

Hydraulics

Section 3.9.1.2, Environmental Setting, Surface and Groundwater. Please note the document refers to the size of the San Rafael Creek watershed as 11 square miles, and then later as 6.5 square miles. This discrepancy should be resolved.

1-5

Lead Agency

As the Lead Agency, the Golden Gate Bridge Highway and Transportation District is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

1-6

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

1-7

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design

Raymond Santiago, Principal Planner
October 12, 2021
Page 3

1-7
cont.

Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

To download the permit application and to obtain more information on all required documentation, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

1-8

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon at Llisel.Ayon@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please email LDIGR-D4@dot.ca.gov.

Sincerely,



MARK LEONG
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

9.2.1.1 Response to Comment Letter 1, California Department of Transportation

Comment 1-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the San Rafael Transit Center Replacement Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August 2021 DEIR.

Project Understanding

The Golden Gate Bridge, Highway and Transportation District, in coordination with the City of San Rafael, Marin Transit, Transportation Authority of Marin (TAM), and Sonoma-Marín Area Rail Transit (SMART), proposes to replace the transit center in Downtown San Rafael. The proposed San Rafael Transit Center Replacement Project is needed primarily to preserve and enhance the functionality and effectiveness of the transit center following the implementation of the SMART Phase 2 line in Larkspur and the resulting loss of some of the transit center facilities. The new transit center would address short and long-term transit needs as well as improve transit usability for local residents and regional commuters. The project site is adjacent to US-101.

Response to Comment 1-1

The comment summarizes the context for the proposed project. The comment does not concern the adequacy of the EIR and no further response is required.

Comment 1-2

Right of Way (ROW)

The "Under the Freeway" alternative would have the most impact on State facilities and will require a ROW agreement with Caltrans. Please note that there are existing ROW use agreements for parking between 3rd and 4th streets. There is also a Park and Ride lot from 3rd Street to Mission Avenue. This alternative may impact the State's ability to conduct future maintenance on US-101. Please clarify under this alternative if the State would have the ability to partially or completely close the transit center to facilitate maintenance activities and who would be responsible for additional costs incurred by this process.

Response to Comment 1-2

This comment requests clarification whether the Under the Freeway Alternative would allow the state to partially or completely close the transit center for U.S. Highway 101 (US-101) maintenance and who would be responsible for the cost. As noted in the comment, a right-of-way agreement would be required for use of the state facility for the transit center. It is anticipated that the agreement would govern terms of access and eviction of the transit center uses. Based on previous discussions with the California Department of Transportation (Caltrans), it is anticipated that the state would retain the right to partially or completely close the transit center to facilitate maintenance activities, and the cost of temporary or permanent relocation of the transit center would be the responsibility of the Golden Gate Bridge, Highway and Transportation District (District) and/or other agency stakeholders.

Comment 1-3

Cultural Resources

Since significant impacts to tribal cultural resources are being reduced to “less than significant” without input from local tribes, Caltrans recommends that further outreach to local Native American tribes be conducted when drafting and implementing Cultural Resources and Tribal Cultural Resources mitigation measures. If this outreach is ongoing, Caltrans recommends details regarding outreach be included in the Cultural Resources and Tribal Cultural Resources section of the EIR.

Response to Comment 1-3

The comment recommends additional outreach to Native American tribes and additional documentation of outreach with the tribes. The District is complying with requirements of Assembly Bill (AB) 52 in reaching out to Native American tribes and keeping them apprised of project milestones. Tribal outreach efforts are documented in the Draft EIR in Sections 3.4, Cultural Resources, and 3.15, Tribal Cultural Resources.

Comment 1-4

Hydraulics

Section 3.9.1.2, Environmental Setting, Surface and Groundwater. Please note the document refers to the size of the San Rafael Creek watershed as 11 square miles, and then later as 6.5 square miles. This discrepancy should be resolved.

Response to Comment 1-4

The comment points to a discrepancy in the stated size of the San Rafael Creek Watershed. Section 3.9, Hydrology and Water Quality, has been revised in the Final EIR to correct this discrepancy and clarify the size of the San Rafael Creek Watershed (see page 3.9-10 of the Final EIR). The correct statistic for the size of the San Rafael Creek Watershed is 11 square miles.

Comment 1-5

Lead Agency

As the Lead Agency, the Golden Gate Bridge Highway and Transportation District is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Response to Comment 1-5

The comment provides information about mitigation requirements. This comment does not concern the adequacy of the EIR. No revisions to the Draft EIR are necessary.

Comment 1-6

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and

pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Response to Comment 1-6

The comment provides information about compliance requirements. The project would comply with all state and federal regulations regarding Americans with Disabilities Act compliance and providing equitable access. As described in Section 3.14, Transportation, of the EIR, a Traffic Control Plan addressing circulation for transit, bicycles, pedestrians, and private vehicles will be implemented during construction.

Comment 1-7

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

To download the permit application and to obtain more information on all required documentation, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Response to Comment 1-7

Chapter 2, Section 2.8, Approvals and Permits Required for the Preferred Alternative and Build Alternatives, lists approvals and permits required for the proposed project, including a Caltrans encroachment permit for each of the build alternatives. The Draft EIR stated that the Under the Freeway Alternative would be the only alternative requiring a Caltrans encroachment permit, but Section 2.8 of the Final EIR has been revised to state that all alternatives would require this permit, due to the modification of Hetherton Street. The project proponent will follow the steps outlined in this comment to obtain an encroachment permit, as required by the project's location and necessary traffic controls.

Comment 1-8

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon at Llisel.Ayon@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please email LDIGR-D4@dot.ca.gov.

Response to Comment 1-8

Future correspondence will be routed to the contact information provided in this comment. The comment does not raise any issues about the adequacy of the EIR; therefore, no further response is required.

From: [Culpepper, Amanda\(Mandy\)@Wildlife](mailto:Culpepper_Amanda(Mandy)@Wildlife)
To: [Raymond Santiago](mailto:Raymond_Santiago)
Cc: [Day, Melanie@Wildlife](mailto:Day_Melanie@Wildlife)
Subject: RE: San Rafael Transit Center Relocation Project - State Clearinghouse #2018102042
Date: Wednesday, October 27, 2021 4:48:58 PM

Hi Raymond,

2-1

Thank you for reaching out. I reviewed the CEQA document for this project and determined that the CEQA mitigation measures as proposed were generally adequate to avoid and minimize impacts to biological resources to less than significant, and therefore did not provide an official public comment letter. Please let me know if you have specific items or concerns you would like to discuss with CDFW. I would be happy to have a meeting to provide specific input on the project, as needed.

Best,

Mandy

Amanda Culpepper ([she](#))

Environmental Scientist | Marin & Solano Counties

California Department of Fish and Wildlife

(707) 428-2075 | amanda.culpepper@wildlife.ca.gov

2825 Cordelia Road, Suite 100, Fairfield, CA 94534

CDFW is transitioning to the [Environmental Permit Information Management System \(EPIMS\)](#), an online system, for all Lake or Streambed Alteration (LSA) Notifications. **CDFW now only accepts standard and emergency Notifications through EPIMS.**

From: Raymond Santiago <RSantiago@goldengate.org>

Sent: Wednesday, October 27, 2021 4:11 PM

To: Day, Melanie@Wildlife <Melanie.Day@wildlife.ca.gov>

Subject: San Rafael Transit Center Relocation Project - State Clearinghouse #2018102042

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Dear Ms. Day,

I was attempting to contact someone from your office in regards to our San Rafael Transit Center Relocation project, State Clearinghouse #2018102042. We had previously worked with Deborah Waller and Karen Weiss, but have been informed that neither of them are currently with Fish & Wildlife. The reason I was trying to contact them is that we've recently released the Draft Environmental Impact Report for our project, and have not received any comments from your Department. The initial deadline for public comments was October 12th, but that has been extended to November 2nd (next Tuesday). As the project has potential impacts to Erwin Creek in San Rafael, we believe it is critical to receive input from Fish & Wildlife.

Please let me know if you have any questions or would like to discuss our request. You may reach me via e-mail at rsantiago@goldengate.org, or on my mobile phone (working from home since the pandemic) at (707) 416-3695.

Thank you very much for your attention.

Sincerely,

Raymond A. Santiago

Principal Planner

Golden Gate Bridge, Highway & Transportation District
1011 Andersen Drive
San Rafael, CA 95901-5318
rsantiago@goldengate.org
(415) 257-4443

9.2.2.1 Response to Comment Letter 2, California Department of Fish and Wildlife

Comment 2-1

Thank you for reaching out. I reviewed the CEQA document for this project and determined that the CEQA mitigation measures as proposed were generally adequate to avoid and minimize impacts to biological resources to less than significant, and therefore did not provide an official public comment letter. Please let me know if you have specific items or concerns you would like to discuss with CDFW. I would be happy to have a meeting to provide specific input on the project, as needed.

Response to Comment 2-1

The comment expresses support for the CEQA mitigation measures included in the Draft EIR to address potential impacts on biological resources. The comment does not raise any issues about the adequacy of the EIR; therefore, no further response is required.

From: [Culpepper, Amanda\(Mandy\)@Wildlife](mailto:Culpepper_Amanda(Mandy)@Wildlife)
To: [Raymond Santiago](#)
Cc: [Trisal, Shilpa](#)
Subject: San Rafael Transit Center Replacement Project DEIR
Date: Wednesday, November 3, 2021 11:56:07 AM

Dear Raymond,

Thank you for reaching out to CDFW to discuss our Notice of Preparation (NOP) comment letter, dated November 30, 2018, and the draft Environmental Impact Report (EIR) for the San Rafael Transit Center Replacement Project, State Clearinghouse number 2018102042.

3-1

We support the alternative that has the least impacts to fish and wildlife resources and consider avoiding Irwin Creek as a worthwhile approach to minimizing impacts to fish and wildlife resources. If substantial alteration to Irwin Creek would occur, a Lake or Streambed Alteration (LSA) Notification would be required, as identified in our NOP comment letter.

Please let us know if you have any questions, and thank you again for reaching out to CDFW.

Best,

Mandy

Amanda Culpepper ([she](#))

Environmental Scientist | Marin & Solano Counties

California Department of Fish and Wildlife

(707) 428-2075 | amanda.culpepper@wildlife.ca.gov

2825 Cordelia Road, Suite 100, Fairfield, CA 94534

CDFW is transitioning to the [Environmental Permit Information Management System \(EPIMS\)](#), an online system, for all Lake or Streambed Alteration (LSA) Notifications. **CDFW now *only* accepts Notifications through EPIMS.**

9.2.3.1 Response to Comment Letter 3, California Department of Fish and Wildlife

Comment 3-1

Thank you for reaching out to CDFW to discuss our Notice of Preparation (NOP) comment letter, dated November 30, 2018, and the draft Environmental Impact Report (EIR) for the San Rafael Transit Center Replacement Project, State Clearinghouse number 2018102042.

We support the alternative that has the least impacts to fish and wildlife resources and consider avoiding Irwin Creek as a worthwhile approach to minimizing impacts to fish and wildlife resources. If substantial alteration to Irwin Creek would occur, a Lake or Streambed Alteration (LSA) Notification would be required, as identified in our NOP comment letter.

Please let us know if you have any questions, and thank you again for reaching out to CDFW.

Response to Comment 3-1

The comment expresses support for alternatives that avoid Irwin Creek. Only the Under the Freeway Alternative would affect Irwin Creek. The preferred alternative (Move Whistlestop Alternative) and other build alternatives would avoid Irwin Creek. A Lake or Streambed Alteration Agreement would be prepared if the Under the Freeway Alternative were selected as the chosen alternative. The comment does not concern the adequacy of the EIR, and no revisions to the Draft EIR are required.



County of Sonoma
Permit & Resource Management Department

3 September 2021

via email to SRTC@goldengate.org

Raymond Santiago, Principal Planner
Golden Gate Bridge Highway and Transportation District
1011 Andersen Drive
San Rafael, California 94901

**RE: SAN RAFAEL TRANSIT CENTER EIR (COUNTY PPR21-0011)
APNS 011-279-07, 011-279-01, 014-121-14, 011-277-02, 011-277-01, 011-275-13, 011-275-05,
011-275-04, 011-275-01, 011-275-02, AND 011-275-03**

Dear Principal Planner Santiago:

Thank you for the opportunity to comment on the proposed San Rafael Transit Center EIR. Staff have determined the project to be consistent with the Sonoma County General Plan. Please see attached the General Plan Consistency Determination.

4-1

Thank you for your time and attention to this matter.

If you have any questions, please feel free to contact Eric Gage at 707-565-1391 or email at Eric.Gage@sonoma-county.org.

Sincerely,

Tennis Wick Digitally signed by Tennis Wick
Date: 2021.09.02 09:43:33
-07'00'

Tennis Wick, AICP
Director

Enclosure: General Plan Consistency Determination

cc: File No. PPR21-0011



GENERAL PLAN CONSISTENCY DETERMINATION

To: Golden Gate Bridge Highway and Transportation Dept.

From: Eric Gage, Planner III

Date: September 3, 2021

Project Applicant: Golden Gate Bridge Highway and Transportation Dept.

Project Name: San Rafael Transit Center DEIR (County PPR21-0011)

Project Location: City of San Rafael, APNs 011-279-07, 011-279-01, 014-121-14, 011-277-02, 011-277-01, 011-275-13, 011-275-05, 011-275-04, 011-275-01, 011-275-02, and 011-275-03

Project Description: The proposed project is to replace the existing transit center in San Rafael following the impact on transit center facilities following the implementation of SMART Phase 2 line to Larkspur. A new transit center would be located at the San Rafael SMART station, and would improve the desirability of transit in the region.

General Plan Consistency Determination: Consistent

Applicable General Plan Policies:

LU-11a: Encourage reduction in greenhouse gas emissions, including alternatives to use of gas-powered vehicles. Such alternatives include public transit, alternatively fueled vehicles, bicycle and pedestrian routes, and bicycle and pedestrian friendly development design.

LU-2c: Encourage public transit, ridesharing and van pooling, shortened and combined motor vehicle trips to work and services, use of bicycles, and walking. Minimize single passenger motor vehicle use.

CT-2b: Establish transfer facilities and supportive park-and-ride lots that provide convenient connection to the transit routes on Figure CT-2. Locate transit centers to avoid rerouting by buses, provide adequate off street parking, and provide convenient pedestrian access from activity centers.

CT-2g: Encourage and participate in joint efforts by the various transit operators to coordinate services by reducing route duplication, coordinating schedules to increase transfer potential, encouraging joint transit fare prepayment, joint marketing of transit services, and discounting fares for intersystem transfers.



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermitSonoma.org



SAN RAFAEL TRANSIT CENTER EIR (COUNTY PPR21-0011)
TAMALPAIS AVENUE AND 4TH STREET

CT-2j: Support regional and commute bus service from Sonoma County to employment centers in San Francisco and Marin County.

Discussion

San Rafael had been the final stop for the southbound SMART commuter train until service began at the Larkspur station in 2019. The resulting reconfiguration of the train tracks and platforms negatively affected bus circulation. Pedestrian access and safety to the site and between platforms was also disrupted by the change in SMART service. For this reason the transit center is proposed to be relocated. This regional commuter project encourages reductions in single passenger vehicle use and greenhouse gas emissions. It also supports the coordination of services of various transit providers, and convenient connections to transit routes. For these reasons, the project is consistent with the goals and policies of the Sonoma County General Plan.



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermitSonoma.org



9.2.4.1 Response to Comment Letter 4, County of Sonoma Permit & Resource Management Department

Comment 4-1

Thank you for the opportunity to comment on the proposed San Rafael Transit Center EIR. Staff have determined the project to be consistent with the Sonoma County General Plan. Please see attached the General Plan Consistency Determination.

Thank you for your time and attention to this matter.

If you have any questions, please feel free to contact Eric Gage at 707-565-1391 or email at Eric.Gage@sonoma-county.org.

Response to Comment 4-1

Future correspondence will be routed to the contact information provided in this comment. The comment does not raise any issues about the adequacy of the EIR; therefore, no further response is required.



October 11, 2021

Raymond Santiago, Principal Planner
Golden Gate Bridge, Highway & Transportation District
1011 Andersen Drive
San Rafael, CA 94903

**Subject: San Rafael Transit Center Relocation Project;
City of San Rafael's Comments on the Draft Environmental Impact Report (DEIR)**

Dear Mr. Santiago:

The City of San Rafael (City) has received the Notice of Availability (NOA) on the DEIR for the San Rafael Transit Center Relocation Project (SRTC). The NOA requests comments on the analysis of the DEIR within 60 days or no later than October 11, 2021. This letter encloses the City's comments on the DEIR.

Per the Memorandum of Understanding (MOU) between the City and the District (October 27, 2017), the City is a "Responsible Agency" in this environmental review process. Pursuant to CEQA Guidelines Section 15096, as a Responsible Agency, the City must independently review and comment on the CEQA document. On October 4, 2021, the San Rafael City Council received a report with staff-recommended comments on the DEIR and after receiving public comments, adopted a resolution that authorized the Mayor to sign a letter and forward these comments to District. Those comments are attached and incorporated by reference.

Pursuant to the City's role as a responsible agency, the City Council will ultimately need to make an independent determination regarding the EIR's adequacy for the City's use in its own decisions regarding the Transit Center Relocation Project. As the enclosed comments demonstrate, the City has identified several significant flaws in the analysis and omissions of critical information in the DEIR that render it fundamentally inadequate. The City requests that the District revise the Draft EIR to cure its inadequacies and then recirculate the revised Draft EIR for additional feedback and comment prior to finalizing the document.

This is a very important project for the City and we look forward to continuing to work with the District in hopes of finding the best possible solution for our community.

Sincerely,


Mayor Kate Colin


Jim Schutz, City Manager.

Attachments

1. City of San Rafael Comments on the SRTC-DEIR

**CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT**

October 8, 2021

General Comments

5-2 | 1. Overall, the DEIR is generally well written and thorough. The analysis is supported in most topics by solid supportive studies and credible substantial evidence. The DEIR analyzes all four site options (Build Alternatives) at an equivalent analysis level, which provides for clear CEQA clearance on all site options. However, the DEIR relies on certain incorrect assumptions and omits analysis and disclosure of certain traffic related impacts. These impacts need to be evaluated and appropriate mitigation measures incorporated into the Draft EIR. In addition, the DEIR needs to discuss whether the project will require the use of piles. If so, this may result in vibration related impacts. Finally, demolition of 927 Tamalpais Avenue under the Move Whistlestop alternative and Adapt Whistlestop alternative would result in significant impact on historic resources. Because these will be new impacts not previously identified in the DEIR, the DEIR will need to be revised and recirculated.

5-3 | 2. The DEIR should include a narrative about the current SRTC site. As the existing SRTC site would be sold as surplus with the development of any of the relocation Build Alternatives, it needs to be clear that the DEIR has not analyzed this site for redevelopment. Future redevelopment of the existing site would require its own review and CEQA clearance by the City of San Rafael.

5-4 | 3. The scope of topic areas studied in the DEIR were initially presented in the Notice of Preparation (NOP), which was published in late 2018. Following the NOP public review and comment period, GGBHTD consultants prepared the Environmental Scoping Report – San Rafael Transit Center Replacement Project (February 2019). This Scoping Report, which is provided as Appendix A of the DEIR, memorialized the topic areas for study in the DEIR. Essentially, the Scoping Report contains: the NOP; the list of agencies, organizations and individuals that provided comments on the NOP; and the site options/alternatives that were available at the time the NOP was published. While it includes a summary of NOP comments by topic area, the Scoping Report does not provide an explanation on how or if the NOP comments were used in finalizing the scope of study topics for the DEIR. Consequently, a number of the City’s recommendations for study outlined in its comments on the NOP (letter from City to GGBHTD dated November 8, 2018) were not included in the DEIR document. Not studied or addressed in the DEIR are the following:

- a. Sea level rise.
- b. Preparation and inclusion of computer-generated visual simulations
- c. Non-CEQA topic areas recommended for study (Fiscal Impacts of the Preferred Project and Alternatives).

Lastly, there is no explanation in the DEIR or the Scoping Report as to why information and studies requested as part of the NOP process were dismissed from further consideration in the final scoping and preparation of the DEIR.

5-5 | 4. Throughout the DEIR, the San Rafael General Plan 2020 (2007) and the Downtown San Rafael Station Area Plan (2012) are cited and used as the base for the document

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

5-5
cont.

analysis. On August 2, 2021, before the DEIR was released for publication, the City Council adopted the San Rafael General Plan 2040 and the Downtown Precise Plan (DTPP). Yet, throughout the DEIR, it is stated that these Plans are in draft form and unadopted. Essentially, these recently adopted documents succeed and replace the previous General Plan 2020 and the City Zoning Ordinance (DTPP includes site zoning and regulations exclusively for Downtown including the project study area). These plans and land use designations were in effect at the time of DEIR publication. CEQA Guidelines section 15125 provides that the “setting” or baseline for the DEIR is normally established at the time the Notice of Preparation (NOP) is published (October 2018). Therefore, per the CEQA Guidelines, it may be appropriate for the DEIR to cite and utilize documents that were in effect at that time. But Section 15125 and case law interpreting it allows that a lead agency should adjust those baseline assumptions where strict adherence to the NOP timing would not give the public and decision makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts. The use of a General Plan that is no longer in effect as the base throughout a DEIR that was published after that General Plan was updated is confusing and fails to inform the public and decision makers of the true land use framework and regulation under which the project would be constructed and operating. At a minimum, the EIR must be revised with references to the current, adopted General Plan and zoning ordinance and analysis of the preferred project and alternatives’ consistency with the current plan and regulations.

5-6

The DEIR needs to do a better job in explaining: a) the CEQA Guidelines section that establishes the setting at the time the NOP is published; and b) what has transpired since the NOP was published, particularly since the DTPP tracked and documented the progress of the SRTC project. For this reason, it is recommended that the Introduction Section (Chapter 1) include a narrative on the transition to the General Plan 2040 and DTPP, acknowledgement that these Plans were adopted in August 2021, and a summary on what is different from the previous General Plan 2020/Downtown Station Area Plan. At minimum, links to the recently adopted plans should be included so the DEIR reader can easily go to those documents to review.

5-7

Some sections/chapters of the DEIR list pertinent/relevant policies and programs from both previous General Plan 2020/Downtown Station Area Plan and the recently adopted General Plan 2040/DTPP (e.g., Biological Resources). However, some sections/chapters cite only the former General Plan 2020/Downtown Station Area Plan (e.g., Air Quality). For consistency throughout the DEIR document, either both the former and recently adopted Plan policies and programs should be cited throughout the EIR sections or the text should be revised for the Final EIR to only reference the General Plan 2040/DTPP.

5-8

5. There is no mention in the DEIR about the Memorandum of Understanding (MOU) between the GGBHTD and the City of San Rafael (October 2017). The terms of the MOU require, among others, that GGBHTD meet and confer with the City Community Development Department concerning the consistency between the project and the former General Plan 2020, Downtown Station Area Plan and Zoning Ordinance. While the DEIR does an admirable job at citing and summarizing these documents in the

**CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT**

October 8, 2021

5-8
cont.

analysis, this work was siloed and did not involve direct communication with the Community Development Department. The Community Development Department reached out to GGBHTD staff in April 2020 to initiate this meet and confer process. However, GGBHTD staff rejected this request responding that it was too premature.

A. Executive Summary

5-9

1. See comment D.1 below regarding the Project Objectives Section 1.3).

5-10

2. For comments on individual impacts, findings and mitigation measures presented in the summary table, please defer to the comments below under the discussion of each topic section/chapter.

5-11

3. The impact summary table lists and presents the findings for all impacts identified in the DEIR. While recommended mitigation measures are clearly numbered, the impacts are not numbered. Please number all impacts under each topic area, which will provide easier and better referencing.

B. Chapter 1 – Introduction

5-12

1. See comments A.2 and A.3 above regarding the General Plan 2040, DTPP and the MOU. The Introduction section should incorporate narratives on these topics.

C. Chapter 2 – Project Description

5-13

1. The Project Objectives (Section 2.3) do not incorporate, reference, or consider the City's key design goals outlined in the San Rafael Transit Center Guidance Report (City of San Rafael, February 2018). This request was made to GGBHTD through comments on the NOP. The Project Objectives are very straightforward and clearly define the goals of GGBHTD but there is no mention of the City's goals for this important project. The City's five key design goals for this project are:

- a. Maximize 4th Street vitality;
- b. Clearly define the SRTC access routes;
- c. Improve utilization of the Caltrans right-of-way (under the US 101 overpass);
- d. Demonstrate sustainable design; and
- e. Preserve the Whistlestop building.

The General Plan 2040 and DTPP recognize the SRTC project as a “catalyst” site for the Downtown area, which is anchored by the public transit hub. As the City is one of several “partners” on the SRTC project, it is critical that the City's objectives for the project are cited. Please revise the EIR accordingly.

5-14

2. Table 2-1 (page 2-6 and 2-7) provides a good summary of the individual, assemblage of properties that cover each of the four Build Alternatives. However, the table needs to be revised to address the following:

- a. The land use for each parcel needs to be clearly stated. The current description of “mixed-use” is too generic. The reader will have a better understanding as to the site

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

5-14
cont.

- and surroundings by referencing the specific, developed use (e.g., retail, office, parking lot).
- b. The table references the former property zoning, which was in effect at the time the NOP was published. As noted above, the recent adoption of the General Plan 2040 and DTPP included a rezoning of Downtown properties to the new “Downtown Mixed-Use” (DMU) District. Please add a footnote explaining this recent change in zoning to minimize confusion.
 - c. For the “Under the Freeway Alternative,” there is no reference to the two Caltrans properties. These properties need to be added to Table 2-1. Please add a note that the Caltrans properties are not assigned Assessor’s Parcel Numbers by the County Assessor’s Office and the City does not “zone” State property.

5-15

- 3. The description of the “Move Whistlestop Alternative” (Section 2.5, Preferred Alternative) is incomplete. First, it is unclear if the Whistlestop building will be downsized and restored (based on the building footprint shown on the site plan). The current building footprint is not original and there have been discussions and suggestions about downsizing the structure to its original footprint and design. Second, there is no discussion about the demolition of existing buildings (as there is in the description of the 4th Street Gateway). In addition to the Citibank building, two existing buildings on the West side of West Tamalpais Avenue (Trevor’s and Extreme Pizza) would be demolished. Building demolition/relocation and effected business also needs to be discussed in the description of the “Under the Freeway Alternative” (Section 2.6.4).

5-16

- 4. The description and layout of the “Under the Freeway Alternative” is not consistent with the preferred layout prepared by the City, which was provided to the GGBHTD in 2020. The City’s preferred layout included two, carefully designed “bridge’ spans over Irwin Creek to avoid any structural elements of the crossing to be placed/constructed within the creek channel. The description of this alternative states that three “bridges/viaducts” would be installed over Irwin Creek for vehicle access to this site from Hetherton Street. The details of this improvement are not explained, but in the Biological Resources section of the DEIR, it is noted that the crossings would be designed as “box culverts.”

It is understandable that GGBHTD had to modify the City’s preferred layout to address the project’s design criteria and operational needs of the SRTC, but the bridge span structures could have been part of this modified design. When this alternative was presented at a County of Marin hosted Multi-Agency meeting (meeting of the regulatory agencies) in 2020, it was indicated that a bridge span would be proposed in-lieu of box culverts. Rather, GGBHTD chose to go to a box-culvert crossing, which have far more environmental impacts.

5-17

- 5. Section 2.5.4 provides a good description of the “Disposition of the Existing Transit Center.” Please note that this element of the project applies to all four Build Alternatives.

5-18

- 6. Section 2.8 and Table 2-2 provides a summary and list of permit approvals/clearances required by other agencies. There is no mention of the executed MOU between the GGBHTD and City and the clear term of the MOU which affords the City the ultimate authority to decide on the preferred site alternative. Further, the project will require

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

consideration by the "Planning Commission" and the "Design Review Board." The DEIR needs to be revised to incorporate reference to these required reviews.

D. Aesthetics

5-19

1. The DEIR section includes a comprehensive list of pertinent policies from the San Rafael General Plan 2020 and the Downtown San Rafael Station Area Plan. Further, the analysis references the Good Design Guidelines for Downtown. However, there is no mention of the San Rafael Transit Center Guidance Report (February 2018), which includes several design recommendations related to aesthetics and the importance of facilitating an entry to Downtown San Rafael. Also, unlike other sections of the DEIR, this section does not include a list of General Plan 2040 and DTPP policies and programs that are pertinent to this topic area. Please add.

5-20

2. This chapter provides a detailed description of the visual changes that would result from the project. However, in its comments on the NOP, the City requested that computer-generated visual simulations be prepared depicting existing and proposed conditions. In-lieu of the requested simulations, architectural renderings have been prepared, which are illustrative only and do not accurately depict pre- and post-development conditions. Please revise these renderings to more accurately reflect pre and post development conditions. Other comments regarding these renderings:

- a. Figure 3.1-2 presents the existing and proposed view of the "Move Whistlestop Alternative." The photo of the existing conditions does not align or correspond with the location of the proposed view rendering. The existing view shows the SMART tracks and existing Whistlestop building in the foreground, while the proposed rendering is a location that is further west along West Tamalpais Avenue). Please address.
- b. Figure 3.1-3 presents a rendering of the "Adapt Whistlestop Alternative" as viewed from 4th Street and West Tamalpais Avenue. Along West Tamalpais Avenue, there appears to be a block-like building mass, which is not explained or described. Is this an error or does this building mass represent the housing project approved for the 703 3rd Street site. Please revise.
- c. Figure 3.1-6 presents the existing and proposed view of the "4th Street Gateway Alternative" from the 4th and Hetherton Street intersection. As is the case with Figure 3.1-2, the view of the existing condition photo does not appear to correspond with the location in the proposed view rendering. Please revise.
- d. Figure 3.1-6 presents the existing and proposed view of the "Under the Freeway Alternative" from the Hetherton Street. As is the case with Figure 3.1-2, the view of the existing condition photo does not appear to correspond with the location in the proposed view rendering. The rendering appears to represent another location, perhaps near Irwin Street. Please revise.

5-21

3. To address the significant impact associated with the Under the Freeway Alternative resulting from the relocation of the historic structure at 1011 Irwin Street, the aesthetics discussion proposes Mitigation Measure MM-CULT-CNST-1, which is characterized as requiring the relocation and preservation of the structure. (Page 3.1-27.) The reader is referred to Section 3.4 for the discussion of cultural resource impacts and mitigation for the full text of the measure. There is no explanation provided in the aesthetics

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

5-21
cont.

discussion for how this measure would reduce the significant impact, however. Furthermore, MM-CULT-CNST-1 does not guarantee the relocation and preservation of historic structures. Rather, it acknowledges that relocation and preservation may not be feasible and the structures may be demolished instead. (Page 3.4-33.) Between the two discussions in aesthetics and cultural resources, there is no substantial evidence provided that demonstrates the implementation of MM-CULT-CNST-1 will, in fact, reduce the significant aesthetic impact associated with the removal of 1011 Irwin Street to a less-than-significant level for the Under the Freeway Alternative. The DEIR needs to be revised to include such evidence.

5-22

4. Mitigation Measure AES O-3 recommends application of minimum lighting standards. This measure should be expanded to require a) the installation of baffles or shields on lighting fixtures to minimize the exposure and the light source and glare; b) preparation of a pre-construction photometric analysis to demonstrate foot candle readings to eliminate "hot spots;" and c) completion of a post-installation lighting inspection (30-days following installation) to allow for adjustments in the intensity of and glare from lighting. The DEIR needs to be revised to include this information.

E. Biological Resources

5-23

1. The biological resources policies from the Marin Countywide Plan are listed in this section (pages 3.3-5 through 3.3-7). These policies should be deleted. The Marin Countywide Plan is applicable to properties within the unincorporated areas of Marin County and is not applicable to the SRTC study area.

5-24

2. The "Detailed table" on special-status animal species which is reference on Page 3.3-9 on special-status animal species is missing from Appendix D.

5-25

3. Pages 3.3-9 – cites that project area has the potential for the occurrence of 38 special-status plant species and 35 special status animal species. However, no special-status species surveys were conducted to confirm or dismiss this finding. The table missing from Appendix D will hopefully have additional information clarifying these conclusions. But the DEIR should be revised to include appropriate measures to ensure no inadvertent take as was recommended for roosting bats. Including for any aquatic species such as steelhead that could be of concern to regulatory agencies.

5-26

4. The EIR should provide a more thorough review of existing habitat in Irwin Creek, limitations on possible occupation and dispersal for aquatic species such as steelhead, and conclusion that it is not suitable for permanent occupation and necessary controls to avoid inadvertent take for any in-channel construction.

5-27

5. Page 3.3-11 lists the methodologies that would be implemented or employed during construction and as part of project operation. One of the listed methodologies states that Irwin Creek would be "de-watered" to construct three double box culverts for the "Under the Freeway Alternative." See comment D.4 above under the Project Description regarding the expectation that the crossings over Irwin Creek were to be designed as a bridge span rather than intrusive box culvert structures. That reach of the creek would

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

5-27
cont.

have to be temporarily dewatered during construction, whether a culvert or bridge was installed. Both treatments would require disturbance to the creek banks and could result in materials spilling down into the water, which is why a construction zone like this has to be dewatered. However, the bridge treatment for these crossings would limit direct impacts and fills, which would be preferable to the regulatory agencies, even in this low quality location. Use of a bridge should be explored as an option and weighed against cost and benefit.

5-28

6. In the City's comments on the NOP, it was requested that GGBHTD initiate early consultation with the regulatory agencies to discuss the "Under the Freeway Alternative" and potential impacts to tidal wetlands. The EIR should specify whether consultation was initiated.

5-29

7. Mitigation Measure BIO CNST-5 (page 3.3-18) recommends compensation for temporary and permanent loss of perennial stream (Irwin Creek fill). The measure merely recommends mitigation amounts (e.g., 2:1 ratio of mitigation to impact area). This mitigation measure is not adequate in addressing the viability of achieving mitigation to a less-than-significant level. To test viability with the bridge span concept (which is far less impacting) off-site mitigation locations were identified by Jim Martin, the City's consulting biologist, based on input from the RWQCB representatives. This information was presented to the regulatory agencies in the County of Marin hosted Multi-agency Meeting (see attached memo). The purpose of this effort was to demonstrate minimal impacts using a bridge span and that mitigation could be achieved within proximity to this site. None of this information is attached or even referenced in the DEIR.

5-30

8. In the City's comments on the NOP, it was noted that several of the site options (alternatives) had the potential to damage or destroy mature trees (street trees referenced). The City requested that all significant trees within the project study area be identified to determine if they would be impacted or subject to removal. This section of the DEIR does not mention the tree resources within the study area. That information should be provided in the EIR and used to inform decision makers of the range of impacts.

F. Cultural Resources

5-31

1. The DEIR reports that per AB52, an offer of tribal consultation was initiated with the Federated Indians of Graton Rancheria (FIGR), but the DEIR author received no response. It is expected that the GGBHTD noticed the Federation on the publication of the DEIR. The Federation is typically very responsive to commenting on environmental documents and a 'no response' conclusion is not sufficient. The GGBHTD should reach out to FIGR to get a response and include that response in the EIR.

5-32

2. Marin County Ordinance 1589 is a County-adopted ordinance that is not applicable to the City of San Rafael. Please delete.

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

5-33

3. Pages 3.4-6 and 3.4-7 appropriately cites the City's Archaeological Resource Protection Ordinance. However, not referenced or discussed is the implementing resolution, which outlines the protocols and procedures for addressing individual site review and assessment based on mapped archaeological sensitivity. As noted in the City's NOP comments, protection procedures outlined in City Council Resolution 10980 (2000) should be added to this DEIR narrative. Mitigation Measures CULT-CNST 4, 5, 6, and 7 should be revised to incorporate the City-adopted procedures and protocols outline in Resolution 10980.

4. This section of the DEIR includes an excellent narrative on the history and evolution of Downtown San Rafael, including the eras covering the start of the NWPRR service and the development of the US101 as a grade-separated highway. This narrative addresses the request made by the City as part of the NOP comment process.

The DEIR includes a list of buildings within the project study area that were recently assessed for historic resource significance. The correct source for this information is the Downtown San Rafael Precise Plan (DTPP) Historic Resources Inventory Summary Report (December 2020). This summary report was prepared by the City and utilized to assess and provide cultural resource review in the San Rafael General Plan 2040 Final EIR (2021). The DEIR author went one step further in this analysis by preparing new or updated "DPR" (State of CA Department of Park and Recreation) historic assessment forms for all buildings within the study area (DEIR Appendix F). This is helpful in that the DTPP Historic Resources Inventory Summary Report does not include DPR forms for all the inventoried buildings over 50 years in age within the project study area. These forms will supplement the City's DRR form inventory.

5-34

The DEIR concludes that the "4th Street Gateway Alternative" and the "Under the Freeway Alternative" would result in significant, unavoidable impacts to historic resources. The Build Alternatives would result in the demolition of 633 5th Avenue, 637 5th Avenue and 1011 Irwin Street, which have been determined to be historic resources.

The DEIR correctly states the status of the building at 927 Tamalpais Avenue (Trevor's, formerly the Barrel House). This building is identified under Category B in the summary report, which determined that it is eligible as a "contributing resource to a potential historic district." However, as a contributing resource to a potential historic district, demolition could compromise the formation of a district, which would result in a significant, unavoidable impact to historic resources. This building would be demolished under the "Move Whistlestop Alternative" and "Adapt Whistlestop Alternative." The DEIR finds that demolishing this structure would result in a less-than-significant impact, which conflicts with the City-assumed conclusion. Therefore, the historic resource impact finding for these two alternatives needs to be changed. As this is a new, significant impact, the DEIR requires a revision and recirculation per CEQA Guidelines Section 15088.5. If this assumption is incorrect, it needs to be explained by the EIR consultant why there is a difference in conclusions reached between the demolition of the 927 Tamalpais Avenue and the buildings that would be demolished under the "4th Street Gateway Alternative" and "under the Freeway Alternative" (933/937 5th Avenue and 1011 Irwin Street).

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

G. Geology and Soils

1. For the most part, this DEIR section is well written and comprehensive. However, under all the potential impact statements that have been prepared, the findings are less-than-significant, and no mitigation is recommended. This topic area relies on the findings presented in the Preliminary Geotechnical Design Recommendations, Parikh (May 2020). This memorandum document is referred to throughout this section as “Geotechnical Recommendations,” which is included as DEIR Appendix H. This memorandum document provides a qualitative review of geotechnical conditions for all four Build Alternatives but relies solely on published documents for detailed information such as groundwater depths, and subsurface soil and geologic conditions. The memorandum document states that a detailed geotechnical investigation with subsurface borings will be conducted after the project site has been selected.

As part of comments on the NOP, the City requested that a comprehensive Geotechnical Investigation be completed for the DEIR to include subsurface borings and soil testing. This request was intentional given that portions of the study area are on landfill over bay mud and within the FEMA 100-year flood zone. Further, most of the study area is within an area of high seismic risk. Per the San Rafael General Plan 2020 geotechnical policies and procedures (General Plan 2020 Appendix F, Geotechnical Review), a comprehensive Geotechnical Investigation Report (including subsurface borings and soil testing) is required to be prepared at the time of development and environmental review. A deferral of preparation this investigation report to a future phase of the project, after it has been approved through the development and environmental review process, is not consistent with the General Plan 2020 and the CEQA Guidelines. A detailed Geotechnical Investigation Report is important at this stage as it would present site specific conditions and design recommendations based on these conditions. If design recommendations such as pile-driven pier construction is required for this project, it presents other direct or indirect impacts that require analysis in the DEIR.

At minimum, the DEIR impact findings in this section should have concluded, based on the information that was available through the Geotechnical Recommendations memorandum document that: a) the impacts are potentially significant until further study is completed; and b) mitigation must be included requiring a more detailed Geotechnical Investigation Report. Nonetheless, it is recommended that a Geotechnical Investigation Report be prepared and included in the DEIR. At minimum, mitigation measures should be added to the DEIR to require the preparation of this report when a specific site has been selected. New impacts and the introduction of new mitigation measures requires an updated DEIR with a recirculated public review period.

H. Greenhouse Gas Emissions

1. This DEIR section is well written and comprehensive; it relies on and incorporates the City’s Climate Action Plan (2030) and the City’s Qualified GHG Emissions Reduction Strategy.

5-35

5-36

**CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT**

October 8, 2021

- 5-37 2. Modify Table 3.7-7 to reflect a 65% recycling requirement for construction/demolition waste.
- 5-38 3. Page 14 states:
“Section 3.7.1.1, *Regulatory Setting*, the City has adopted a qualified GHG emissions-reduction strategy: CCAP 2030. Because the City is not the lead agency for CEQA, this analysis does not rely on CCAP 2030 for tiering purposes. Rather, project consistency with applicable GHG reduction measures outlined in CCAP 2030 is discussed for informational purposes” Because the City will need to rely on a determination that the DEIR is consistent with the CCAP2030, the Draft EIR should be revised to include a complete consistency analysis with the CCAP. Please revise accordingly.

I. Hydrology and Water Quality

- 5-39 1. On page 3.9-6, the DEIR provides a narrative on the role and purpose of the Bay Conservation and Development Commission (BCDC). While the BCDC information in the narrative is complete, it should be eliminated as it is not relevant to the study area. The BCDC jurisdiction terminates at the mouth of San Rafael Creek, which is about two miles downstream from the project study area. Please revise the DEIR.
- 5-40 2. The list of General Plan 2040 policies and programs on pages 3.9-7 and 3.9-8 is incomplete. The list includes policies that are more pertinent to conservation rather than hydrology and water quality (creek and wetland protection). Further, not included are pertinent policies and programs from the Safety and Resilience Element, which address increased flooding and sea level rise. Please add data and analysis on inundation levels and incorporate appropriate mitigation measures into the EIR.
- 5-41 3. Mitigation Measure BIO CNST-5 requires the development of a Stormwater Pollution Prevention Plan (SWPPP) to address temporary construction and permanent operations water quality impacts. The Downtown San Rafael Precise Plan (DTPP) includes several suggested water quality measures to be incorporated into new development. Further, the DTPP recommends the implementation of “green infrastructure” along 3rd and 4th Streets within the study area, which would include measures such as permeable pavement. These measures need to be added to this DEIR mitigation measure.
- 5-42 4. This section provided limited to no discussion about sea level rise. Although not a topic area that is currently mandated for analysis by the CEQA Guidelines, there is a lot of information available about projected sea level rise in San Rafael’s central basin. Sources include the San Rafael General Plan 2040, Downtown San Rafael Precise Plan, and the certified FEIR that has been prepared for these plans. As part of the NOP process, the City requested that the DEIR assess the potential risk of projected sea level rise. Please add a discussion of sea level rise to this DEIR section.

J. Land Use and Planning

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

5-43

1. On page 3.10-7 and 3.10-8 is a discussion of the City Zoning Ordinance. Referenced are four City zoning districts that cover the project study area. It should be noted that while these zoning districts existed and governed the study area at the time the NOP was published, the City has since rezoned Downtown properties to the Downtown Mixed-Use (DMU) District as part of the adoption of the Downtown San Rafael Precise Plan. A discussion of the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan is provided further along in this DEIR section. The latter section needs to be revised to state that the DTPP includes a regulatory element, which is essentially a zoning ordinance for Downtown that replaced the previous zoning and much of the SRMC Title 14 (Zoning) regulations.

5-44

2. A discussion of the “Under the Freeway Alternative” is provided on page 3.10-11. This discussion notes that the dominant zoning classifications for this site option are the R/O and C/O Districts. This is not correct. Most of the property that encompasses this site option is owned by Caltrans, which has no zoning classification. As noted above under comment C.2.c, the Caltrans property is part of the public road right-of-way which the City does not zone. Please correct this discussion.

K. Noise

5-45

1. Page 3.11-20 includes a discussion of vibration-sensitive historic buildings within and adjacent to the study area. The 927 Tamalpais Avenue building (Trevor’s, formerly the Barrel House) is noted as not being a historic resource. However, as discussed in comment G.4 above, this building is a contributor to a potential historic district, so it is considered a potential historic resource. Please revise accordingly.

5-46

2. Pages 3.11-22 and 3.11-23 includes a discussion of sources of construction noise and vibration. The impact assessment is provided on pages 3.11-26 through 3.11-27. There is no mention in this discussion about the need for pile driving. Listed among the construction noise sources in Table 3.11-12 is a “drill rig,” which is common equipment associated with pile driving. Please clarify if pile driven piers will be used for construction and if so, the DEIR needs to assess the noise and vibration impacts associated with this activity and identify appropriate mitigation measures.

L. Population and Housing

5-47

1. On page 3.12-2, it is stated that the City is in the process of updating the Downtown San Rafael Precise Plan (DTPP), which is not correct. The DTPP is a new Plan under the umbrella of the updated San Rafael General Plan 2040. Please revise the DEIR accordingly.

5-48

2. Projected population, housing and employment projections for San Rafael are presented on page 3.12-3 through 3.1-5. As the DEIR relies on use of the San Rafael General Plan 2020, the projection information is correct. However, the recently adopted San Rafael General Plan 2040 and DTPP project slightly higher growth by 2040. The text in this section needs to acknowledge these more current Plan documents and that projected

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

growth for City and the Downtown area is higher than previously planned. Please revise accordingly.

5-49

3. Regarding resident displacement, the discussion of the “Under the Freeway Alternative” is incorrect. This site option would result in the demolition of 1011 Irwin Street. This property is developed with a single-family residential structure, which is occupied/utilized as a residence. Therefore, the DEIR finding regarding the displacement of residents needs to be changed to be potentially significant impact and appropriate mitigation measure is required to off-set this impact.

M. Public Services and Recreation

5-50

1. Under the Local Regulatory Setting and Methodology sub-sections, the Downtown San Rafael Precise Plan (DTPP) is listed with the San Rafael General Plan 2040 resources. As the DTPP includes several recommendations related to public services and recreation within the public realm, it is critical that those recommendations be included to accompany the discussion of San Rafael General Plan 2040. Please see DTPP Figure 4.10 which presents the recommended framework of Downtown’s public realm design. Among the public realm design recommendations within the study area include the following, which are not addressed in the DEIR:
 - a. A SMART Transit Plaza along 4th Street between Tamalpais Avenue and Hetherton Street
 - b. Green civic space (lineal park) along Tamalpais Avenue between 5th Avenue and 2nd Street.

5-51

2. Page 3.13-3 needs to be revised to accurately reflect current police data: This paragraph should be changed as follows:

The San Rafael Police Department, headquartered at San Rafael City Hall, provides police services to the City. A new 44,000-square-foot Public Safety Center opened in August 2020 across the street from the existing facility. As of September 1st, 2021, the San Rafael Police Department had a total of 67 full-time sworn personnel and 29 full-time non-sworn personnel, for a total staff of 96. This equates to 11.2 sworn personnel per 10,000 residents and 16 total personnel per 10,000 residents (City of San Rafael 2020c). The closest police facility to the project area is the Public Safety Center, approximately 2,500 feet northwest of the project area. The San Rafael Police Department is organized into two divisions: the Operations Division, which includes patrol, park rangers, Downtown foot beat, and traffic enforcement; and the Administrative Services Department, which includes records, dispatch personnel, training, crime prevention, community engagement, and detective units (City of San Rafael 2020c). In 2020, the San Rafael Police Department received 23,532 emergency calls and 21,079 lower priority calls. This equates to an average of 3,717 emergency calls a month or about 124 per day

N. Transportation

**CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT**

October 8, 2021

5-52

1. In general, the transit circulation time and the vehicular delays seem to improve with the Under the Freeway alternative simply because it is further away from the existing congestion along Hetherton Street, Second Street and Third Street. Staff concurs with the results shown in the report.

5-53

2. This section of the DEIR provides a detailed list of pertinent policies and programs from the recently adopted San Rafael General Plan 2040 Mobility Element. However, not included is a discussion of the Downtown San Rafael Precise Plan (DTPP), which was recently adopted in tandem with the adoption of the General Plan 2040. The DTPP includes many policies, goals and implementing measures related to mobility and the Downtown transportation network. A discussion of this Precise Plan needs to be included in this section.

3. The Draft EIR states that there are two justifications for replacing the existing transit center and states that:

a) following the impact on some of the transit center facilities that resulted from the implementation of the SMART Phase 2 line to Larkspur.

And

b) A new transit center solution in Downtown San Rafael would address near-term and long-term transit needs while improving the desirability and usability of transit for the local community and region.

However, the DEIR relies on outdated transportation data from 2015 and 2017. For example, the DEIR cites the following data:

5-54

- Golden Gate Transit Ridership from 2017 and Marin Transit Ridership from 2017
- Mode splits based on on-board surveys provided by Marin Transit (2017) and Golden Gate Transit (2015)
- Golden Gate Transit GFI, Marin Transit GFI, and MTC Clipper Data (each data source from October/November 2017)

According to Golden Gate's own [analysis](#) published July 21, 2021 and presented to the Board on July 22, 2021 concludes the following:

- Bus ridership is down 74% compared to pre pandemic levels.
- We reduced pre-COVID bus service by about 50%.
- Ferry ridership is down 93% compared to pre pandemic levels.
- Pre-pandemic, fares provided over 50% of ferry operating revenue.
- Bridge traffic is down 17.6%

Therefore, the Draft EIR needs to be revised to:

- reflect actual Existing Conditions at the Transit Center, not historic conditions.
- justify replacing the Transit Center based on actual Existing Conditions

CITY OF SAN RAFAEL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE SAN RAFAEL TRANSIT CENTER RELOCATION PROJECT

October 8, 2021

- reflect the uncertainty of continued SMART train operations after 2029
- incorporate District's recommendations to its own Board

5-55

4. The District should study demand changes over time and provide a better understanding of what future ridership might look like. This could impact overall bus routes/schedules, may change the space needed to accommodate bays and would provide more clarity on overall traffic impacts to nearby streets. The City Council previously provided comments on the ridership assumptions and asked for more information that demonstrates that the new transit center is actually needed. The EIR needs to include results of the demand changes over time.

5-56

5. Regarding the LOS and VMT analyses (presented in DEIR Appendix C), the LOS impact findings for the Build Alternatives are arguable. The document concludes that the "Move Whistlestop Alternative" and "Adapt Whistlestop Alternative" will result in a reduction in intersection delay. From a non-technical, common-sense standpoint, this finding does not seem supportable. Unlike the current transit center access points along 3rd and 2nd Streets (both arterials), transit center access under this alternative is being introduced along 4th Street. Introducing primary access along 4th Street may also create conflicts with both pedestrian and bicycle traffic, as well as local vehicle traffic. This would result in an impact that needs to be evaluated in the EIR. Please revise accordingly.

5-57

6. The DEIR concludes that the elimination/displacement of public parking to develop the "Under the Freeway Alternative" would result in a significant, unavoidable environmental impact (page 3-14.28). This finding is not substantiated and is no longer a stand alone CEQA-related impact. This conclusion is concerning for the following reasons:

- a. This DEIR finding relies on this parking displacement being inconsistent with *draft* General Plan 2040 Policy M-7.9 (Parking for Transit Users) and Program M-7.9a (Commuter Parking). Per the CEQA Guidelines, the DEIR is to rely on the plan documents that were adopted and in effect at the time the NOP was published/released (NOP memorializes the "setting" for analysis, which is discussed above under General Comments). Throughout the DEIR, it is clear and apparent that the document findings are based on consistency with the former General Plan 2020 policies and programs; use of the General Plan 2040 is exclusively referenced only here (and under no other DEIR impact statement) to reach an environmental finding. This approach is arbitrary and as a result may present the Under the Freeway Alternative in a more negative light than may be properly warranted.
- b. The CEQA Guidelines no longer consider the "displacement of parking" or "impacts to parking" to be an impact on the physical environment. Parking as a topic area of impact was removed from the CEQA Initial Study Checklist approximately 15 years ago. This discussion and the link to environmental review needs to be revised to include context on why it is no longer a stand-alone CEQA impact.

5-58

7. The DEIR based the conclusion of significant impacts on the Transportation Summary Report (TSR). City staff made specific comments about the TSR and submitted them to Golden Gate Transit in writing. The comments included several significant gaps in the analysis. None of the comments were addressed in the DEIR. There were comments