5-58 cont.

about the shortfalls of pedestrian trips assumptions, underplaying the impacts of bringing the pedestrian and bicycle activities towards Fourth Street, and the lack of recognition of vehicle storage and queueing in the heart of the pedestrian area of downtown. These concerns have not been addressed; indeed the City's comments have never been responded to. In summary the EIR needs to be revised to address the following:

a. *The pedestrian analysis assumes a destination in the downtown to compare the alternatives. The report did not analyze destinations to the High School and to the Canal. The City has invested transportation dollars (Grand Avenue Bridge and E Francisco Boulevard Sidewalk) to encourage the arrivals of multimodal trips from the Canal. While it is difficult to capture and compare the overall pedestrian experience between the alternatives, the report fell short of describing the existing pedestrian safety issues that could be attributed to the legal and illegal crossings. The Gateway alternative suggests several driveways ensuring proper circulation for the busses without recognizing the detriment of the pedestrian experience. The Draft EIR needs to be revised to address existing pedestrian safety records and the association of it with numerous and large driveways.*
b. *The report Non-Motorized Transportation Section 5.0 was built on incomplete assumptions of pedestrian circulation in general, and on similar inaccurate assumptions specific to the transit center. None of the assumptions made were introduced nor discussed with City staff prior to the preparation of these analysis. Staff mentioned this previously and indicated that major overhaul of the assumptions and the presentation of pedestrian comparisons of the pedestrian travel will be required. Staff was never contacted subsequent to providing these comments. The EIR will need to be revised to accurately reflect pedestrian circulation patterns.*
c. *All alternatives result in circulation challenges caused by the short sizes of the blocks west of Heatherton Avenue. The block sizes were bisected by the SMART tracks leaving the City with short blocks affecting the ability to store vehicles leaves us with the challenge of clearing the tracks during excessive queuing times. The DEIR does not discuss the critical nature of queueing near railroads tracks. This is an environmental and safety issue that needs to be in the center of the considerations. The EIR needs to be revised to recognize the environmental disadvantages of having large vehicles, on short blocks, near at-grade rail tracks, and the potential impacts of gridlock near moving trains.*
d. *The No-Build Alternative is presented as an alternative because CEQA mandates it to be part of the analysis. The report falls short of describing the existing conditions from a multimodal and functional point of view. Please revise the EIR to provide an accurate description as noted.*

5-59

8. The LOS data is presented using VISSIM numbers which are not consistent with the method used to calculate the LOS by the City. Please revise EIR to reflect methodology that is consistent with what the City uses.

5-60

9. Although the LOS is calculated through the model and is not the real LOS, the report offered no comparative summaries of the LOS impacts to allow decision makers to make informed decisions. Please revise the EIR to include comparative summaries.

5-61 10. Queueing is not typically an environmental issue. However, given the environment and the safety implication of queueing it needs to be included in the environmental assessment.

5-62 11. The DEIR failed to recognize the inadequacy of the design at Third and Hetherton intersection with both Whistlestop alternatives. The introduction of a second southbound right turn from Hetherton onto Third Street could be detrimental to vehicle and pedestrian safety and traffic flow. There are two major and fundamental issues with the second southbound right turn. The first is the addition of a significant exposure of pedestrians in the crosswalk. While there are no rules against the practice in general, local experience shows documented issues with it. The City eliminated a crosswalk on the south side of the same intersection to eliminate the vehicle pedestrian conflict after a series of accidents occurred there. The suggestion of adding the additional turn lane will likely be rejected by the City for many reasons. The second issue is the receiving block capacity in the westbound direction on Third Street is very limited. It is further constrained during the SMART train preemption. The impact of not having the block storage capacity is deflected onto the north/south crosswalk and the number three southbound lane on Hetherton. These are serious impacts under the threshold question of whether the project would "Substantially increase hazards due to a geometric design feature". The City considers the option of creating congestion due to vehicles waiting to turn onto Third Street, effectively eliminating a southbound travel lane on Hetherton, to be an unsafe solution that will create significant traffic issues in this heavily travelled area of San Rafael. It is an inadequate and unsafe design that could potentially jeopardize pedestrian and vehicular safety. These impacts were not recognized by the TSR nor by the DEIR and the DEIR needs to be revised to adequately analyze these impacts.

4-63 12. The DEIR does not discuss the critical nature of queueing near railroads tracks. This is an environmental and safety issue that needs to be evaluated. The DEIR needs to recognize the environmental disadvantages of having large vehicles, on short blocks, near at-grade rail tracks, and the potential impacts of gridlock near moving trains. Please revise accordingly.

O. Wildfires

5-64 1. The City of San Rafael adopted the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan in November of 2018. Page 3.17-4 needs to be revised to accurately reflect this change.

5-65 2. Fire Ordinance, Chapter 4.12 applies to the Wildland UI- however it also applies vegetation standards Citywide. Please revise page 3.17-4 accordingly.

P. Alternatives to the Project

5-66

1. Essentially, this DEIR section summarizes the document findings for the four Build Alternatives plus a "No Project Alternative." As discussed above under comment C.1 (Project Description), the "Project Objectives" which are used to define the Project Alternatives need to include the City's objectives and design goals for this project. The impact findings for each of the Build Alternatives (as well as Table 5-1) need to be updated based on the comments presented herein. For example, 927 Tamalpais Avenue (Barrel House) is a contributor to a potential historic district, so it is a potential historic resource. Demolition of this building under the "Move Whistlestop Alternative" and "Adapt Whistlestop Alternative" would result in the demolition of this building, which is a significant impact. The EIR needs to be revised as noted above. Each of the alternatives need to be reevaluated against the City's objectives as well, to disclose the extent to which the alternatives do or do not meet those objectives in addition to the GGBHTD's objectives.

5-67

2. As mentioned above, the analysis of the No-Build Alternative is inadequate. The report falls short of describing the existing conditions from a multimodal and functional point of view and overall does not evaluate the project with the same level of specificity as the other alternatives. Pursuant to CEQA section 15125.6(d) The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Instead, the DEIR provides a meaningful analysis for each of the proposed alternatives within the document but provides only a summary for the 'No build" alternative. The DEIR needs to be revised to provide an accurate description of existing conditions as mentioned above and needs to provide the same level of comparison provided for the other alternatives

5-68

3. The DEIR concludes that the "Environmentally Superior Alternative" is the "Adapt Whistlestop Alternative." This finding is credible given that this Build Alternative would result in the least number of environmental impacts analyzed in the DEIR. However, like the "Move Whistlestop Alternative," it would result in the demolition of a potential historic resource.

5-69

4. Additionally, as Table 5-1 illustrates, none of the alternatives would reduce environmental impacts as compared to the preferred project; at best they are the same as the preferred project and even worse for some categories of impacts. This conclusion suggests that the District did not adequately fulfill its obligation under CEQA to consider a range of reasonable alternatives, as the Guidelines require consideration of alternatives that would feasibly attain most of the project objectives *and would avoid or substantially lessen* any of the significant effects of the project. (Guidelines, § 15126.6, subd. (a).)

5-70

5. This section provides a very good and detailed summary of other alternatives that were considered and rejected.

Q. Other Non-CEQA Topics for Study Recommended as Part of the NOP Process

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

October 8, 2021

5-71 1. As part of the NOP process, the City requested that the fiscal Impacts of "the Project and Alternatives" be prepared concurrent and made available with the DEIR. A fiscal impacts assessment of the Build Alternatives has not been prepared.

5-72 2. Short-term and Long-term Parking Assessment. A very high-level assessment of parking is presented in DEIR Appendix C, the Transportation Summary Report. The parking assessment in this report merely identifies the number of parking spaces that would be eliminated under the Built Alternatives but does not include any measures to accommodate or retain parking.

Attachments

1. Memo prepared by Jim Martin 2019

ENVIRONMENTAL COLLABORATIVE

Consultation • Documentation • Restoration
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MEMORANDUM

TO: Mr. Paul Jensen
City of San Rafael
1400 Fifth Street
San Rafael, California 94901

FROM: Jim Martin
ENVIRONMENTAL COLLABORATIVE

DATE: 29 May 2019

SUBJECT: Summary of Regulatory Issues
Proposed San Rafael Transit Center Replacement Project
Interstate 101 Undercrossing Site along Irwin Creek

As you requested, I have prepared this memo to summarize the regulatory issues related to the possible relocation of the San Rafael Transit Center to an area beneath Interstate 101 (I-101) between Hetherton Street to the west, Irwin Street to the east, 4th Avenue to the south and 5th Avenue to the north. Most of site is developed or paved, with the freeway overpass structures occupying the western portion and paved parking under the northbound freeway lanes and buildings fronting on Irwin Street. However, a channelized reach of what is known as Irwin Creek flows in a southerly direction beneath the southbound. This drainage is a regulated waters[1] under the jurisdiction of the U. S. Army Corps of Engineers (Corps), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW).

5-73

Between 4th and 5th Avenues, the active channel of Irwin Creek is from 30 to 40 feet in width, and is under tidal influence. It flows south, paralleling the east side of Hetherton Street to the confluence with San Rafael Creek, which is also partially under the I-101 overpass. Concrete wing walls extend approximately 15 feet upstream of the 4th Avenue overcrossing, which consists of two concrete box culverts. Shading from the freeway overpass and extensive asphalt paving that extends almost to the eastern top-of-bank to the drainage limits the growth of riparian trees and shrubs. Vegetation is limited to largely non-native ground covers, invasive sweet fennel and Bermuda buttercup, and a few shrubs along the east bank. **Figures 1** and **2**

[1] The Corps, RWQCB and CDFW have jurisdiction over regulated waters. Jurisdiction of the Corps is established through provisions of Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into "waters of the U.S." without a permit. The RWQCB jurisdiction is established through Section 401 of the Clean Water Act, which requires certification or waiver to control discharges in water quality whenever a Corps permit is required under Section 404 of the Clean Water Act, and State waters as regulated under the Porter-Cologne Act. Jurisdictional authority of the CDFW over wetland areas is established under Sections 1600-1607 of the State Fish and Wildlife Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed or bank of any lake, river or stream.

5-73 cont.

show the exiting conditions of the drainage at the 4th and 5th Avenue overcrossings.

A visit to the site on April 8, 2019 was attended by Nicole Fairley of the RWQCB, yourself, Bill Guerin the Director of the City's Public Works Department, Steve Kinsey, and myself. The purpose of the site visit was to briefly inspect existing conditions, review the regulatory authority of the RWQCB, and obtain input from the RWQCB on the feasibility of preliminary plans for the transit center use of the site.

During our site visit, Nicole confirmed that the drainage was a jurisdictional waters regulated by the RWQCB and that any fills or modifications to this reach of the creek would be subject to their review and authorization. She explained that the preferred policy of the RWQCB is to avoid modifications to jurisdictional waters. Where avoidance is not feasible, that they then prefer that direct and indirect impacts be minimized, and that compensatory mitigation be provided where impacts are unavoidable. That as part of the review process performed by the Corps and RWQCB, a finding must be made that the proposed modifications to jurisdictional waters are the Least Environmentally Damaging Practicable Alternative (LEDPA).

5-74

We reviewed the preliminary schematics for the Transit Center Relocation prepared by the Golden Gate Transportation District (see attached plans), which show the entire reach of Irwin Creek across the site to be culverted. Nicole indicated in reviewing the plans that a proposal to culvert the entire reach of Irwin Creek across the site would be unacceptable by the RWQCB. This is because the RWQCB could not make necessary findings that culverting the entire reach was the LEDPA available, and that there was no alternative for the Transit Center Project that didn't either completely avoid the creek or at most had a much more limited impact by culverting just a portion of this reach to provide access over it, such as a bridge structure. We discussed possible options for limiting potential impacts and providing compensatory mitigation for any unavoidable impacts. However, this would depend on final design, the extent of any fills or other modifications to regulated waters, and other factors that can't be fully understood or addressed at this time given the preliminary nature of the proposed project. We indicated to Nicole that at some point the City intends to present more refined plans at a Marin Project Coordination Meeting in the near future.

With appropriate refinement to the proposed Transit Center site under the I-101 overpass, use of this location does look possible from a regulatory agency permitting standpoint based on the preliminary information we received from RWQCB. Following refinement of project plans to minimize fills to the Irwin Creek channel and adhering to standard Best Management Practices would greatly reduce and control potential impacts to regulated habitat. Where permanent impacts could not be avoided due to fills and shading associated with a new bridge structure, compensatory mitigation could then be achieved by creating replacement habitat or other approaches acceptable to the regulatory agencies. Opportunities for achieving compensatory mitigation for any fills to the Irwin Creek channel may be available downstream, elsewhere in the watershed, and at other locations in East Marin County.

5-75

Similar projects involving bridge structures affecting jurisdictional waters that required regulatory agency review and approval, as well as compensatory mitigation, include the nearby San Rafael Creek Bridge Project that was part of the Second Street off-ramp for northbound I-101 and the new Bon Air Bridge over Corte Madera Creek in Larkspur. Information on each of these projects, their impacts on jurisdictional waters, and the mitigation required as part of the regulatory agency authorizations is summarized below. But both projects provide an indication that similar projects impacting jurisdictional waters can be mitigated through a careful process of design refinements to minimize potential impacts and by providing adequate compensatory mitigation that addresses concerns of the both the local community and regulatory agencies.

5-75 cont.

San Rafael Creek Bridge at I-101 Second Street Off-Ramp. This project will replace the San Rafael Creek bridge on the I-101 off-ramp to Second Street, located just downstream of the proposed Transit Center site. The existing reinforced concrete slab bridge will be removed and replaced by a two-span precast voided slab bridge supported by precast abutments and 24-inch cast-insteel-shell (CISS) piles. The new bridge and ramp will be slightly realigned and widened to meet Caltrans standards. Project implementation will permanently impact approximately 24 linear feet (0.001 acre) of San Rafael Creek due to installation of twelve 24-inch CISS piles in the creek to support the bridge. It will also temporarily impact approximately 225 linear feet (0.38 acre) of the creek due to removal of the existing bridge piers and deck, installation and removal of the temporary bridge, installation of piers for the new bridge, and implementation of sediment and debris containment and control measures during construction. To mitigate for temporary impacts to the channel, Caltrans will restore temporarily disturbed areas to their previous or to an enhanced condition. For permanent impacts to San Rafael Creek, Caltrans is required to 1) remove all of the existing bridge piers to an elevation at least three feet below the existing channel bottom elevation and 2) excavate approximately 0.03 acres of upland area adjacent to the southwestern corner of the existing bridge that will then become new channel area spanned by the new bridge. Removal of the existing piers in the channel and excavation of approximately 0.03 acres of upland area adjacent to the southwestern corner of the bridge will result in an increase of approximately 0.03 acres of open channel habitat, which was considered sufficient compensatory mitigation by the regulatory agencies.

Bon Air Bridge Replacement. This project involves the replacement of the Bon Air Bridge over Corte Madera Creek in Larkspur. The City of Larkspur completed the environmental review for the project in 2012, which involved permits and authorizations from the Corps, U.S. Fish and Wildlife, CDFW, Bay Conservation and Development Commission, and the RWQCB. To address the temporary and permanent impacts of the project, five mitigation projects are to be completed before the end of bridge construction. Several components of the mitigation are intended to improve habitat for special-status species affected by the project. Mitigation includes: 1) installing low impact development/stormwater enhancements on Magnolia Lane by widening the planting area along the adjacent roadside ditch, providing curb cuts to allow street runoff to pass into bioswales for pretreatment before entering storm drains, and installing an underground infiltration system; 2) relocating the dog park in Piper Park to a new area east of the Central Marin Police Station and restoring the original dog park area as tidal marsh habitat with an educational overlook; and 3) improving public access to Corte Madera Creek by rehabilitating walkways and docks at Bon Air Landing Park and the public dock at the Marin Rowing Club.

5-76

I trust this provides you with the summary of the preliminary regulatory issues related to use of the I-101 undercrossing site along Irwin Creek. Please let me know if you have any questions regarding the above summary. I can be reached by phone at 510-393-0770 or email at beach127@aol.com.

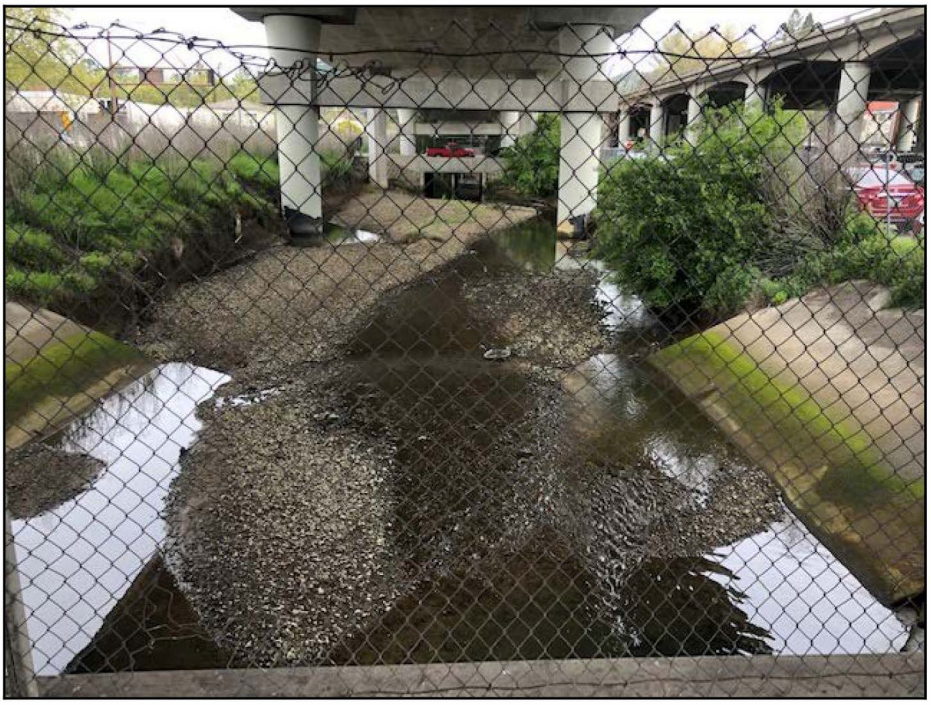

Figure 1. View upstream of Irwin Creek from 4th Avenue at proposed site.

Figure 2. View downstream of Irwin Creek from 5th Avenue at proposed site.

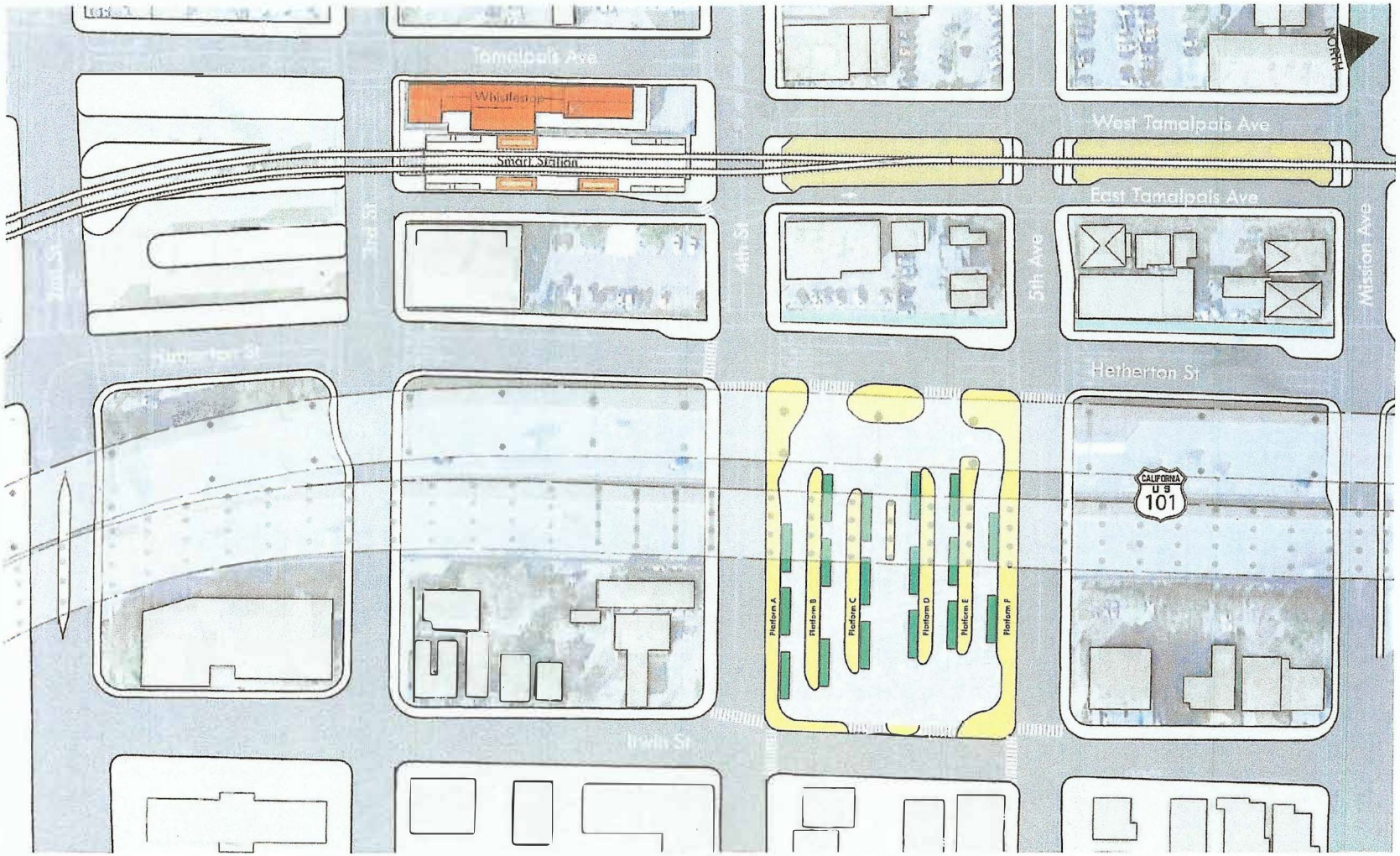

Figure 6
North of 4th Street Concept

Comment Letter 5 attachment, page 2

9.2.5.1 Response to Comment Letter 5, City of San Rafael

Comment 5-1

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.

Response to Comment 5-1

The comment expresses that the City of San Rafael (City) is a responsible agency in the environmental review process and that the City has concerns about some of the Draft EIR's disclosures and conclusions.

The District appreciates the City's detailed comments on the Draft EIR. In this chapter, the District has provided detailed responses to comments raised by the City. The District agrees that the project is a very important project for the community that relies on the critical services that the transit center provides and will enhance as a result of this project. Section 2.8 of the Final EIR has been further clarified to include the 2017 Memorandum of Understanding (MOU) with the City.

Per CEQA Section 15088.5, recirculation of an EIR is required if "significant new information is added to the EIR," such as identifying a new or worsened significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented or if the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Based on the review of comments received and follow-up meetings conducted between the District and City staff on December 8, 2021, January 10, 2022, and February 17, 2022, no new or substantial increases in the severity of significant environmental impacts or new mitigation were identified. Furthermore, in reviewing the Draft EIR in light of the City's written comments and the follow-up meetings, the District has not found fatal flaws in the Draft EIR analysis or omissions of critical information that render it fundamentally inadequate. Please see responses to comments 5-2 through 5-76 below for responses to the City's specific

comments. The District appreciated the City's comments and the collaboration that has occurred since the Draft EIR to address the comments, including both numerous meetings with City staff and a report to City Council. The District believes that all comments consistent with CEQA requirements were addressed; however, no significant information was added to the Draft EIR and there is no requirement for recirculation.

Comment 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.

Response to Comment 5-2

The comment acknowledges that the Draft EIR is well written and thorough and provides supportive studies and credible substantial evidence. It also expresses concern with certain analyses related to traffic, noise and vibration, and historic resources. The District has reviewed the comments raised and provided detailed responses. For issues related to traffic, please refer to the responses to comments 5-52 through 5-63. For issues related to pile driving and resulting vibration, please refer to the response to comment 5-46. For issues related to the demolition of 927 Tamalpais Avenue under the Move Whistlestop (proposed project) and Adapt Whistlestop Alternatives, please refer to the response to comment 5-34. Based on these responses, there are no new impacts not previously identified that would trigger the need to recirculate the Draft EIR.

Comment 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.

Response to Comment 5-3

The comment suggests that there should be additional information about the existing transit center site and the future use of this site.

Chapter 2, Project Description, of the Draft EIR included descriptions of these topics. Specifically, Section 2.5.4, Disposition of Existing Transit Center Site, provides a detailed discussion of the disposition of the existing transit center and what the assumptions are for the EIR.

Draft EIR Section 2.5.4 states that the "District does not have any planned use for the existing site/center once the proposed transit center is operational at a new location and there are no plans for the disposition of the site. Therefore, future development of the site is unknown at this time."

This section also states that "future development of the site would comply with CEQA, the Surplus Lands Act, and other applicable laws. For purposes of this Environmental Impact Report (EIR), it is assumed that the existing site would likely be sold and developed as some form of a mixed-use project, subject to more detailed design and approvals and subsequent CEQA review." Depending on the future use of the site, the City's specific role and responsibilities would need to be determined at that time.

Additionally, Chapter 4, Cumulative Impacts, of the Draft EIR analyzed the future development of the existing transit center as a related project. See Project #9 in Table 4-1, Projects Considered in the Cumulative Impacts Analysis.

Comment 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.

Response to Comment 5-4

The comment states that the Draft EIR may not adequately address some of the concerns raised in the City's 2018 scoping letter, written in response to the Notice of Preparation (NOP). Pursuant to State CEQA Guidelines Section 15085, all comments received on the NOP were considered by the District and summarized in the Scoping Summary Report, included as Appendix A to the Draft EIR and posted on the District's website following the close of the scoping period. The Scoping Summary Report provided the Purpose of the Scoping Report, Information on the Project, Project Schedule, Overview of the Environmental Process including purpose of the NOP and Scoping Process, and a report on the Scoping Meeting, and then organized the scoping comments by key issue areas/themes that were expressed in the scoping comments (such as Project Description and Design or Scope of Environmental Analysis), which included comments by resource type, project alternatives, funding/cost, and other comments.

The Scoping Summary Report was provided to appropriate subject-matter experts who prepared the environmental analysis for consideration in the development of the Draft EIR. Subject-matter experts reviewed comments for issues related to the scope of the analysis and resources to be evaluated, recommendations for methods and data to be used in the analysis, and suggested mitigation measures. Alternatives suggested during the scoping period were considered in the process of developing a reasonable range of alternatives to study in the Draft EIR. This explanation of how scoping comments were used in the Draft EIR has been added to Chapter 5, Alternatives to the Project, in the Final EIR. Therefore, the District followed State CEQA Guidelines requirements for considering comments on the NOP. Neither CEQA nor the State CEQA Guidelines require a lead agency to provide explanations on how the NOP comments were used in finalizing the scope of study topics for the Draft EIR.

Regarding the City's comment that the following topics included in the City's Scoping Letter were not addressed in the Draft EIR, please see detailed response below:

Sea Level Rise: The topic of sea level rise is addressed in several applicable sections in the Draft EIR. Section 3.7, Greenhouse Gas Emissions, notes sea level rise as a consequence of climate change (page 3.7-12 of the Final EIR). The susceptibility of each alternative project site to inundation due to sea level rise was assessed in Section 3.9, Hydrology and Water Quality (page 3.9-11 of the Final EIR). The Final EIR has been revised to include relevant *San Rafael General Plan 2040* policies that pertain to sea level rise. For additional details on sea level rise, please see the response to comment 5-42.

Preparation and Inclusion of Computer-Generated Visual Simulations: The Draft EIR included computer-generated visual simulations. A total of nine visual simulations from key views identified on Figure 3.3-1 were provided in Section 3.1, Aesthetics (Figures 3.1-2 through 3.1-11). These figures compare existing conditions and computer-generated simulations for the proposed project and build alternatives.

Non-CEQA Topic Areas Recommended for Study (Fiscal Impacts of the Proposed Project and Alternatives): A discussion of fiscal impacts is not required under CEQA and, therefore, is not included in the EIR (State CEQA Guidelines Section 15131(a)).

Comment 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 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.

Response to Comment 5-5

The comment correctly states that State CEQA Guidelines Section 15125 provides that the "setting" or baseline for the Draft EIR is normally established at the time the NOP is published (for the proposed project, it was October 2018).

CEQA requires that an EIR rely on *adopted plans* as the basis for its analysis, not draft plans. At the time of preparation of the Draft EIR, *San Rafael General Plan 2040* and the *Downtown San Rafael Precise Plan* were not adopted but the District anticipated they could be adopted before the San Rafael Transit Center Replacement Project was completed. Therefore, in addition to including policies from *The City of San Rafael 2020 General Plan*, the District included policies from the Draft *San Rafael General Plan 2040* and the *Downtown San Rafael Precise Plan* throughout the Draft EIR in the environmental setting of each resource section. The Draft EIR reviewed the draft plans available on the City's website and explained clearly in the Draft EIR that these documents were under preparation and had not yet been adopted. These City plans were adopted on August 2, 2021. The Draft EIR (distributed for public comment on August 11, 2021) was already in print when the City adopted *San Rafael General Plan 2040* on August 2, 2021.

By providing the public and decision-makers with an analysis of policies from both the current and future proposed general plans, the District ensured that both the proposed and adopted plans were analyzed in the Draft EIR.

The Final EIR has been revised to remove reference to *The City of San Rafael General Plan 2020* and to update references to the adopted *San Rafael General Plan 2040* to reflect it as the current general plan. Based on the analysis presented in the Final EIR, updating the policies to *San Rafael General Plan 2040* has not resulted in any new or worsened significant impacts that were not previously identified in the Draft EIR or a substantial increase in the severity of impacts that were studied in the Draft EIR.

Comment 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.

Response to Comment 5-6

Regarding item (a), a summary of the State CEQA Guidelines section that establishes the setting at the time of publication of the NOP is provided on page 3-2 of the Final EIR, which states that the

environmental setting in each resource area "provides an overview of the existing physical considerations of an environmental resource in the area at the time of, or prior to, the publication of the Notice of Preparation, which could be affected by implementation of the build alternatives." As requested in the comment, the text has been updated in the Final EIR to include a reference to the specific section of the State CEQA Guidelines that includes this requirement. Providing the clarifying language for the State CEQA Guidelines section does not change the baseline used for the Draft EIR.

Item (b) requests that the Final EIR include a description of the update to *The City of San Rafael General Plan 2020* and how that process aligns with EIR development. At the time of preparation of the Draft EIR, *San Rafael General Plan 2040* and the *Downtown San Rafael Precise Plan* were not adopted. The draft plans available at the time of the Draft EIR's preparation were reviewed and the Draft EIR explained that these documents were under preparation and had not yet been adopted. The Draft *San Rafael General Plan 2040* and *Downtown San Rafael Precise Plan* were referenced throughout the Draft EIR in the environmental setting of each resource section. The Draft EIR, which was distributed for public comment on August 11, 2021, was in print when the City adopted *San Rafael General Plan 2040* on August 2, 2021.

The comment suggests that the EIR should include a discussion of the adopted general plan and precise plan. Chapter 1, Introduction, has been updated in the Final EIR to include a description of the City's newly adopted *San Rafael General Plan 2040* and *Downtown San Rafael Precise Plan* and the use of these new plans in the EIR. The regulatory setting for each resource topic has been updated in the Final EIR to reflect the changes. Subsequent to this comment letter, the City provided the District with a summary of the primary changes between *The City of San Rafael General Plan 2020* and *San Rafael General Plan 2040* on January 24, 2022. This summary is included as Appendix B to the Final EIR. This document was used to update the Final EIR according to changes between the City's 2020 and 2040 general plans.

Regarding the suggestion to include links to *The City of San Rafael General Plan 2020*, *San Rafael Downtown Station Area Plan* (Downtown SAP), *San Rafael General Plan 2040*, and *Downtown San Rafael Precise Plan*, the Final EIR has been updated to state that these plans can be found on the City's website. Hyperlinks to these plans are not included in the EIR, as they may change and become inaccessible over time.

Comment 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.

Response to Comment 5-7

The comment suggests that references to the City's previous and current general plans should be consistent among sections. The Draft EIR text has been revised throughout to remove references to *The City of San Rafael General Plan 2020*. References to *San Rafael General Plan 2040* have been retained throughout the Final EIR and updated to reflect the City's adoption of this plan in August 2021.

Comment 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 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.

Response to Comment 5-8

The comment suggests that the EIR should reference the 2017 MOU between the City and the District. The commenter acknowledges that the Draft EIR provided a good summary of the City's adopted plans. It also expresses concerns about engagement between the City and the District during the EIR process.

The District has entered into MOUs with the City of San Rafael, Sonoma-Marin Area Rail Transit (SMART), and Bay Area Toll Authority with regard to the development of the replacement transit center. The MOUs do not change the requirements of CEQA.

The MOU (City of San Rafael and District 2017) between the District and the City has the following provisions:

> *"The District and the City shall cooperate to develop and consider, to the extent feasible, an additional alternative for the replacement Transit Center, besides those identified in the March 2017 Report."*
>
> The District has worked extensively with the City to develop new alternatives, including the Under the Freeway Alternative, and to incorporate design changes to the alternatives under consideration in 2017.
>
> "*In planning and developing specific Project features, the District and the City shall meet and confer with the City's Community Development Department staff concerning consistency of the proposed Project with the City's General Plan, Station Area Plan, and Zoning Ordinance."*
>
> The District has held multiple meetings with City staff, including many at which Community Development Department staff and their consultants were present, to receive input on the project objectives, alternatives, and station features as well as to discuss the City's comments on the Draft EIR. At the Draft EIR stage, the District had not selected a proposed project or certified the EIR; rather, it analyzed a preferred alternative and three other build alternatives at an equal level of detail. Through the Draft EIR public review and comment process, the District sought input from the public and public agencies on the analysis presented in the Draft EIR. Once the District has reviewed, considered, and responded to all comments on the Draft EIR; prepared and certified a Final EIR; and approved the project, the District will commence the project design phase and continue to meet with the City's Community Development Department, as well as update City Council, during that process regarding consistency of the project design with approved City plans. At this point, the District will also determine what permits may be required.

"The parties agree that the selected alternative must be approved by the City Council."

Once the District approves a project and certifies the EIR, the City, as a Responsible Agency, will have the opportunity to consider and adopt the EIR findings.

The following meetings were conducted with City staff, including members of the Community Development Department and the City's consultants, between the project's initiation in 2017 and release of the Draft EIR:

- Joint Project Team: January 16, 2018
- City Staff Interview: January 29, 2018
- Concept Development Workshop: May 4, 2018
- Concept Development Workshop: May 24, 2018
- Joint Project Team: July 27, 2018
- Alternatives Screening Meeting: May 30, 2019
- Alternatives Screening Meeting: June 7, 2019
- Joint Project Team: July 16, 2019
- Joint Project Team: February 23, 2021

In addition to meetings with City staff, the District has held five public meetings during the project development process, including a public scoping meeting for the Draft EIR, as described in Chapter 1 of the EIR.

The District also engaged with City staff following the close of the public comment period for the Draft EIR to discuss items raised in the City's comment letter. At least seven meetings between December 2021 and October 2022 were held to discuss City comments, the analysis conducted in the Draft EIR, and comment resolutions. The District appreciates the City's collaboration through this process.

In addition to the meetings outlined above, public outreach has included bilingual outreach activities at the existing transit center and Food Pantry. Additional outreach to businesses through the San Rafael Chamber of Commerce and San Rafael Business Improvements District has been done and over 100 email notifications were sent out to the community, neighborhood, and business organizations. Community members have completed over 1,000 online surveys in both English and Spanish. The project team has presented on the proposed project to the following organizations: the Canal Alliance, San Rafael High School English Learner Advisory Committee, San Rafael Heritage, San Rafael Chamber of Commerce, League of Women Voters, and District Bus Passengers Advisory Committee.

In Section 2.8 of the Draft EIR, the District acknowledges that the project would require site and design review from City's Planning & Transportation Commission, Architectural Review Board, and City Council. Additionally, a grading permit and building permit from the City may be required. Section 2.8 has been further clarified in the Final EIR to mention that the District will comply with the 2017 MOU with the City. While the MOU is an agreement between the City and the District, it is not an adopted plan or policy that requires consistency or compliance analysis to satisfy the requirements of CEQA; however, at the request of the City, text regarding the MOU has been added

to the Final EIR in Section 2.8, Approvals and Permits Required for the Preferred Alternative and Build Alternatives.

Comment 5-9

A. Executive Summary

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

Response to Comment 5-9

Please refer to the response provided for comment 5-19.

Comment 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.

Response to Comment 5-10

Please refer to the responses provided to subsequent comments on specific chapters and sections of the Draft EIR (comments 5-12 through 5-72).

Comment 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.

Response to Comment 5-11

The comment suggests that the EIR number each impact. Please see revisions throughout the Final EIR and in Tables ES-1 through ES-4, which have been revised to number the environmental impacts.

Comment 5-12

B. Chapter 1 – Introduction

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.

Response to Comment 5-12

Please refer to the responses provided for comments 5-5 and 5-8 related to *San Rafael General Plan 2040*, the *Downtown San Rafael Precise Plan*, and the MOU.

Comment 5-13

C. Chapter 2 – Project Description

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.

Response to Comment 5-13

The comment provides feedback on the project objectives. The City's design goals, included in the City's 2018 San Rafael Transit Center Guidance Report, were reviewed and considered by the District. Following a process involving considerable deliberation and community and stakeholder input, including a one-on-one meeting with the City, the District, as the CEQA lead agency and owner and operator of the transit center, developed the following objectives that are presented in the Draft EIR:

- Provide improved transit connectivity and ease of use in and around Downtown San Rafael.
- Enhance local and regional transit use by bringing together multiple modes of the transportation network—including the SMART-bus connection—into a hub that affords transit users the safest, most efficient means of using bus and rail services.
- Efficiently accommodate transit users and services, optimize operating costs, and improve transit desirability.
- Design a functional, attractive, and cost-effective facility that can meet long-term projected service levels and be implemented in an expeditious manner, so as to minimize the period of use of the interim facility.
- Provide a transit facility that is readily accessible to individuals with disabilities, transit users, and transit-dependent populations, including those with low incomes.
- Provide a secure, safe, and inviting space for transit patrons.
- Create a more accessible transit facility for all users by reducing vehicular, rail, bicycle, and pedestrian conflicts and improving safety.
- Provide convenient, pedestrian connections to surrounding land uses.

As required by CEQA Section 15124, EIR Section 2.3, Project Objectives, lists the objectives developed by the lead agency (the District) to assist it in developing "a reasonable range of alternatives to evaluate in the EIR" and aid it in preparing findings and related materials. These objectives are specific to the CEQA process and do not preclude the City from maintaining additional design goals for the project.

Additionally, some of the design goals suggested by the City are addressed in the project objectives, which were developed by the District to allow for the development of a comprehensive set of alternatives to study in the Draft EIR.

The San Rafael Transit Center Guidance Report was referenced in the development and screening of alternatives. The report was specifically referenced in public engagement materials prepared and distributed in the fall of 2020. City staff and other stakeholder agencies were involved throughout the development and screening of alternatives. To reflect that coordination and consideration, a reference to the City's San Rafael Transit Center Guidance Report has been added to Chapter 2 of the Final EIR and the City's guidance report has been added as Appendix C to the Final EIR for informational purposes.

Comment 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 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.

Response to Comment 5-14

Regarding items (a) and (b), which pertain to land use and zoning of the project site, the land use designations listed in Table 2-1 of the Draft EIR are consistent with *The City of San Rafael General Plan 2020*. Table 2-1 lists land use and zoning designations as provided in City's general plan but is not intended to provide additional detail about the specific land uses on each parcel. Detailed information regarding existing land use is provided in Section 3.10, Land Use and Planning.

As requested, Table 2-1 has been updated in the Final EIR to be consistent with the land use and zoning designations in *San Rafael General Plan 2040* and provide an explanation that *San Rafael General Plan 2040* was adopted after the Draft EIR was printed. Additionally, a note has been added to the designations for the Under the Freeway Alternative to clarify that this alternative includes Caltrans park-and-ride properties and that the City does not provide zoning for state property.

Section 3.10, Land Use and Planning, has also been revised to acknowledge the project site's new land use designations, consistent with the recently adopted *San Rafael General Plan 2040*.

Comment 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).

Response to Comment 5-15

Regarding the comment about downsizing and restoring the Whistlestop building, the alternatives would affect the Whistlestop building differently. The Move Whistlestop Alternative (proposed project) would require the Whistlestop building to be relocated and modified or removed and replaced with a new building. For the Adapt Whistlestop Alternative, the Whistlestop building would be renovated or remodeled to serve as District customer service and operations building space. In both alternatives, the existing building footprint does not align with the customer service needs of the District and the building would be downsized and otherwise modified. The 4th Street Gateway and Under the Freeway Alternatives would not modify the Whistlestop building.

The comment also suggests that additional information about the proposed demolition of existing buildings should be added to the descriptions of alternatives in Chapter 2, Project Description, as appropriate. Additionally, Table 2-1 in Chapter 2 has been revised in the Final EIR to indicate the buildings that would be removed or relocated.

Potential impacts related to the demolition of existing buildings are discussed throughout the impact analyses in the EIR in the appropriate resource sections, including Section 3.1, Aesthetics; Section 3.2, Air Quality; Section 3.4, Cultural Resources; Section 3.10, Land Use and Planning; and Section 3.11, Noise. Therefore, these text clarifications in Chapter 2 do not require additional environmental analyses or result in new or worsened impacts that were not previously addressed in the Draft EIR.

Comment 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.

Response to Comment 5-16

The City has provided five Under the Freeway Alternative layouts to the District since mid-2018, four of which were provided after the NOP scoping period in fall 2018. Between the scoping period in 2018 and the start of detailed environmental analysis in early 2020, the City and the District attended several Joint Project Team, executive leadership, and elected official meetings to identify the range of reasonable alternatives to evaluate in detail in the EIR. At the end of 2019, project stakeholders reached a consensus on the four alternatives to evaluate in detail in the EIR. This included agreement on the Under the Freeway Alternative that was modified from City-generated concepts in order to adhere to project design requirements.

While preparation of the Draft EIR was already underway in mid-2020, the District reviewed the City's July 2020 concept and found it had similar elements to previous City concepts that make the design infeasible. These elements were indicated to the City in communications about previous City-proposed alternatives and include inadequate or segmented customer service space, poor internal circulation for buses, First-In/First-Out bay limitations, a lack of maintenance vehicle parking, inability to accommodate any articulated buses, bus loading within the primary east-west pedestrian corridor, and unsafe bus turning maneuvers.

As the City suggests, bridges using precast prestressed reinforced concrete box beams can be utilized as an alternative. While both box beams and box culverts could be used, they each have limitations. The District anticipates that the precast prestressed reinforced concrete box beams would require deep foundations that would need to be installed by either drilling or driving piles. The method for installing the piles may have vertical clearance restrictions and constructability limitations due to the location of the US-101 viaduct above Irwin Creek and the proposed bridge locations. These constructability challenges may lead to substantially higher costs than for the box culvert option.

The foundations in question would be expected to be either driven pile or drilled pile; Continuous Flight Auger piles may also be possible. Standard auger-drilled piles would have to contend with the groundwater and the potential for a temporary casing to be necessary to keep the hole open. The pile length is expected to be around 40 to 60 feet deep and exceed the vertical clearance under the viaduct; therefore, if a limited-height pile-driving/drilling rig were able to fit under the viaduct, the piles would have to be spliced, which complicates the use of this construction method and increases the cost and risk. With the box beam approach, it is anticipated that it would require closure of one of the lanes on Hetherton Street during construction. In addition, in order to remove the existing box culvert at 4th Street, the contractor would still be required to encroach into the creek for that removal.

In summary, both box beam and box culvert alternatives may be feasible and both may cause environmental impacts similar to those presented in the Draft EIR. However, the precast prestressed reinforced concrete box beams design is anticipated to have a much higher cost and constructability constraints. Therefore, the box culvert crossing was considered the preferred design solution. If the Under the Freeway Alternative advances, the District will perform a feasibility study to better assess the different construction methods.

Comment 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.

Response to Comment 5-17

The comment is noted. Section 2.6.1, Components Common to All Build Alternatives, in the project description of the Draft EIR states, "For all build alternatives, disposition of the existing transit center site and construction schedule would be the same as described in Section 2.5.4 and Section 2.5.5, respectively" (page 2-11 of the Final EIR). No revisions to the Draft EIR are necessary.

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

Response to Comment 5-18

Text describing the MOU has been added to Section 2.8, Approvals and Permits Required for the Preferred Alternative and Build Alternatives, of the Final EIR.

The MOU does not require any specific approvals or permits and was therefore not listed in Section 2.8 of the Draft EIR. The MOU states that the "selected alternative must be approved by the City Council" (City of San Rafael and District 2017:2), not that the City has ultimate authority to decide on the preferred site alternative. At the City's request, text has been added to Section 2.8 in the Final EIR to explain what the MOU includes. CEQA requires a lead agency to identify a preferred alternative in an EIR; doing so is important to providing a stable project description and allowing the public and decision-makers to make meaningful comments. The District identified the Move Whistlestop Alternative as the preferred alternative. The District anticipates formally confirming the selection of a preferred project alternative at the end of the Final EIR phase. The preferred alternative, at the time that it is selected by the District Board upon completion of the Final EIR, will be brought to the San Rafael City Council for approval.

Regarding the comment's reference to project consideration by the Planning Commission and the Design Review Board, the first paragraph of Section 2.8 of the Draft EIR states, "The project proponent may also obtain a grading permit and building permit from the City of San Rafael and site and design review and approval from the City's Planning & Transportation Commission, Architectural Review Board, and City Council."

Comment 5-19

D. Aesthetics

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.

Response to Comment 5-19

Section 3.1, Aesthetics, of the Draft EIR provided the following text in Section 3.1.1.1, Regulatory Setting, to acknowledge the differences between the 2020 and 2040 general plans. *The City of San Rafael General Plan 2020* was the adopted general plan at the time the Draft EIR was prepared:

> *The City of San Rafael General Plan 2020* contains the following policies pertaining to aesthetic resources that are relevant to the proposed project. There are no roadways within or near the project area that are designated in the general plan as a scenic highway or a route worthy of protection for maintaining and enhancing scenic viewsheds (City of San Rafael 2016). The City of San Rafael (City) is currently working on the Draft *San Rafael General Plan 2040*, which contains some of the same policies identified in the current general plan. However, a number of policies have been updated or removed to reflect the current conditions within or goals of the City (City of San Rafael 2020a).

This section has been revised in the Final EIR to reflect the policies that are included in *San Rafael General Plan 2040*. Additionally, Section 3.1 has been revised to include policies from the *Downtown San Rafael Precise Plan* and design recommendations from the San Rafael Transit Center Relocation Guidance Report that pertain to aesthetic resources have also been added. These updates to policies would not result in any more severe visual impacts or new significant visual impacts that were not previously identified in the Draft EIR.

Comment 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.

Response to Comment 5-20

Figures 3.1-2 through 3.1-11 reflect computer-generated visual simulations of proposed conditions for the alternatives. There was no need to create computer-generated visual simulations of existing conditions because actual photographs are more accurate in reflecting existing conditions.

The photo of the existing condition for Figure 3.1-2 has been updated in the Final EIR.

On Figure 3.1-5 in the Final EIR (Figure 3.1-3 in the Draft EIR), the block-like building mass reflects the approved housing project at 703 3rd Street. The photo of the existing condition for Figure 3.1-6 has been updated in the Final EIR.

It is presumed that comment (d) is referencing Figure 3.1-10 in the Final EIR (Figure 3.1-8 in the Draft EIR). The rendering location is taken from on top of the box culvert in approximately the middle of the creek. As it was not possible to take a photo from the middle of the creek to capture the existing condition, the closest location was utilized, which is along the east curb of Hetherton Street.

Comment 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 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.

Response to Comment 5-21

The comment pertains to the aesthetic value of 1011 Irwin Street and the use of cultural resources mitigation measures for an impact identified in Section 3.1, Aesthetics, for the Under the Freeway Alternative. Section 3.1 has been revised in the Final EIR to clarify that the structure at 1011 Irwin Street does not stand out visually in the landscape as a building with overly unique features and that the public would not likely perceive this as a historically protected structure. Additionally, more information was added to the impact discussion to describe how the Under the Freeway Alternative would replace the currently disjointed land uses with a station and public space that provide a more unified visual setting that includes landscaping and provides greater aesthetic appeal over a larger area. As a result, removal of this building would not result in substantial visual impacts if the structure were not protected. However, the Final EIR identifies that removal of this building would conflict with zoning and other regulations governing scenic quality that are in place to protect

historic resources, resulting in a significant aesthetic impact. Therefore, from an aesthetics perspective, the Final EIR explains that, combined with the alternative improvements to visual quality and implementation of Mitigation Measure MM-CULT-CNST-1, which cross-references Mitigation Measure MM-CULT-CNST-3, the alternative would result in less-than-significant impacts from an aesthetics perspective. Text has also been added to clarify that this measure will ensure that the features of the building are retained in an onsite interpretive display commemorating the historical significance of the building should the building be demolished.

Comment 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.

Response to Comment 5-22

The comment suggests revisions to Mitigation Measure MM-AES-OP-3. The mitigation measure already contains language to provide shielding (refer to the second sentence of the mitigation measure). However, Section 3.1, Aesthetics, has been revised in the Final EIR to reflect the remaining suggested additions. These additional performance metrics would not change the severity of previously identified visual impacts or result in new significant visual impacts.

Comment 5-23

E. Biological Resources

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.

Response to Comment 5-23

References to the Marin Countywide Plan have been deleted from Section 3.3, Biological Resources.

Comment 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.

Response to Comment 5-24

This information was inadvertently left out of the Draft EIR. Section 3.3, Biological Resources, has been revised in the Final EIR to include the special-status plant and animal tables as Tables 3.3-1 and 3.3-2. The tables provide additional information regarding species addressed in the Draft EIR including listing status, geographic distribution, habitat requirements, blooming period (for plants), and likelihood to occur in the project area, but do not change any conclusions related to these

species presented in the Draft EIR. The information presented in Tables 3.3-1 and 3.3-2 of the Final EIR was considered in the development of the Draft EIR.

Comment 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.

Response to Comment 5-25

This information was inadvertently left out of the document. Section 3.3, Biological Resources, has been revised in the Final EIR to include the special-status plant and animal tables as Tables 3.3-1 and 3.3-2. These tables contain information that explains why special-status plants and fish such as steelhead would not be present in the project area or affected by the project.

Section 3.3 addresses roosting bats and includes mitigation measures to address potential impacts on roosting bats. Section 3.3.1.2, Environmental Setting, provides information on the conservation status and ecology of pallid bats, discusses the need for protection of non-special-status bat roosting colonies, and summarizes the results of the field survey. The following information is provided under the heading *Pallid Bat and Roosting Colonies of Non-Special-Status Bats*:

> During the field survey, the ICF wildlife biologist examined the US-101 bridge structures and buildings within the project area for potential bat roosting habitat and evidence of bat use (i.e., guano piles, urine staining). The southbound US-101 bridge structure does not have crevices or other spaces on the underside of the bridge that could be used by bats. Open seams on the outside of this structure are too exposed and would not provide suitable roosting habitat. The northbound bridge structure contains open seams and wood boxes on the underside of the structure that provide potential bat roosting habitat. No signs of bat use were observed under or around the potential roosting habitat. Only one building in the project area, a dry-cleaning business with a barrel tile roof, contained potential bat roosting habitat (bats could roost under the curved tiles). The biologist walked around a portion of this building and did not see evidence of bat use, but a thorough survey was not conducted. Pallid bat and colonies of non-special-status bats could roost in the northbound US-101 bridge structure or dry-cleaning business in the project area.

Impact BIO-1 in Section 3.3.2.3 notes that if the Under the Freeway Alternative is selected and constructed, Mitigation Measures MM-BIO-CNST-1 and MM-BIO-CNST-2 would be implemented to reduce potential impacts on pallid bat and roosting colonies of non-special-status bats. Mitigation Measure MM-BIO-CNST-1, Conduct Environmental Awareness Training for Construction Employees, clearly lists pallid bat and roosting colonies of bats as species that would be discussed during environmental awareness training. Mitigation Measure MM-BIO-CNST-2, Conduct Preconstruction Surveys for Bats and Implement Protective Measures, requires protective measures to be implemented prior to the removal of potential bat roosting habitat. These measures are sufficient to address potential impacts on roosting bats and no additional mitigation measures are required. No revisions to the Draft EIR are required. See the response to comment 5-26 for a description of why Irwin Creek does not provide suitable habitat for fish.

Comment 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.

Response to Comment 5-26

The following text was added to the description of perennial streams under *Land Cover Types* in Section 3.3.1.2 in the Final EIR to explain why Irwin Creek does not provide suitable habitat for fish:

> Due to poor water quality from landscaping and street runoff, lack of a natural channel due to channelization under US-101, and lack of riparian vegetation (cut tree stumps on the bank), Irwin Creek does not provide habitat for any special-status fish species. Steelhead may access the creek occasionally as strays from San Pablo Bay, but because there is poor migratory, spawning, and rearing habitat, it is likely they would return to the bay.

The rationale for why Irwin Creek does not provide suitable habitat for special-status fish is also included in Table 3.3-2, which has been added to Section 3.3 in the Final EIR. Because special-status species are not anticipated to occur in the creek, no impacts on special-status fish from in-channel construction are anticipated.

Comment 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 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.

Response to Comment 5-27

The design concept to use box culverts in the Under the Freeway Alternative is based on constructability constraints at the project site. The provision of bridges in lieu of culverts would significantly increase the cost of construction and would likely face similar constraints related to vertical clearance. Precast box culverts, as included in the Under the Freeway Alternative analyzed in the Draft EIR, would be able to be installed quickly, reducing the time that dewatering would be required during project construction. See the response to Comment 5-16.

Comment 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 specific whether consultation was initiated.

Response to Comment 5-28

All regulatory agencies with an interest in the project and/or project area were provided the NOP and Draft EIR for comment. There are no tidal wetlands in the project area and, therefore, no formal consultation with the regulatory agencies was necessary.

Section 3.3.1.2, Environmental Setting, describes stream and wetland resources, including Irwin Creek (see *Land Cover Types* heading). Section 3.3.1.1, Regulatory Setting, identifies permitting requirements related to streams and wetlands under the *Clean Water Act*, *Porter-Cologne Water Quality Control Act*, and *California Fish and Game Code* headings.

In its comment letter on the Draft EIR, the California Department of Fish and Wildlife stated the following:

> "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."

In response to the comment letter, Section 2.8, Approvals and Permits Required for the Preferred Alternative and Build Alternatives, has been revised in the Final EIR to include a Lake and Streambed Alteration Agreement as a permit likely to be required for the Under the Freeway Alternative.

Comment 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 and 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.

Response to Comment 5-29

Ratios included in Mitigation Measure MM-BIO-CNST-5 are identified as the minimum ratio that could be implemented to reduce the impact to a less-than-significant level. The measure notes that the amount and location of actual compensation required by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife will be determined through coordination with these agencies during the permitting process. The final mitigation ratio required by agencies to ensure the impact is less than significant could potentially be greater than 2:1; however, the 2:1 ratio is within the standard generally implemented for stream mitigation and particularly for urbanized streams such as Irwin Creek. Mitigation may include onsite or offsite compensation for the impacts on Irwin Creek, with the specific requirements to be determined through coordination during the project's permitting phase.

The Under the Freeway Alternative analyzed in the Draft EIR does not include a bridge (span) design for the reasons described in the response to comment 5-16. The Draft EIR presents the worst-case scenario given that the bridge design has not been finalized.

Comment 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.

Response to Comment 5-30

Trees observed in the study area during the project site visit are listed in Appendix F of the Final EIR (Appendix D of the Draft EIR). The City of San Rafael Tree Ordinance is listed in Section 3.3.1.1, Regulatory Setting. The City's tree ordinance does not require a formal arborist survey for projects but does require a permit from the City's department of public works prior to disturbance or removal of trees along public streets, sidewalks, and walkways or total removal of stumps and roots of trees removed for the project. The ordinance also requires protection from damage to trees retained in the project area.

This is described in the impact titled Impact BIO-5 in the Final EIR, "Conflict with Any Local Policies or Ordinances Protecting Biological Resources, Such as a Tree Preservation Policy or Ordinance," and Mitigation Measure MM-BIO-CNST-3 requires fencing around trees to be retained in the project area. Text was added to this impact discussion in the Final EIR to clarify that the project will obtain a City tree permit for tree removal prior to construction of the selected project alternative. Additionally, discussion in Section 2.8 has been expanded in the Final EIR to include the requirements to obtain a City tree permit. This clarification does not change conclusions regarding trees presented in the Draft EIR.

San Rafael General Plan 2040 includes programs to revise Chapter 11.12 of the Municipal Code, which includes the tree ordinance, to define protected and heritage trees and establish permit requirements and procedures. However, as of October 2022, these revisions to the Municipal Code have not yet been implemented and, therefore, are not analyzed in the Draft or Final EIR.

Comment 5-31

F. Cultural Resources

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.

Response to Comment 5-31

The comment pertains to the AB 52 process for the proposed project. Pursuant to AB 52 requirements, consultation was conducted and completed in 2018, when the tribe did not respond

to the District's initial invitation to participate in consultation. The results of this consultation were summarized in the Draft EIR in Section 3.4, Cultural Resources.

Additional communication and outreach with the Federated Indians of Graton Rancheria was undertaken following the publication of the Draft EIR. The District contacted the tribe with follow-up letters providing updated project information and held a meeting with representatives from the tribe on August 26, 2022.

Comment 5-32

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

Response to Comment 5-32

Section 3.4, Cultural Resources, has been revised in the Final EIR to remove references to Marin County Ordinance 1589. This deletion does not change conclusions presented in the Draft EIR.

Comment 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.

Response to Comment 5-33

The comment suggests that reference to the implementing resolution for the City's Archaeological Resource Protection Ordinance should be added to the mitigation measures for potential impacts on archaeological resources included in Section 3.4, Cultural Resources. Mitigation Measures MM-CULT-CNST-4 thorough MM-CULT-CNST-7 have been revised to include reference to the *San Rafael General Plan 2040* policy that contains this implementing guidance, as appropriate. This deletion does not change the conclusions presented in the Draft EIR.

Comment 5-34

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.

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).

Response to Comment 5-34

To prepare the analysis of impacts on built-environment historical resources, ICF cultural resource staff members consulted with staff of the City's Planning Division between August 2018 and January 2021 to receive historical resource survey data, including findings of the *Downtown San Rafael Precise Plan Historic Resources Survey*. As described in Section 3.4, Cultural Resources, based on this consultation, the historical resources analysis in the Draft EIR relied upon information in the December 2020 draft of the summary report for the *Downtown San Rafael Precise Plan Historic Resources Survey*. However, a revised summary report was published in May 2021 that updated property ratings and expanded the boundary of the East Downtown Core Historic District.

The environmental impacts discussion in Section 3.4 has been revised in the Final EIR to present updated survey ratings and analyze the proposed East Downtown Core Historic District, based on the updated district boundary that overlaps the footprint of the Move Whistlestop and Adapt Whistlestop Alternatives.

The four buildings that would be demolished, be relocated, or undergo a change in the immediate setting under the Move Whistlestop and Adapt Whistlestop Alternatives are within the boundaries of the proposed East Downtown Core Historic District. The four buildings compose the district's easternmost end. 709–711 4th Street and 927 Tamalpais Avenue are identified as contributors to this district, whereas 703–705 4th Street is a non-contributor. The contributing status of the Whistlestop building at 930 Tamalpais Avenue has not been determined in existing documentation but the building will be treated as a contributor for the purposes of this analysis.

The threshold for determining if there is a significant impact on historical resources is "material impairment," which would occur if a project demolishes or alters in an adverse manner the physical characteristics that convey historical significance and justify a resource's identification as significant

in a historical resources survey. For historic districts, material impairment would be assessed relative to the significant concentration, linkage, or continuity of the contributing features that compose the district. Even if project activities were to demolish or substantially alter a single contributing resource, which would represent a significant impact on that individual resource if viewed in isolation, it is possible that those same activities would *not* represent material impairment of the significance of a larger district to which the building contributes. This would be the case if the activities do not substantially alter or erode the larger sense of concentration, linkage, or continuity that defines the district. The appropriate test is whether historically significant qualities and relationships across the entire district are altered. A district's sense of concentration, linkage, or continuity could be materially impaired, for instance, by demolitions within a largely intact and uninterrupted collection of contributing buildings, or by incompatibly scaled infill construction that interrupts the district's defining visual and spatial patterns or sense of historical development.

The site where activities associated with the Move Whistlestop and Adapt Whistlestop Alternatives would take place represents less than one city block at the easternmost end of the district's four-block-long primary axis along 4th Street. This site is furthermore somewhat separate from the core of the East Downtown Core Historic District. Eleven of the 17 buildings identified as contributing to the district are concentrated along 4th Street on the two city blocks between Lootens Place and Lincoln Avenue, whereas the city block east of Lincoln Avenue (which overlaps with the Move Whistlestop Alternative) contains only two contributing buildings: the aforementioned 709–711 4th Street and 927 Tamalpais Avenue. Although the Whistlestop building at 930 Tamalpais Avenue was not identified as a district contributor because it requires further evaluation, the building is also considered a district contributor for this analysis. These buildings are separated from the nearest district contributor by one half block, such that there exists a break in the locations of district contributors due to non-historic infill construction surrounding the Lincoln Avenue intersection. Furthermore, the East Downtown Core Historic District is not characterized by a continuous street wall of historic-aged contributing buildings but rather has a variegated character with numerous non-contributing or still-to-be-evaluated buildings interspersed among the identified contributors.

In consideration of the qualities of the proposed East Downtown Core Historic District, the Move Whistlestop and Adapt Whistlestop Alternatives would not materially impair the significance of the district. The qualities of concentration, linkage, and continuity within the district do not depend upon the presence of the one contributing building that would be demolished (927 Tamalpais Avenue), the Whistlestop building retaining its current location, or the presence of the non-contributing building at 703–705 4th Street, which would be demolished. The potential removal of the Whistlestop building and construction of a single-story customer service building would furthermore not reach the threshold of material impairment to the district. The following analysis provides greater detail regarding these qualities relative to the district's two identified areas of significance and character-defining features:

- Criteria A/1 (significance for events): The 2021 inventory report for the *Downtown San Rafael Precise Plan Historic Resources Survey* notes that the proposed East Downtown Core Historic District's significance relates to the growth of San Rafael's Downtown commercial district, beginning near San Rafael Archangel and the 19th-century courthouse, which lie near the intersection of 4th Street and A Street (west of the district boundary). The historic district reflects the expansion of the City's commercial activities through 1930, and contributors express a range of construction dates from the late 19th and early 20th centuries. Within this context, 927 Tamalpais Avenue (built in 1927) and 930 Tamalpais Avenue (built in 1929) were later additions to the Downtown commercial district and date to near the end of the era's significant

growth, at which point the commercial corridor along 4th Street had been established. The Move Whistlestop Alternative proposes to relocate the Whistlestop building across Tamalpais Avenue or remove it and construct a new building utilizing similar façades or architectural elements from structures currently on the Whistlestop site. The Adapt Whistlestop Alternative proposes to retain the building in its current location. If relocated or retained in its current location, the building would continue to convey this late era of development at the eastern end of the historic district, albeit in a new location across the street from its original location. Even if the Whistlestop building were demolished, at least 14 contributing buildings would remain unaltered within the district and would retain the significant physical features that convey Downtown San Rafael's gradual growth and historic commercial character, including their footprints, limited landscaping, façade treatments, ground-floor retail spaces, awnings and canopies, storefront designs, and other façade treatments.

Furthermore, because 703–705 4th Street, 927 Tamalpais Avenue, and 930 Tamalpais Avenue are along the edge of the district, their current arrangement does not link the core of the district along 4th Street to any related or successively constructed buildings farther to the east. Alterations to the eastern end of the proposed historic district proposed by the Move Whistlestop and Adapt Whistlestop Alternatives would not undermine a link in historic development patterns, nor would it substantially diminish the district's ability to convey the commercial development of Downtown San Rafael along the 4th Street corridor.

- Criteria C/3 (significance for design/construction): The 2021 inventory report also states that the proposed East Downtown Core Historic District generally contains architect-designed, one- and two-story commercial buildings expressing Victorian-era or early-20th-century architectural styles and filling the entirety of their lots. The architectural character of the proposed historic district, then, is variegated but linked through a series of aesthetic styles and commercial building types. As stated previously, the contributing buildings are not continuous along 4th Street but rather are interspersed with altered or newer infill buildings. The contributing building to be demolished under the Move Whistlestop and Adapt Whistlestop Alternatives, 927 Tamalpais Avenue, is a relatively small, single-story commercial building that does not have any side of its lot fronting directly onto 4th Street, which differentiates it from all other buildings within the district. As such, 927 Tamalpais Avenue currently does not add directly to the visual patterns along the district's primary 4th Street corridor, and demolition of the building would not affect those qualities. Furthermore, the relocated or retained Whistlestop building at 930 Tamalpais Avenue, which was altered after 1930 but retains some Mission Revival-style decorative features, would be anticipated to continue expressing elements of its architectural style and era of construction. The other building to be demolished, 703–705 4th Street, does not contribute to the district because of the past alterations it has sustained, and its demolition would not further erode the proposed historic district's architectural character. Even if the Whistlestop building were removed, numerous buildings within the historic district would remain and continue to convey the district's significant physical qualities through their extant form/massing, entryways, varied façade materials, window arrangements, rooflines, and other stylistic elements.

In conclusion, the demolition of 927 Tamalpais Avenue and 703–705 4th Street, in addition to the relocation, reuse, or potential demolition of 930 Tamalpais Avenue, would alter physical elements that support the historic character of the East Downtown Core Historic District along its eastern edge. However, these activities would not disrupt the significant qualities of continuity and linkage to the extent that the historic district would have a substantially diminished ability to convey its

significant physical development and architectural character. Therefore, the alternatives would not materially impair the significance of the East Downtown Core Historic District.

Based on this conclusion, the Move Whistlestop and Adapt Whistlestop Alternatives would continue to have a less-than-significant impact on built-environment resources. Therefore, there is no change to the impact conclusions identified in the Draft EIR for these alternatives.

Comment 5-35

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 though 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.

Response to Comment 5-35

The comment expresses concern that the Draft EIR did not sufficiently disclose potential impacts with respect to geology, soils, and seismicity and did not include mitigation requiring completion of a detailed Geotechnical Investigation Report, consistent with the requirements of *The City of San*

Rafael General Plan 2020 (now *San Rafael General Plan 2040*). The comment states that a detailed Geotechnical Investigation Report is needed to analyze site-specific conditions and provide design recommendations based on these conditions. As the comment states, *San Rafael General Plan 2040* (City of San Rafael 2021a:Appendix F) requires that a Geotechnical Investigation and a Geotechnical Review be completed before design review for projects in critical use land use categories, to which transportation centers belong. Pile driving would not be required for the proposed project and build alternatives.

CEQA requires disclosure of potential impacts for sufficient environmental review and mitigation for any impacts that are potentially significant. The EIR analysis notes the presence of Bay Mud beneath artificial fill, as the comment acknowledges. The EIR further provides an analysis of potential impacts related to unstable soils or geologic units on pages 3.6-17 to 3.6-19, to seismic effects related to liquefaction on pages 3.6-13 and 3.6-14, to seismic densification on pages 3.6-14 and 3.6-15, and to lateral spreading on pages 3.6-15 and 3.6-16 of the Final EIR.

A preliminary geotechnical assessment was conducted for each of the build alternatives. This included reviewing geological maps, proximity to faults, as-built boring data already collected for other efforts, assessment of groundwater location, and potential for liquefaction. Preliminary recommendations were provided that were incorporated into the development of the build alternatives. The preliminary assessment did not identify any significant geotechnical issues and no impacts were identified based on the assessment.

As stated in the analysis, although the Geotechnical Recommendation provided preliminary recommendations to aid in the selection of an alternative, the alternative selected for implementation would still need to complete a site-specific detailed Geotechnical Investigation as required by the California Building Code, the San Rafael Municipal Code, and *San Rafael General Plan 2040*. The alternative would adhere to any recommendations resulting from the site-specific Geotechnical Investigation and implement geotechnical design treatments as recommended by the findings of this investigation. Adherence to these recommendations would ensure that project construction would not cause or exacerbate instabilities of soils and geologic units at the project site.

Because the project would complete a site-specific Geotechnical Investigation Report prior to completion of design review (during the 30 percent design phase), the project would be consistent with requirements of *San Rafael General Plan 2040* as well as requirements of the California Building Code and San Rafael Municipal Code. Therefore, there is no requirement for the preparation of a Geotechnical Investigation prior to the adoption of the Final EIR.

The regulatory setting of Section 3.6 was updated to refer to *San Rafael General Plan 2040* and reflect text changes in the general plan between the draft and final versions of *San Rafael General Plan 2040* on pages 3.6-5 to 3.6-7 of the Final EIR. The impact discussion in Section 3.6.2.3 was updated in the Final EIR to refer to the current general plan.

In addition, page 3.9-11 of the Final EIR discloses that the existing San Rafael Transit Center is within the Federal Emergency Management Agency 100-year flood zone and that portions of the project are also in the Federal Emergency Management Agency 100-year flood zones. The Move Whistlestop Alternative, Adapt Whistlestop Alternative, and 4th Street Gateway Alternative are primarily outside of the 100-year flood zone. The Under the Freeway Alternative is entirely outside of the 100-year flood zone. Flood impacts during construction and operation of each alternative are also disclosed in Section 3.9.

As required by State CEQA Guidelines Appendix G thresholds, the EIR analyzes whether the project would increase the rate or amount of surface runoff in a manner that would result in flooding on or off site; impede or redirect flood flows; or, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation to determine whether the project would have significant impacts related to hydrology including flooding. This analysis is provided on pages 3.9-19 to 3.9-21 of the Final EIR. No changes were made to the Draft EIR with respect to flood zones in response to this comment.

Comment 5-36

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.

Response to Comment 5-36

The comment pertains to Section 3.7, Greenhouse Gas Emissions, and states that the section is well written and comprehensive. The comment does not raise any environmental issues; therefore, no further response is required.

Comment 5-37

2. Modify Table 3.7-7 to reflect a 65% recycling requirement for construction/demolition waste.

Response to Comment 5-37

The comment indicates that Table 3.7-7 in the Draft EIR should be modified to reflect a 65 percent recycling requirement for construction/demolition waste. The comment does not specify the source for this requirement; however, it is presumed that the City may be referring to the California Green Building Standards Code, Title 24, Part 11, Section 5.408 (Nonresidential Mandatory Measures – Construction Waste Reduction, Disposal and Recycling). As stated in Table 3.7-7 on page 3.7-24 of the Final EIR, Mitigation Measure GHG-CNST-1 would require at least 50 percent recycling of construction and demolition waste, which is consistent with current Bay Area Air Quality Management District (BAAQMD) guidelines. The recycling goal is also consistent with measure WR-C3 (Construction & Demolition Debris and Self-Haul Waste) from the San Rafael Climate Change Action Plan (CCAP) from April 2019. Mitigation Measure GHG-CNST-1 has been revised in the Final EIR to indicate requirements contained in the California Green Building Standards Code for the recycling of construction and demolition waste would be implemented (see page 3.7-19 of the Final EIR). The following text has been added to Table 3.7-7 in the Final EIR to indicate that the California Green Building Standards Code requirements would also apply to the proposed project (see page 3.7-24 of the Final EIR):

> Higher waste diversion requirements may also be applicable, such as the waste diversion requirements under the California Green Building Standards Code (i.e., Title 24, Part 11, Section 5.408.1) and/or local ordinances.

This revision does not change the conclusions related to greenhouse gases (GHGs) presented in the Draft EIR.

Comment 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.

Response to Comment 5-38

The comment indicates that the Draft EIR should be revised to include a complete consistency analysis with the CCAP; however, Table 3.7-7 starting on page 3.7-24 of the Final EIR includes an evaluation of the project's consistency with applicable measures from the CCAP. Many measures from the CCAP are not applicable to the project because they require action to be taken by the City (e.g., increase residential organic waste diversion, replace older city vehicles with low-emitting vehicles). Such measures are not applicable to the project because the District, as the lead agency for the project, does not have the jurisdictional control that would be required to ensure consistency with or implement the measures. The District cannot influence residential waste diversion or vehicle purchasing decisions for City-owned vehicles in San Rafael.

To clarify this issue, Section 3.7.2.2, Thresholds of Significance, has been revised in the Final EIR as follows:

> "As discussed in 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 below. CCAP 2030 outlines state and local policies to reduce GHG emissions to meet the 2030 target of 40 percent below 1990 levels, consistent with SB 32's target. <u>To make significance findings under CEQA, GHG emissions from the proposed project are evaluated on a sector-by-sector (e.g., energy, mobile, and water) basis using the most applicable regulatory programs, policies, and thresholds recommended by BAAQMD, CARB, and OPR."</u>

Consequently, the EIR discusses only the CCAP measures that may have applicability to the project, as shown in Table 3.7-7. It is unclear what additional analysis or discussion the commenter would like to have added, because the CCAP measures applicable to the project are included in Table 3.7-7. The comment indicates that the City will rely on a determination of the EIR's consistency with the CCAP. Pages 3.7-24 and 3.7-25 and Table 3.7-7 in the Final EIR provide a consistency analysis of the proposed project with applicable CCAP measures and analysis in the Draft EIR could be used to inform future decision-making.

Comment 5-39

I. Hydrology and Water Quality

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.

Response to Comment 5-39

The comment suggests that text on the Bay Conservation and Development Commission should be removed from the EIR. This section has been removed from the Final EIR.

Comment 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.

Response to Comment 5-40

The Draft EIR included policies from *The City of San Rafael General Plan 2020* and Draft *San Rafael General Plan 2040*, which was not yet adopted at the time of the Draft EIR's preparation. The discussion has been updated in the Final EIR to reflect the adopted 2040 general plan and remove references to the 2020 general plan.

Comment 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.

Response to Comment 5-41

The comment suggests that the Final EIR revise Mitigation Measure MM-BIO-CNST-5 to include potential green infrastructure options. The Stormwater Pollution Prevention Plan (SWPPP) is a stand-alone mitigation measure based on the regulatory requirements of the National Pollutant Discharge Elimination System Construction General Permit, which is separate from the City's *Downtown San Rafael Precise Plan*. No revisions have been made to the mitigation measure. However, language regarding consideration of stormwater polices in *San Rafael General Plan 2040* and suggested improvements in the *Downtown San Rafael Precise Plan* as they relate to suggested stormwater and green infrastructure measures in the Downtown San Rafael area has been incorporated into the discussion in Section 3.9, Hydrology and Water Quality, in the Final EIR.

Comment 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.

Response to Comment 5-42

Sea level rise is addressed in several applicable sections in the Draft EIR. Section 3.7, Greenhouse Gas Emissions, notes sea level rise as a consequence of climate change (page 3.7-12 of the Final EIR).

CEQA generally does not require that public agencies analyze the impact existing environmental conditions might have on a project's future users or residents, according to the California Supreme Court's decision in *California Building Industry Association v. Bay Area Air Quality Management District*. Therefore, in the context of sea level rise, Section 3.7 of the EIR analyzes the proposed project's contributions to GHG emissions, which are a primary cause of sea level rise. As stated in Section 3.7, operation of the proposed project is not expected to increase vehicle miles traveled (VMT) and would support the shift from automobiles to public transit. Additionally, the proposed project is a transit-supportive project and by its nature would encourage the use of public transit to reduce single-occupancy vehicle trips, VMT, and associated GHG emissions.

The analysis is not required to consider the effects of future sea level rise on the proposed project. Nevertheless, the analysis includes a discussion of the susceptibility of the existing transit center, the preferred alternative, and the build alternatives to inundation due to sea level rise in Section 3.9, Hydrology and Water Quality (page 3.9-11 of the Final EIR). The analysis revealed that flooding frequency is expected to increase as climate change influences sea level rise. The existing transit center site was assessed for projected changes in inundation potential resulting from sea level rise using the Our Coast Our Future visualization tool, which displays data from the Coastal Storm Modeling System (Point Blue Conservation Service and United States Geological Survey 2017). This model presents projected flood conditions under various sea level rise elevation scenarios, including 0.8 foot, 1.6 feet, 2.5 feet, 3.3 feet, and 4.1 feet. Under existing conditions, the Our Coast Our Future model shows that the existing transit center does not face flood risk from a no-storm or annual storm scenario. This model shows that the southern portion of the existing transit center would begin to experience partial, intermittent inundation from a no-storm scenario and an annual storm scenario at the 4.1-foot sea level rise scenario. During stronger storm events, the extent of flooding increases. The model shows that the existing transit center begins to face partial inundation from a 100-year (1 percent annual chance) storm at the 3.3-foot sea level rise scenario. The frequency and reach of inundation would increase as sea level rise increased. The sites of the Move Whistlestop Alternative and other build alternatives vary in susceptibility to flooding based on their location relative to San Rafael Creek, which is south of the project area. The model shows that the Move Whistlestop Alternative (proposed project) and build alternatives would not experience inundation under no-storm or annual storm conditions at the 4.1-foot sea level rise scenario. The Move Whistlestop and Adapt Whistlestop Alternatives could be partially, intermittently inundated by a 100-year storm under the 3.3-foot sea level rise scenario, similar to the existing transit center. The 4th Street Gateway and Under the Freeway Alternatives would have similar but relatively lower risk of inundation in a 100-year storm under the 3.3-foot sea level rise scenario because they are farther from San Rafael Creek.

As requested, information and policies related to sea level rise from *San Rafael General Plan 2040* and the *Downtown San Rafael Precise Plan* have been added to the Final EIR in Section 3.9. The proposed project would comply with applicable policies related to sea level rise.

Comment 5-43

J. Land Use and Planning

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.

Response to Comment 5-43

Text throughout the Draft EIR that references *San Rafael General Plan 2040* and the *Downtown San Rafael Precise Plan* has been revised and updated to reflect City's adoption of these plans in August 2021. Section 3.10.1.1 has been revised in the Final EIR to describe the new zoning designations contained in the *Downtown San Rafael Precise Plan* and identify the applicable zoning designations in the build alternative footprints. Most of this area is designated as T5MS (Main Street), which has the intent to facilitate a "walkable, urban neighborhood environment with large footprint, high-intensity mixed-use buildings in close proximity to the multimodal transit station, with neighborhood-serving shopping and services." A portion of the project area is designated as T5N, which is a high-density designation that has the intent to facilitate a "walkable neighborhood environment of large footprint, high-intensity mixed-use buildings, supporting and within short walking distance of neighborhood shopping, services, and transit" (City of San Rafael 2021b).

These updates to the City's zoning conventions do not result in any significant impacts related to inconsistencies with applicable zoning that were not already addressed in the Draft EIR.

Comment 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.

Response to Comment 5-44

This comment suggests that Section 3.10, Land Use and Planning, should be revised to clarify the applicability of the City's zoning designations to Caltrans properties included in the footprint of the Under the Freeway Alternative. Section 3.10 has been revised to update the residential/office (R/O) and commercial/office (C/O) zoning designations to the T5N designation per the City's current zoning code and to clarify that this designation is present in the project area outside of the land owned by Caltrans, and that the land owned by Caltrans is not subject to City zoning. Please also see the response to comment 5-14, which addresses related revisions to Chapter 2, Project Description.

Comment 5-45

K. Noise

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.

Response to Comment 5-45

The proposed East Downtown Core Historic District boundary was updated after the Draft EIR noise analysis was completed.

Refer to the response to comment 5-34 for a description of the building at 927 Tamalpais Avenue. As described in that response, the demolition of this building under the Move Whistlestop Alternative would alter physical elements that support the historic character of the East Downtown Core Historic District along its eastern edge. However, these activities would not disrupt the significant qualities of continuity and linkage to the extent that the historic district would have a substantially diminished ability to convey its significant physical development and architectural character. Section 3.11 has been revised to be consistent with the revisions to Section 3.4, Cultural Resources.

Comment 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.

Response to Comment 5-46

The comment expresses concern about the potential use of pile driving as a part of project construction. No piles are expected to be driven as a part of project construction for any of the alternatives. Reference to the use of a drill rig has been removed from Tables 3.11-2, 3.11-12, and 3.11-13 in Section 3.11, Noise, of the Final EIR.

Comment 5-47

L. Population and Housing

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.

Response to Comment 5-47

The comment points out that the *Downtown San Rafael Precise Plan* is incorrectly described as an update to a previous plan. Section 3.12, Population and Housing, has been revised in the Final EIR to clarify that the *Downtown San Rafael Precise Plan* is not an update to an existing plan and that, rather, it was developed to accompany *San Rafael General Plan 2040*. This clarification does not change any conclusions presented in the Draft EIR related to population and housing.

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

Response to Comment 5-48

The population data, projections, and analysis provided in Section 3.12, Population and Housing, are based on the most readily available data provided by the California Department of Finance, U.S. Census Bureau, California Employment Development Department, and Association of Bay Area Governments Projections 2040 at the time the Draft EIR analysis was conducted. The analysis did not rely directly on the projections data provided in *The City of San Rafael General Plan 2020*. Furthermore, as noted in the section, the San Rafael Housing Element, which pertains to population and housing analysis, was not updated as part of *San Rafael General Plan 2040*, because the existing element covers 2015 to 2023. The project is not a growth-inducing project and replaces an existing transit center. Section 3.12 was revised to replace references to *The City of San Rafael General Plan 2020* with references to *San Rafael General Plan 2040*. The comment does not raise any issues about the adequacy of the EIR; therefore, no further revisions are required.

Comment 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.

Response to Comment 5-49

The impact analysis in Section 3.12, Population and Housing, has been revised in the Final EIR to include the residence at 1011 Irwin Street. Nonetheless, the impact would be less than significant, as the proposed project would not displace *substantial* numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The Final EIR has been updated to reflect this addition.

Comment 5-50

M. Public Services and Recreation

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.

Response to Comment 5-50

The comment suggests that the recommendations pertaining to public services and recreation included in the *Downtown San Rafael Precise Plan* be included in the Draft EIR analysis. The recommendations within the *Downtown San Rafael Precise Plan* provide a vision, rather than strict regulatory requirements, of what the Downtown area should look like. Nonetheless, during final project design, the design recommendations in the *Downtown San Rafael Precise Plan* would be considered to the extent feasible. The comment does not raise any issues about the adequacy of the EIR; therefore, no further response is required.

Comment 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.

Response to Comment 5-51

The comment states that information regarding the San Rafael Police Department in Section 3.13, Public Services and Recreation, of the Draft EIR needs to be updated. The information provided by the City was dated September 2021, which is after the Draft EIR was released in August 2021 for public review. The information contained in the Draft EIR provides the most up-to-date information that was available at the time the Draft EIR was written and released. However, Section 3.13 has been updated in the Final EIR to include the information provided in the City's comment (page 3.13-3 of the Final EIR).

Comment 5-52

N. Transportation

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.

Response to Comment 5-52

The comment provides an observation about the results presented in Section 3.14, Transportation. The comment does not concern the adequacy of the EIR and no further response is required.

Comment 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.

Response to Comment 5-53

Relevant policies and programs identified in the *Downtown San Rafael Precise Plan* have been added to the regulatory setting of Section 3.14, Transportation, in the Final EIR. Additionally, Table 3.14-4 has been revised in the Final EIR to include these relevant policies and programs and Section 3.14.2.3 has been revised in the Final EIR to include consistency analyses for all alternatives under Impact TRA-1, *Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities*. The addition of *Downtown San Rafael Precise Plan* policies, programs, and relevant analysis does not result in new significant impacts and does not substantially increase in the severity of any environmental impacts studied in the EIR.

Comment 5-54

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:

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

Response to Comment 5-54

This comment indicates that transportation data in the analysis are outdated due to the impacts of the COVID-19 pandemic, based on current transportation data from 2021. Because the pandemic is a moment in time and temporary and the effects of the pandemic on circulation continue to evolve, the Draft EIR's use of pre-pandemic conditions represents the best information available to estimate post-pandemic travel patterns. This approach is also consistent with *San Rafael General Plan 2040*, which relies on pre-pandemic data and information.

The transit center is anticipated to have a lifespan of several decades and therefore needs to be designed to accommodate future growth as specified in *San Rafael General Plan 2040*. The City's travel demand forecast used in the 2040 General Plan Update Draft EIR forecasts a 15-percent increase in transit trips relative to pre-pandemic conditions among San Rafael workers and residents. This is similar to a 12-percent increase in transit trips countywide. Therefore, the design accounts for the anticipated future needs for transit, as envisioned in *San Rafael General Plan 2040*.

It is also noted that the transit center sizing is dependent on the amount of service (number of buses) that passes through the transit center and is not directly related to ridership levels. In a May 2021 presentation to the Marin County Transit District (Marin Transit) Board, Marin Transit staff indicated that the number of weekday bus trips through the transit center actually increased during the pandemic. Therefore, the need for a transit center of the size and configuration included in the project alternatives has remained, or even increased, given the size and flexibility constraints of the existing transit center.

Additionally, the changes in geometry from the addition of the SMART tracks had a permanent, continuing effect on the existing transit center and reduced the existing transit center's capacity, usability, and internal circulation. Many of these effects are independent of SMART train operations and are part of the reason that a new transit center is required.

The statistics referenced from the District Board presentation reflect statistics for the system as a whole and do not represent activities at the transit center. The greatest magnitude of change in ridership on District service is associated with express service to San Francisco and ferry service. Most of those services do not use the transit center. As noted in a November 1, 2021, letter received from Marin Transit General Manager Nancy Whelan, Marin Transit accounts for 80 percent of the daily trips at the transit center. Ridership on Marin Transit services has been much less affected by the pandemic, as essential workers have continued to rely on Marin Transit and other transit

services to access employment and other destinations. As of September 2021, Marin Transit ridership was rebounding to approach pre-pandemic levels, representing an 82-percent increase from the previous year. This reflects a pattern indicating a near-term return to pre-COVID ridership levels along with continued operation of pre-COVID service levels.

Comment 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.

Response to Comment 5-55

This comment questions the future of transit ridership. The City's travel demand model used in the 2040 General Plan Update Draft EIR forecasts a 15-percent increase in transit trips among San Rafael workers and residents and a 12-percent increase in the overall quantity of transit trips countywide. As these estimates were the basis of circulation planning in *San Rafael General Plan 2040*, they represent the best estimates for future ridership and future ridership growth at the transit center. Regarding the continued need for a transit center, it is noted that Marin Transit has increased the total amount of local service by nearly 50 percent in the last 10 years. Both transit operators are well funded through dedicated revenue sources. There is no reason to expect that transit service levels would decrease in the future, and such a finding would be contrary to the findings and assumptions used in *San Rafael General Plan 2040*.

Comment 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.

Response to Comment 5-56

This comment pertains to the level of service (LOS) and VMT analyses referenced in Section 3.14 of the Draft EIR. The City questions the findings of these analyses and suggests a different characterization of impacts related to intersection delay. The project's Transportation Summary Report, which is Appendix E to the Final EIR (Appendix C to the Draft EIR), describes the inputs and the results of a detailed microsimulation analysis performed to calculate transportation network performance and delays. As described in the Transportation Summary Report and Section 3.14 of the EIR, the Move Whistlestop Alternative and Adapt Whistlestop Alternative would significantly reduce bus circulation on City streets in the congested area around the existing transit center, resulting in a reduction in intersection delay. 2nd Street is a highly congested arterial. The removal of extensive bus circulation and bus-turning movements at the transit center driveway would

improve operations on 2nd Street. Bus access to the transit center with the Move Whistlestop and Adapt Whistlestop Alternatives would occur at or near existing streets and driveways along 4th Street and would not introduce new hazards. The use of transit center driveways would be limited to professionally trained transit drivers. Unlike existing movements in and out of the Citibank driveway at 4th Street, all bus movements would be limited to right-in/right-out, which would reduce the potential for hazardous conflicts relative to the No-Project Alternative. There is no track record of incidents related to bus movements in or out of the existing transit center site and no reason to expect the creation of new safety hazards at the project driveways. Additional text regarding consideration of the circulation safety aspects of the project alternatives has been added to the Final EIR.

The proposed 4th Street, Move Whistlestop, and Adapt Whistlestop Alternatives would substantially reduce the number of vehicles crossing the sidewalk along the south side of 4th Street, improving pedestrian and bicycle safety. An analysis of the existing Citibank trip generation (based on the ITE Trip Generation Manual, 11th Edition) and existing auto volumes on both West and East Tamalpais Avenues at 4th Street compared against the proposed Move Whistlestop and Adapt Whistlestop Alternatives' bus trip generation showed that peak-hour trip volumes crossing the 4th Street sidewalk would decrease by over 100 peak hour trips in both the a.m. and p.m. peak hours. Additionally, existing left-turn movements from both East Tamalpais Avenue and the Citibank driveway would be removed and all bus movements into and out of the transit center and Tamalpais Avenue would be right-turn only. This would further reduce the number of conflicts that exist today. Furthermore, all vehicle movements across the 4th Street driveway would be made by professionally trained drivers with a proven safety record at the existing transit center. These factors all contribute to a reduction in conflicts and substantial benefit to vehicle, bicycle, and pedestrian safety with the project. The project would not result in any safety impacts.

Comment 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 environmental. 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.

Response to Comment 5-57

This comment pertains to the impact determination related to the removal of commuter parking in the Under the Freeway Alternative analysis. Both 2020 and 2040 general plan policies were considered in the transportation analysis in the Draft EIR. The Draft EIR identified inconsistencies with the following commuter parking policies from *San Rafael General Plan 2040*:

> Policy M-7.9: Parking for Transit Users. Support regional efforts to fund and construct commuter parking along transit routes, near commuter bus pads, and near inter-modal commuter hubs in order to support use of transit. Parking areas should include secure parking for carpools, bicycles and other alternative modes and should minimize neighborhood impacts.
>
> Program M-7.9A: Commuter Parking. Regularly evaluate the need for parking around the SMART stations and San Rafael Transit Center, as well as ways to meet that need.

In regard to item (a) in the comment, while CEQA no longer considers the "displacement of parking" or "impact to parking" (absent secondary or indirect impacts that would occur as a result of the elimination of the parking), the elimination or displacement of public parking in this alternative resulted in a significant, unavoidable environmental impact because it is not consistent with policies from *San Rafael General Plan 2040* and there are no mitigation measures or alternative locations where the commuter parking could be replaced to allow for this alternative to comply with the policy. With the removal of the Caltrans park-and-ride lot spaces, the amount of commuter parking available would be reduced, in conflict with this *San Rafael General Plan 2040* policy. The City could elect to replace the affected commuter parking in another location should one be identified; however, the costs and any impacts of that replacement parking are not assumed in the project description or environmental analysis. Such an undertaking would not be a part of the proposed project and, therefore, the impact related to inconsistency with the *San Rafael General Plan 2040* commuter parking policy remains significant and unavoidable.

In meetings following the close of the Draft EIR's public comment period, City staff suggested that the District might choose to put parking on the existing transit center site. However, doing so would affect the development potential of the existing transit center site and conflict with the MOU between the District and SMART, which states that the District will use the proceeds from the sale of the site to assist in funding the proposed project.

Comment 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 about the shortfalls of pedestrian trips assumptions, underplaying the impacts of bringing the pedestrian and bicycle activities towards Fourth Street, and the lack of recognition of vehicle storage and queueing in the heart of the pedestrian area of downtown. These concerns have not been addressed; indeed the City's comments have never been responded to. In summary the EIR needs to be revised to address the following:

a. The pedestrian analysis assumes a destination in the downtown to compare the alternatives. The report did not analyze destinations to the High School and to the Canal. The City has invested transportation dollars (Grand Avenue Bridge and E Francisco Boulevard Sidewalk) to encourage the arrivals of multimodal trips from the Canal. While it is difficult to capture and compare the overall pedestrian experience between the alternatives, the report fell short of describing the existing pedestrian safety issues that could be attributed to the legal and illegal crossings. The Gateway

alternative suggests several driveways ensuring proper circulation for the busses without recognizing the detriment of the pedestrian experience. The Draft EIR needs to be revised to address existing pedestrian safety records and the association of it with numerous and large driveways.

b. The report Non-Motorized Transportation Section 5.0 was built on incomplete assumptions of pedestrian circulation in general, and on similar inaccurate assumptions specific to the transit center. None of the assumptions made were introduced nor discussed with City staff prior to the preparation of these analysis. Staff mentioned this previously and indicated that major overhaul of the assumptions and the presentation of pedestrian comparisons of the pedestrian travel will be required. Staff was never contacted subsequent to providing these comments. The EIR will need to be revised to accurately reflect pedestrian circulation patterns.

c. All alternatives result in circulation challenges caused by the short sizes of the blocks west of Heatherton Avenue. The block sizes were bisected by the SMART tracks leaving the City with short blocks affecting the ability to store vehicles leaves us with the challenge of clearing the tracks during excessive queuing times. The DEIR does not discuss the critical nature of queueing near railroads tracks. This is an environmental and safety issue that needs to be in the center of the considerations. The EIR needs to be revised to recognize the environmental disadvantages of having large vehicles, on short blocks, near at-grade rail tracks, and the potential impacts of gridlock near moving trains.

d. The No-Build Alternative is presented as an alternative because CEQA mandates it to be part of the analysis. The report falls short of describing the existing conditions from a multimodal and functional point of view. Please revise the EIR to provide an accurate description as noted.

Response to Comment 5-58

This comment pertains to the pedestrian analysis, pedestrian circulation, and queueing at the SMART train tracks.

The transportation analysis provided in the Draft EIR does include an analysis of pedestrian trips to the high school as requested by the City. Pedestrian trips to the Canal neighborhood would follow a similar path of travel in the area immediately around the transit center alternatives and therefore would have identical findings to the analysis of the path of travel to the high school. Based on further discussion with the City, the District has performed additional safety analysis and findings have been included in the Final EIR.

The safety analysis included an analysis of existing collision patterns, including collisions that involved pedestrians and bicyclists. It identified a history of severe injury and fatal collisions adjacent to the existing transit center, reflecting the existing barriers to transit access. The analysis identified that all build alternatives included safety measures that result in improved safety relative to the No-Project Alternative. An analysis of pedestrian pathways identified that the Move Whistlestop Alternative provided the greatest benefit to pedestrian and bicycle safety for the following reasons:

- All transfers between transit services would occur on the same block, avoiding the need to cross any auto-serving streets, as exists with the No-Project Alternative and other build alternatives.
- It would reduce the number of vehicle-pedestrian conflicts on 4th Street relative to the No-Project Alternative and improve the safety of remaining conflicts by limiting all conflicts to professionally trained bus drivers making right-turn movements only.

- Along with the 4th Street Gateway Alternative, it would result in the shortest walking path with the fewest conflicts for pedestrians accessing Downtown San Rafael, the primary destination for the approximately half of transit center users who walk or bike to access the transit center.
- The realignment of Tamalpais Avenue would result in shorter crossing distances with better visibility relative to the Adapt Whistlestop Alternative.

The City comment references incomplete and inaccurate assumptions; however, no specific examples or further description of this assertation is included, nor was one previously provided by the City. A detailed pedestrian routing analysis for each of the improvement alternatives based on both pre-COVID count data and an assessment of changes to pedestrian paths of travel with the project were performed to develop pedestrian volumes used in the simulation modeling. The pedestrian routing analysis utilized existing and project future volumes and shifted pedestrian trips based on the location of the transit services in each of the build alternatives. Analysis of on-board survey data and pedestrian volumes indicated varying levels of pedestrian demand to destinations around the transit center, most prominently to Downtown San Rafael to the north and west of the existing transit center. Those existing patterns were utilized to shift crosswalk volumes at all applicable study intersections with each build alternative. This results in a significant reduction in pedestrian volumes crossing 3rd Street with all build alternatives. The Under the Freeway Alternative would result in an increase in pedestrian volumes across Hetherton Street.

The VISSIM model used for the transportation analysis did evaluate queuing throughout the study area. The analysis did not identify any safety hazards newly generated or exacerbated by the project alternatives as a result of queuing or other traffic circulation. The short blocks, frequent bus movements, railroad crossings, and high levels of congestion all exist today. Additional safety analysis and findings discussing the effect of the project alternatives on pedestrian safety have been included in the Transportation Summary Report (Appendix E of the Final EIR).

The Draft EIR included discussion of the existing and No-Project Alternative transit, bicycle, and pedestrian facilities in Section 3.14.1.2.

Comment 5-59

8. The LOS data is presented using VISSIM numbers which are not consistent with the method used to calculate the LOS by the City. Please revise EIR to reflect methodology that is consistent with what the City uses.

Response to Comment 5-59

This comment pertains to the LOS analysis. The VISSIM analysis was performed for informational purposes to compare the circulation of the different alternatives. An LOS analysis is not required by CEQA or by the City, as the project would not generate any new traffic trips and lies within the Downtown core. Additionally, the City's recently adopted Transportation Impact Analysis Guidelines specifically encourage the use of microsimulation analysis in areas with highly congested conditions and multimodal areas. Therefore, City-adopted guidelines support the analysis approach documented in the Transportation Summary Report (Appendix E of the Final EIR).

Comment 5-60

Topic: Transportation

9. Although the LOS is calculated through the model and is not the real LOS, the report offered no comparative summaries of the LOS impacts to allow decision makers to make informed decisions. Please revise the EIR to include comparative summaries.

Response to Comment 5-60

This comment suggests that the EIR should include more detailed discussion of LOS analysis. Automobile delay, as described solely by LOS or a similar measure of traffic congestion, is no longer considered to be an indicator of potentially significant impacts under CEQA. Therefore, the EIR does not need to include a comparative discussion of LOS modeling results. No revisions to the Draft EIR are required.

Comment 5-61

10. Queueing is not typically an environmental issue. However, given the environment and the safety implication of queueing it needs to be included in the environmental assessment.

Response to Comment 5-61

This comment pertains to queueing. Please see the response to comment 5-58.

Comment 5-62

11. The DEIR failed to recognize the inadequacy of the design at Third and Hetherton intersection with both Whistlestop alternatives. The introduction of a second southbound right turn from Hetherton onto Third Street could be detrimental to vehicle and pedestrian safety and traffic flow. There are two major and fundamental issues with the second southbound right turn. The first is the addition of a significant exposure of pedestrians in the crosswalk. While there are no rules against the practice in general, local experience shows documented issues with it. The City eliminated a crosswalk on the south side of the same intersection to eliminate the vehicle pedestrian conflict after a series of accidents occurred there. The suggestion of adding the additional turn lane will likely be rejected by the City for many reasons. The second issue is the receiving block capacity in the westbound direction on Third Street is very limited. It is further constrained during the SMART train preemption. The impact of not having the block storage capacity is deflected onto the north/south crosswalk and the number three southbound lane on Hetherton. These are serious impacts under the threshold question of whether the project would "Substantially increase hazards due to a geometric design feature". The City considers the option of creating congestion due to vehicles waiting to turn onto Third Street, effectively eliminating a southbound travel lane on Hetherton, to be an unsafe solution that will create significant traffic issues in this heavily travelled area of San Rafael. It is an inadequate and unsafe design that could potentially jeopardize pedestrian and vehicular safety. These impacts were not recognized by the TSR nor by the DEIR and the DEIR needs to be revised to adequately analyze these impacts.

Response to Comment 5-62

This comment expresses concern with the second southbound right-turn lane from Hetherton Street onto 3rd Street included with the Move Whistlestop, Adapt Whistlestop, and 4th Street Gateway Alternatives. The second southbound right-turn lane was introduced to address a request by the City

during the early stages of the project regarding the need to increase capacity for that movement. However, based on the City's comments, the District has identified design modifications to the proposed project layout that fully control the conflict between pedestrians and the southbound right-turn movement and address the City's concern. The proposed configuration would include a signalized control for the right-turn lanes and the pedestrian phase, eliminating the vehicle-pedestrian conflict, providing a substantial safety benefit relative to no-build conditions. This solution was discussed with the City on February 17, 2022, along with examples of similar implementations and detailed traffic analysis results. Response from City staff at the meeting was positive about the proposed improvement. Chapter 1, Introduction, and Chapter 2, Project Description, of the Final EIR have been revised to describe these modified project features. Figures 2-4, 2-5, and 2-6 in the Final EIR contain updated site layouts for the Move Whistlestop, Adapt Whistlestop, and 4th Street Gateway Alternatives, respectively. Traffic analysis included in the updated Transportation Summary Report reflects this proposed operation and indicates a significant benefit to circulation and reduction in congestion with the new design solution. Therefore, the proposed project would eliminate existing hazards and no project impact would be realized.

Comment 5-63

12. The DEIR does not discuss the critical nature of queueing near railroads tracks. This is an environmental and safety issue that needs to be evaluated. The DEIR needs to recognize the environmental disadvantages of having large vehicles, on short blocks, near at-grade rail tracks, and the potential impacts of gridlock near moving trains. Please revise accordingly.

Response to Comment 5-63

This comment pertains to queueing. Please see the response to comment 5-58.

Comment 5-64

O. Wildfires

1. The City of San Rafael adopted the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan in November of 2018. Page 3.17-4 needs to be revised to accurately reflect this change.

Response to Comment 5-64

Section 3.17.1.1, Regulatory Setting, has been updated in the Final EIR to include the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan. This plan provides information on risks posed by natural hazards and develops mitigation strategies for reducing Marin County's risks. The plan's mitigation goals aim to reduce the possibility of damages and losses resulting from earthquakes, liquefaction, dam failure, severe storms, tsunami, wildfire, and post-wildfire debris flow. The addition of this plan does not change the project area's susceptibility to wildfires. No change in conclusions related to wildfires would result.

Comment 5-65

2. Fire Ordinance, Chapter 4.12 applies to the Wildland UI- however it also applies vegetation standards Citywide. Please revise page 3.17-4 accordingly.

Response to Comment 5-65

Section 3.17.1.1, Regulatory Setting, has been updated in the Final EIR to clarify that the wildfire-related vegetation management standards in the City's Fire Ordinance apply citywide. This change would not change any conclusions presented for wildfires in the Draft EIR.

Comment 5-66

P. Alternatives to the Project

1. Essentially, this DEIR section summarizes the document findings for the four Build Alternatives plus a "No Project Alternative." As discussed above under comment C.1 (Project Description), the "Project Objectives" which are used to define the Project Alternatives need to include the City's objectives and design goals for this project. The impact findings for each of the Build Alternatives (as well as Table 5-1) need to be updated based on the comments presented herein. For example, 927 Tamalpais Avenue (Barrel House) is a contributor to a potential historic district, so it is a potential historic resource. Demolition of this building under the "Move Whistlestop Alternative" and "Adapt Whistlestop Alternative" would result in the demolition of this building, which is a significant impact. The EIR needs to be revised as noted above. Each of the alternatives need to be reevaluated against the City's objectives as well, to disclose the extent to which the alternatives do or do not meet those objectives in addition to the GGBHTD's objectives.

Response to Comment 5-66

Summaries of the alternatives in Chapter 5, Alternatives to the Project, have been updated in the Final EIR to reflect the revisions made to the Chapter 3 resource sections. No impact determinations were modified, so no revisions to Table 5-1 are required. Regarding the example provided in this comment of the potential impacts of demolition of 927 Tamalpais Avenue, please refer to the response to comment 5-34. This impact was determined to be less than significant in the Draft EIR and remains less than significant. Please refer to the response to comment 5-13 for a complete response regarding the City's design goals and the District's project objectives. The District's project objectives listed in Section 2.3, Project Objectives, were used to develop and evaluate the alternatives considered. Please see the response to comment 5-13, which discusses how the Draft EIR considered the City's project design goals.

Comment 5-67

2. As mentioned above, the analysis of the No-Build Alternative is inadequate. The report falls short of describing the existing conditions from a multimodal and functional point of view and overall does not evaluate the project with the same level of specificity as the other alternatives. Pursuant to CEQA section 15125.6(d) The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Instead, the DEIR provides a meaningful analysis for each of the proposed alternatives within the document but provides only a summary for the 'No build" alternative. The DEIR needs to be revised to provide an accurate description of existing conditions as mentioned above and needs to provide the same level of comparison provided for the other alternatives

Response to Comment 5-67

Existing conditions, which is the baseline against which the project impacts are compared, are described in the Draft EIR in Section 2.2, Project Background, and in each of the Chapter 3 resource

topics under Environmental Setting. Section 5.4.1.1, Description, provides a description of the No-Project Alternative, which is what is expected to occur into the future if the San Rafael Transit Center were not relocated and the project were not constructed. Chapter 5 describes the No-Project Alternative and the impacts of the No-Project Alternative in each of the resource areas analyzed, similar to that presented for the proposed project and the build alternatives.

The City does not provide evidence that the No-Project Alternative discussion was not factual or that any details were omitted in the description of the No-Project Alternative. The No-Project Alternative was evaluated against the project objectives, which include enhancing multiple modes of the transportation network and designing a functional, attractive, and cost-effective facility. The City's comment that the No-Project Alternative does not describe existing conditions from a multimodal and functional point of view is not accurate. The City does not provide evidence as to what multimodal and functional elements of the No-Project Alternative conditions were not provided in the Draft EIR. While the City states that an accurate description of existing conditions needs to be provided, it does not identify any specific inaccuracies provided in the Draft EIR.

The Draft EIR meets the requirements of CEQA Section 15125.6(d), as it provides detailed information regarding the No-Project Alternative. Additionally, Table 5-1 of the Draft EIR provides a matrix displaying the environmental impacts of each alternative including the No-Project Alternative.

Comment 5-68

3. The DEIR concludes that the "Environmentally Superior Alternative" is the "Adapt Whistlestop Alternative." This finding is credible given that this Build Alternative would result in the least number of environmental impacts analyzed in the DEIR. However, like the "Move Whistlestop Alternative," it would result in the demolition of a potential historic resource.

Response to Comment 5-68

This comment agrees with the determination that the Adapt Whistlestop Alternative is the environmentally superior alternative. The comment states that the Move Whistlestop and Adapt Whistlestop Alternatives would both result in impacts on two historic-aged buildings (703–705 4th Street and 927 Tamalpais Avenue [Barrel House]). As described in Section 3.4, Cultural Resources, these buildings do not qualify individually as an historical resource under CEQA and no significant impact would occur.

Comment 5-69

4. Additionally, as Table 5-1 illustrates, none of the alternatives would reduce environmental impacts as compared to the preferred project; at best they are the same as the preferred project and even worse for some categories of impacts. This conclusion suggests that the District did not adequately fulfill its obligation under CEQA to consider a range of reasonable alternatives, as the Guidelines require consideration of alternatives that would feasibly attain most of the project objectives and would avoid or substantially lessen any of the significant effects of the project. (Guidelines, § 15126.6, subd. (a).)

Response to Comment 5-69

The comment suggests that the build alternatives analyzed in the Draft EIR do not avoid impacts compared to the proposed project. It should be noted that Table 5-1 is not intended to capture the

full nuance of impacts described in the Draft EIR and the designations of "no impact," "less than significant," and "significant and unavoidable" may not reflect small differences in the degree of impact between alternatives.

CEQA Section 15126.6 requires that an EIR consider "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." Significant impacts, all of which are reduced to a less-than-significant level with mitigation, were identified for the Move Whistlestop Alternative (proposed project) in the following resource areas: air quality, biological resources, cultural resources, tribal cultural resources, energy, GHG emissions, hazards and hazardous materials, and noise.

CEQA Section 15126.6(b) states that the EIR "must identify ways to mitigate or avoid the significant effects that a project may have on the environment" (Public Resources Code Section 21002.1). While the Move Whistlestop Alternative would not result in any significant and unavoidable impacts, in the following resource topics, the alternatives would result in lesser impacts as compared to the proposed project, the Move Whistlestop Alternative:

- **Section 3.5, Energy:** Section 3.5 determines that the Move Whistlestop Alternative would have a potentially significant impact related to construction-related energy usage and consumption. This impact is mitigated to a less-than-significant level with the implementation of Mitigation Measure MM-GHG-CNST-1, which requires the implementation BAAQMD's Best Management Practices to Reduce GHG Emissions from Construction. While the Adapt Whistlestop and 4th Street Gateway Alternatives would also result in potentially significant impacts related to construction-related energy usage and consumption, as shown in Table 3.5-3 of the Draft EIR, the Adapt Whistlestop Alternative (8,495 million British thermal units [BTUs]) and 4th Street Gateway Alternative (8,526 million BTUs) would result in less energy consumption during construction than the Move Whistlestop Alternative (8,600 million BTUs), thereby lessening a potentially significant impact of the proposed project. Construction of these alternatives would consume less energy than construction of the Move Whistlestop Alternative, as they are estimated to require fewer truck hauling trips (i.e., less energy consumed in the form of diesel or gasoline) to remove debris.
- **Section 3.7, Greenhouse Gas Emissions:** Section 3.7 determines that the Move Whistlestop Alternative would have a potentially significant impact related to the generation of GHG emissions during construction. This impact is mitigated to a less-than-significant level with implementation of Mitigation Measure MM-GHG-CNST-1, which requires the implementation of BAAQMD's Best Management Practices to Reduce GHG Emissions from Construction. While the Adapt Whistlestop and 4th Street Gateway Alternatives would also result in potentially significant impacts related to the generation of GHG emissions during construction, as shown in Table 3.7-4, the Adapt Whistlestop Alternative and 4th Street Gateway Alternative would result in less GHG emissions than the Move Whistlestop Alternative, thereby lessening a potentially significant impact of the proposed project. All the build alternatives are similar in size, so it was conservatively assumed that they would have identical off-road construction equipment fleets; however, the Adapt Whistlestop Alternative would require a smaller amount of construction and demolition debris to be hauled off site.
- **Section 3.8, Hazards and Hazardous Materials:** As described on page 3.8-16 of the Final EIR under Impact HAZ-3, Saint Raphael School is within 0.25 mile of the Move Whistlestop and Adapt Whistlestop Alternatives. Limited quantities of hazardous materials commonly used in

construction and during routine maintenance activities may be required for project construction and transported past Saint Raphael School for delivery to or removal from the project site, resulting in a potentially significant impact that would be mitigated to a less-than-significant level with implementation of Mitigation Measure MM-HYD-CNST-1, which includes preparation and implementation of a SWPPP. The SWPPP would include best management practices designed to ensure proper handling of hazardous materials utilized or encountered during construction activities and compliance with applicable regulations and policies. No schools are within 0.25 mile of the Under the Freeway and 4th Street Gateway Alternatives. Therefore, while the Move Whistlestop and Adapt Whistlestop Alternatives have the potential to result in significant impacts, the 4th Street Gateway and Under the Freeway Alternatives would result in no impact.

- **Section 3.11, Noise:** As described on pages 3.11-26 and 3.11-27 of the Final EIR, construction noise levels for the Move Whistlestop Alternative could be as high as 102 A-weighted decibels at a distance of 10 feet (the distance to the nearest sensitive receptor) during site demolition. A noise level of this magnitude would be readily noticeable above ambient levels at this location and would constitute a potentially significant impact due to exceedance of the City daytime and nighttime noise limits during construction. As discussed in Section 3.11, mitigation would reduce this impact to a less than-significant-level.

  The 4th Street Gateway Alternative and Under the Freeway Alternative would lessen the magnitude of this potentially significant impact. Under these alternatives, construction noise levels could be as high as 88 A-weighted decibels at a distance of 50 feet (the distance to the nearest sensitive receptor) during site demolition. Impacts from the exceedance of daytime noise limits would be avoided, and impacts from the exceedance of nighttime noise limits would be less than they would for the Move Whistlestop Alternative. Mitigation would still be required for impacts related to nighttime noise levels under the 4th Street Gateway Alternative and Under the Freeway Alternative, but the impact requiring mitigation is of a lesser magnitude under these alternatives due to their location farther from the sensitive receptors affected under the Move Whistlestop Alternative.

These alternatives thereby avoid or minimize significant impacts of the project. The build alternatives have generally similar impacts to the proposed project.

Comment 5-70

5. This section provides a very good and detailed summary of other alternatives that were considered and rejected.

Response to Comment 5-70

The comment expresses support for the discussion of alternatives considered but eliminated from further analysis in the Draft EIR. This comment does not concern the adequacy of the EIR and no revisions to the Draft EIR are necessary.

Comment 5-71

Q. Other Non-CEQA Topics for Study Recommended as Part of the NOP Process 1. As part of the NOP process, the City requested that the fiscal Impacts of "the Project and Alternatives" be prepared

concurrent and made available with the DEIR. A fiscal impacts assessment of the Build Alternatives has not been prepared.

Response to Comment 5-71

The comment pertains to fiscal impacts of the proposed project. CEQA does not require an analysis of a project's fiscal impacts. This comment does not concern the adequacy of the EIR and no revisions to the EIR are required.

Comment 5-72

2. Short-term and Long-term Parking Assessment. A very high-level assessment of parking is presented in DEIR Appendix C, the Transportation Summary Report. The parking assessment in this report merely identifies the number of parking spaces that would be eliminated under the Built Alternatives but does not include any measures to accommodate or retain parking.

Response to Comment 5-72

The comment pertains to the parking spaces eliminated due to the proposed project. CEQA does not require an analysis of parking removal and does not consider parking removal as a CEQA impact. In response to the City's concern about on-street parking removal, the project description has been modified in the Final EIR to identify additional on-street replacement parking on West Tamalpais Avenue between 2nd Street and 3rd Street. This information has been added to Chapter 2, Project Description, and Section 3.14, Transportation, in the Final EIR.

Comment 5-73

As you requested, I have prepared this memo to summarize the regulatory issues related to the possible relocation of the San Rafael Transit Center to an area beneath Interstate 101 (I-101) between Hetherton Street to the west, Irwin Street to the east, 4th Avenue to the south and 5th Avenue to the north. Most of site is developed or paved, with the freeway overpass structures occupying the western portion and paved parking under the northbound freeway lanes and buildings fronting on Irwin Street. However, a channelized reach of what is known as Irwin Creek flows in a southerly direction beneath the southbound. This drainage is a regulated waters[1] under the jurisdiction of the U. S. Army Corps of Engineers (Corps), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW).

Between 4th and 5th Avenues, the active channel of Irwin Creek is from 30 to 40 feet in width, and is under tidal influence. It flows south, paralleling the east side of Hetherton Street to the confluence with San Rafael Creek, which is also partially under the I-101 overpass. Concrete wing walls extend approximately 15 feet upstream of the 4th Avenue overcrossing, which consists of two concrete box culverts. Shading from the freeway overpass and extensive asphalt paving that extends almost to the

[1] *The Corps, RWQCB and CDFW have jurisdiction over regulated waters. Jurisdiction of the Corps is established through provisions of Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into "waters of the U.S." without a permit. The RWQCB jurisdiction is established through Section 401 of the Clean Water Act, which requires certification or waiver to control discharges in water quality whenever a Corps permit is required under Section 404 of the Clean Water Act, and State waters as regulated under the Porter-Cologne Act. Jurisdictional authority of the CDFW over wetland areas is established under Sections 1600-1607 of the State Fish and Wildlife Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed or bank of any lake, river or stream.*

eastern top-of-bank to the drainage limits the growth of riparian trees and shrubs. Vegetation is limited to largely non-native ground covers, invasive sweet fennel and Bermuda buttercup, and a few shrubs along the east bank. Figures 1 and 2 show the exiting conditions of the drainage at the 4th and 5th Avenue overcrossings.

A visit to the site on April 8, 2019 was attended by Nicole Fairley of the RWQCB, yourself, Bill Guerin the Director of the City's Public Works Department, Steve Kinsey, and myself. The purpose of the site visit was to briefly inspect existing conditions, review the regulatory authority of the RWQCB, and obtain input from the RWQCB on the feasibility of preliminary plans for the transit center use of the site.

During our site visit, Nicole confirmed that the drainage was a jurisdictional waters regulated by the RWQCB and that any fills or modifications to this reach of the creek would be subject to their review and authorization. She explained that the preferred policy of the RWQCB is to avoid modifications to jurisdictional waters. Where avoidance is not feasible, that they then prefer that direct and indirect impacts be minimized, and that compensatory mitigation be provided where impacts are unavoidable. That as part of the review process performed by the Corps and RWQCB, a finding must be made that the proposed modifications to jurisdictional waters are the Least Environmentally Damaging Practicable Alternative (LEDPA).

Response to Comment 5-73

The comment summarizes the outcomes of a field visit to the Under the Freeway Alternative site. This comment does not concern the adequacy of the EIR and no revisions to the EIR are required. Additionally, the comment letter received from the California Department of Fish and Wildlife has been considered in the preparation of the Final EIR and has informed revisions to the Draft EIR where applicable.

Comment 5-74

We reviewed the preliminary schematics for the Transit Center Relocation prepared by the Golden Gate Transportation District (see attached plans), which show the entire reach of Irwin Creek across the site to be culverted. Nicole indicated in reviewing the plans that a proposal to culvert the entire reach of Irwin Creek across the site would be unacceptable by the RWQCB. This is because the RWQCB could not make necessary findings that culverting the entire reach was the LEDPA available, and that there was no alternative for the Transit Center Project that didn't either completely avoid the creek or at most had a much more limited impact by culverting just a portion of this reach to provide access over it, such as a bridge structure. We discussed possible options for limiting potential impacts and providing compensatory mitigation for any unavoidable impacts. However, this would depend on final design, the extent of any fills or other modifications to regulated waters, and other factors that can't be fully understood or addressed at this time given the preliminary nature of the proposed project. We indicated to Nicole that at some point the City intends to present more refined plans at a Marin Project Coordination Meeting in the near future.

With appropriate refinement to the proposed Transit Center site under the I-101 overpass, use of this location does look possible from a regulatory agency permitting standpoint based on the preliminary information we received from RWQCB. Following refinement of project plans to minimize fills to the Irwin Creek channel and adhering to standard Best Management Practices would greatly reduce and control potential impacts to regulated habitat. Where permanent impacts could not be avoided due to fills and shading associated with a new bridge structure, compensatory mitigation could then be achieved by creating replacement habitat or other approaches acceptable to the regulatory agencies.

Opportunities for achieving compensatory mitigation for any fills to the Irwin Creek channel may be available downstream, elsewhere in the watershed, and at other locations in East Marin County.

Response to Comment 5-74

The comment summarizes the findings of a desktop analysis of hydrology impacts related to the Under the Freeway Alternative site. This comment does not concern the adequacy of the EIR and no revisions to the EIR are required.

Comment 5-75

Similar projects involving bridge structures affecting jurisdictional waters that required regulatory agency review and approval, as well as compensatory mitigation, include the nearby San Rafael Creek Bridge Project that was part of the Second Street off-ramp for northbound I-101 and the new Bon Air Bridge over Corte Madera Creek in Larkspur. Information on each of these projects, their impacts on jurisdictional waters, and the mitigation required as part of the regulatory agency authorizations is summarized below. But both projects provide an indication that similar projects impacting jurisdictional waters can be mitigated through a careful process of design refinements to minimize potential impacts and by providing adequate compensatory mitigation that addresses concerns of the both the local community and regulatory agencies.

San Rafael Creek Bridge at I-101 Second Street Off-Ramp. This project will replace the San Rafael Creek bridge on the I-101 off-ramp to Second Street, located just downstream of the proposed Transit Center site. The existing reinforced concrete slab bridge will be removed and replaced by a two-span precast voided slab bridge supported by precast abutments and 24-inch cast-in-steel-shell (CISS) piles. The new bridge and ramp will be slightly realigned and widened to meet Caltrans standards. Project implementation will permanently impact approximately 24 linear feet (0.001 acre) of San Rafael Creek due to installation of twelve 24-inch CISS piles in the creek to support the bridge. It will also temporarily impact approximately 225 linear feet (0.38 acre) of the creek due to removal of the existing bridge piers and deck, installation and removal of the temporary bridge, installation of piers for the new bridge, and implementation of sediment and debris containment and control measures during construction. To mitigate for temporary impacts to the channel, Caltrans will restore temporarily disturbed areas to their previous or to an enhanced condition. For permanent impacts to San Rafael Creek, Caltrans is required to 1) remove all of the existing bridge piers to an elevation at least three feet below the existing channel bottom elevation and 2) excavate approximately 0.03 acres of upland area adjacent to the southwestern corner of the existing bridge that will then become new channel area spanned by the new bridge. Removal of the existing piers in the channel and excavation of approximately 0.03 acres of upland area adjacent to the southwestern corner of the bridge will result in an increase of approximately 0.03 acres of open channel habitat, which was considered sufficient compensatory mitigation by the regulatory agencies.

Bon Air Bridge Replacement. This project involves the replacement of the Bon Air Bridge over Corte Madera Creek in Larkspur. The City of Larkspur completed the environmental review for the project in 2012, which involved permits and authorizations from the Corps, U.S. Fish and Wildlife, CDFW, Bay Conservation and Development Commission, and the RWQCB. To address the temporary and permanent impacts of the project, five mitigation projects are to be completed before the end of bridge construction. Several components of the mitigation are intended to improve habitat for special-status species affected by the project. Mitigation includes: 1) installing low impact development/stormwater enhancements on Magnolia Lane by widening the planting area along the adjacent roadside ditch,

providing curb cuts to allow street runoff to pass into bioswales for pretreatment before entering storm drains, and installing an underground infiltration system; 2) relocating the dog park in Piper Park to a new area east of the Central Marin Police Station and restoring the original dog park area as tidal marsh habitat with an educational overlook; and 3) improving public access to Corte Madera Creek by rehabilitating walkways and docks at Bon Air Landing Park and the public dock at the Marin Rowing Club.

Response to Comment 5-75

The comment provides a summary of regional projects that involved creek crossings. This comment does not concern the adequacy of the EIR and no revisions to the EIR are required.

Comment 5-76

I trust this provides you with the summary of the preliminary regulatory issues related to use of the I-101 undercrossing site along Irwin Creek. Please let me know if you have any questions regarding the above summary. I can be reached by phone at 510-393-0770 or email at beach127@aol.com.

Response to Comment 5-76

The comment provides contact information. Relevant correspondence will be directed to the contact provided.

Comment Letter 6

Transportation Authority of Marin

900 Fifth Avenue
Suite 100
San Rafael
California 94901

Phone: 415/226-0815
Fax: 415/226-0816

www.tam.ca.gov

October 29, 2021

Raymond Santiago, Principal Planner
Golden Gate Bridge, Highway and Transportation District
1011 Andersen Drive, San Rafael, CA 94901-5318

SUBJECT: Comment Letter on the Draft EIR for the San Rafael Transit Center Relocation Project

Dear Mr. Santiago:

6-1 The Transportation Authority of Marin (TAM) has been an active partner along with the City of San Rafael, Marin Transit and SMART as the Bridge District leads the effort to develop the Draft Environmental Impact (EIR) Report for the San Rafael Transit Center Relocation Project. We are pleased the Bridge District has reached this significant milestone in the effort to identify an alternative site for a new transit center in downtown San Rafael. Creating a new transit center in central Marin is a significant undertaking that affects multiple stakeholders in the North Bay, including but not limited to, transit users, San Rafael residents, and surrounding communities and businesses. We look forward to continued robust outreach and communication as the project is developed.

6-2 Overall, TAM is supportive of a site configuration that best supports transit operations, while creating a welcoming and safe environment for all transit users, as well as for other pedestrians and travelers in the vicinity, and creates an attractive feature for the community. A new facility will likely be in service for many years to come, and it is imperative that it provide sufficient capacity and design features to support efficient transit use and operations in the long-term. The Whistlestop Alternatives seem to go farthest toward meeting those goals.

6-3 Furthermore, we strongly believe fully addressing the comments from stakeholders, including all partners on the project, is key to the successful design and construction of the new transit center. We encourage you to take the time to complete this step before finalizing the EIR.

The TAM Board and staff appreciate the opportunity to offer comments on the Draft EIR and the process moving forward. Please don't hesitate to contact us with any questions.

Sincerely,

Anne Richman
Executive Director

9.2.6.1 Response to Comment Letter 6, Transportation Authority of Marin

Comment 6-1

The Transportation Authority of Marin (TAM) has been an active partner along with the City of San Rafael, Marin Transit and SMART as the Bridge District leads the effort to develop the Draft Environmental Impact (EIR) Report for the San Rafael Transit Center Relocation Project. We are pleased the Bridge District has reached this significant milestone in the effort to identify an alternative site for a new transit center in downtown San Rafael. Creating a new transit center in central Marin is a significant undertaking that affects multiple stakeholders in the North Bay, including but not limited to, transit users, San Rafael residents, and surrounding communities and businesses. We look forward to continued robust outreach and communication as the project is developed.

Response to Comment 6-1

The comment expresses support for the proposed project. The comment does not concern the adequacy of the EIR and no revisions to the Draft EIR are required.

Comment 6-2

Overall, TAM is supportive of a site configuration that best supports transit operations, while creating a welcoming and safe environment for all transit users, as well as for other pedestrians and travelers in the vicinity, and creates an attractive feature for the community. A new facility will likely be in service for many years to come, and it is imperative that it provide sufficient capacity and design features to support efficient transit use and operations in the long-term. The Whistlestop Alternatives seem to go farthest toward meeting those goals.

Response to Comment 6-2

The comment expresses support for the Move Whistlestop and Adapt Whistlestop Alternatives. The comment does not concern the adequacy of the EIR and no revisions to the Draft EIR are required.

Comment 6-3

Furthermore, we strongly believe fully addressing the comments from stakeholders, including all partners on the project, is key to the successful design and construction of the new transit center. We encourage you to take the time to complete this step before finalizing the EIR.

Response to Comment 6-3

The comment expresses support for the public comment and response process. Comments pertaining to the adequacy of the EIR are addressed in this chapter, and revisions to the Draft EIR are provided in strikeouts and underlined text. The comment does not concern the adequacy of the EIR and no revisions to the Draft EIR are required.

Comment Letter 7

September 9, 2021

City of San Rafael
- Kate Colin, Mayor
- Bill Guerrin, Director of Public Works / Chief Engineer
- Rafat Raie, Deputy Director of Public Works

Transportation Authority of Marin
- Anne Richman, Executive Director
- Bill Whitney, Project Manager

Sonoma Marin Area Rail Transit District
- Farhad Mansourian, General Manager
- Bill Gamlen, Chief Engineer

Golden Gate Bridge, Highway and Transportation District
- Raymond Santiago, Principal Planner
- Barbara Pahre, President, Board of Directors
- Judy Arnold, Member, Board of Directors
- Alice Fredericks, Member, Board of Directors
- Patty Garbarino, Member, Board of Directors
- Dennis Rodoni, Member, Board of Directors

Marin Transit Board of Directors
- Damon Connolly, Member
- Katie Rice, Member
- Stephanie Moulton-Peters, Member
- Eric Lucan, Member
- Brian Colbert, Member

Dear San Rafael Transit Center Replacement Project Decision-Maker,

This letter is to convey WTB-TAM's strong support for either the "Move Whistlestop" alternative or the "Adopt Whistlestop" alternative for the new San Rafael Transit Center.

7-1 WTB-TAM recommends against adopting either the "Fourth Street Gateway" alternative or the "Under the Freeway" alternative.

We are pleased to see that the North South Greenway Class I multi-use path has been included in the "Move Whistlestop" and "Adopt Whistlestop" alternatives. As we are sure you are aware, the four block-long stretch of West Tamalpais Avenue between Second Street and Mission Avenue in Downtown San Rafael is one of the few gaps remaining on the North South Bikeway. Our two preferred Transit Center Relocation Project alternatives would cut that gap in half by extending the Greenway as far as Fourth Street. The design of the Greenway in these two alternatives—off the street, fully separated from vehicular traffic—is especially to be commended.

7-2 With that said, we would like to emphasize that the Greenway alignment in the "Move Whistlestop" and "Adopt Whistlestop" alternatives only makes sense assuming that significant changes are made to the existing land uses on the parcels fronting West Tamalpais Avenue between Second and Fourth Streets. Under existing conditions, five separate driveway curb cuts cross the western side of West Tamalpais Avenue between Second and Fourth Streets. Curb cuts are incompatible with multi-use paths.

The Downtown San Rafael Precise Plan shows that the block bounded by Second, Third, Tamalpais, and Lincoln is the site of a "pipeline project (entitled/under construction)". However, the block to its north (between Third and Fourth), however, is still listed as a "potential infill opportunity". We urge you to make sure that there is a plan to redevelop this block from its existing uses before moving forward with either the "Move Whistlestop" or "Adopt Whistlestop" alternatives.

7-3 Next, we would like to draw your attention to a design flaw in the "Move Whistlestop" and "Adopt Whistlestop" alternatives that we hope to see addressed. These alternatives currently designate the eastern side of West Tamalpais Avenue in the block north of Fourth Street as a "Pick Up / Drop Off" zone. However, this is in conflict

7-3 cont.

with the future route of the North South Greenway once this final two-block gap is closed.

The future Greenway will run along the east side of West Tamalpais Avenue from Fourth Street to Mission Avenue. You don't want to have people getting picked up and dropped off directly onto a busy multi-use path. We think that a Pick Up / Drop Off zone would make more sense either on the west side of West Tamalpais Avenue, or on East Tamalpais Avenue.

7-4

Finally, we would like to remind you that the existing pathway on Hetherton Street between Fourth Street and Mission Avenue is not the North South Greenway alignment and thus should not be considered a substitute for the future Greenway Alignment along West Tamalpais Avenue.

Thank you for your efforts, and please let us know if we can be of any more assistance.

Thank you

WTB-TAM (Transportation Alternatives for Marin)

Patrick Seidler, President

Matthew Hartzell, Director of Planning & Research

9.2.7.1 Response to Comment Letter 7, Wilderness Bike Trails/ Transportation Alternatives for Marin

Comment 7-1

WTB-TAM recommends against adopting either the "Fourth Street Gateway" alternative or the "Under the Freeway" alternative.

Response to Comment 7-1

The comment expresses opposition to the Fourth Street Gateway and Under the Freeway Alternatives. As stated in the Draft EIR, the Move Whistlestop Alternative has been identified as the District's preferred alternative. The comment does not concern the adequacy of the EIR and no revisions to the Draft EIR are required.

Comment 7-2

We are pleased to see that the North South Greenway Class I multi-use path has been included in the "Move Whistlestop" and "Adopt Whistlestop" alternatives. As we are sure you are aware, the four block-long stretch of West Tamalpais Avenue between Second Street and Mission Avenue in Downtown San Rafael is one of the few gaps remaining on the North South Bikeway. Our two preferred Transit Center Relocation Project alternatives would cut that gap in half by extending the Greenway as far as Fourth Street. The design of the Greenway in these two alternatives—off the street, fully separated from vehicular traffic—is especially to be commended.

With that said, we would like to emphasize that the Greenway alignment in the "Move Whistlestop" and "Adopt Whistlestop" alternatives only makes sense assuming that significant changes are made to the existing land uses on the parcels fronting West Tamalpais Avenue between Second and Fourth Streets. Under existing conditions, five separate driveway curb cuts cross the western side of West Tamalpais Avenue between Second and Fourth Streets. Curb cuts are incompatible with multi-use paths.

The Downtown San Rafael Precise Plan shows that the block bounded by Second, Third, Tamalpais, and Lincoln is the site of a "pipeline project (entitled/under construction)". However, the block to its north (between Third and Fourth), however, is still listed as a "potential infill opportunity". We urge you to make sure that there is a plan to redevelop this block from its existing uses before moving forward with either the "Move Whistlestop" or "Adopt Whistlestop" alternatives.

Response to Comment 7-2

The comment expresses support for the Move Whistlestop and Adapt Whistlestop Alternatives and the bicycle facilities included in these alternative designs. The Move Whistlestop and Adapt Whistlestop Alternatives would remove all driveways on Tamalpais Avenue between 3rd Street and 4th Street and would relocate them to 3rd and 4th Streets. Thus, the proposed project would eliminate any driveways within that block, achieving the stated desire for a multi-use path without driveway conflicts on that block. Additionally, the approved 703 3rd Street project would reduce the number of driveways along Tamalpais Avenue between 2nd and 3rd Streets from two to one once constructed.

The comment does not concern the adequacy of the EIR and no further response is required.

Comment 7-3

Next, we would like to draw your attention to a design flaw in the "Move Whistlestop" and "Adopt Whistlestop" alternatives that we hope to see addressed. These alternatives currently designate the eastern side of West Tamalpais Avenue in the block north of Fourth Street as a "Pick Up / Drop Off" zone. However, this is in conflict with the future route of the North South Greenway once this final two-block gap is closed.

The future Greenway will run along the east side of West Tamalpais Avenue from Fourth Street to Mission Avenue. You don't want to have people getting picked up and dropped off directly onto a busy multi-use path. We think that a Pick Up / Drop Off zone would make more sense either on the west side of West Tamalpais Avenue, or on East Tamalpais Avenue.

Response to Comment 7-3

This comment expresses concern with the proposed pick-up/drop-off location on West Tamalpais Avenue north of 4th Street. To address this comment, the description of the Move Whistlestop Alternative was revised in the Final EIR to relocate the pick-up/drop-off off street along a new driveway west of West Tamalpais Avenue, extending between 3rd Street and 4th Street. No pick-up/drop-off will be located along West Tamalpais Avenue with the Move Whistlestop Alternative. The description of the Adapt Whistlestop Alternative layout was also revised in the Final EIR to reflect the relocation of the pick-up/drop-off area. The Draft EIR has been revised to reflect these design changes in Chapter 2 of the Final EIR. See Figures 2-4 and 2-5 in the Final EIR for the revised layouts of the Move Whistlestop Alternative and Adapt Whistlestop Alternative.

Comment 7-4

Finally, we would like to remind you that the existing pathway on Hetherton Street between Fourth Street and Mission Avenue is not the North South Greenway alignment and thus should not be considered a substitute for the future Greenway Alignment along West Tamalpais Avenue.

Response to Comment 7-4

Existing bicycle infrastructure and proposed modifications to these existing facilities are described in Section 3.13, Public Services and Recreation. Proposed bicycle path projects in the project area include a project that would install a Class IV bikeway along West Tamalpais Avenue through the project area and a project that would install a bikeway along 4th Street to create an east to west Downtown connection for bicyclists. The Class IV bikeway along West Tamalpais Avenue is the greenway alignment mentioned in the comment.

The project alternatives are consistent with the City's future Greenway Alignment along West Tamalpais Avenue. Under the Move Whistlestop Alternative and Adapt Whistlestop Alternative, the project would construct a portion of the City's planned Class IV bicycle facility on West Tamalpais Avenue between 2nd Street and 4th Street. The other build alternatives would neither construct nor preclude construction of the future Greenway Alignment along Tamalpais Avenue. Therefore, all alternatives are consistent with planned improvements to the City's bicycle network.

Comment Letter 8

LEAGUE OF WOMEN VOTERS® OF MARIN COUNTY

September 15, 2021

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

Dear Mr. Santiago:

8-1 The League of Women Voters of Marin welcomes the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the San Rafael Transit Center Project. We very much appreciate the work the Golden Gate Bridge, Highway and Transportation District (GGBHTD) staff and their consultants have done preparing the report. Overall, the League concurs with the analysis and is supportive of either the Move Whistlestop Alternative or the Adapt Whistlestop Alternative.

8-2 One of the areas in which the report could improve is in the analysis of the conflicts between pedestrians and vehicles and buses and other vehicles. These conflicts are especially significant for the "Under the Freeway" Alternative where buses must enter and exit the transit center from heavily traveled Irwin and Hetherton Streets. Additionally, with this alternative, transit users will need to cross these busy streets to enter or leave the transit center and to transfer to and from the SMART train. (See Tables 5-4 and 5-5 in Transportation Summary Report, Appendix C). While the DEIR projects the rate of potential conflict, there is no analysis about the severity of that conflict, up to and including the possible death of pedestrians crossing Hetherton and Irwin Streets in the face of cars trying to cross before a signal change.

8-3 We also remain concerned that a Title VI equity analysis was not provided on the four alternatives and no build option. This is important because a significant number of users of the transit center are low-income minorities who reside in the Canal Neighborhood. There should be a statement in the DEIR about when a Title VI analysis will be provided to the public.

4340 Redwood Highway, Suite F-133, San Rafael 94903
Phone: 415-507-0824 Website: marinlwv.org Email: lwvmc@marinlwv.org

8-4

Once the Project Environmental Impact Report is certified and the GGBHTD Board and the City Council have agreed on an alternative site, the League looks forward to participating in a design process in which Marin County and San Rafael residents and transit center users will be able to provide input.

The League of Women Voters will continue to monitor this important project. We look forward to continuing to work with you and your project team.

Sincerely,

Ann Wakeley

Ann Wakeley
President

CC: Mayor Kate Colin, City of San Rafael
San Rafael City Council
Marin County Board of Supervisors
Patty Garbarino, Board Member GGBHTD
Alice Fredericks, Board Member GGBHTD
Denis Mulligan, General Manager GGBHTD
Jim Schutz, San Rafael City Manager

4340 Redwood Highway, Suite F-133, San Rafael 94903
Phone: 415-507-0824 Website: marinlwv.org Email: lwvmc@marinlwv.org

9.2.8.1 Response to Comment Letter 8, League of Women Voters

Comment 8-1

The League of Women Voters of Marin welcomes the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the San Rafael Transit Center Project. We very much appreciate the work the Golden Gate Bridge, Highway and Transportation District (GGBHTD) staff and their consultants have done preparing the report. Overall, the League concurs with the analysis and is supportive of either the Move Whistlestop Alternative or the Adapt Whistlestop Alternative.

Response to Comment 8-1

The comment expresses support for the Move Whistlestop and Adapt Whistlestop Alternatives. The comment does not concern the adequacy of the EIR and no revisions to the Draft EIR are required.

Comment 8-2

One of the areas in which the report could improve is in the analysis of the conflicts between pedestrians and vehicles and buses and other vehicles. These conflicts are especially significant for the "Under the Freeway" Alternative where buses must enter and exit the transit center from heavily traveled Irwin and Hetherton Streets. Additionally, with this alternative, transit users will need to cross these busy streets to enter or leave the transit center and to transfer to and from the SMART train. (See Tables 5-4 and 5-5 in Transportation Summary Report, Appendix C). While the DEIR projects the rate of potential conflict, there is no analysis about the severity of that conflict, up to and including the possible death of pedestrians crossing Hetherton and Irwin Streets in the face of cars trying to cross before a signal change.

Response to Comment 8-2

This comment expresses concern about pedestrian safety, specifically in the Under the Freeway Alternative. The Draft EIR evaluated potential traffic and circulation conflicts, including potential traffic hazards for vehicles and pedestrians. Nevertheless, the District has performed additional safety analysis and findings have been included in the Final EIR. Please see the response to comment 5-58 for additional information on this analysis.

Comment 8-3

We also remain concerned that a Title VI equity analysis was not provided on the four alternatives and no build option. This is important because a significant number of users of the transit center are low-income minorities who reside in the Canal Neighborhood. There should be a statement in the DEIR about when a Title VI analysis will be provided to the public.

Response to Comment 8-3

CEQA does not require Title VI analysis as part of the environmental review process. The District will complete a Title VI analysis after project adoption. The comment does not concern the adequacy of the EIR and no revisions are required.

Comment 8-4

Once the Project Environmental Impact Report is certified and the GGBHTD Board and the City Council have agreed on an alternative site, the League looks forward to participating in a design process in which Marin County and San Rafael residents and transit center users will be able to provide input.

The League of Women Voters will continue to monitor this important project. We look forward to continuing to work with you and your project team.

Response to Comment 8-4

The comment expresses support for an ongoing and inclusive outreach process to support the proposed project. The District plans to continue its ongoing community engagement and outreach process (as summarized in Chapter 1, Section 1.3.1, Agency and Public Outreach, on page 1-3 of the Final EIR) through and following the conclusion of the environmental review process. The comment does not concern the adequacy of the EIR and no revisions to the Draft EIR are required.

Comment Letter 9

SAN RAFAEL HERITAGE
P.O. BOX 150665, SAN RAFAEL, CALIFORNIA 94915

September 29, 2021

Golden Gate Bridge, Highway and Transportation District
Raymond Santiago, Principal Planner SRTC@goldengate.org

Subject: Comments on San Rafael Transit Center Environmental Impact Report

San Rafael Heritage (SRH) has reviewed the Golden Gate Bridge, Highway and Transportation District (District) project EIR. While SRH does not state preference for any option at this time, it is committed to
9-1 preservation and compatible utilization of the buildings on the city's historic resources inventory located in the transit center project area. Of particular concern to SRH is the preservation and adaptive use of the Northwestern Pacific Railroad Depot (depot), AKA Whistlestop, now known as Vivalon.

The following are SRH comments to Chapter 3.4:

Page 9:

9-2 1. 1st PP: *"(both outside the project area)"* - The depot is now included as eligible for the "East Downtown Core" Historic District

9-3 2. 3rd PP: *"Further details … are available in Appendix G".* Since further details are not available in Appendix G this should be noted here.

Page 22:

9-4 1. 2nd PP: *"(Neither of these eligible districts overlaps with the CEQA study area.)"* The DTPP now includes the depot and taxi office. Refer to page 9 above.

9-5 2. *"E: Ineligible as local landmarks"* – "E" has been eliminated as a category. Coordinate with the updated historic resource inventory included with the recently adopted Downtown Precise Plan and 2040 General Plan for the rating of resources and proposed historic district boundaries.

9-6 3. 4th PP: 1011 Irwin Street – SRH does not consider this building significant.

9-7 Two project alternatives impact the character of Tamalpias Avenue. Bus operations will affect the depot building either in its current location or if relocated to the west side of the street. SRH is concerned that the operation of the transit center will adversely impact Tamalpias Avenue historic resources. Relocation of the depot and loss of two other resources will alter the character of Tamalpias Avenue.

Page 23: 2nd PP has several issues to be addressed:

9-8 1. 930 Tamalpais: SRH's independent professional assessment of the building does not concur with the 2012 JRP Evaluation. The motivation of the landowner commissioning it was to have the site cleared for development of a multiuse building. SRH's consultant reviewed the JRP evaluation findings and noted several inaccuracies, incomplete research and unsupported analysis leading to the conclusion that the building has no historic significance. SRH's landmark application provides ample evidence of the building's historic significance. SRH offers the following observations:

9-8 cont.

Only once does the document note the presence of an original building elements; the arcade. The original buildings include 140 linear feet of the 1929 street façade; the façade was built as a single unit; the waiting room, the central passageway (SMP#1) and the baggage room. The evaluation only mentions in passing *"… a series of arches on the first floor"* referring to the waiting room and *"The arches are mostly filled with metal entry doors, and eight-over-eight metal hopper windows…"* which refers to the baggage wing. These comments do not acknowledge the historic portion of the building and it's connecting passageway (raised shaped) Mission entrance arches.

9-9

2. The GGT DEIR reaches a conclusion of "diminished integrity" of the depot. The Downtown Precise Plan now includes the building in the eligible "East Downtown Core" Historic District and also upgraded the building to "C" status. In the recent DPR produced by ICF, SRH finds their conclusion to be subjective and not supported by the facts. The depot is the last remaining, highly visible feature of the development of San Rafael as a "railroad suburb". When the Northwestern Pacific Railroad relocated to this building in the mid-1940s from Sausalito, this action increased its significance. The building's C status can be improved to an A or B through appropriate and sensitive restoration to an agreed upon period of significance.

Page 24:

9-10

1. 3rd PP: (927 Tamalpais) *"but has undergone alterations since its original recordation"* - The façade and brick side walls of the original the taxi stand office are intact and have not been altered. There are many original elements extant. There is a cement-block addition at the rear which did not alter the original building.

9-11

2. 4th PP: (930 Tamalpais) SRH does not concur with this conclusion. The City of San Rafael Issue Paper (6/2010) stated the depot's 1980s additions were *"not found to compromise the historical character."*

9-12

Page 28: Section 3.4.2.3 Impacts: SRH has not identified a preferred option. As stated previously, SRH is committed to preservation of all historic resources in in the Transit Center Project area . Either adaptation or relocation will have an impact on Tamalpais Avenue's historic character and as proposed will result in the loss of two buildings in the city's historic resources inventory.

The following are SRH comments on each of the four alternatives:

Move Whistlestop Alternative:

1. This option may have a detrimental effect on the depot building's status for national or state designation by reducing its "Aspects of Integrity" from the current five to three where a minimum of four are commonly required; However, this should not affect its placement on the local historic register.

9-13

2. This alternative will require demolition of two historic buildings: 927 Tamalpais and 703-705 4th Street. The 4th Street building, originally the National Hotel, has been altered, however it could be improved with incentives as this building houses both small business and residential apartments.

3. SRH requests mitigation measures be taken for any historic resource lost as a result of this station project. We recommend specific measures regarding the 927 Tamalpais and 703-705 4th Street, as currently the probability of their demolition seems high.

4. If this option is selected SRH advocates:

   (a) Preserving and repurposing the 1929 NWP Depot, which could include the 1940s Maintenance-of-Way and entry additions and the north end 1951/1987 additions; SRH would expect to

9-13 cont.

participate in determination of the period of historic significance prior to initiating the project design;

(b) Incorporating an active use such as a café with an outdoor dining plaza facing 4th Street as proposed in SRH's May 2020 landmark application. This use program would have similarity to the repurposed NWP Depot and plaza in Mill Valley.

9-14

Adapt Whistlestop Alternative: This option has bus bays, shelters and trees against the west façade of the building. The depot's historic and visual significance justifies its treatment as a key civic point of interest and placemaking opportunity. The context created around the building is of considerable importance to its value as a civic space.

1. This alternative will require demolition of two historic structures: Refer to Items 2 and 3 above.
2. SRH assumes that the NWP Depot building will be utilized for transit and other compatible uses.

9-15

4th Street Gateway Alternative:

1. 633 and 637 Fifth Avenue: This alternative is of significant concern to SRH as these buildings would need to be moved or demolished. It would be difficult to secure a suitable site in the downtown area with the likely result of loss of these resources. The buildings are well maintained and contain small local businesses that are assets to San Rafael and should not be disturbed.
2. They are valuable for as an attractive gateway to Downtown from the southbound US 101 Central San Rafael exit. Integral to SRH concerns is that no plans are provided for mitigating the impact to these historic resources.

9-16

Under the Freeway Alternative:

1. 1011 Irwin Street – SRH does not believe this building is significant. In the City there are many "hipped roof cottages" in close proximity to each other that are better representations as this one stands alone. The brick entry staircase is not original and there is no discernable history attached.

9-17

To conclude, SRH requests that the NWP depot be fully restored to an agreed upon period of significance and placed in service with compatible uses. SRH also requests the building be submitted to the city for local landmark designation at completion of restoration, in recognition of special status and to protect the resource for future generations. Any restoration or alterations shall conform with the "Secretary's Interior Standards" to improve suitability for inclusion on the national register and as a state historic resource. SRH maintains local landmark designation is the most protective and symbolically important to the local community. The final consideration of the status for this historic treasure is the value placed in it by the local community. It is beloved by San Rafael residents and it would be tragic not to honor it for its possibilities to become an inviting welcome to all who travel in our city.

SRH is committed to working with the district on achieving an exemplary environment around the Transit Center regardless of the alternative selected. We look forward to working directly with the district on this project.

Sincerely,

Linzy Klumpp, President
San Rafael Heritage

9.2.9.1 Response to Comment Letter 9, San Rafael Heritage

Comment 9-1

San Rafael Heritage (SRH) has reviewed the Golden Gate Bridge, Highway and Transportation District (District) project EIR. While SRH does not state preference for any option at this time, it is committed to preservation and compatible utilization of the buildings on the city's historic resources inventory located in the transit center project area. Of particular concern to SRH is the preservation and adaptive use of the Northwestern Pacific Railroad Depot (depot), AKA Whistlestop, now known as Vivalon.

Response to Comment 9-1

The comment concerns the preservation of historic resources potentially affected by the preferred alternative and build alternatives. Please see the responses to subsequent comments (comments 9-1 through 9-17) for responses to comments on specific resources.

Comment 9-2

The following are SRH comments to Chapter 3.4:

Page 9:

1. 1st PP: "(both outside the project area)" - The depot is now included as eligible for the "East Downtown Core" Historic District

Response to Comment 9-2

The existing conditions and environmental impacts discussions in Section 3.4, Cultural Resources, have been revised to reflect that the boundary of the East Downtown Core Historic District now extends into the CEQA study area for the project and contains buildings that would be altered by the project. Please refer to the response to comment 5-34 regarding additional analysis that addresses potential impacts on the East Downtown Core Historic District.

Comment 9-3

2. 3rd PP: "Further details … are available in Appendix G". Since further details are not available in Appendix G this should be noted here.

Response to Comment 9-3

The comment correctly indicates that Appendix G in the Draft EIR (now Appendix I in the Final EIR) does not contain additional detail. The results of the records searches were redacted for confidentiality. Text in Section 3.4, Cultural Resources, has been revised to remove references to this appendix.

Comment 9-4

Page 22:

1. 2nd PP: "(Neither of these eligible districts overlaps with the CEQA study area.)" The DTPP now includes the depot and taxi office. Refer to page 9 above.

Response to Comment 9-4

The comment points to an inconsistency between the original and revised boundaries of the East Downtown Core Historic District. The EIR has been revised to remove this statement because the East Downtown Core Historic District boundary now extends into the CEQA study area for the project (see page 3.4-24 of the Final EIR).

Comment 9-5

2. "E: Ineligible as local landmarks" – "E" has been eliminated as a category. Coordinate with the updated historic resource inventory included with the recently adopted Downtown Precise Plan and 2040 General Plan for the rating of resources and proposed historic district boundaries.

Response to Comment 9-5

The comment pertains to updated information in the *Downtown San Rafael Precise Plan Historic Resources Survey*. The letter ratings proposed in the *Downtown San Rafael Precise Plan Historic Resources Survey* have been updated throughout Section 3.4, Cultural Resources, to correspond to the ratings reported in the May 2021 final *Downtown San Rafael Precise Plan Historic Resources Survey* report.

Comment 9-6

3. 4th PP: 1011 Irwin Street – SRH does not consider this building significant.

Response to Comment 9-6

The comment pertains to the designation of 1011 Irwin Street as a CEQA historical resource. As lead CEQA agency, the District is utilizing the Department of Parks and Recreation (DPR) form completed by the City for the *Downtown San Rafael Precise Plan Historic Resources Survey* as evidence supporting that 1011 Irwin Street qualifies as a CEQA historical resource. No revision to the Draft EIR is necessary.

Comment 9-7

Two project alternatives impact the character of Tamalpias Avenue. Bus operations will affect the depot building either in its current location or if relocated to the west side of the street. SRH is concerned that the operation of the transit center will adversely impact Tamalpias Avenue historic resources. Relocation of the depot and loss of two other resources will alter the character of Tamalpias Avenue.

Response to Comment 9-7

The environmental impacts discussion in Section 3.4, Cultural Resources, has been revised to analyze the proposed East Downtown Core Historic District, based on the updated district boundary that overlaps the footprint of the Move Whistlestop and Adapt Whistlestop Alternatives, which encompasses Tamalpais Avenue and surrounding buildings (see page 3.4-24 of the Final EIR). The analysis of the Move Whistlestop and Adapt Whistlestop Alternatives has been revised to describe potential construction-related and operations-related impacts (see pages 3.4-32 through 3.4-39 of the Final EIR). The revised analysis supports the conclusion that neither alternative would result in a significant impact on the East Downtown Core Historic District.

Comment 9-8

Page 23: 2nd PP has several issues to be addressed:

1. 930 Tamalpais: SRH's independent professional assessment of the building does not concur with the 2012 JRP Evaluation. The motivation of the landowner commissioning it was to have the site cleared for development of a multiuse building. SRH's consultant reviewed the JRP evaluation findings and noted several inaccuracies, incomplete research and unsupported analysis leading to the conclusion that the building has no historic significance. SRH's landmark application provide sample evidence of the building's historic significance. SRH offers the following observations:

Only once does the document note the presence of an original building elements; the arcade. The original buildings include 140 linear feet of the 1929 street façade; the façade was built as a single unit; the waiting room, the central passageway (SMP#1) and the baggage room. The evaluation only mentions in passing "… a series of arches on the first floor" referring to the waiting room and "The arches are mostly filled with metal entry doors, and eight-over-eight metal hopper windows…" which refers to the baggage wing. These comments do not acknowledge the historic portion of the building and it's connecting passageway (raised shaped) Mission entrance arches.

Response to Comment 9-8

The EIR analysis in Section 3.4, Cultural Resources, does not exclusively depend upon the 2012 evaluation of 930 Tamalpais Avenue conducted by JRP Consulting. Rather, the Draft EIR contains an updated inventory form, contained in Appendix F of the Draft EIR (Appendix H of the Final EIR), that provides an assessment of 930 Tamalpais Avenue's significance and integrity by taking into consideration the findings of multiple past evaluations, including the 2012 JRP evaluation. The updated inventory form acknowledges limitations of the 2012 JRP evaluation and provides a new assessment of the building's integrity that considers the extant features listed in the comment. Like the 2012 JRP evaluation, the new evaluation also finds that 930 Tamalpais Avenue lacks a sufficient degree of integrity and does not meet the CEQA definition of a historical resource individually. No revision to the Draft EIR is necessary.

Comment 9-9

2. The GGT DEIR reaches a conclusion of "diminished integrity" of the depot. The Downtown Precise Plan now includes the building in the eligible "East Downtown Core" Historic District and also upgraded the building to "C" status. In the recent DPR produced by ICF, SRH finds their conclusion to be subjective and not supported by the facts. The depot is the last remaining, highly visible feature of the development of San Rafael as a "railroad suburb". When the Northwestern Pacific Railroad relocated to this building in the mid-1940s from Sausalito, this action increased its significance. The building's C status can be improved to an A or B through appropriate and sensitive restoration to an agreed upon period of significance.

Response to Comment 9-9

Please refer to the response to comment 5-34 regarding the revised analysis addressing the East Downtown Core Historic District, and the response to comment 9-5 regarding updated status codes.

Regarding the comments on ICF's DPR form that documents an updated evaluation of the Whistlestop building, the comment does not provide new information that would change the findings or the historical resource status of the building. The DPR form finds the building to have

historical significance, as supported by the information in the comment. However, the DPR form finds that the building's physical integrity has changed to the extent that it cannot convey its significance and is not eligible for historic register listing. Furthermore, the DPR form and the EIR analysis consider the historical resource status of the building as it currently is; anticipating a potential future condition and potential future historical resource status would be speculative and not supported by evidence.

Comment 9-10

Page 24:

1. 3rd PP: (927 Tamalpais) "but has undergone alterations since its original recordation" - The façade and brick side walls of the original the taxi stand office are intact and have not been altered. There are many original elements extant. There is a cement-block addition at the rear which did not alter the original building.

Response to Comment 9-10

The comment provides information about past modifications to the building at 927 Tamalpais Avenue. Appendix F of the Draft EIR (Appendix H of this Final EIR) contains an updated inventory form for 927 Tamalpais Avenue that provides additional detail on the building's alterations, which include the replacement of the front window sashes and the replacement or removal of original roof tiles. The updated evaluation of 927 Tamalpais Avenue that supports the EIR finds that the building lacks distinctive architectural character due to these alterations, in addition to its relatively modest design. The comment does not provide information that would alter the EIR's finding that the building does not qualify as a CEQA historical resource individually. However, Section 3.4, Cultural Resources, of the Draft EIR has been revised to present an analysis of the project's potential impacts on the East Downtown Core Historic District, of which 927 Tamalpais Avenue has been identified as a contributing resource (see page 3.4-32 through 3.4-36 of the Final EIR).

Comment 9-11

2. 4th PP: (930 Tamalpais) SRH does not concur with this conclusion. The City of San Rafael Issue Paper(6/2010) stated the depot's 1980s additions were "not found to compromise the historical character."

Response to Comment 9-11

The comment pertains to past modifications to the building at 930 Tamalpais Avenue. The updated inventory form for 930 Tamalpais Avenue contained in Appendix F of the Draft EIR (Appendix H of the Final EIR) includes a discussion of the 1980s' additions to the building. The inventory form specifically includes an analysis of the building's integrity and finds that the additions diminish its integrity of design, feeling, and association. The comment does not provide information that would alter the EIR's finding that the building does not qualify as a CEQA historical resource individually. No revision to the Draft EIR is necessary.

Comment 9-12

Page 28: Section 3.4.2.3 Impacts: SRH has not identified a preferred option. As stated previously, SRH is committed to preservation of all historic resources in in the Transit Center Project area. Either

adaptation or relocation will have an impact on Tamalpais Avenue's historic character and as proposed will result in the loss of two buildings in the city's historic resources inventory.

Response to Comment 9-12

The comment pertains to the potential impacts on historic-aged resources in the project area. Section 3.4, Cultural Resources, describes the historical resource status of buildings adjacent to Tamalpais Avenue (see pages 3.4-28 through 3.4-31 of the Final EIR). Please refer to the response to comment 9-7 regarding potential impacts on the historic character of Tamalpais Avenue, and to the response to comment 5-34 regarding impacts on the East Downtown Core Historic District.

Comment 9-13

The following are SRH comments on each of the four alternatives:

Move Whistlestop Alternative:

1. This option may have a detrimental effect on the depot building's status for national or state designation by reducing its "Aspects of Integrity" from the current five to three where a minimum of four are commonly required; However, this should not affect its placement on the local historic register.

2. This alternative will require demolition of two historic buildings: 927 Tamalpais and 703-705 4th Street. The 4th Street building, originally the National Hotel, has been altered, however it could be improved with incentives as this building houses both small business and residential apartments.

3. SRH requests mitigation measures be taken for any historic resource lost as a result of this station project. We recommend specific measures regarding the 927 Tamalpais and 703-705 4th Street, as currently the probability of their demolition seems high.

4. If this option is selected SRH advocates:

(a) Preserving and repurposing the 1929 NWP Depot, which could include the 1940s Maintenance-of-Way and entry additions and the north end 1951/1987 additions; SRH would expect to participate in determination of the period of historic significance prior to initiating the project design;

(b) Incorporating an active use such as a café with an outdoor dining plaza facing 4th Street as proposed in SRH's May 2020 landmark application. This use program would have similarity to the repurposed NWP Depot and plaza in Mill Valley.

Response to Comment 9-13

The comment provides feedback on the Move Whistlestop Alternative. Regarding the project's effects on 930 Tamalpais Avenue's (the Whistlestop building's) national or state designation status, the updated evaluation completed by ICF documents that the resource has diminished integrity and therefore is not eligible for listing in federal and state historical resource registers. Furthermore, the building has not previously been listed in the local historical resource register. No revision to the Draft EIR is necessary.

Regarding the demolition of 927 Tamalpais and 703–705 4th Street, the EIR demonstrates that neither building meets the requirements of a CEQA historical resource individually. The evaluations consider the eligibility of the resources at the current time; anticipating improved integrity and a different eligibility status in the future would be speculative.

CEQA requires mitigation measures be applied only when a substantial adverse change is identified in the significance of a historical resource. Section 3.4, Cultural Resources, currently includes mitigation measures for project alternatives that propose to demolish qualifying historical resources. Because neither 927 Tamalpais nor 703–705 4th Street qualify as historical resources individually, there is no significant impact on these resources, and no mitigation measures for impacts on these resources are necessary.

The commenter's interest in the preservation and reuse of 930 Tamalpais Avenue (Whistlestop building), interest in participating in the design process, and support of an active use design concept for the transit center are noted. Note that because the Whistlestop building does not currently qualify as a historical resource individually, there is no significant impact on the building under CEQA. Therefore, there is no need to adopt mitigation measures to address this less-than-significant impact.

Comment 9-14

Adapt Whistlestop Alternative: This option has bus bays, shelters and trees against the west façade of the building. The depot's historic and visual significance justifies its treatment as a key civic point of interest and placemaking opportunity. The context created around the building is of considerable importance to its value as a civic space.

1. This alternative will require demolition of two historic structures: Refer to Items 2 and 3 above.

2. SRH assumes that the NWP Depot building will be utilized for transit and other compatible uses.

Response to Comment 9-14

The comment provides feedback on the Adapt Whistlestop Alternative. The commenter's interest in the Whistlestop building's (930 Tamalpais Avenue's) potential for visual interest and placemaking is noted. As stated in Section 3.4, Cultural Resources, 930 Tamalpais Avenue does not qualify as a historical resource individually and the proposed project would have a less-than-significant impact on the East Downtown Core Historic District, which contains the building and its immediate surroundings. Please refer to Section 3.1, Aesthetics, for further discussion of the design characteristics of the Adapt Whistlestop Alternative.

Regarding item 1, the demolition of two built-environment resources, please refer to the response to comment 9-13.

Regarding item 2, the commenter correctly states that under the Adapt Whistlestop Alternative, 930 Tamalpais Avenue would contain transit-related uses, which may include a customer service and/or operations use. Refer to Chapter 2, Project Description, for further details. No revision to the Draft EIR is required.

Comment 9-15

4th Street Gateway Alternative:

1. 633 and 637 Fifth Avenue: This alternative is of significant concern to SRH as these buildings would need to be moved or demolished. It would be difficult to secure a suitable site in the downtown area with the likely result of loss of these resources. The buildings are well maintained and contain small local businesses that are assets to San Rafael and should not be disturbed.

2. They are valuable for as an attractive gateway to Downtown from the southbound US 101 Central San Rafael exit. Integral to SRH concerns is that no plans are provided for mitigating the impact to these historic resources.

Response to Comment 9-15

The comment provides feedback on the 4th Street Gateway Alternative. The Move Whistlestop Alternative has been identified as the preferred alternative. Mitigation Measure MM-CULT-CNST-1 explains that relocation of historical resources within the project footprint may not be possible if a suitable receiving site cannot be found, which is consistent with comment 9-15. The analysis of the 4th Street Gateway Alternative has been revised to provide additional information to substantiate this conclusion. Additionally, contrary to the commenter's statement, Mitigation Measures MM-CULT-CNST-1, MM-CULT-CNST-2, and MM-CULT-CNST-3 are provided to mitigate the identified impact on these resources; however, the EIR discloses that the measures may compensate for the project's significant impact but would not reduce it to a less-than-significant level. This supports the EIR's finding of a significant and unavoidable impact on historical resources under the 4th Street Gateway Alternative. No revisions to the mitigation measures are required.

Section 3.1, Aesthetics, has been revised in the Final EIR to clarify that although the structures are well maintained, the buildings are within an area that is, overall, visually disjointed (see pages 3.1-35 and 3.1-36 of the Final EIR). This is because these buildings are surrounded by commercial buildings of varying age and transportation facilities, including US-101 and the rail line, that do not have the same quality as the historic structures. Although removal of these buildings would slightly detract from views, their removal would occur in conjunction with the removal of disjointed commercial uses along Hetherton Street and Tamalpais Avenue between 3rd Street and 5th Avenue. The 4th Street Gateway Alternative would replace the disjointed land uses with a station and public space that provide a more unified visual setting that includes landscaping and provides greater aesthetic appeal over a larger area. As a result, the project would create a greater sense of arrival with a more distinct gateway to Downtown San Rafael, and removal of this building would not likely result in substantial visual impacts if the structure were not protected. However, the Final EIR identifies that removal of this building would conflict with zoning and other regulations governing scenic quality that are in place to protect historic resources, resulting in a significant aesthetic impact. The Final EIR retains the Draft EIR's conclusion that implementation of Mitigation Measure MM-CULT-CNST-1, which cross-references Mitigation Measure MM-CULT-CNST-3, would result in less-than-significant impacts on aesthetics, because it would relocate and preserve this historic structure. Text has also been added to this mitigation measure to clarify that it will ensure that the features of the building are retained in an onsite interpretive display commemorating the historical significance of the buildings should the buildings be demolished.

Comment 9-16

Under the Freeway Alternative:

1. 1011 Irwin Street – SRH does not believe this building is significant. In the City there are many "hipped roof cottages" in close proximity to each other that are better representations as this one stands alone. The brick entry staircase is not original and there is no discernable history attached.

Response to Comment 9-16

The comment provides feedback on the Under the Freeway Alternative. Please refer to the response to comment 9-6 regarding the historical resource status of 1011 Irwin Street considered in the Draft EIR.

Comment 9-17

To conclude, SRH requests that the NWP depot be fully restored to an agreed upon period of significance and placed in service with compatible uses. SRH also requests the building be submitted to the city for local landmark designation at completion of restoration, in recognition of special status and to protect the resource for future generations. Any restoration or alterations shall conform with the "Secretary's Interior Standards" to improve suitability for inclusion on the national register and as a state historic resource. SRH maintains local landmark designation is the most protective and symbolically important to the local community. The final consideration of the status for this historic treasure is the value placed in it by the local community. It is beloved by San Rafael residents and it would be tragic not to honor it for its possibilities to become an inviting welcome to all who travel in our city.

SRH is committed to working with the district on achieving an exemplary environment around the Transit Center regardless of the alternative selected. We look forward to working directly with the district on this project.

Response to Comment 9-17

This comment provides input on future designation efforts and possible rehabilitation of the Whistlestop building. As described in Section 3.4, Cultural Resources, there are multiple records of surveys of the Whistlestop building. In order to clarify the record regarding the historical resource status of the depot building, ICF prepared an updated evaluation of this building for the San Rafael Transit Center Replacement Project Survey, which is included in Appendix H of the Final EIR (Appendix F of the Draft EIR). In consideration of the record of past evaluations, ICF found the building not to be eligible for listing in the California Register of Historical Resources due to diminished integrity, and not to qualify as a CEQA historical resource. Furthermore, the building has not previously been listed in the local historical resource register. This comment does not concern the adequacy of the EIR and no revision of the Draft EIR is necessary.

Comment Letter 10

From: David Schonbrunn <David@Schonbrunn.org>
Sent: Monday, October 4, 2021 9:19 AM
To: Denis Mulligan <DMulligan@goldengate.org>
Subject: SRTC

Denis,

Over a year ago, I urged you to empower a public process, centered on a city advisory committee, to manage the development of alternatives for SRTC. You chose instead to go with a standard consultant-led approach.

10-1 The consequence of that choice, for me, is that--precisely as I had expected--I've completely lost touch with the project. I don't see any connection from the public process to the preferred alternative. As a result, I have made the decision to not review the EIR.

This tells me that the process failed. I don't believe it built community support for the project. I fail to understand why that wasn't completely predictable.

—David

David Schonbrunn, President
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9.2.10.1 Response to Comment Letter 10, Transportation Solutions Defense and Education Fund

Comment 10-1

Over a year ago, I urged you to empower a public process, centered on a city advisory committee, to manage the development of alternatives for SRTC. You chose instead to go with a standard consultant-led approach.

The consequence of that choice, for me, is that--precisely as I had expected--I've completely lost touch with the project. I don't see any connection from the public process to the preferred alternative. As a result, I have made the decision to not review the EIR.

This tells me that the process failed. I don't believe it built community support for the project. I fail to understand why that wasn't completely predictable.

Response to Comment 10-1

The comment expresses concern with the outreach and community engagement process. Outreach efforts through the publication of the Draft EIR are summarized Section 1.3.1, Agency and Public Outreach. Additionally, see the response to comment 5-8 for a description of past engagement with the City and the public throughout project development and preparation of the Draft EIR. This comment does not concern the adequacy of the EIR. No revisions to the Draft EIR are necessary.

Comment Letter 11

RESILIENT SHORE

415 578 2392
Admin@ResilientShore.org

828 Mission Avenue
San Rafael, CA 94901

October 8, 2021

Raymond Santiago, Project Manager
San Rafael Transit Center
Golden Gate Bridge Highway and Transportation District

Via Email

Reference: San Rafael Transit Center Environment Impact Report Public Comment

Raymond:

11-1 We take pleasure in having the opportunity to comment on the Golden Gate Bridge Highway and Transportation District (District) San Rafael Transit Center (Transit Center) Draft EIR. This project can be transformational for Downtown San Rafael, the North Bay and transit users. It can help mitigate climate change by encouraging transit use and active transportation, helping to reduce dependance on automobiles and reducing GHG emissions. It can provide a more convenient, safer, and higher quality environment for transit users. Robust transit use is essential to realization of the Downtown San Rafael Precise Plan.

11-2 San Rafael City Council's action on the Draft EIR in their October 4th meeting appeared to indicate a breakdown in direct communication between District and City policy makers. Potential Transit Center impacts on congestion, motor vehicle access to Downtown from US 101, pedestrian safety and appearance are major concerns for the City Council. There seems to be a divergence in opinion on the preferred location of the Transit Center. Perhaps this can be reconciled by having the decision makers meet and work out a mutually acceptable Transit Center location and key mitigations based on an understanding of needs and agreeing on a shared vision for the future.

We are concerned about the lack of a comprehensive forward planning vision including integration of all key transportation modes and adjacent transit-oriented land uses. Particularly troubling are statements made during City Council meeting suggesting a lack of commitment to the success of SMART.

Failure of the Transit Center to move forward in a mutually beneficial manner would be a disservice to transit users, the District, San Rafael, and citizens. Loss of this investment opportunity in Downtown San Rafael would be a tragedy. This would reflect poorly on the public's perception of the both the District and the City.

Below are our comments and recommendations:

Executive Summary

11-3 ES.7.1 Move Whistlestop Alternative (Preferred Project)

The Draft EIR concludes there are no unavoidable impacts associated with the Move Whistlestop Alternative.

11-3 cont.

We note impacts related to cultural resources, specifically three resources included in the San Rafael Historic Resource Inventory and located within a potential East Downtown Core Historic District along 4th Street and extending south along both sides of West Tamalpais. Two of the resources on the west side of West Tamalpias, the Barrelhouse/Taxi Stand Office, 927 West Tamalpias, and the altered National Hotel, 703-705 West Tamalpias, would be demolished. Relocation of the Northwestern Pacific Depot/Whistlestop building (NWP Depot), 930 Tamalpias Avenue, may impact its eligibility for listing on the National and/or California Registers.

Recommended Mitigation Measures:

1. Update the EIR to coordinate with the adopted San Rafael Historic Resource Inventory, Downtown Precise Plan and San Rafael General Plan 2040
2. As part of mitigation of resources to be demolished, restored and/or repurposed, prepare and submit historic documentation of the resources located within the selected alternative and publish findings as is customary with standard mitigation practices. This includes completion of measured drawings.
3. If either of the Whiistlestop alternatives are implemented, Identify elements suitable for reuse in a repurposed NWP Depot. A possible example may include the bar and back bar in the Barrell House/Taxi Stand Building.
4. If either of the Whistlestop alternatives are implemented, restore the exterior of the NWP Depot to an agreed upon period of significance and apply for San Rafael local landmark designation. For these alternatives, full restoration of the arcade facing the SMART tracks is recommended as part of the building program. Transit Center programmatic requirements may exceed the available space of the building restoration. If this is the case, additions to the building should conform with Secretary of Interior Standards. While relocation of a building commonly diminishes its relationship to its historic context, the new location proposed in the move Whistlestop alternative would increase visibility of the arcade, one of the NWP Depot's primary distinguishing characteristics. The NWP Depot would be moved to the west, away from the SMART boarding platform that currently hides the arcade and impairs access to the building. As proposed, the orientation to the railroad would be maintained.
5. Involve key stakeholders in determination of the period of significance and design of a repurposed NWP Depot and public plaza areas.

11-4

The Whistlestop alternatives can result in a significant placemaking opportunity for the Transit Center and Downtown if well programmed, designed, implemented, maintained, and managed. Sensitive restoration of the NWP Depot building will likely result in the resource receiving an elevated A or B rating in the City's inventory. The outcome may be like the repurposed NWP Depot building and former terminal track area in downtown Mill Valley, particularly with a well-designed public plaza space extending to 4th Street, along West Tamalpias and around the building.

Cultural Resources

11-5

Page 3.4-24 Table 3.4-26

San Rafael Heritage and the City do not concur with ICF findings regarding the NWP Depot. The recently updated San Rafael Historic Resources Inventory rated the NWP Depot a C.

11-5 cont.

Recommended Mitigation Measures:

1. Modify the EIR to include the latest rating and proposed historic district boundaries.
2. Restore the NWP Depot building to an agreed upon period of significance resulting in it having a higher local rating, eligibility for local landmark designation if either of the Whistlestop alternatives are selected.

GHG and Resource Efficiency

Page 3.7-20 Conclusion

Preservation and reuse of the NWP Depot building and salvageable materials would conserve resources and reduce solid waste.

11-6

Any increased traffic delay related to the Transit Center project will increase airborne emissions.

Traffic analysis findings were not apparent in our admittedly quick review of the draft EIR. Providing this information in a summary form would be helpful in comparing the various alternatives.

Recommended Mitigation Measures:

1. Include diversion of solid waste and sequestration of carbon in attainment of LEED Gold Certification and to conform with BAAQMD regulations.
2. Summarize traffic analysis prepared for each alternative to provide information on Transit Center operation addressing motor vehicle congestion and delay, air quality and GHG emissions.

Climate Change and Flood Risk Resiliency

We did not see specific reference to these topics in the EIR and recommend consideration and mitigation of climate change impacts and flood risk the alternative transit center locations and the no build alternate.

Portions of the Around Whistlestop and Adapt Whistlestop alternatives are located within the Flood Insurance Rate Map (FIRM) Zone AE and subject to inundation in a 1% flood event. While the depth of the inundation is likely to be relatively low in a 1% event, based on the 2016 map, event variability and intensity is likely to increase due to climate change. Currently, event duration is likely to be relatively short term due to the influence of tidal cycles. The sites are in an area subject to both fluvial and maritime flooding. Projected sea level rise will directly impact all the sites due to their low elevations.

11-7

The San Rafael 2040 General Plan identifies policies and programs to address the impacts of climate change. Refer to the San Rafael General Plan 2040 adopted August 2, 2021, ESA San Rafael Sea Level Rise Adaptation Study, June 19, 2020, and the City of San Rafael Flood Risk & Sea Level Rise Adaptation Report for the San Rafael General Plan 2040, July 2020.

Specific Policies and Programs are in the Safety and Resilience Element of the General Plan. For Program S-3.6A Sea Level Rise Adaptation Plan (Adaptation Plan) see page 8-17.

Recommended Mitigation Measures:

11-7 cont.

1. Refer to the 2016 FIRM and San Rafael General Plan for goals, policies, and programs, and modify the EIR.
2. Design the facilities to reduce inundation vulnerability in a flood event.
3. Participate in the San Rafael Sea Level Rise and Watershed Adaptation Plan as a stakeholder and funder. The city currently lacks resources to initiate the planning process and will need benefiting stakeholders to partially fund the plan and EIR and provide input. This is in the public's interest to help protect critical regional transportation infrastructure.

Land Use and Planning

Pages 3.10-2 – 3.10-16 Regional and Local

11-8

The Downtown Precise Plan, San Rafael 2040 General Plan, San Rafael Zoning Code revisions and an updated Historic Resource Inventory have been adopted by the City Council since completion of the EIR Draft.

Recommended Mitigation Measure:

Revise the EIR to coordinate with above referenced documents.

Transportation

City of San Rafael General Plan 2020 (and additional referenced area plans), pages 3.14-3 – 3.14-13

The 2020 General Plan has been replaced by documents referenced above.

11-9

Mobility at the east end of Downtown San Rafael is constrained by the roadway network and proximity of the SMART railroad to US 101. Hetherton Street serves as the southbound collector distributor roadway for the freeway. It provides four right turn access points to Downtown San Rafael from southbound US 101 serving as the gateway from the north for motor vehicles. Recent initiation of SMART service has increased delay for vehicles moving east and west across the US 101/SMART corridor. Rail operations impact signal timing and have reduced queuing capacity between the Hetherton and West Tamalpias signals. This has increased congestion on Heatherton due to stopped westbound traffic blocking right turn movements. Community, city staff and City Council sensitivity has been heightened for any action that may increase congestion.

Transit use information needs to be updated as pre pandemic counts lack full relevancy due to evolving commute patterns.

We did not see detail analysis of the bus movements and their impacts on mobility for vehicles, pedestrians and active transportation users for each alternative including no build. This information is needed to quantify the impacts of Transit Center operations on various street segments, intersections and on pedestrians and active transportation users.

An analysis of pedestrian and active transportation movement to and from each alternative location including no build was not apparent in the draft EIR. An understanding of this and bus and motor vehicle conflicts is needed to better assess the impacts associated with each alternative.

11-9 cont.

The relationship and interdependency between the various transportation modes is not stated in the EIR. How important is proximity of the transit center to the SMART station and the north south greenway? What are the advantages and disadvantages to transit users and the District for a transit center location between Irwin and Hetherton (under the freeway) and one located west of Hetherton? What are the advantages and disadvantages of having transit center operations on the west side of the railroad? Are there joint advantages to the District and SMART for assemblage of land to accommodate a future combined transit hub with transit-oriented air rights development? This is a common occurrence in the EU, UK and Asia providing a financial tool to fund transportation capital investment such as elevating SMART through Downtown. Which alternatives provide the most convenient, safe, and pleasant transit user experiences?

The Move Whistlestop and Adapt Whistlestop alternatives indicate the routing of the north south greenway from Mission Avenue along Hetherton to 4th Street, west on 4th Street adjacent to the transit center and on the west side of West Tamalpias to 2rd Street. The alignment preferred by the bicycle community and shown in the Station Area Plan is on West Tamalpais from Mission Avenue to 2nd Street. This alignment reduces crossing conflicts between greenway users and right turning movements from Hetherton into Downtown at Mission Avenue, 5th Avenue and 4th Street.

An urban design concept supported by Sustainable San Rafael, Resilient Shore and others is to convert West Tamalpias into a shared street/plaza extending from Mission Avenue to 2nd Street. This would be utilized by all users and would be devoid of channelization and lane markings. The concept is based on similar conditions in the United Kingdom and European Union where all user behavior exhibits lower speed and greater caution in moving through a shared space with textured pavements, commonly brick or stone pavers. A concern with the conceptual designs is the demarcation of a class 4 bike way through the Transit Center. This may prove to be hazardous for pedestrians and encourage bicyclists and other wheeled personal transportation devices to operate at excessive speed.

Recommended Mitigation Measures:

1. Provide updated transit use information.
2. Revise the EIR to coordinate with above adopted City of San Rafael planning documents.
3. Update the EIR based on the latest available traffic and transit use data.
4. Provide traffic analysis showing bus movements and their impacts associated with each transit center location and the no build alternative.
5. Relocate the north south greenway alignment to West Tamalpias.
6. Provide an analysis of pedestrian and active transportation movement associated with each alternative and no build. Identify areas of conflict.
7. Rate the alternatives, including no build, for transit user safety, convenience, and quality of environment.
8. Involve local stakeholders in a deeper dive design process following environmental clearance and selection of the alternative to be implemented. Include a more nuanced consideration of the building program, plaza design, boundaries and use, and north-south greenway alignment.
9. Work with the City of San Rafael and SMART to develop a shared vision for the future of the Transit Center area.

11-10

Robust transit use, multi-use pathways, supportive land use and density are the building blocks of the walkable communities required to alleviate our chronic housing shortage, mitigate climate change, and

11-10 cont.

build a better Bay Area. Resilient Shore is committed to advocating for the best possible outcome for the Transit Center and stands ready to assist the District and City of San Rafael in achieving this goal. We are prepared to participate in the detail programing and design of the facility as it works through the project delivery process.

We look forward to working with you in the future and appreciate the District's efforts and community engagement opportunities.

Sincerely,

Jeffrey D. Rhoads
Executive Director
Resilient Shore

CC:
Mayor Pro Tem Maribeth Bushey, City of San Rafael
William Carney, Sustainable San Rafael
Mayor Kate Collin, City of San Rafael
Bill Guerin, Director of Public Works, City of San Rafael
Allison Judice, Director of Community Development, City of San Rafael
Linzy Klumpp, San Rafael Heritage
Amy Likover, Federation of San Rafael Neighborhoods
Rafat Rae, Assistant Director of Public Works, City Traffic Engineer, City of San Rafael
Jim Schutz, City Manager, City of San Rafael

9.2.11.1 Response to Comment Letter 11, Resilient Shore, Jeffrey Rhoads

Comment 11-1

We take pleasure in having the opportunity to comment on the Golden Gate Bridge Highway and Transportation District (District) San Rafael Transit Center (Transit Center) Draft EIR. This project can be transformational for Downtown San Rafael, the North Bay and transit users. It can help mitigate climate change by encouraging transit use and active transportation, helping to reduce dependance on automobiles and reducing GHG emissions. It can provide a more convenient, safer, and higher quality environment for transit users. Robust transit use is essential to realization of the Downtown San Rafael Precise Plan.

Response to Comment 11-1

The comment expresses support for the proposed project. This comment does not concern the adequacy of the EIR. No revisions to the Draft EIR are necessary.

Comment 11-2

San Rafael City Council's action on the Draft EIR in their October 4th meeting appeared to indicate a breakdown in direct communication between District and City policy makers. Potential Transit Center impacts on congestion, motor vehicle access to Downtown from US 101, pedestrian safety and appearance are major concerns for the City Council. There seems to be a divergence in opinion on the preferred location of the Transit Center. Perhaps this can be reconciled by having the decision makers meet and work out a mutually acceptable Transit Center location and key mitigations based on an understanding of needs and agreeing on a shared vision for the future.

We are concerned about the lack of a comprehensive forward planning vision including integration of all key transportation modes and adjacent transit-oriented land uses. Particularly troubling are statements made during City Council meeting suggesting a lack of commitment to the success of SMART.

Failure of the Transit Center to move forward in a mutually beneficial manner would be a disservice to transit users, the District, San Rafael, and citizens. Loss of this investment opportunity in Downtown San Rafael would be a tragedy. This would reflect poorly on the public's perception of the both the District and the City.

Response to Comment 11-2

The comment expresses concern about coordination between the District and the City. Coordination between the District and the City is ongoing, as described in Section 1.3.1, Agency and Public Outreach, and will continue into future project phases. The District identified the Move Whistlestop Alternative as the preferred alternative and anticipates formally selecting a preferred project at the end of the Final EIR phase. The preferred alternative, when it is selected by the District Board upon completion of the Final EIR, will be brought to the San Rafael City Council for approval.

Comment 11-3

Executive Summary

ES.7.1 Move Whistlestop Alternative (Preferred Project)

The Draft EIR concludes there are no unavoidable impacts associated with the Move Whistlestop Alternative.

We note impacts related to cultural resources, specifically three resources included in the San Rafael Historic Resource Inventory and located within a potential East Downtown Core Historic District along 4th Street and extending south along both sides of West Tamalpais. Two of the resources on the west side of West Tamalpias, the Barrelhouse/Taxi Stand Office, 927 West Tamalpias, and the altered National Hotel, 703-705 West Tamalpias, would be demolished. Relocation of the Northwestern Pacific Depot/Whistlestop building (NWP Depot), 930 Tamalpias Avenue, may impact its eligibility for listing on the National and/or California Registers.

Recommended Mitigation Measures:

1. Update the EIR to coordinate with the adopted San Rafael Historic Resource Inventory, Downtown Precise Plan and San Rafael General Plan 2040

2. As part of mitigation of resources to be demolished, restored and/or repurposed, prepare and submit historic documentation of the resources located within the selected alternative and publish findings as is customary with standard mitigation practices. This includes completion of measured drawings.

3. If either of the Whiistlestop alternatives are implemented, Identify elements suitable for reuse in a repurposed NWP Depot. A possible example may include the bar and back bar in the Barrell House/Taxi Stand Building.

4. If either of the Whistlestop alternatives are implemented, restore the exterior of the NWP Depot to an agreed upon period of significance and apply for San Rafael local landmark designation. For these alternatives, full restoration of the arcade facing the SMART tracks is recommended as part of the building program. Transit Center programmatic requirements may exceed the available space of the building restoration. If this is the case, additions to the building should conform with Secretary of Interior Standards. While relocation of a building commonly diminishes its relationship to its historic context, the new location proposed in the move Whistlestop alternative would increase visibility of the arcade, one of the NWP Depot's primary distinguishing characteristics. The NWP Depot would be moved to the west, away from the SMART boarding platform that currently hides the arcade and impairs access to the building. As proposed, the orientation to the railroad would be maintained.

5. Involve key stakeholders in determination of the period of significance and design of a repurposed NWP Depot and public plaza areas.

Response to Comment 11-3

This comment addresses the historical resource status of 927 Tamalpais Avenue, 704–705 Tamalpais Avenue, and 930 Tamalpais Avenue (the Whistlestop building). As presented in Section 3.4, Cultural Resources, these buildings do not qualify as individual historical resources based on San Rafael Historic Resource Inventory ratings completed in the 1970s and 1980s. The analysis in the EIR relies upon subsequently prepared evaluations of the buildings, which support the conclusions in the previous evaluations that these buildings are not individually eligible for National Register of Historic Places or California Register of Historical Resources listing or otherwise qualify for historical resource status. Please refer to the response to comment 5-34 regarding potential impacts on the proposed East Downtown Core Historic District.

Regarding the first action suggested in the comment, Section 3.4 of the EIR has been revised to reflect the updated findings of the *Downtown San Rafael Precise Plan Historic Resources Survey*, including the proposed East Downtown Core Historic District (see pages 3.4-24 through 3.4-26 of the Final EIR). The regulatory setting and environmental setting sections in Section 3.4 of the Final EIR have further been revised to reflect new information on the adopted *San Rafael General Plan 2040* and *Downtown San Rafael Precise Plan*. The environmental setting section previously presented information on the San Rafael Historical/Architectural Survey, and no further revision is necessary.

Regarding the second action suggested in the comment, Mitigation Measure MM-CULT-CNST-2 requires historical documentation to be completed in the event that built-environment resources are demolished. Such documentation would be required for significant resources subject to a significant impact under the 4th Street Gateway and Under the Freeway Alternatives and therefore does not apply to all buildings that would undergo alterations as a result of the project. Mitigation Measure MM-CULT-CNST-2 has been revised to include the preparation of measured drawings as part of the documentation packages. However, this addition to the required documentation materials would not further reduce the project's impacts on built-environment historical resources and would not change the impact conclusions; the impact would remain significant and unavoidable. Furthermore, because neither the Move Whistlestop Alternative nor the Adapt Whistlestop Alternative would have a significant impact on built-environment resources, the application of mitigation measures is not required regarding 930 Tamalpais Avenue.

Application of the remaining three actions proposed by the commenter is not required because the EIR demonstrates that neither of the two alternatives that propose changes to the Whistlestop building would cause a significant impact on historical resources. This comment also provides input on future designation efforts and rehabilitation of the Whistlestop building. Please refer to the response to comment 9-17.

The commenter's support for stakeholder involvement in the proposed project's design process is noted. The District will continue to provide opportunities for the public to learn about and participate in the project development process.

Comment 11-4

The Whistlestop alternatives can result in a significant placemaking opportunity for the Transit Center and Downtown if well programmed, designed, implemented, maintained, and managed. Sensitive restoration of the NWP Depot building will likely result in the resource receiving an elevated A or B rating in the City's inventory. The outcome may be like the repurposed NWP Depot building and former terminal track area in downtown Mill Valley, particularly with a well-designed public plaza space extending to 4th Street, along West Tamalpias and around the building.

Response to Comment 11-4

This comment provides input on future designation efforts and possible rehabilitation of the Whistlestop building. The commenter's interest in the Whistlestop building's potential for placemaking is noted. This comment does not concern the adequacy of the EIR. No revision is necessary.

Comment 11-5

Cultural Resources

Page 3.4-24 Table 3.4-26

San Rafael Heritage and the City do not concur with ICF findings regarding the NWP Depot. The recently updated San Rafael Historic Resources Inventory rated the NWP Depot a C.

Recommended Mitigation Measures:

1. Modify the EIR to include the latest rating and proposed historic district boundaries.

2. Restore the NWP Depot building to an agreed upon period of significance resulting in it having a higher local rating, eligibility for local landmark designation if either of the Whistlestop alternatives are selected.

Response to Comment 11-5

Section 3.4, Cultural Resources, has been revised in the Final EIR to include the updated survey ratings, as presented in the May 2021 survey summary report (see pages 3.4-24 through 3.4-30 of the Final EIR). Please refer to the response to comment 5-34 regarding analysis of the East Downtown Core Historic District. These revisions did not change the conclusions presented in the Draft EIR.

This comment also provides input on future designation efforts and possible rehabilitation of the Whistlestop building. The commenter's support of restoration of the Whistlestop building is noted.

Comment 11-6

GHG and Resource Efficiency

Page 3.7-20 Conclusion

Preservation and reuse of the NWP Depot building and salvageable materials would conserve resources and reduce solid waste.

Any increased traffic delay related to the Transit Center project will increase airborne emissions.

Traffic analysis findings were not apparent in our admittedly quick review of the draft EIR. Providing this information in a summary form would be helpful in comparing the various alternatives.

Recommended Mitigation Measures:

1. Include diversion of solid waste and sequestration of carbon in attainment of LEED Gold Certification and to conform with BAAQMD regulations.

2. Summarize traffic analysis prepared for each alternative to provide information on Transit Center operation addressing motor vehicle congestion and delay, air quality and GHG emissions.

Response to Comment 11-6

Regarding the preservation of the NWP Depot building, also known as the Whistlestop building, several alternatives to the project have been identified and are discussed in Chapter 5, Alternatives to the Project, of the Draft EIR. The Adapt Whistlestop Alternative would include renovating or

remodeling the building but maintaining its current location. This alternative could result in the use of fewer resources and produce less solid waste than removing or relocating the existing Whistlestop building and constructing a new building in a different location.

From a GHG emissions standpoint, as documented in Table 5-1 of the Draft EIR, GHG emissions would be less than significant with mitigation for all alternatives. Regardless of whether the Whistlestop building is removed, Mitigation Measure MM-GHG-CNST-1 requires implementation of BAAQMD's best management practices, which include recycling at least 50 percent of construction waste or demolition materials.

Potential traffic delays at the project site are discussed in Section 3.14, Transportation. Page 3.14-45 of the Final EIR states that the project would not increase VMT and "would generally reduce congestion in the Downtown San Rafael area." Additionally, Table 3.14-4 indicates that the Move Whistlestop, Adapt Whistlestop, and Under the Freeway Alternatives would be consistent with Policy M-2.5, Traffic Level of Service, from *San Rafael General Plan 2040*, and the 4th Street Gateway Alternative would be partially consistent with this policy. This policy includes LOS standards for traffic congestion that intend to maintain an efficient roadway network and provide a consistent basis for evaluating the transportation effects of proposed development projects on local roadways. Traffic congestion and delay are not anticipated to be substantially affected by the project, and the effects of vehicle congestion on criteria pollutant or GHG emissions would likely be minor. Furthermore, Table 3.14-4 indicates that all build alternatives would be consistent with Policy M-3.1, VMT Reduction, from *San Rafael General Plan 2040*, which seeks to achieve state-mandated reductions in vehicle VMT. The reduction in VMT achieved by the project alternatives would be beneficial from a criteria pollutant and GHG emissions standpoint.

Regarding the items recommended by the commenter, the first includes diversion of solid waste and carbon sequestration "in attainment of [Leadership in Energy and Environmental Design] Gold Certification and to conform with BAAQMD regulations." As noted on page 3.7-19 of the Final EIR, the project would implement BAAQMD's best management practices from its *California Environmental Quality Act: Air Quality Guidelines.* These best management practices have been incorporated into the project through implementation of Mitigation Measure MM-GHG-CNST-1, which includes a requirement to recycle at least 50 percent of construction waste or demolition materials. Waste generated during operation of the proposed project would be subject to the City's Mandatory Recycling and Organics Law. Carbon sequestration is not included in the list of BAAQMD best management practices, and neither is the achievement of Leadership in Energy and Environmental Design Gold Certification; however, as noted on page 3.7-20 of the Final EIR, the proposed project would include landscaping features such as trees, shrubs, and bushes that would contribute to carbon sequestration. As such, the first item proposed in the comment would not be applicable to the proposed project and no revisions to the Draft EIR are necessary.

The second item recommended by the commenter is to "[s]ummarize traffic analysis prepared for each alternative to provide information on Transit Center operation addressing motor vehicle congestion and delay, air quality and GHG emissions." As noted above, discussion of vehicle congestion and delay is included in Section 3.14, Transportation. Criteria pollutant or GHG emissions related to vehicle congestion are anticipated to be minor because the project and its alternatives would be consistent or partially consistent with the *San Rafael General Plan 2040* LOS policy. Importantly, the project and its alternatives would also be consistent with the *San Rafael General Plan 2040* policy for reducing VMT and would have a net benefit for criteria pollutant and GHG

emissions. As such, the Draft EIR sufficiently addresses the topics raised in the comment and no revisions to the Draft EIR are necessary.

Comment 11-7

Climate Change and Flood Risk Resiliency

We did not see specific reference to these topics in the EIR and recommend consideration and mitigation of climate change impacts and flood risk the alternative transit center locations and the no build alternate.

Portions of the Around Whistlestop and Adapt Whistlestop alternatives are located within the Flood Insurance Rate Map (FIRM) Zone AE and subject to inundation in a 1% flood event. While the depth of the inundation is likely to be relatively low in a 1% event, based on the 2016 map, event variability and intensity is likely to increase due to climate change. Currently, event duration is likely to be relatively short term due to the influence of tidal cycles. The sites are in an area subject to both fluvial and maritime flooding. Projected sea level rise will directly impact all the sites due to their low elevations.

The San Rafael 2040 General Plan identifies policies and programs to address the impacts of climate change. Refer to the San Rafael General Plan 2040 adopted August 2, 2021, ESA San Rafael Sea Level Rise Adaptation Study, June 19, 2020, and the City of San Rafael Flood Risk & Sea Level Rise Adaptation Report for the San Rafael General Plan 2040, July 2020.

Specific Policies and Programs are in the Safety and Resilience Element of the General Plan. For Program S-3.6A Sea Level Rise Adaptation Plan (Adaptation Plan) see page 8-17.

Recommended Mitigation Measures:

1. Refer to the 2016 FIRM and San Rafael General Plan for goals, policies, and programs, and modify the EIR.

2. Design the facilities to reduce inundation vulnerability in a flood event.

3. Participate in the San Rafael Sea Level Rise and Watershed Adaptation Plan as a stakeholder and funder. The city currently lacks resources to initiate the planning process and will need benefiting stakeholders to partially fund the plan and EIR and provide input. This is in the public's interest to help protect critical regional transportation infrastructure.

Response to Comment 11-7

The environmental setting section in Section 3.9, Hydrology and Water Quality, addresses sea level rise and impacts on flooding levels at the project site and discloses the flood zone designations for each alternative site, based on the 2016 Federal Emergency Management Act (FEMA) Flood Insurance Rate Map. On page 3.9-11 of the Final EIR, this section also states the following regarding the impacts of climate change on flood risk:

> It is anticipated that flooding and storm surges will become more intense in the coming years as a result of climate change, and it is possible that FEMA's figures may underestimate future flood conditions. Flooding frequency is expected to increase as climate change influences sea level rise.

Section 3.9 has been revised to clarify risks related to sea level rise and add additional *San Rafael General Plan 2040* policies related to sea level rise (see pages 3.9-7 and 3.9-8 of the Final EIR). Please see the response to comment 5-42 for additional details regarding sea level rise.

Comment 11-8

Land Use and Planning

Pages 3.10-2 – 3.10-16 Regional and Local

The Downtown Precise Plan, San Rafael 2040 General Plan, San Rafael Zoning Code revisions and an updated Historic Resource Inventory have been adopted by the City Council since completion of the EIR Draft.

Recommended Mitigation Measure:

Revise the EIR to coordinate with above referenced documents.

Response to Comment 11-8

The Draft EIR, including Section 3.10, Land Use and Planning, has been revised to reflect the adoption of *San Rafael General Plan 2040* and the *Downtown San Rafael Precise Plan*, and the updates to the Historic Resources Summary Report. As of the preparation of this document, revisions to the Zoning Code have not been formally updated.

Comment 11-9

Transportation

City of San Rafael General Plan 2020 (and additional referenced area plans), pages 3.14-3 – 3.14-13

The 2020 General Plan has been replaced by documents referenced above.

Mobility at the east end of Downtown San Rafael is constrained by the roadway network and proximity of the SMART railroad to US 101. Hetherton Street serves as the southbound collector distributor roadway for the freeway. It provides four right turn access points to Downtown San Rafael from southbound US 101 serving as the gateway from the north for motor vehicles. Recent initiation of SMART service has increased delay for vehicles moving east and west across the US 101/SMART corridor. Rail operations impact signal timing and have reduced queuing capacity between the Hetherton and West Tamalpias signals. This has increased congestion on Heatherton due to stopped westbound traffic blocking right turn movements. Community, city staff and City Council sensitivity has been heightened for any action that may increase congestion.

Transit use information needs to be updated as pre pandemic counts lack full relevancy due to evolving commute patterns.

We did not see detail analysis of the bus movements and their impacts on mobility for vehicles, pedestrians and active transportation users for each alternative including no build. This information is needed to quantify the impacts of Transit Center operations on various street segments, intersections and on pedestrians and active transportation users.

An analysis of pedestrian and active transportation movement to and from each alternative location including no build was not apparent in the draft EIR. An understanding of this and bus and motor vehicle conflicts is needed to better assess the impacts associated with each alternative.

The relationship and interdependency between the various transportation modes is not stated in the EIR. How important is proximity of the transit center to the SMART station and the north south

greenway? What are the advantages and disadvantages to transit users and the District for a transit center location between Irwin and Hetherton (under the freeway) and one located west of Hetherton? What are the advantages and disadvantages of having transit center operations on the west side of the railroad? Are there joint advantages to the District and SMART for assemblage of land to accommodate a future combined transit hub with transit-oriented air rights development? This is a common occurrence in the EU, UK and Asia providing a financial tool to fund transportation capital investment such as elevating SMART through Downtown. Which alternatives provide the most convenient, safe, and pleasant transit user experiences?

The Move Whistlestop and Adapt Whistlestop alternatives indicate the routing of the north south greenway from Mission Avenue along Hetherton to 4th Street, west on 4th Street adjacent to the transit center and on the west side of West Tamalpias to 2rd Street. The alignment preferred by the bicycle community and shown in the Station Area Plan is on West Tamalpais from Mission Avenue to 2nd Street. This alignment reduces crossing conflicts between greenway users and right turning movements from Hetherton into Downtown at Mission Avenue, 5th Avenue and 4th Street.

An urban design concept supported by Sustainable San Rafael, Resilient Shore and others is to convert West Tamalpias into a shared street/plaza extending from Mission Avenue to 2nd Street. This would be utilized by all users and would be devoid of channelization and lane markings. The concept is based on similar conditions in the United Kingdom and European Union where all user behavior exhibits lower speed and greater caution in moving through a shared space with textured pavements, commonly brick or stone pavers. A concern with the conceptual designs is the demarcation of a class 4 bike way through the Transit Center. This may prove to be hazardous for pedestrians and encourage bicyclists and other wheeled personal transportation devices to operate at excessive speed.

Recommended Mitigation Measures:

1. Provide updated transit use information.

2. Revise the EIR to coordinate with above adopted City of San Rafael planning documents.

3. Update the EIR based on the latest available traffic and transit use data.

4. Provide traffic analysis showing bus movements and their impacts associated with each transit center location and the no build alternative.

5. Relocate the north south greenway alignment to West Tamalpias.

6. Provide an analysis of pedestrian and active transportation movement associated with each alternative and no build. Identify areas of conflict.

7. Rate the alternatives, including no build, for transit user safety, convenience, and quality of environment.

8. Involve local stakeholders in a deeper dive design process following environmental clearance and selection of the alternative to be implemented. Include a more nuanced consideration of the building program, plaza design, boundaries and use, and north-south greenway alignment.

9. Work with the City of San Rafael and SMART to develop a shared vision for the future of the Transit Center area.

Response to Comment 11-9

In response to recommendations 1 and 3, the Draft EIR's use of pre-pandemic conditions represents the best available information to estimate post-pandemic travel patterns. The use of pre-pandemic transit and vehicle information is consistent with the analysis done in *San Rafael General Plan 2040*. Please see the response to comment 5-54 for additional information on the use of pre-pandemic transit and vehicle information.

In response to recommendation 2, the Final EIR has been revised to reference the City's newly adopted *San Rafael General Plan 2040* and *Downtown San Rafael Precise Plan*. Please see the response to comment 5-5 for additional information on how these plans are incorporated in the Final EIR. The revisions to the Draft EIR, as reflected in the Final EIR, related to these newly adopted plans did not result in the identification of any new significant impacts.

In response to recommendation 4, the *Transportation Summary Report*, included in the Final EIR as Appendix E (this report was Appendix C to the Draft EIR), analyzed the proposed bus movements for the preferred alternative, build alternatives, and the No-Project Alternative. This analysis found that the Move Whistlestop, Adapt Whistlestop, and Under the Freeway Alternatives would achieve reductions in transit travel time and variability in both existing and future conditions in both the morning and evening peak hours compared to the No-Project Alternative. The analysis found that the 4th Street Gateway Alternative would provide moderate benefits in existing transit conditions compared to the No-Project Alternative but that it would increase transit congestion and related transit travel time in future morning peak-hour conditions. Please refer to Section 3.0, Transit Conditions, within the *Transportation Summary Report* for the complete analysis.

In response to recommendation 5, the Move Whistlestop and Adapt Whistlestop Alternatives would install a portion of the planned North South Greenway on West Tamalpais Avenue between 2nd and 4th Streets, in the location preferred by the commenter. See the response to comment 7-4 for additional detail.

In response to recommendation 6, the *Transportation Summary Report* analyzed non-motorized transportation, including pedestrian and bicycle movements to key destinations in and around Downtown San Rafael under each of the proposed alternatives. Please refer to Section 5.0, Non-Motorized Transportation, within the *Transportation Summary Report* for the requested analysis. Furthermore, the District has performed additional safety analysis, and findings have been included in the Final EIR. The safety analysis identified that all build alternatives would improve safety relative to the No-Project Alternative through implementation of safety features as part of the project and by relocating the transit center to a location resulting in fewer pedestrian-vehicle conflicts along access pathways. The analysis also identified that the Move Whistlestop Alternative would provide the greatest benefits to safety by resulting in the fewest pedestrian-vehicle conflicts for the primary pedestrian movements and addressing existing safety challenges at intersections around the current transit center. Please see the response to comment 5-58 for additional information on this analysis.

In response to recommendation 7, the EIR process objectively evaluates each alternative for environmental impacts, but does not include a relative rating of the alternatives.

In response to recommendation 8, the District plans to engage local stakeholders and the community in the next phase of work to discuss key project features. Please see the response to

comment 5-8 for a discussion of past engagement and outreach with the City and public throughout project development and Draft EIR preparation.

In response to recommendation 9, the District is and will continue to work closely with the City and SMART during project development.

Comment 11-10

Robust transit use, multi-use pathways, supportive land use and density are the building blocks of the walkable communities required to alleviate our chronic housing shortage, mitigate climate change, and build a better Bay Area. Resilient Shore is committed to advocating for the best possible outcome for the Transit Center and stands ready to assist the District and City of San Rafael in achieving this goal. We are prepared to participate in the detail programing and design of the facility as it works through the project delivery process.

We look forward to working with you in the future and appreciate the District's efforts and community engagement opportunities.

Response to Comment 11-10

The comment expresses support for the proposed project. The comment does not concern the adequacy of the EIR; no revisions to the Draft EIR are required.

Comment Letter 12

October 11, 2021

City of San Rafael
- Ms. Kate Colin, Mayor
- Mr. Bill Guerin, Director of Public Works / Chief Engineer
- Mr. Rafat Raie, Deputy Director of Public Works

Transportation Authority of Marin
- Ms. Anne Richman, Executive Director
- Mr. Bill Whitney, Project Manager

Sonoma Marin Area Rail Transit District
- Mr. Farhad Mansourian, General Manager
- Mr. Bill Gamlen, Chief Engineer

Golden Gate Bridge, Highway and Transportation District
- Mr. Raymond Santiago, Principal Planner
- Ms. Barbara Pahre, President, Board of Directors
- Ms. Judy Arnold, Member, Board of Directors
- Ms. Alice Fredericks, Member, Board of Directors
- Ms. Patty Garbarino, Member, Board of Directors
- Mr. Dennis Rodoni, Member, Board of Directors

Marin Transit Board of Directors
- Mr. Damon Connolly, Member
- Ms. Katie Rice, Member
- Ms. Stephanie Moulton-Peters, Member
- Mr. Eric Lucan, Member
- Mr. Brian Colbert, Member

Dear San Rafael Transit Center Relocation Project Decision-Maker,

On September 9, 2021, WTB-TAM sent a letter to the San Rafael Transit Center Relocation Project decision-makers voicing our support for the “Move Whistlestop” alternative and opposition to the “Fourth Street Gateway” and “Under the Freeway” alternatives, as described in the project Draft EIR. This is an addendum to that letter.

In our September letter, we expressed our support for the “Move Whistlestop” alternative’s inclusion of a new, sidewalk-level multi-use pathway on western side of West Tamalpais Ave. between Second St. and Fourth St. Currently, there is a gap in the North - South Greenway between Second St. and Mission Ave. The new pathway envisioned in the “Move Whistlestop” alternative would cut this gap in half.

12-1

Even with the Transit Center Relocation project completed, the gap in the North - South Greenway between Fourth St. and Mission Ave. will still require completion. It is because of this reason that WTB-TAM urged those involved to make a small design change to the “Move Whistlestop” alternative. The design change we asked for is to move the proposed “Pick-Up/Drop-Off Zone” on West Tamalpais Ave. between Fourth St. and Fifth St. from the east to the west side of street. This way, when the North - South Greenway is built between Fourth St. and Mission Ave., it will not conflict with the “Pick-Up/Drop-Off Zone.”

We have attached to this letter of addendum a drawing showing WTB-TAM’s proposed alignment for the North - South Greenway Class I Multi-Use Pathway between Fourth St. and Mission Ave. for your visual reference.

Thank you for your efforts, and please let us know if we can be of any more assistance.

WTB-TAM (Transportation Alternatives for Marin)

Patrick Seidler, President

Matthew Hartzell, Director of Planning & Research


Legend
Feature Tree
Tree with Tree Well
Tree
Platform Seating
Bus Canopy
Landscaped Area
Bike Rack
Secure Bike Parking
Security Kiosk
Bi Path
Canopy Overhead
Ped Safety Barrier
Ticket Machine
Improved Paving
Typical Paving
North - South Greenway
Mission Avenue
Stevens Place
Future Development
West Tamalpais Avenue
East Tamalpais Avenue
5th Street
4th Street
3rd Street
Hetherton Street
SMART Station
SMART utility box

9.2.12.1 Response to Comment Letter 12, Wilderness Bike Trails/Transportation Alternatives for Marin

Comment 12-1

On September 9, 2021, WTB-TAM sent a letter to the San Rafael Transit Center Relocation Project decision-makers voicing our support for the "Move Whistlestop" alternative and opposition to the "Fourth Street Gateway" and "Under the Freeway" alternatives, as described in the project Draft EIR. This is an addendum to that letter.

In our September letter, we expressed our support for the "Move Whistlestop" alternative's inclusion of a new, sidewalk-level multi-use pathway on western side of West Tamalpais Ave. between Second St. and Fourth St. Currently, there is a gap in the North - South Greenway between Second St. and Mission Ave. The new pathway envisioned in the "Move Whistlestop" alternative would cut this gap in half.

Even with the Transit Center Relocation project completed, the gap in the North - South Greenway between Fourth St. and Mission Ave. will still require completion. It is because of this reason that WTB-TAM urged those involved to make a small design change to the "Move Whistlestop" alternative. The design change we asked for is to move the proposed "Pick-Up/Drop-Off Zone" on West Tamalpais Ave. between Fourth St. and Fifth St. from the east to the west side of street. This way, when the North - South Greenway is built between Fourth St. and Mission Ave., it will not conflict with the "Pick-Up/Drop-Off Zone."

We have attached to this letter of addendum a drawing showing WTB-TAM's proposed alignment for the North - South Greenway Class I Multi-Use Pathway between Fourth St. and Mission Ave. for your visual reference.

Thank you for your efforts, and please let us know if we can be of any more assistance.

Response to Comment 12-1

The comment suggests that the pick-up/drop-off area included in the Move Whistlestop Alternative layout should be relocated to avoid potential future conflicts with bicycle infrastructure. The Move Whistlestop Alternative layout has been revised to move the pick-up/drop-off area to a new driveway west of West Tamalpais Avenue, between 3rd Street and 4th Street. See the response to comment 7-3 for additional information.

Comment Letter 13

415.457.7656

October 12, 2021

Raymond Santiago
Principle Planner
Golden Gate Transit District
1011 Andersen Drive
San Rafael, CA 94901

RE: San Rafael Transit Center DEIR Comments

Dear Raymond,

In our November 5, 2018 letter regarding Scoping for the San Rafael Transit Center EIR, Sustainable San Rafael requested that a number of issues be considered. We have now reviewed the Draft EIR, and the current 'build' alternatives that it analyzes, and find that most of the issues that we raised have been satisfactorily addressed.

13-1

We offer the following comments in the hope that they may inform and improve the ultimate design of the selected alternative. And we request that the Final EIR include responses to the remaining questions and requests noted below.

Our comments are grouped under key issues previously raised in our Scoping letter, which are numbered and italicized.

13-2

1. *The EIR 'aesthetics' section should analyze the 'place-making' potential of each alternative as a key impact.*

We find that the DEIR adequately addresses this issue and makes clear the significant differences in the potential of each alternative.

13-3

2. *The EIR 'land use and planning' section should assess the impact of each alternative on the appeal of area 'opportunity sites' for development contributing to the 'gateway' quality of the area.*

We request that the FEIR provide further analysis of how the opportunity sites identified in the Downtown Station Area Plan would be affected by the alternatives, including both positive and negative impacts on the development appeal of each site.

13-4

3. *The potential of each concept to contribute to important public improvements surrounding it should also be assessed, including the north-south bike-pedestrian greenway along Tamalpais and the restoration of Irwin Creek under the freeway, both key elements of the 'gateway' district anchored by the project.*

We request detailed contextual analysis of how bicycles can be safely incorporated into the heavily pedestrian Tamalpais plaza and greenway portions of the project with shared multi-use pathways, instead of the proposed 'bike-only' facilities that preclude pedestrians.

4. *The EIR 'transportation and transit' section should clearly show how the various alternatives affect the timing and efficiency of bus service, as well as traffic on surrounding streets. Information should include the routing of buses and the numbers of passengers transferring among the various transit services, as well as those bound for downtown itself.*

13-5 We find that the DEIR Appendix C ('transportation') offers clear comparisons of the bus and traffic conditions resulting from each alternative, with the Whistlestop Block options slightly more advantageous in both regards by the 2040 design date (4% less daily aggregate bus times, and 3% less daily aggregate traffic delay), using General Plan 2040 growth projections. We also note the striking statistic that 50% of passengers arrive as pedestrians, underlining the critical importance of sustaining a walkable district.

5. *The safety and amenity of passengers accessing the project needs to be paramount in the EIR 'transportation and transit' section.*

13-6 Although we believe that the DEIR adequately addresses the pedestrian access pros and cons of each alternative, we request that the FEIR include further comparison to operations at the existing Bettini Center, where for example, bus access over sidewalks has functioned for decades. We also request further information on how specific safety issues arising from the suggested additional right turn lane from Hetherton to 3rd could be addressed by eliminating the intersection's west crosswalk (replacing it with an east crosswalk) and prohibiting turns on red for both southbound and westbound traffic.

6. *The EIR 'transportation and transit' section should assess the quality of access to the project for those arriving by car, including the provision or loss of drop-off and commuter parking facilities.*

13-7 We request that the FEIR include more detailed discussion of car and taxi drop-off zones, including the capacity and ease of use for each alternative. This discussion should include supplemental zones along West Tamalpais south of 3rd, and East Tamalpais north of 4th, better serving drop-off traffic approaching from both east and west. Enhanced pedestrian pathways from the park-and-ride lots under the freeway should also be discussed, together with restriping, repaving and perhaps reconfiguration to improve usage of the lots and pedestrian access to the East End of 4th Street.

7. *The EIR needs to assess the flexibility of each concept for future expansion and likely changes in transit technologies and services.*

13-8 The FEIR would be strengthened by further discussion of the changes to mobility systems now underway or reasonably anticipated, and the capacity of each alternative to accommodate such changes.

13-9 ***8.*** *The flexibility assessment should include the merits of securing public ownership of an expanded site, including ground-leasing development rights rather than selling existing public property.*

13-9 cont. We request that the FEIR include discussion of retaining public ownership of the Bettini site by ground-leasing development rights.

13-10 ***9.*** *The EIR 'air quality' and 'noise' sections should assess the impact of these factors on the passengers using the project facilities, and the 'aesthetics' section should assess the experiential and visual impacts of the project on its users, as well as its surroundings.*

We request further information on the noise and exhaust from the freeway that could make alternatives unpleasant and unhealthy places to wait, and what if any mitigations could lessen these impacts.

13-11 ***10.*** *The EIR 'cultural resources' section should assess the significance of affected buildings, including potential reuse and modification that could enhance their character and contribution to the area.*

We find that the DEIR adequately addresses cultural resources, including creative rehabilitation of the former depot building.

13-12 ***11.*** *The EIR 'biological resources' section should assess impacts both on existing resources (including street trees and creek-side zones) and on the future ability to restore and enhance those resources.*

We request that the FEIR discuss how the 'gateway' quality of the new transit center could be heightened by planting large street trees (like the London Plane trees now thriving on 5th Avenue) along Hetherton, Irwin and Tamalpais, and within the transit plaza itself.

13-13 ***12.*** *The EIR 'aesthetics' section should assess the protection or loss of view corridors into downtown and to surrounding hillsides.*

We request that the FEIR elaborate on the potential that the 2-story depot building and open transit uses could provide a visual commons at San Rafael's front door, which would avoid the walling off of downtown as adjacent blocks are developed with taller building. This could also help preserve the view corridor along Tamalpais and the train tracks from 2nd Street to Mission, keeping the city's defining hillsides in view.

13-14 Sustainable San Rafael also concurs with the City's request that the FEIR provide further information regarding the impacts and potential mitigations of sea level rise for each alternative. In addition we ask that additional GHG mitigations be included sufficient to bring the project to zero net greenhouse gas emissions by 2045, in accordance with San Rafael's Climate Action Plan 2030 as amended on September 20, 2021.

13-15 Thank you and your team for a range of transit-friendly concepts and for supporting thoughtful public decision-making with a thorough FEIR.

Sincerely,

William Carney
President, Sustainable San Rafael

Copies: Mayor Kate Colin, SR City Council, Jim Schutz, Bill Guerin, Alicia Giudice

9.2.13.1 Response to Comment Letter 13, Sustainable San Rafael, William Carney

Comment 13-1

In our November 5, 2018 letter regarding Scoping for the San Rafael Transit Center EIR, Sustainable San Rafael requested that a number of issues be considered. We have now reviewed the Draft EIR, and the current 'build' alternatives that it analyzes, and find that most of the issues that we raised have been satisfactorily addressed.

We offer the following comments in the hope that they may inform and improve the ultimate design of the selected alternative. And we request that the Final EIR include responses to the remaining questions and requests noted below.

Our comments are grouped under key issues previously raised in our Scoping letter, which are numbered and italicized.

Response to Comment 13-1

The comment introduces the remaining comments and requests that responses be included in the Final EIR. This chapter of the Final EIR includes responses to all public comments submitted on the Draft EIR. Please see the subsequent responses to comments 13-2 through 13-15.

Comment 13-2

1. The EIR 'aesthetics' section should analyze the 'place-making' potential of each alternative as a key impact.

We find that the DEIR adequately addresses this issue and makes clear the significant differences in the potential of each alternative.

Response to Comment 13-2

The comment expresses support for the Draft EIR's analysis of aesthetic impacts of the alternatives. The comment does not concern the adequacy of the EIR and no revisions to the Draft EIR are necessary.

Comment 13-3

2. The EIR 'land use and planning' section should assess the impact of each alternative on the appeal of area 'opportunity sites' for development contributing to the 'gateway' quality of the area.

We request that the FEIR provide further analysis of how the opportunity sites identified in the Downtown Station Area Plan would be affected by the alternatives, including both positive and negative impacts on the development appeal of each site.

Response to Comment 13-3

The comment suggests that additional analysis should be completed to assess how the proposed project may affect the development appeal of the City's designated "opportunity sites," included in the Downtown SAP. This analysis is not required under CEQA; a discussion of the potential for future development of nearby sites falls outside of the scope of CEQA analysis. The transit center would

provide improved multi-modal connectivity between the SMART station and bus services, which would be a benefit to travelers using these modes to reach Downtown San Rafael.

Comment 13-4

3. The potential of each concept to contribute to important public improvements surrounding it should also be assessed, including the north-south bike-pedestrian greenway along Tamalpais and the restoration of Irwin Creek under the freeway, both key elements of the 'gateway' district anchored by the project.

We request detailed contextual analysis of how bicycles can be safely incorporated into the heavily pedestrian Tamalpais plaza and greenway portions of the project with shared multi-use pathways, instead of the proposed 'bike-only' facilities that preclude pedestrians.

Response to Comment 13-4

As discussed in the response to comment 7-4, the Move Whistlestop and Adapt Whistlestop Alternatives would install a portion of the planned North South Greenway on Tamalpais Avenue. This includes the provision of dedicated bicycle space that would reduce or eliminate conflicts between cyclists and other modes as well as adjacent dedicated pedestrian spaces. Specific treatments for bicycle and pedestrian spaces will be further defined in subsequent project design phases.

Regarding potential impacts on restoration efforts along Irwin Creek, the District assumes that the comment is in reference to Caltrans' Irwin Creek Culvert Rehabilitation Project, which would repair five culverts that cross under or are adjacent to US-101 between the southbound US-101 Central San Rafael off-ramp and the US-101 Linden Lane underpass. This project has been added to the list of cumulative projects in the Final EIR (page 4-10 of the Final EIR). The footprint of Caltrans' project does not overlap with the footprint of the preferred alternative (Move Whistlestop Alternative) or build alternatives. Therefore, the proposed project would not preclude these restoration efforts. The Move Whistlestop, Adapt Whistlestop, and 4th Street Gateway Alternatives would not affect Irwin Creek. The Under the Freeway Alternative would include the construction of three bridges over Irwin Creek. The construction method and design of these bridges have not been decided upon, but these bridges are anticipated to affect Irwin Creek temporarily during construction. Potential impacts on Irwin Creek from construction and operation of the Under the Freeway Alternative are described in the Draft EIR.

Comment 13-5

4. The EIR 'transportation and transit' section should clearly show how the various alternatives affect the timing and efficiency of bus service, as well as traffic on surrounding streets. Information should include the routing of buses and the numbers of passengers transferring among the various transit services, as well as those bound for downtown itself.

We find that the DEIR Appendix C ('transportation') offers clear comparisons of the bus and traffic conditions resulting from each alternative, with the Whistlestop Block options slightly more advantageous in both regards by the 2040 design date (4% less daily aggregate bus times, and 3% less daily aggregate traffic delay), using General Plan 2040 growth projections. We also note the striking statistic that 50% of passengers arrive as pedestrians, underlining the critical importance of sustaining a walkable district.

Response to Comment 13-5

The comment references conclusions made in the *Transportation Summary Report* regarding the findings of the analysis of transit and traffic delay. It should be noted that the comment refers to daily delay, but the *Transportation Summary Report* only provides peak-hour data. The comment suggests that the Section 3.14, Transportation, should discuss impacts on the timing of bus service and describe the volume of passengers using bus services provided by the transit center. This information is provided in the *Transportation Summary Report,* which was attached to the Draft EIR as Appendix C. An updated version is included with the Final EIR as Appendix E.

Comment 13-6

5. The safety and amenity of passengers accessing the project needs to be paramount in the EIR 'transportation and transit' section.

Although we believe that the DEIR adequately addresses the pedestrian access pros and cons of each alternative, we request that the FEIR include further comparison to operations at the existing Bettini Center, where for example, bus access over sidewalks has functioned for decades. We also request further information on how specific safety issues arising from the suggested additional right turn lane from Hetherton to 3rd could be addressed by eliminating the intersection's west crosswalk (replacing it with an east crosswalk) and prohibiting turns on red for both southbound and westbound traffic.

Response to Comment 13-6

The comment requests that the Final EIR provide additional information regarding the existing transit center operations and the safety of the Hetherton Street and 3rd Street intersection with the additional right-turn lane on Hetherton Street.

The District completed a safety analysis of the existing transit center and proposed alternatives. Please see the response to comment 5-58 for additional detail on this analysis.

The District has identified design modifications to the proposed project layout that fully control the conflict between pedestrians and the southbound right-turn movement at the intersection of Hetherton Street and 3rd Street. The modified configuration would include a signalized control for the right-turn lanes and the pedestrian phase, eliminating the vehicle-pedestrian conflict, providing a substantial safety benefit relative to existing conditions. Please see the response to comment 5-62 for additional detail on this design modification, which applies to the Move Whistlestop, Adapt Whistlestop, and 4th Street Gateway Alternatives. Figures 2-4, 2-5, and 2-6 in the Final EIR contain updated site layouts for the Move Whistlestop, Adapt Whistlestop, and 4th Street Gateway Alternatives, respectively.

Comment 13-7

6. The EIR 'transportation and transit' section should assess the quality of access to the project for those arriving by car, including the provision or loss of drop-off and commuter parking facilities.

We request that the FEIR include more detailed discussion of car and taxi drop-off zones, including the capacity and ease of use for each alternative. This discussion should include supplemental zones along West Tamalpais south of 3rd, and East Tamalpais north of 4th, better serving drop-off traffic approaching from both east and west. Enhanced pedestrian pathways from the park-and-ride lots

under the freeway should also be discussed, together with restriping, repaving and perhaps reconfiguration to improve usage of the lots and pedestrian access to the East End of 4th Street.

Response to Comment 13-7

The comment requests additional detail on the car and taxi drop-off zones and access to the park-and-ride lots under the freeway. In order to identify the amount of pick-up/drop-off space required, the project team conducted observations of pick-up/drop-off activity at the existing SMART station and transit center prior to the COVID-19 pandemic. Demand collected from the observations, increased to allow for future growth, was then analyzed using a queuing model to develop the minimum pick-up/drop-off space requirement that is necessary to handle anticipated pick-up/drop-off demands. Each build alternative analyzed in the Draft EIR provides a comparable level of pick-up/drop-off space, anticipated to accommodate approximately six vehicles concurrently. Pick-up/drop-off locations were placed to provide convenient access to the transit services with each of the project alternatives. The pick-up/drop-off location for the Move Whistlestop and Adapt Whistlestop Alternatives was modified based on comments received on the Draft EIR. It was relocated closer to the bus activities, avoiding the need for pedestrians being dropped off or picked up to cross 4th Street. This provides a better access location for those users and avoids a potential conflict with cyclists on West Tamalpais Avenue. The area provided for pick-up/drop-off is considered adequate based on the analysis performed. It can be easily accessed from both the west (via 2nd Street to Tamalpais Avenue to 3rd Street) or the east (via 3rd Street). An additional curb space noted as a taxi zone is located along 4th Street east of the SMART tracks, which can be easily accessed from the east as well. The specific signing and striping for the taxi zone, as well as the larger pick-up/drop-off zone, will be determined at a later stage of project design.

This change to the pick-up/drop-off zone will not introduce any new project impacts, as it will improve circulation and safety relative to the configuration included in the Draft EIR and reduce the potential for bicycle/auto conflicts.

Safety improvements for pedestrian paths of travel are further discussed in the supplemental safety analysis conducted for the existing transit center and proposed alternatives evaluated.

Comment 13-8

7. The EIR needs to assess the flexibility of each concept for future expansion and likely changes in transit technologies and services.

The FEIR would be strengthened by further discussion of the changes to mobility systems now underway or reasonably anticipated, and the capacity of each alternative to accommodate such changes.

Response to Comment 13-8

Analyzing future transportation center expansion outside of the proposed project is out of scope for the EIR. However, as required by CEQA, the EIR analyzed reasonably foreseeable projects in Chapter 4, Cumulative Impacts. This analysis considered development projects within 1 mile of the project area, public projects from the City and Marin County's Capital Improvement Programs, and updates to regional plans and policies that include public transportation.

See Section 4.1.3.2, Public Projects, for a description of reasonably foreseeable public projects (including projects that would improve nearby transportation infrastructure) and Section 4.1.4,

Cumulative Impacts Analysis, for a detailed analysis of how these projects would cumulatively contribute to impacts on specific CEQA resources.

Section 3.13, Public Services and Recreation, also discusses the City's planned improvements to bicycle infrastructure in San Rafael and how the footprints of the alternatives would affect those planned improvements.

The design of the transit center and its facilities is based on the current standard of practice. Additionally, one of the project objectives is to meet long-term service demands. Specific design elements will be addressed during final design based on input from the community and stakeholders. The build alternatives, particularly the preferred alternative, were developed with flexibility in mind to adapt to potential changes in how service is deployed or consumed. One example is the use of straight curbs at the bus bays instead of sawtooth bays to allow for flexibility to adapt in future changes to fleet size or driving technologies.

The Draft EIR adequately considered future improvements to the local transportation network and no revisions are required.

Comment 13-9

8. The flexibility assessment should include the merits of securing public ownership of an expanded site, including ground-leasing development rights rather than selling existing public property.

We request that the FEIR include discussion of retaining public ownership of the Bettini site by ground-leasing development rights.

Response to Comment 13-9

The comment suggests that the Final EIR should analyze the merits of expanding the District's ownership near the existing transit center site, rather than selling the existing transit center site and acquiring new land for the proposed project. This would conflict with the District's plans for the proposed project. The District does not plan to retain the existing transit center site and plans to use proceeds from the sale of the existing transit center site to fund the proposed project, which is not feasible with a ground-lease of the property. For purposes of the analysis in the Draft EIR, it was assumed that the existing site would likely be sold and developed as some form of a mixed-use project, subject to more detailed design and approvals and subsequent CEQA review.

Comment 13-10

9. The EIR 'air quality' and 'noise' sections should assess the impact of these factors on the passengers using the project facilities, and the 'aesthetics' section should assess the experiential and visual impacts of the project on its users, as well as its surroundings.

We request further information on the noise and exhaust from the freeway that could make alternatives unpleasant and unhealthy places to wait, and what if any mitigations could lessen these impacts.

Response to Comment 13-10

The commenter suggests that Section 3.1, Aesthetics; Section 3.2, Air Quality; and Section 3.11, Noise, should evaluate the effects of the environment and the project itself on passengers using proposed project facilities (i.e., future users). However, the California Supreme Court has held that

lead agencies are not required to analyze the impacts of the environment on a project's future users unless the project exacerbates existing environmental hazards (see *California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369*) or when the legislature has indicated by specific California Public Resources Code sections (21096, 21151.8, 21155.1, 21159.21, 21159.22, 21159.23, and 21159.24) that specifically defined environmental hazards associated with airport noise and safety, school projects, certain kinds of infill housing, and transit priority projects must be addressed. The project is not considered a project where existing environmental hazards must be addressed.

The project area is currently influenced by pollutants and noise from vehicles on US-101 and other roadways; however, the project would not appreciably affect the existing concentrations of pollutants or noise. Because existing conditions relative to air quality and noise would not be exacerbated by the project, the EIR is not required under CEQA to evaluate any impacts that may occur on future users. No revisions to the Draft EIR are required.

For aesthetic resources, impacts on viewers are evaluated against existing conditions. For this project, the baseline for analysis is the present day, not a future point in time that includes proposed project conditions. In addition, the revised CEQA checklist no longer requires analyzing changes to visual character and quality in urbanized areas, but requires that the project be analyzed for consistency with applicable zoning and other regulations governing scenic quality. The analysis in the Draft EIR meets these requirements and no revisions are required to Section 3.1, Aesthetics.

Comment 13-11

10. The EIR 'cultural resources' section should assess the significance of affected buildings, including potential reuse and modification that could enhance their character and contribution to the area.

We find that the DEIR adequately addresses cultural resources, including creative rehabilitation of the former depot building.

Response to Comment 13-11

This comment concerns the identification and assessment of impacts on built-environment resources in Section 3.4, Cultural Resources, of the EIR. The comment is correct that Section 3.4 assesses the significance and CEQA historical resource status of built-environment resources in the CEQA study area. However, the EIR does not evaluate the effects of potential modifications that are not proposed as part of the project, which would be speculative. No revision is required to Section 3.4, Cultural Resources.

Comment 13-12

11. The EIR 'biological resources' section should assess impacts both on existing resources (including street trees and creek-side zones) and on the future ability to restore and enhance those resources.

We request that the FEIR discuss how the 'gateway' quality of the new transit center could be heightened by planting large street trees (like the London Plane trees now thriving on 5th Avenue) along Hetherton, Irwin and Tamalpais, and within the transit plaza itself.

Response to Comment 13-12

The comment pertains to potential effects on creeks and street trees. Section 3.3, Biological Resources, adequately addresses impacts on biological resources, including Irwin Creek, and requires adequate mitigation to address those impacts, as required by CEQA. Section 3.3 also adequately addresses the requirements for tree removal under the current City of San Rafael tree ordinance, which requires a permit from the San Rafael Public Works Department to approve the project. The permit does not require planting of trees to mitigate the loss of existing street trees; however, protection measures are required during construction to protect trees to be retained, which are included in the project mitigation.

Relative to the comment on the planting of street trees, Section 3.1, Aesthetics, describes how the installation of landscaping included in the proposed project would affect the visual quality of the project area. As described in Section 3.1, the preferred alternative (Move Whistlestop Alternative) and build alternatives would all include a substantial amount of landscaping compared to existing conditions, which would contribute to an attractive, pedestrian-scale environment with visually pleasing plaza spaces, streetscapes, and transportation facilities (see pages 3.1-32 through 3.1-37 of the Final EIR).

Comment 13-13

12. The EIR 'aesthetics' section should assess the protection or loss of view corridors into downtown and to surrounding hillsides.

We request that the FEIR elaborate on the potential that the 2-story depot building and open transit uses could provide a visual commons at San Rafael's front door, which would avoid the walling off of downtown as adjacent blocks are developed with taller building. This could also help preserve the view corridor along Tamalpais and the train tracks from 2nd Street to Mission, keeping the city's defining hillsides in view.

Response to Comment 13-13

The comment suggests that the Final EIR should provide additional description of views entering Downtown San Rafael related to the transit center. Section 3.1.2.3, Impacts, has been revised in the Final EIR to elaborate on the existing discussion of view corridors, as suggested by the commenter (see page 3.1-33 of the Final EIR).

This section was revised as follows to provide additional detail about view corridors:

> However, as seen on Figure 3.1-5, the view to the south down West Tamalpais Avenue from 4th Street would open up under the Adapt Whistlestop Alternative and create more views toward the west of West Tamalpais Avenue, even though taller development associated with redevelopment occurring in the Downtown area would partially obscure this opened-up view corridor. As seen on Figure 3.1-2, views to the west from the intersection of 4th Street and West Tamalpais Avenue would be more screened by landscaping and the relocated alignment of West Tamalpais Avenue under the Move Whistlestop Alternative. Views from this vantage point to the east would likely open up more under the Move Whistlestop Alternative than under the Adapt Whistlestop Alternative, because views behind the existing Whistlestop building would become more apparent once the building is

relocated or demolished,[2] and there is no structure to obscure views (Figure 3.1-3). In addition, views of the hillsides from Hetherton Street may open up and become more prominent, as shown in the visual rendering on Figure 3.1-7. In addition, views of the hills from US-101 would not be affected because building heights and trees planted by these build alternatives would not obscure views of these features. Therefore, the Move Whistlestop Alternative and the Adapt Whistlestop Alternative would create a well-designed common area that helps preserve the view corridors along Tamalpais Avenue and the train tracks from 2nd Street to 5th Avenue, keeping the City's defining hillsides in view, to prevent the walling off of Downtown as adjacent blocks are redeveloped with taller buildings.

The revisions to Section 3.1.2.3 do not change the overall conclusion regarding impacts on the character and quality of public views of the site and its surroundings in a non-urbanized area, including scenic vistas. Therefore, impacts from conflicts with applicable zoning and other regulations governing scenic quality in an urbanized area, including scenic vistas, would be less than significant.

Comment 13-14

Sustainable San Rafael also concurs with the City's request that the FEIR provide further information regarding the impacts and potential mitigations of sea level rise for each alternative. In addition we ask that additional GHG mitigations be included sufficient to bring the project to zero net greenhouse gas emissions by 2045, in accordance with San Rafael's Climate Action Plan 2030 as amended on September 20, 2021.

Response to Comment 13-14

Regarding sea level rise, the EIR includes a discussion of sea level rise in Section 3.9.1.2, Environmental Setting. This discussion explains the relative risk of future inundation from projected sea level rise at each alternative site. This discussion has been revised and content moved to Section 3.9.2, Environmental Impacts, in the Final EIR to clarify the risks related to sea level rise. See the response to comment 5-42 for additional information regarding sea level rise.

The operational emissions associated with the project would be relatively minor and would likely continue to decrease in future years as a result of continued implementation of existing regulations and the adoption of new regulations. As shown in Table 3.7-5, on page 3.7-19 of the Final EIR, the project's total operational emissions would be 5.8 metric tons of carbon dioxide equivalent per year. Approximately 52 percent of those emissions are from electricity use; however, emissions from electricity will progressively decrease each year until reaching zero by 2045. As discussed on page 3.7-5 of the Final EIR, Senate Bill 100 mandates that all retail sellers of electricity procure eligible renewable energy resources for 100 percent of retail sales by 2045. Therefore, it is reasonable to conclude that, by 2045, electricity delivered to the project site would be completely from renewable sources. For water-related emissions (9 percent of total operational emissions), the same conclusion would apply, because electric power is used to extract, treat, convey, and distribute water. As such, water-related emissions would decrease with the increased prevalence in renewable energy sources.

[2] Should relocation become infeasible due to engineering or structural concerns, accessibility concerns, or feedback from the Community Design Advisory Group, the Whistlestop building could also be demolished and a new building constructed at the current location of 703–705 4th Street and 927 Tamalpais Avenue.

Approximately 28 percent of annual operational emissions are from waste sources. As noted on page 3.7-21 of the Final EIR, the project would support and comply with the state's current recycling requirements and the recycling goal from the California Air Resources Board's (CARB's) *Climate Change Scoping Plan*, consistent with 2030 goals. As additional regulations are adopted to address waste emissions in the post-2030 period, waste from project operations would be affected by any further goals legislated by CARB to reduce emissions further by 2045. Therefore, most types of project emissions would likely decrease in accordance with the state's existing efforts to achieve carbon neutrality.

In 2009, the City adopted its CCAP to reduce GHG emissions. As noted in Section 3.7, Greenhouse Gas Emissions, the proposed project would be consistent with all applicable measures in the City's CCAP; however, many measures from the CCAP are not applicable to the project because they require action to be taken by the City (e.g., increase residential organic waste diversion, replace older city vehicles with low-emitting vehicles). Such measures are not applicable to the project because the District, as the lead agency for the project, does not have the jurisdictional control required to implement these measures (i.e., the District cannot influence residential waste diversion or vehicle purchasing decisions for City-owned vehicles in San Rafael).

Achieving net zero emissions is not required for the proposed project and, at this time, there is no pathway to net zero emissions outlined in CARB's *Climate Change Scoping Plan*. As noted in Section 3.7, Greenhouse Gas Emissions, CARB's *Climate Change Scoping Plan* identifies specific measures to reduce GHG emissions and requires CARB and other state agencies to develop and enforce regulations and other initiatives for reducing GHGs. CARB's *Climate Change Scoping Plan* articulates a key role for local governments, recommending they establish GHG reduction goals for both their municipal operations and the community consistent with those of the state. Regarding the commenter's request for the inclusion of measures to attain zero net GHG emissions by 2045, it is not currently feasible or required to demonstrate that the proposed project would meet this milestone. The City of San Rafael's city council signed an emergency declaration in September 2021 that targets additional emissions reductions by 2030 and 2045. These citywide goals are not accompanied by specific emissions reductions strategies that apply to the proposed project. Many of the actions needed to reduce emissions would need to be enacted through policies and regulations at the state or federal level, and, without a documented pathway to achieve net zero emissions from CARB, it is not feasible for individual projects, including the proposed project, to attain net zero emissions.

Comment 13-15

Thank you and your team for a range of transit-friendly concepts and for supporting thoughtful public decision-making with a thorough FEIR.

Response to Comment 13-15

The comment provides general feedback on the alternatives and public process and does not pertain to the adequacy of the EIR. No further response is required.

Comment Letter 14

CANAL ALLIANCE

Voces del Canal
CONSTRUYENDO OPORTUNIDADES

Mayor Kate Colin. City of San Rafael
Members, San Rafael City Council

Re: **Community Engagement in the San Rafael Transportation Center**

April 19, 2021
Via Electronic Mail

Dear Esteemed Leaders of the **San Rafael Transportation Center Project**:

On behalf of Canal Alliance and Voces del Canal, a Canal resident leadership group, we write to express our support for the **San Rafael Transportation Center** and for the many ways this project represents an opportunity not only for our city and our region, but especially for the low-income and Latino transit riders who make up the majority of the ridership. We also want to strongly recommend that there can be an opportunity for greater equity in the design, analysis, and implementation of the project.

14-1

We are aligned on what we believe are common goals across stakeholders and decision-makers. We also agree on the need for a transit center that not only meets current and near-future public transportation needs, but also anticipates the kind of growth we are working toward in the city and the region. In particular, to serve the long-term needs of our communities ensure that the environmentally-friendly public transportation system offers the best, easiest, most affordable, and reliable option for mobility, a transit center needs to plan for a rise in demand that will result from increased housing, both affordable and low-income housing options.

Recently, Canal Alliance had the opportunity to host a presentation of the various alternatives by the GGBHTD's staff for the leadership team of Voces del Canal. It was a great opportunity to learn more about the project and the details of the proposed alternatives. However, it also provided an overwhelming amount of information for our participants to process, let alone provide immediate feedback on.

As we look at your materials and timeline, we see that there is still some time for us to partner and develop a process that provides capacity-building for our community leaders to understand the project and to then provide more informed and helpful recommendations and a set of priorities that we believe should guide the development of the transit center. In the meantime, we wanted to share with you some initial thoughts and reflections based on many years of working with our community and our community leaders on what we know are critical priorities from prior community development and transportation issues discussions. Below is a preliminary list based on what we know about our community and from discussions we have had about the future of transit in the Canal neighborhood and surrounding areas:

14-2

- Public Safety: street lighting, transit center lighting, multilingual signage, way-finding.
- Street Safety: traffic calming, wider crosswalks, safety lights at crosswalks.
- Wide Access: multi-generation family groups walking together (parent, stroller, children, grandparent).