

This section describes the applicable regulatory and environmental setting for land use, existing and proposed land uses within and around the project area for the San Rafael Transit Center Replacement Project (proposed project), and the potential for the proposed project and other build alternatives to divide an existing community or conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts related to the No-Project Alternative are discussed in Chapter 5, Alternatives to the Project.

3.10.1 Existing Conditions

3.10.1.1 Regulatory Setting

There are no federal or state laws or regulations pertaining to land use and planning that are relevant to the proposed project. The following regional and local policies and long-term transportation improvements are relevant to the proposed project.

Regional

Plan Bay Area

The Metropolitan Transportation Commission (MTC) acts as a regional transportation planning agency and as the region's metropolitan planning organization. Due to its designation, MTC is responsible for the Regional Transportation Plan (RTP), a compilation of plans for mass transit, highway, freight, bicycle, and pedestrian facilities. MTC also reviews applications from local agencies for state and federal grants for transportation projects to determine their compatibility with the RTP. MTC and Association of Bay Area Governments (ABAG) adopted *Plan Bay Area 2040* in 2013, which was subsequently updated in 2017 (MTC and ABAG 2017).

Plan Bay Area 2040 is the integrated land use/transportation plan and demographic/economic forecast for the nine-county San Francisco Bay Area region. This plan coordinates housing plans, open space conservation efforts, economic development strategies, and transportation investments. Specifically, to reduce greenhouse gas (GHG) emissions, *Plan Bay Area 2040* promotes compact, mixed-use, infill development within walkable/bikeable neighborhoods close to public transit, jobs, schools, shopping, parks, recreation, and other amenities. Local jurisdictions voluntarily identified Priority Development Areas (PDAs) as appropriate locations for these types of neighborhoods. PDAs are eligible for capital infrastructure funds, planning grants, and technical assistance. The adopted *Plan Bay Area 2040* estimates that approximately 80 percent of the region's future housing needs may be met within PDAs. The strategy of focusing growth within PDAs maximizes travel choices, reduces dependency on driving, takes advantage of existing infrastructure capacity, and reduces pressure to develop open space. The proposed project is within the Downtown San Rafael PDA (MTC 2021).

As part of ongoing updates every 4 years, MTC and ABAG are expected to adopt *Plan Bay Area 2050* in fall 2021 (ABAG and MTC 2020).

Regional and Local

San Rafael Transit Center Relocation Study

The purpose of the 2017 *San Rafael Transit Center Relocation Study* was to identify transit center solutions to address the near-term and long-term needs of transit riders, operators, and agencies in Downtown San Rafael while accommodating implementation of the Sonoma-Marín Area Rail Transit (SMART) system. The study identified an interim solution to maintain transit connectivity while also allowing for the extension of SMART to Larkspur (City of San Rafael et al. 2017).

Golden Gate Bridge, Highway and Transportation District Short-Range Transit Plan

The Golden Gate Bridge, Highway and Transportation District (District) is a Special District of California encompassing the city and county of San Francisco; the entirety of Marin, Sonoma, and Del Norte Counties; most of Napa County; and portions of Mendocino County. As of July 1, 2019, public transit service provided by the District includes 28 regional bus routes, four ferry routes, and paratransit service. The District also operates seven local bus routes under contract with Marin County Transit District. Federal transportation statutes require that MTC, in partnership with state and local agencies, develop and periodically update a long-range RTP and a Transportation Improvement Program, which implements the RTP by programming federal funds to transportation projects contained in the RTP. To execute these planning and programming responsibilities, MTC requires that each transit operator in its region that receives federal funding through the Transportation Improvement Program prepare, adopt, and submit to MTC a short-range transit plan. The District's current *Short-Range Transit Plan* addresses fiscal years 2018/19 through 2027/28. Within this plan, the District identifies that the existing San Rafael Transit Center will be replaced by a new facility at a nearby site (Golden Gate Bridge, Highway and Transportation District 2019).

San Rafael Downtown Station Area Plan

The *San Rafael Downtown Station Area Plan* (Downtown SAP), approved in 2012, was developed to focus on development within a 0.5-mile-radius area around the planned Downtown San Rafael SMART station. It sets the stage to create a more vibrant, mixed-use, livable area supported by a mix of transit opportunities, including passenger rail service. The plan supports the vision of creating a transit-oriented, walkable, and active enrollment in the SMART station area by limiting the amount of parking provided to encourage transit use, walking, and bicycling instead of personal vehicle use. The Downtown SAP includes the following goals for an integrated transit center located within the project area (City of San Rafael 2012):

- Locate bus transit operations in close proximity to the Downtown San Rafael SMART station and provide improved access to the station.
- Provide a safe and convenient transfer experience for passengers connecting between rail and bus transit.
- Provide a location that has adequate space to serve the existing and projected bus service, while also providing operating flexibility and travel time benefits to bus routes.

- Provide a comfortable experience for waiting passengers that includes enhanced amenities and integrates the Whistlestop site if possible.
- Ensure that the facility location and configuration fits within the larger context of Downtown.

San Rafael Design Guidelines

The City of San Rafael (City) has adopted general residential and non-residential design guidelines to assist design professionals and homeowners in planning out projects. During project review and approval, the guidelines are used by staff and the City Design Review Board to evaluate the quality of project design and make recommendations regarding design review approval or denial. The guidelines provide a framework of design principles that builds on the strength of the existing character of an area and that strives to improve the visual unity of the area. They span topics such as parking, landscaping, lighting, building form, material and colors, and pedestrian circulation, among other topics. The design guidelines are contained in the Community Design Element of the Draft *San Rafael General Plan 2040* (City of San Rafael 2020a).

City of San Rafael General Plan 2020

The City of San Rafael General Plan 2020, adopted in 2004, includes the following 16 elements: Land Use, Housing, Neighborhoods, Community Design, Economic Vitality, Circulation (transportation), Infrastructure, Governance, Sustainability, Culture and the Arts, Parks and Recreation, Safety, Noise, Open Space, Conservation, and Air and Water Quality. This section addresses the four elements in *The City of San Rafael General Plan 2020* that apply to land use: Land Use, Community Design, Circulation, and Sustainability. The remaining elements are addressed within the relevant topical sections of this draft EIR (City of San Rafael 2016).¹

Land Use Element

The Land Use Element seeks to support the vision to revitalize Downtown to include high-quality buildings, redevelopment of underutilized and vacant lands, entertainment venues, and the construction of new homes. The Land Use Element includes two overarching goals for land use and planning in San Rafael: Growth to Enhance Quality of Life (Goal 1), and Balance and Diversity (Goal 2). The Land Use Element includes the following policies applicable to the proposed project:

- LU-2. Development Timing.** For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:
- a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded;
 - b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;
 - c. Environmental review of needed circulation improvement projects has been completed;
 - d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and

¹ Since adoption in 2004, amendments to *The City of San Rafael General Plan 2020* have been made by resolutions adopted by the San Rafael City Council. These amendments were incorporated into *The City of San Rafael General Plan 2020* and it was reprinted on April 28, 2017.

- e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed.

LU-2a. Development Review. Through the development and environmental review processes, ensure that policy *provisions* are evaluated and implemented. The City may waive or modify any policy requirement contained herein if it determines that the effect of implementing the same in the issuance of a development condition or other approvals would be to preclude all economically viable use of a subject property.

LU-23. Land Use Map and Categories. Land use categories are generalized groupings of land uses and titles that define a predominant land use type (see Exhibit 11). All proposed projects must meet density and [floor area ratio] standards (see Exhibits 4, 5, and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies (see Exhibit 11).

Most of the project area west of U.S. Highway 101 (US-101) is identified with the Hetherton Office (32–65 units per acre) land use designation under the general plan; the southernmost block of the project area is identified with the Public/Quasi-Public land use designation; and, to the east of US-101, the blocks and portion of blocks are identified as Residential Office (15–32 units per acre) and Retail Office (15–32 units per acre). The Hetherton Office designation is intended to support ground-floor retail uses, personal service, food service, and live/work uses. The Residential Office designation is intended to promote residential, office, and mixed-use residential/office uses and serve as a transitional area between Downtown zoning districts and nearby residential uses. The Retail Office designation is intended to support retail and service uses, offices, and residential uses. Additional detail regarding *The City of San Rafael General Plan 2020* land use designation is addressed under Section 3.10.1.2, Environmental Setting, below.

Community Design Element

The Community Design Element addresses the physical form of the natural environment and the built form of the City. The overarching goal for this element is to have its best natural and built features preserved and strengthened to enhance the attractiveness and livability of the City (Goal 7). The Community Design Element includes the following policies applicable to the proposed project:

CD-1: City Image. Reinforce the City’s positive and distinctive image by recognizing the natural features of the City, protecting historic resources, and by strengthening the positive qualities of the City’s focal points, gateways, corridors and neighborhoods.

CD-1c. Way-Finding Signage. Prepare and implement an attractive citywide way-finding sign program to direct people to the City’s cultural resources, public facilities, parks and other important destinations.

CD-1c. Landscape Improvement. Recognize that landscaping is a critical design component. Encourage maximum use of available landscape area to create visual interest and foster sense of the natural environment in new and existing developments. Encourage the use of a variety of site appropriate plant materials.

CD-8. Gateways. Provide and maintain distinctive gateways to identify City entryways.

CD-8a. Gateways. Evaluate each of the gateways defined on the design element maps to determine what natural, architectural, signage or landscape treatments should further establish these locations as identifiable gateways within the City, and implement the desired improvements as part of the City’s Capital Improvement program.

CD-10. Nonresidential Design Guidelines. Recognize, preserve and enhance the design elements that contribute to the economic vitality of commercial areas. Develop design guidelines to ensure that new nonresidential and mixed-use development fits within and improves the immediate neighborhood and the community as a whole.

CD-10a. Visual Compatibility. Ensure that new structures are visually compatible with the neighborhood and encourage neighborhood gathering places. Guidelines may address screening of service functions, materials and detailing, screening of roof equipment, lighting, landscaping, outdoor café seating and pedestrian amenities.

CD-17. Street Furnishings. Encourage appropriate benches, trash containers, street lighting, public art, and other street furnishings. Select styles compatible with individual neighborhoods and the Downtown to strengthen their identities.

CD-17a. Street Furnishings. Provide street furnishings that are consistent with applicable design style. Work with neighbors and businesses to fund program.

CD-19. Lighting. Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.

CD-19a. Site Lighting. Through the design review process, evaluate site lighting for safety and glare on proposed projects.

CD-19b. Lighting Plan. Require new development and projects making significant parking lot improvements or proposing new lighting to prepare a lighting plan consistent with the Design Guidelines for review by City planning staff.

CD-21. Parking Lot Landscaping. Provide parking lot landscaping to control heat build-up from pavement, reduce air pollution, provide shade cover for vehicles and soften the appearance of the parking lot. Emphasize the use of trees, and limit the height of shrub plantings so as to avoid creating security problems.

CD-21b. Parking Lot Landscape Enforcement. Require that newly installed parking lot landscaping be maintained and replaced as needed. Assure that landscaping is thriving prior to expiration of the required 2-year maintenance bond.

Circulation Element

The Circulation Element addresses San Rafael's key circulation improvement strategy to create a safe and well-managed transportation network that provides greater choice for the traveler and limits, or even reduces, congestion on the City's roads. This element includes several guiding goals: A Leadership Role in Transportation (Goal 12); Mobility for All Users (Goal 13); A Safe and Efficient Street System (Goal 14); Connections Between Neighborhoods (Goal 15); Bikeways (Goal 16); Pedestrian Paths (Goal 17); and Adequate Parking (Goal 18). The Circulation Element includes the following policies applicable to the proposed project:

C-1. Regional Transportation Planning. Actively coordinate with other jurisdictions, regional transportation planning agencies, and transit providers to expand and improve local and regional transportation choice. Work cooperatively to improve transit and paratransit services, achieve needed highway corridor improvements, and improve the regional bicycling network. As part of this effort, support implementation of Marin County's 25-Year Transportation Vision.

C-3. Seeking Transportation Innovation. Take a leadership role in looking for opportunities to be innovative and experiment with transportation improvements and services.

C-3a. Transportation Technology. Use the most effective technologies in managing the City's roadways and congestion. For example, support timed connections at transit hubs, and promote the use of transportation information systems.

C-14. Transit Network. Encourage the continued development of a safe, efficient, and reliable regional and local transit network to provide convenient alternatives to driving.

C-14a. Transit Network. Support Countywide efforts to sustain and expand Marin County's transit network. Work with neighborhoods, employers, transit providers, transportation planning agencies and funding agencies to improve and expand regional transit to and from adjacent counties, increase local transit services, and provide responsive paratransit services.

C-17. Regional Transit Options. Encourage expansion of existing regional transit connecting Marin with adjacent counties, including basic service, express bus service, new commuter rail service, and ferry service...

C-17a. SMART. Support the following design features for SMART commuter service within San Rafael:

- 1) Establish stations in Downtown and in the Civic Center that will serve as multi-modal commuter transit hubs.
- 2) Design stations and rail crossings safe for pedestrians and with minimal impacts on roadway traffic.
- 3) Support crossings at-grade through Downtown and strongly advocate for trains that are of a length that they avoid blocking traffic at an intersection.
- 4) Ensure that new development adjacent to the rail line is set back a safe distance and adequately attenuates noise.
- 5) Encourage high-density transit-oriented development in the vicinity of the rail stations.
- 6) Include noise mitigation as described in policy N-9 (Sonoma Marin Area Rail Transit).
- 7) Provide a north/south bike/pedestrian path on or adjacent to the railroad right-of-way.

C-17b. SMART Right-of-Way. Maintain the SMART right-of-way for rail service.

C-20. Intermodal Transit Hubs. Support efforts to develop intermodal transit hubs in Downtown and at the Civic Center to provide convenient and safe connections and support for bus, rail, shuttle, bicycle, and pedestrian users, as well as automobile drivers using transit services. Hubs should include secure bicycle parking and efficient drop-off and pick-up areas without adversely affecting surrounding traffic flow. Reference the Downtown Station Area Plan and the Civic Center Station Area Plan, which address and present recommendations for transportation and access improvements to transit within a 0.5-mile radius of the two SMART stations.

C-20a. Transit Hubs. Work with Marin County, the Marin County Transit District, SMART Commission, the Golden Gate Bridge Transportation District, and other regional agencies to ensure that intermodal transit hubs are designed to be convenient and safe for San Rafael users. Work with SMART on the design of the new rail stations and the transit center interaction with the rail service.

Sustainability Element

The Sustainability Element is San Rafael's guiding strategy to actively adapt to ongoing changes within the community and in the environment. This element includes two overarching goals for sustainability in San Rafael: Sustainable Communities (Goal 25); and Highly Resource Efficient Operations (Goal 26). The Sustainability Element includes the following policies applicable to the proposed project:

SU-2. Promote Alternative Transportation. Decrease miles traveled in single-occupant vehicles.

SU-2d. SMART. Encourage continued funding, development and use of SMART, which will provide residents and employees of San Rafael an additional transportation alternative to single-occupant vehicles.

SU-6. Resource Efficiency in Site Development. Encourage site planning and development practices that reduce energy demand, support transportation alternatives and incorporate resource- and energy-efficient infrastructure.

SU-6a. Site Design. Evaluate as part of development review, proposed site design for energy-efficiency, such as shading of parking lots and summertime shading of south-facing windows.

San Rafael Zoning Code

The City of San Rafael Ordinance, Title 14 of the San Rafael Municipal Code, is the primary document that implements the general plan. Most of the project area west of US-101, which corresponds with the Hetherton Office land use designation under *The City of San Rafael General Plan 2020*, is zoned Hetherton Office (HO) under the zoning ordinance. The southernmost block of the project area is zoned Public/Quasi-Public (P/QP). To the east of US-101, the blocks and portion of blocks identified as Residential Office are similarly zoned Residential/Office (R/O), while those portions of the project area designated as Retail Office land use are zoned Commercial/Office (C/O).

Title 14 of the City's zoning code (Chapters 14.05 and 14.09) describes the standards of the HO, R/O, C/O, and P/QP zoned areas as follows.

HO zoned areas:

1. The HO district is at the eastern edge of Downtown adjacent to US-101. The district has a wide variety of uses from the Whistlestop Senior Center and the transit center to small and medium-sized offices and stores. An unused railroad right-of-way planned as a future transitway bisects the district, and there are a number of underutilized lots.
2. The HO district is expected to become a major office area because of its proximity to the transit center and 4th Street retail and services, and visibility from and access to US-101. New large-scale office development is encouraged to strengthen Downtown's standing as a business and financial center. On the ground floor, office, business-support retail, general retail for parcels that front 4th Street, personal service uses, and restaurants are encouraged. Parking structures are allowed and should have commercial uses on the ground floor. Limits on shops protect 4th Street retail businesses. Residential and live/work is permitted on the upper floors on 4th Street, and on the ground floor and above elsewhere.
3. The HO district is intended to become an elegant entryway into Downtown. Development will be large scale with off-street parking and should include landmark design elements supportive of the district's gateway role. Buildings typically range from three to five stories with upper stories stepped back. Plazas, public art, and ground-floor retail are encouraged along 4th Street between Hetherton Street and 4th Street.

R/O zoned areas:

1. The R/O district is a transitional area between the Downtown zoning districts and nearby residential areas. This district promotes residential, office, and mixed-use residential/office projects. This district also provides limited retail and personal service uses that support residential and office uses and are compatible with such uses. Gasoline service stations are allowed along major arterials such as 2nd Street.
2. This district is characterized by lower development intensity than in the Downtown zoning districts. The R/O district is also intended to be less intense in terms of evening and weekend activity than the Downtown zoning districts.

C/O zoned area:

1. The C/O district promotes retail, office, mixed retail/office/residential uses, and cultural facilities. The C/O district is different from the Downtown zoning districts in that it provides greater opportunity for office and financial uses in first-floor locations. Residential units are promoted to provide evening and weekend activity, increase the City's supply of housing, and support Downtown activities and uses.

P/QP zoned area:

1. The P/QP zone is intended to provide sites for governmental, educational, public safety, public utility, residential, and public transportation facilities, as well as to provide site opportunities for recreation and nonprofit community service facilities.

Local Plans under Review

The following local plans are undergoing public review. These are addressed for informational purposes and are not evaluated under Section 3.10.2.3, Impacts.

San Rafael General Plan 2040, Draft for Public Review

The City is currently working on the Draft *San Rafael General Plan 2040*, the product of a 3-year process that engaged residents and businesses throughout the City. The City Council authorized the plan update in 2017. One of the premises of the update was that the basic content of *The City of San Rafael General Plan 2020* should be carried forward. Building from *The City of San Rafael General Plan 2020*, the *San Rafael General Plan 2040* is structured into 13 specific elements, including an updated Housing Element and updated Community Design and Preservation Element (City of San Rafael 2020a).

A Notice of Preparation of an EIR for the *San Rafael General Plan 2040* was filed on March 29, 2019, and a Draft EIR was released for public review in January 2021. The plan will not be finalized until the draft EIR is published, comments are reviewed and responded to, and a final EIR is approved by the City Council. Under the Draft *San Rafael General Plan 2040*, the entirety of the project area is identified as the Downtown Mixed-Use land use designation.

Draft Downtown San Rafael Precise Plan

The Draft *Downtown San Rafael Precise Plan* (Downtown Precise Plan) is part of the broader effort to update *The City of San Rafael General Plan 2020* and is taking place concurrent with development of *San Rafael General Plan 2040*. The ongoing Downtown Precise Plan is an effort to assess the vision laid out for Downtown, analyze current conditions, and identify growth and development opportunities for the next 20 years. The Downtown Precise Plan covers the Downtown San Rafael PDA and adjacent West End neighborhood and provides zoning-level development standards for new development and reinvestment, as well as updated design direction to improve architectural quality, streetscape, and historic preservation. The plan includes priority projects associated with the SMART station under Chapter 8, Implementation. These projects, which relate to this proposed project, include the following (City of San Rafael 2020b):

8A.1.1. Downtown Gateway Improvements. First/last mile improvements for SMART Station and Transit Center (pedestrian, bicycle, lighting, wayfinding). Downtown intersection improvements (traffic signals, roundabouts, and/or turn lane modifications).

8A.1.2. Transit Center Relocation. Implement the San Rafael Transit Center relocation project on site selection by the Golden Gate Bridge, Highway and Transportation District (District). Evaluate and implement necessary circulation and wayfinding improvements on surrounding streets to support the new function.

8A.1.8. Fourth Street Improvements. Pedestrian, bicycle, and vehicular circulation improvements on Fourth Street on the following segments, as described in Section 6.3: Street Transformations: - Fourth Street between H and E Streets - Fourth Street between E Street and Lincoln Avenue - Fourth Street between Tamalpais and Hetherton Streets - Fourth Street between Irwin and Grand Streets.

8A.1.10. Tamalpais Avenue West Improvements. Pedestrian, bicycle, and vehicular circulation improvements on Tamalpais Avenue on the following segments, as described in Section 6.3: Street Transformations: - Tamalpais Avenue between Second and Third Streets - Tamalpais Avenue between Third and Fourth Streets - Tamalpais Avenue between Fourth Street and Mission Avenue.

8A.2.1. Transit Plaza. Reconfigure Tamalpais Avenue between Fourth Street and Fifth Avenue to create a plaza designed to accommodate pedestrian and bicycle movement, temporary activities, and allowing emergency vehicular access as needed. Improve Walter Lane to enable it to function as a pedestrian passage.

3.10.1.2 Environmental Setting

The proposed project would replace the existing San Rafael Transit Center, which is between 2nd Street, 3rd Street, Tamalpais Avenue, and Hetherton Street. Figure 2-1, in Chapter 2, Project Description, shows the location of current San Rafael Transit Center and the regional vicinity. As shown on Figure 2-2 and described in detail in Chapter 2, the four build alternatives—Move Whistlestop Alternative, Adapt Whistlestop Alternative, 4th Street Gateway Alternative, and Under the Freeway Alternative—are each within 500 feet of the existing San Rafael Transit Center and bordered by a mix of office, residential, and retail uses. Together, the four build alternative project sites compose the project area. The footprint of each alternative would be approximately 3 acres in size, with exact footprint and boundaries dependent on the alternative chosen. The details regarding the specific location and boundaries of each build alternative are described in Chapter 2 and further addressed below.

Project Area

Land uses surrounding the project area include retail, office, residential, and commercial uses in the southern portion of Downtown San Rafael. The exact bordering uses of the project area vary slightly under each build alternative. US-101 runs north and south, adjacent to and above the project area (depending on the alternative). East of the project area is a mix of residential and commercial uses. San Rafael Creek, which flows from west to east draining into San Rafael Bay, lies south of the project area and 2nd Street. Irwin Creek, a tributary of San Rafael Creek, runs underneath US-101. To the west of the project area is a mix of restaurants and retailers. To the north of the project area are commercial uses.

According to *The City of San Rafael General Plan 2020 Land Use Map*, most of the project area west of US-101 is designated as Hetherton Office, with the southernmost portion south of 2nd Street designated as Public/Quasi-Public. The 1.5 blocks of the project area east of US-101 are designated as Retail Office and Residential Office. The existing parcel sizes, addresses, and land uses within the project area are described in Chapter 2.

Under existing zoning, the project area is classified into the following designations: HO, P/QP west of US-101, and R/O and C/O east of US-101. Additional project land use detail is provided below for each build alternative.

Move Whistlestop Alternative

The site is generally between West Tamalpais Avenue to the west and Hetherton Street to the east, 4th Street to the north, and 3rd Street to the south; see Figure 2-4 for the site plan. Additional improvements are included to shift West Tamalpais Avenue to the east from 2nd Street to 4th Street. This modification would align West Tamalpais Avenue with the block to the north and include construction of a bike path and sidewalk improvements on the west side of West Tamalpais Avenue from 2nd Street to 4th Street. From 2nd Street to 3rd Street, this improvement would extend into space occupied by the existing transit center and from 3rd Street to 4th Street, this improvement would extend onto the existing west sidewalk along West Tamalpais Avenue. As shown on the Figure 2-4 site plan, to support the proposed navigation and pedestrian improvements at this location, this site encompasses Tamalpais Avenue and its adjacent sidewalks from 2nd Street to 4th Street, the western adjacent parcels from 3rd Street to 4th Street, and the adjacent sidewalk east of Tamalpais Avenue from 4th Street to 5th Street.

With a dominant land use and zoning designation of HO, this project site and the surrounding area are primarily composed of commercial uses that are one to two stories in height. The southernmost extent of this project site extends into the land use and zoning designation of P/QP. This alternative site includes several parcels and is currently occupied by the Whistlestop building, a café, a restaurant, parking spaces, the SMART tracks, and the Citibank building with its affiliated parking lot. Surrounding the project site are retail, commercial, and office uses to the north, US-101 to the east, the existing San Rafael Transit Center to the south, and restaurants and retail facilities to the west.

Adapt Whistlestop Alternative

The site is generally between West Tamalpais Avenue to the west, Hetherton Street to the east, 4th Street to the north, and 3rd Street to the south. As shown on the Figure 2-5 site plan, to support the proposed navigation and pedestrian improvements at this location, this site encompasses the southeast corner of the intersection of Tamalpais Avenue and 4th Street for bicycle parking, and West Tamalpais Avenue between 3rd Street and 5th Avenue for on-street parking and loading improvements. This alternative would also include the construction of a bike path and pedestrian improvements on the west side of West Tamalpais Avenue from 2nd Street to 4th Street; construction of these facilities would extend into privately owned parcels between 3rd Street and 4th Street and would extend onto the west sidewalk of West Tamalpais Avenue between 2nd Street and 3rd Street.

With a dominant land use and zoning designation of HO, this project site and the surrounding area are primarily composed of commercial uses that are one to two stories in height. The southernmost extent of this project site extends into the land use and zoning designation of P/QP. This alternative site crosses several parcels and is currently occupied by the Whistlestop building, a café, a restaurant, parking spaces, the SMART tracks, and the Citibank building with its affiliated parking lot. Surrounding the project site are retail, commercial, and office uses to the north, US-101 to the east, the existing San Rafael Transit Center to the south, and restaurants and retail facilities to the west.

4th Street Gateway Alternative

The 4th Street Gateway Alternative site is a two-block site that extends across 4th Street. It is bounded by 5th Avenue to the north, Hetherton Street and US-101 to the east, 3rd Street to the south, and West Tamalpais Avenue to the west. As shown on Figure 2-6, to support the proposed pedestrian improvements and parking at this location, this site encompasses the SMART station and tracks, as it extends to West Tamalpais Avenue, but does not propose any alterations of tracks.

With a land use and zoning designation of HO, this project site and the surrounding area are primarily composed of commercial uses that are one to two stories in height. The northern portion of this project site, between 4th Street and 5th Street, is currently occupied by offices and retail uses and associated parking. The southern portion of this project site, between 3rd Street and 4th Street, is referred to as the “Citibank parcel” because is occupied by a Citibank and off-street parking. To the west of the Citibank parcel are the SMART tracks, which align the western portion of the southern section of the project site. Adjacent to the tracks is the Whistlestop building and a café. Surrounding the project site are retail and office uses to the north, US-101 to the east, the existing San Rafael Transit Center to the south, and restaurants and retail facilities to the west.

Under the Freeway Alternative

This project site is primarily beneath US-101 and bounded by 5th Avenue to the north, Irwin Street to the east, and Hetherton Street to the west. As shown on the Figure 2-7 site plan, to support the proposed navigation and pedestrian improvements at this location, this site encompasses a southern portion of the 5th Avenue right-of-way along with a northeastern portion of the 4th Street right-of-way and the adjacent parcel to its south, between US-101 and Irwin Street.

With dominant zoning designations of R/O and C/O and land use designations of Retail Office and Residential Office, this project site and the surrounding area are primarily composed of retail and office uses that are one to two stories in height. As mentioned, much of the site is beneath US-101. Beneath US-101, this project site is currently occupied by park-and-ride lots maintained and operated by the California Department of Transportation and Irwin Creek, which flows parallel to US-101. Between 4th Street and 5th Street, the site is currently occupied by a bike shop, several office buildings, and off-street parking. The parcels south of and adjacent to 4th Street are currently occupied by retail including a dry cleaners and restaurant. Surrounding this project site are residential offices to the north, residences to the east, retail and offices to the south, and retail uses, restaurants, and residential offices to the west.

3.10.2 Environmental Impacts

Four different build alternatives, which are all in Downtown San Rafael within 500 feet of the existing transit center, are being evaluated. Land use impacts were analyzed for the project area rather than specific build alternatives because the location of each build alternative would experience a nearly equivalent impact for each resource considered here. Impacts for the build alternatives are presented together unless they differ substantially among alternatives.

3.10.2.1 Methodology

The California Environmental Quality Act (CEQA) requires that an EIR consider whether a proposed project may conflict with any applicable land use plan, policy, or regulation that was adopted for the purpose of avoiding or mitigating an environmental impact. This environmental determination differs from the larger policy determination of whether a proposed project is consistent with a jurisdiction's general plan or other land use plan, policy, or regulation. The former determination, which is intended for consideration in a CEQA document, is based on, and limited to, a review and analysis of environmental effects. The latter determination, by comparison, is made by the decision-making body of the jurisdiction and is based on the jurisdiction's broad discretion to assess whether a proposed project would conform to the policies and objectives of its general plan/land use plan as a whole. In addition, the broader consistency determination considers all evidence in the record concerning the project characteristics, its desirability, and its economic, social, and other non-environmental effects.

Evaluation of the proposed project's potential to conflict with land use plans, policies, and regulations is based on the regional and local plans, policies, and regulations identified in Section 3.10.1.1, Regulatory Setting, above, and impacts and mitigation are presented on a per-plan, -policy, and -regulation basis. Given that construction of the proposed project, regardless of alternative, would be temporary (approximately 30 months), potential construction land use impacts would be temporary. Therefore, this analysis focuses on operational impacts. In addition, given that each project site is within Downtown San Rafael, the following analysis applies to each of the four alternatives equally unless otherwise noted.

Conflicts of a project with land use policies do not, in and of themselves, constitute significant environmental impacts. Policy conflicts are considered environmental impacts only when the policies themselves were adopted for the purpose of avoiding or mitigating an environmental effect. Such conflicts constitute significant environmental impacts only when the resulting direct environmental effects are significant.

3.10.2.2 Thresholds of Significance

The following State CEQA Guidelines Appendix G thresholds identify significance criteria to be considered for determining whether a project could have significant impacts related to land use and land use planning.

Would the proposed project:

- Physically divide an established community?
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

3.10.2.3 Impacts

Physically Divide an Established Community

This impact considers the proposed project's potential to result in a land use impact by physically dividing a community through construction and operation. The physical division of an established community typically refers to the construction of a linear feature, such as an interstate highway or

railroad tracks, or removal of a means of access, such as a local bridge, that would affect mobility within an existing community or between a community and an outlying area.

Construction

All Build Alternatives

Proposed project construction would begin in 2023 or 2024 and last 18 months. During construction, the selected build alternative would require demolition of existing uses, completion of necessary utility infrastructure, all civil and vertical structure work, and vertical structure finishing and inspections. Construction staging and parking where needed would be required to comply with all City requirements. While construction of each build alternative could temporarily affect sidewalks and intersections for project site improvements, these impacts would be minor and temporary. Construction of the proposed project would be limited to the individual project site and corresponding parcels and would not physically divide Downtown San Rafael. Therefore, the impact would be *less than significant*.

Operations

All Build Alternatives

The proposed project does not involve the construction of any linear feature, such as an interstate highway or railroad tracks, and would not remove any means of access or divide an established community. As addressed under the project objectives (refer to Chapter 2), the proposed project is needed to preserve and enhance the functionality and effectiveness of the transit center. By providing new bus bays, paratransit access, pick-up/drop-offs and shuttle curb spaces, bicycle parking facilities, pedestrian weather protection and seating, public art, security, wayfinding signage, and a service building, the proposed project would make it easier for people to travel throughout the community, City, and region.

Proposed improvements, such as new crosswalks and egress points to existing roadways and infrastructure, would not introduce new physical divisions. Instead, the proposed project features would provide better multi-modal connectivity between the project area and local or regional destinations.

Given that the proposed project would not introduce any physical barriers to the project area or surrounding area and would improve connectivity within the community through proposed improvements, the impact would be *less than significant*. No mitigation measures would be required.

Mitigation Measures

No mitigation is required.

Cause a Significant Environmental Impact Due to a Conflict with Any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

Plan Bay Area 2040

As discussed in Section 3.10.1.1, Regulatory Setting, *Plan Bay Area 2040* promotes compact, mixed-use, infill development within walkable/bikeable neighborhoods close to public transit, jobs, schools, shopping, parks, recreation, and other amenities to reduce GHG emissions and adverse health impacts; increase housing opportunities, employment opportunities, access to affordable housing, and non-automotive mode share and the effectiveness of the transportation system; and focus development within the existing urban footprint. The proposed project would provide for improved service and access to regional transit, which is intended to reduce reliance on automobiles. This would in turn result in reduced GHG emissions and adverse health impacts and would focus development within the existing urban footprint. This fundamental project feature is consistent with the goals of *Plan Bay Area 2040*. Therefore, impacts of the proposed project related to conflicts with *Plan Bay Area 2040* would be **less than significant**.

San Rafael Transit Center Relocation Study

The project proposes to relocate the existing San Rafael Transit Center consistent with the study. The *San Rafael Transit Center Relocation Study* determined that the transit center should be relocated nearby, which the proposed project, by creating a new transit center within 500 feet of the existing site, would do. Therefore, impacts of the proposed project related to conflicts with the *San Rafael Transit Center Relocation Study* would be **less than significant**.

Golden Gate Bridge, Highway and Transportation District Short-Range Transit Plan

The project proposes to construct a new transit center within 500 feet of the existing San Rafael Transit Center. The District's *Short-Range Transit Plan* identifies that the existing San Rafael Transit Center would be replaced by a new facility at a nearby site (Golden Gate Bridge, Highway and Transportation District 2019). By developing any one of the four build alternatives, the proposed project would be consistent with the District's *Short-Range Transit Plan*. Therefore, impacts of the proposed project related to conflicts with the District's *Short-Range Transit Plan* would be **less than significant**.

San Rafael Downtown Station Area Plan

While the Downtown SAP primarily focuses on land use development surrounding the SMART station, it also includes five goals for an integrated transit center vision. These are identified under Section 3.10.1.1 above. Each of the build alternatives would provide new bus bays, paratransit access, pick-up/drop-offs and shuttle curb spaces, bike parking facilities, pedestrian weather protection and seating, new pedestrian walkways and crosswalks, public art, security, wayfinding signage, and a service building. As such, the proposed project would meet the plan's five goals for an integrated transit center that: (1) is close to the San Rafael SMART station, (2) provides access to the station and a safe and convenient transfer experience for passengers, (3) has adequate space to serve the existing and projected bus service, (4) provides a comfortable experience for waiting passengers, and (5) fits within the larger context of Downtown. For the Under Freeway Alternative, it should be noted that it would meet the overall Downtown SAP vision slightly less than the other alternatives

because it is about one block away from the SMART station, thus increasing the distance required for pedestrians to travel during a transfer. Conversely, both the Move Whistlestop Alternative and the Adapt Whistlestop Alternative would have increased Downtown SAP vision consistency in that they both would be at least partially integrated into the existing Whistlestop site. Overall, by developing any one of the four build alternatives, the proposed project would be consistent with the Downtown SAP. Therefore, impacts of the proposed project related to conflicts with the Downtown SAP would be ***less than significant***.

San Rafael Design Guidelines

While the City's design guidelines were intended as an interim document until *The City of San Rafael General Plan 2020* Community Design Element was released, the proposed project would still undergo review by City staff and the City Design Review Board as part of project approvals. This iterative process would provide opportunities for the proposed project to make modifications as recommended by the City as it seeks to improve the visual unity of the area. Through review and approval by City staff and the City Design Review Board, the proposed project would be consistent with the design guidelines. Therefore, impacts of the proposed project related to conflicts with the *San Rafael Design Guidelines* would be ***less than significant***.

City of San Rafael General Plan 2020

Move Whistlestop Alternative

Development of the proposed project is subject to *The City of San Rafael General Plan 2020* guidelines and policies. As addressed in Chapter 2, the proposed project would require general plan amendments to support the project land use. Related to the Land Use Element, the parcels under the Move Whistlestop Alternative currently designated as Hetherton Office land use would be modified to Public/Quasi-Public land use under this alternative. However, this change alone would not generate an impact on the environment. The Move Whistlestop Alternative would provide new bus bays, paratransit access, pick-up/drop-offs and shuttle curb spaces, bicycle parking facilities, pedestrian weather protection and seating, new pedestrian walkways and crosswalks, public art, security, wayfinding signage, and a service building. By supporting alternate modes of transit, regional transportation access, and design features for SMART service, the Move Whistlestop Alternative would not conflict with *The City of San Rafael General Plan 2020* Circulation Element or Sustainability Element. Design and approval of the Move Whistlestop Alternative would be subject to additional review per the Community Design Element prior to project approval by City planning staff. Consequently, while the Move Whistlestop Alternative would require a land use change to support Public/Quasi-Public land use under this alternative, this change as addressed in this draft EIR would not result in a significant impact on the environment. Therefore, the impact would be ***less than significant***.

Adapt Whistlestop Alternative

The Adapt Whistlestop Alternative impacts would be the same as those of the Move Whistlestop Alternative outlined above. Therefore, the impact would be ***less than significant***.

4th Street Gateway Alternative

The 4th Street Gateway Alternative impacts would be the same as those of the Move Whistlestop Alternative outlined above. Therefore, the impact would be ***less than significant***.

Under the Freeway Alternative

The Under the Freeway Alternative would result in a land use change from Residential Office and Commercial Office to Public/Quasi-Public. However, the impacts of this change would be the same as those of the Move Whistlestop Alternative outlined above. Therefore, the impact would be ***less than significant***.

Zoning Code

Move Whistlestop Alternative

As addressed in Chapter 2, the proposed project would require zoning amendments to support the project land use. The parcels currently zoned HO would be modified to P/QP under the Move Whistlestop Alternative. However, this change alone would not generate an impact on the environment. Therefore, while the Move Whistlestop Alternative would result in a change of the zoning code to support Public/Quasi-Public Use under this alternative, this change as addressed in this draft EIR would not result in a significant impact on the environment. Therefore, the impact would be ***less than significant***.

Adapt Whistlestop Alternative

The Adapt Whistlestop Alternative impacts would be the same as those of the Move Whistlestop Alternative outlined above. Therefore, the impact would be ***less than significant***.

4th Street Gateway Alternative

The 4th Street Gateway Alternative impacts would be the same as those of the Move Whistlestop Alternative outlined above. Therefore, the impact would be ***less than significant***.

Under the Freeway Alternative

The Under the Freeway Alternative would result in a zoning code change from R/O and C/O to P/QP. However, the impacts of this change would be the same as those of the Move Whistlestop Alternative outlined above. Therefore, the impact would be ***less than significant***.

Mitigation Measures

No mitigation is required.