Marin Civic Center Drive Improvements Project
City of San Rafael, Marin County, California

Prepared for:
Marin County Department of Public Works
3501 Civic Center Drive, Room 404
San Rafael, California 94903
Contact: Patrick Echols, P.E.
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Prepared by:
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Pursuant to Section 21000 et. seq. of the Public Resources Code and Marin County Environmental Impact Review Guidelines and Procedures, a Mitigated Negative Declaration is hereby granted for the following project.

1. Project Name: Marin Civic Center Drive Improvements Project

2. Location and Description:
   The proposed project is located at the Marin Civic Center campus in the City of San Rafael, California. As the project proponent, the County of Marin is proposing various improvements along Civic Center Drive between Merrydale Road and Armory Drive/Judge Haley Drive, including new driving surfaces, sidewalks, buffered bike lanes, bus stops, a two-way bicycle path, and a roundabout to improve the northern gateway to the historic Civic Center Campus for all users. Project construction will take place between July 31, 2015 and September 2016.

3. Project Sponsor: Marin County Department of Public Works

4. Finding:
   Based on the attached Initial Study and without a public hearing, it is my judgment that:
   - The project will not have a significant effect on the environment.
   - The significant effects of the project noted in the Initial Study attached have been mitigated by modifications to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

   Date: __________________________
   Environmental Coordinator

Based on the attached Initial Study and the testimony received at a duly noticed public hearing, a Mitigated Negative Declaration is granted.

Date: __________________________
Chairperson, Planning Commission

Date: __________________________
Hearing Officer

Date: __________________________
President, Board of Supervisors

1. Mitigation Measures:
   - No potential adverse impacts were identified; therefore, no mitigation measures are required.
Please refer to mitigation measures in the attached Initial Study.

The potential adverse impacts have been found to be mitigable as noted under the following factors in the Initial Study attached.

All of the mitigation measures for the above effects have been incorporated into the project and are embodied in conditions of approval recommended by the Marin County Department of Public Works- Capital Projects Division. Other conditions of approval in support of these measures may also be advanced.

2. Preparation:

This Mitigated Negative Declaration was prepared for Patrick Zuroske of the Marin County Department of Public Works- Capital Projects Division. Copies may be obtained at the address listed below.

Marin County Department Public Works
Capital Projects Division
3501 Civic Center Drive, Suite 404
San Rafael, CA 94903
(415) 473-6528
Monday-Friday, 8:00 a.m. to 5:00 p.m.
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I. BACKGROUND

A. Project Sponsor's Name and Address: Marin County Department of Public Works
   3501 Civic Center Drive, Room 304
   San Rafael, CA  94903

B. Lead Agency Name and Address: Marin County Department of Public Works
   3501 Civic Center Drive
   San Rafael, CA  94903

C. Contact Person and Phone Number: Patrick Zuroske
   Marin County Department of Public Works
   (415) 473-2298

II. PROJECT DESCRIPTION

A. Project Title: Marin Civic Center Drive Improvements Project

B. Type of Application(s): Public Works. Roadway, Bicycle and Pedestrian Improvements

C. Project Location: APN #179-270-11
   San Rafael, CA

D. General Plan Designation: Public

E. Zoning: Civic Institutional/Transportation

F. Description of Project:

Introduction

The County of Marin (County) is proposing various improvements along Civic Center Drive between Merrydale Road and Armory Drive/Judge Haley Drive, including new driving surfaces, sidewalks, buffered bike lanes, bus stops, a two-way bicycle path, and a roundabout to improve the northern gateway to the historic Marin County Civic Center Campus for all users. The Marin Civic Center Drive Improvements Project (project) also includes sidewalk improvements on Peter Behr Drive.

The project is subject to federal as well as state environmental review requirements because project funding includes federal grant funds. The California Department of Transportation (Caltrans) is the lead agency under the National Environmental Policy Act (NEPA), through National Environmental Policy Act (NEPA) Assignment under Section 6005...
of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) codified at 23 USC 327(a)(2)(A). Marin County Department of Public Works is the lead agency under the California Environmental Quality Act (CEQA).

Background

Civic Center Drive is a two-lane roadway within the city of San Rafael’s right-of-way (ROW). Running roughly parallel to US Highway 101 (US 101), Civic Center Drive connects Manuel T. Freitas Parkway at its northern terminus to North San Pedro Drive at its southern terminus. The northern portion of Civic Center Drive acts as a frontage road for US 101, while the southern portion traverses through the historic Marin County Civic Center Campus. The southern portion of Civic Center Drive was constructed as part of the Civic Center Campus in the early 1960s. The posted speed limit on Civic Center Drive is 30 miles per hour (mph) north of Avenue of the Flags and 25 mph south of Avenue of the Flags.

The Marin County Civic Center was the last major work and largest project of renowned architect Frank Lloyd Wright. The Civic Center itself consists of the Administration Wing, constructed in 1962, and the Hall of Justice Wing, constructed in 1970. These two buildings serve as the official government offices for Marin County. The Veterans’ Memorial Auditorium and Exhibit Hall were constructed in the 1970s and host various cultural and entertainment events. The Civic Center Campus also includes facilities such as the Marin County Fairgrounds, Lagoon Park, the County Jail, a U.S. Post Office, and the City of San Rafael Fire Station #57. The campus is a cultural attraction, a portion of which is the Marin Civic Center National Historic Landmark District.

Visitors to and employees of the Civic Center who approach from the south encounter sweeping vistas, a fountain, and gateway landscaping. Though this has historically been the main entrance to the Civic Center Campus, more and more users have begun to enter from the north since the addition of the Manuel T. Freitas Parkway freeway ramp. Those entering from the north, however, are welcomed by a dirt parking lot. The northern entry to the Civic Center Campus has little in the way of bicycle facilities, and there are significant sidewalk gaps.

In the fall of 2016, multimodal access to the north end of the Civic Center will become significantly more important. The Sonoma-Marin Area Rail Transit District (SMART) system will begin operations, with a stop serving the Civic Center Campus planned for the area where the existing railroad tracks cross under US 101 and cross Civic Center Drive at-grade. Additionally, in the future, the Agricultural Institute of Marin plans to construct a new farmer’s market in the existing unpaved parking lot south of Civic Center Drive and West of Peter Behr Drive (commonly referred to as the “Christmas Tree Lot”), which is also likely to increase pedestrian traffic in the area. The County wishes to provide facilities to welcome all users to the area, whether they are in vehicles, on bicycle, on foot, or riding public transportation.
Project Purpose and Need

Project Purpose

The purpose of the project is to provide a safe, accessible, and welcoming experience for all users entering the Marin County Civic Center Campus from the north.

Project Need

Civic Center Drive currently serves as the northern gateway to the Marin County Civic Center Campus, and with the advent of SMART rail service scheduled for late 2016, intermodal connections to the Civic Center Campus and surrounding employment centers will need to be in place.

Currently, however, there is little to no intermodal access within the project limits. There are significant sidewalk gaps, a lack of bicycle facilities, and little in the way of pedestrian safety components.

Project Description

The project consists of constructing improvements to Civic Center Drive that would provide: 1) a safe path of travel for pedestrians and bicyclists connecting the SMART Civic Center Station and the Civic Center Campus between the SMART railway crossing and Armory Drive/Judge Haley Drive; 2) buffered bike lanes\(^1\); and 3) a two-way bicycle path from the future SMART station location to Peter Behr Drive. Intersection improvements (i.e., the construction of a roundabout) would be installed to provide safe pedestrian access to the Civic Center Campus and surrounding employment centers. Key improvements along Civic Center Drive consist of the following:

- New sidewalks up to 8 feet wide
- 5-foot-wide landscape buffers between the new roadway and the sidewalks
- Drainage structures, including a curb and gutter
- Buffered bike lanes
- 12-foot-wide traffic lanes
- 10-foot-wide two-way bicycle path
- Landscaping
- Signage
- Traffic signal relocations at McInnis Parkway
- Lighting and a roundabout at Peter Behr Drive

The roadway would be re-striped, and a new striped crosswalk is proposed where Avenue of the Flags intersects with Civic Center Drive. The project also includes bus stop improvements, such as relocating and expanding the existing southbound bus stop and

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\(^1\) Buffered bike lanes are conventional bicycle lanes paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane (National Association of City Transportation Officials 2014).
placing a new northbound bus stop, and streetscape features, such as pedestrian plaza areas. The project limits on Civic Center Drive are between Merrydale Road and Armory Drive/Judge Haley Drive. The project would also install sidewalks and bicycle improvements along Peter Behr, from Civic Center Drive to 600 feet south of Civic Center Drive.

Some slight modifications to the roadway alignment are proposed. To accommodate the new landscaping, sidewalk, and bus stop on the north side of the roadway within the existing ROW, the roadway centerline would be shifted by up to 10 feet to the southwest between the SMART tracks and the roundabout. The modifications to the alignment and the associated grading are to be designed in accordance with the geometric design standards in the Caltrans Highway Design Manual and the American Association of State Highway and Transportation Officials (AASHTO) Greenbook. To provide proper roadway slopes, sidewalk slopes, and superelevations, minor re-grading of the existing roadway would take place, as well as grading of the widened roadway and new sidewalks. Where feasible, curb cuts are being placed to allow drainage into stormwater treatment areas within the proposed planters. In most areas of the project, grades are being modified by no more than 1 foot and are being raised in most, but not all, locations. Cut and fill slopes at the edge of the roadway are being designed for a maximum 2:1 (H:V) slope. Erosion control would be placed on all finalized slopes.

The primary elements of the project include the following:

- Construction of temporary access roads around the proposed roundabout (intersection of Civic Center Drive and Peter Behr Drive).
- Demolition of the existing concrete curb, gutter, and sidewalk.
- Selected removal of existing trees.
- Excavation of existing asphalt or native material and placement of new aggregate base and asphalt for the widened roadway, roundabout, and bicycle path.
- Grinding and overlay of existing asphalt.
- Modifications to the drainage system, including trenching, excavation, bedding, backfill, drainage structures, and pipe.
- Concrete improvements, including added curb, gutter, sidewalk, and accessible ramps.
- Installation of new planter areas, including irrigation (using reclaimed water), landscaping, and new trees.
- Construction of stormwater treatment areas (i.e., bio-swales).
- Installation of a new energy-efficient pedestrian and roadway lighting system, including new conduit and poles.
- Relocation of the traffic signal at Civic Center Drive and McInnis Parkway.
- Completion of new roadway striping.
- Construction of temporary and permanent erosion control features.
- Installation of buried conduit for future fiber-optic system.
Figure 1
Project Vicinity
Figure 2
Project Location
Figure 3
Conceptual Plan
The project vicinity, location, and conceptual plan are shown in Figures 1–3, respectively.

**Construction Methodology**

**Anticipated Construction Equipment**

Typical construction equipment would include the following:

- Backhoe
- Loader
- Excavator
- Concrete saw
- Water truck
- Cement truck
- Cement pump truck
- Compactor
- Generator
- Paver
- Rollers
- Motor grader
- Milling Truck
- Various dump trucks
- Various light tools (saws, jack hammer, etc.)

Most construction-related noise would occur during demolition and paving operations and would primarily come from concrete hammers/breakers, paving equipment, and backup alarms.

**Demolition Methods**

Milling of the existing roadway would be performed by a milling machine. Additional demolition of existing asphalt and concrete would be performed via sawcut and jackhammer. Demolished material and native material would be removed with a backhoe. Tree removal would be performed by cutting the existing tree, grinding the root ball, and removing all fibrous materials.

**Roadway Improvements**

Proposed piping would include new reinforced concrete storm drain pipes, polyvinyl chloride (PVC) conduit for a future fiber optic line, PVC irrigation lines, PVC street light conduit, and PVC conduit serving the traffic signal at McInnis Parkway. This work would include trenching, excavation, placement and compaction of bedding and backfill material, placement of new pipe, and construction/placement of valves and precast drainage structures and pull boxes.
New asphalt would be placed in areas of roadway widening, the roundabout, and the proposed bicycle path. This work would include placement and compaction of aggregate base, followed by placement and compaction of hot mix asphalt. In areas of existing asphalt, hot mix asphalt would be placed as an overlay on the existing section.

New concrete would be placed in areas such as sidewalk, curb, gutter and pole foundations. This work would include placement and compaction of aggregate base, followed by forming and placing of portland cement concrete.

Landscaped areas would include the placement of soil mixtures, installation of new vegetation, and planting new trees.

Median improvements would be constructed in the vicinity of the SMART rail crossing.

**Staging Areas**

Equipment and construction materials would be temporarily stored and staged in the existing County-owned unpaved parking lot bounded by Civic Center Drive on the north, Peter Behr Drive on the east, and US 101 on the south and west for all the phases, often referred to as the “Christmas Tree Lot.” Sediment control measures would be placed around the staging area in accordance with state and County stormwater requirements.

**Borrow and Disposal Sites**

The project would require net export of material to an off-site location. Although there would be some excavated material onsite that would be re-used, some removed material would be taken to an approved disposal site to be determined by the contractor.

Minor excavation of less than 2 feet would take place on roughly 2.1 acres for the purposes of adding new paving, planters, and concrete improvements.

Approximately 0.2 acre of trenching would be required for the addition of new pipelines, such as storm drains, bioswale underdrains, irrigation, fiber optic conduit, and lighting conduit. The maximum depth of excavation for these facilities would be approximately 6 feet. The total land disturbance area is estimated to be 2.3 acres.

**Construction Phasing and Duration**

The total construction duration would be approximately 10 months, from September 2015 to June 2016. Typical hours of construction would be 8AM-5PM. Night work is not anticipated.

Construction would be phased to maintain access to all nearby facilities. Through traffic would be maintained at all times. Temporary detours would be constructed as needed to accommodate traffic flow.

In an effort to minimize impacts during construction, a project Construction Impact Analysis (ICF International 2014a) was prepared that included recommendations for adjusting the proposed construction phasing; the County adopted these recommendations. The project phasing and staging plans (California Department of Transportation 2014a) ensure that all activities that would generate noise exceeding this threshold are scheduled outside the breeding season and/or at least 700 feet away from the tidal salt marsh habitat.
Traffic Management and Detours

The contractor would be required to provide a traffic management plan subject to approval of County staff prior to the commencement of work. Through traffic would be maintained at all times. Temporary detours would be constructed as needed to accommodate traffic flow. Speed limits would be reduced in the construction zone.

Right-of-way Acquisition and Easements

The project falls within the ROW of the City of San Rafael (Civic Center Drive) or the County of Marin (Peter Behr Drive, Memorial Drive, Avenue of the Flags), and the County does not need to acquire ROW for this project. An encroachment permit would be obtained from the City of San Rafael for the portion of the work within the City ROW. The traffic signal work at McInnis Parkway, however, would require tying into an existing traffic signal pole that is outside of the public ROW but is within a public utility easement. It may also be necessary to perform some minor re-grading within the easement to accommodate the northbound bus stop.

Utilities Relocation

Due to changes in the roadway grade, some utility covers require adjustment to grade. The Marin Municipal Water District (MMWD) assets anticipated to be adjusted include water valves, utility boxes, and manholes.

Additionally, several Pacific Gas & Electric boxes may require re-adjustment to accommodate the proposed roundabout. The project will seek to avoid the need to re-adjust these facilities in subsequent design packages.

Site Restoration

This project does not encroach upon any existing habitat. No site restoration is included in the project.

Permits, Reviews, and Approvals

The permits, reviews and approvals listed in Table 1 would be required for project construction.

Table 1. Required Permits, Reviews, and Approvals

<table>
<thead>
<tr>
<th>Agency</th>
<th>Permit/Approval</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Fish and Wildlife Service</td>
<td>Endangered Species Act Section 7 consultation regarding threatened and endangered species</td>
<td>Not yet initiated</td>
</tr>
<tr>
<td>San Francisco Bay Regional Water Quality Control Board</td>
<td>Clean Water Action Section 401 water quality certification</td>
<td>Not yet initiated</td>
</tr>
<tr>
<td>California State Historic Preservation Officer</td>
<td>Section 106 consultation</td>
<td>Not yet initiated</td>
</tr>
</tbody>
</table>
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 9 for additional information.

| ☒ Aesthetics | ☐ Agriculture and Forestry | ☒ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology/Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards and Hazardous Materials | ☐ Hydrology/Water Quality |
| ☐ Land Use/Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population/Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation/Traffic | ☐ Utilities/Service Systems | ☒ Mandatory Findings of Significance |

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Date:

Printed Name: Patrick Echols, P.E. For: Marin County Department of Public Works
III. EVALUATION OF ENVIRONMENTAL ISSUES

This section addresses the proposed project’s potential to impact resources as identified in the CEQA Checklist. Each resource is discussed in terms of Regulations relevant to the project, Existing Conditions, and potential to be impacted by the project. As applicable, mitigation measures are included to ensure that each impact would be less-than-significant. Mitigation measures are included within each resource discussion, and the mitigation monitoring and reporting program (MMRP) is included as Appendix A.

Listed below are several studies and memoranda that were used to prepare this document. These documents are incorporated by reference and are available for review at the Marin County Public Works Office. For more information or to obtain a copy, contact Patrick Zuroske at pzuroske@marincounty.org or (415) 473-2298.

- Marin Civic Center Drive Improvements Project Natural Environment Study (NES; California Department of Transportation 2014a)
- Marin Civic Center Drive Improvements Project Biological Assessment (BA; California Department of Transportation 2014b)
- Marin Civic Center Drive Improvements Project: California Black Rail and California Clapper Rail Project Construction Impact Analysis (Construction Impact Analysis; ICF International 2014a)
- Marin Civic Center Drive Improvements Project Effects on Visual Resources (VIA; ICF International 2014b)
- Marin Civic Center Drive Improvements—Air Quality Memorandum (AQ Memo; ICF International 2014c)
- Archaeological Survey Report for the Marin Civic Center Drive Improvements Project, San Rafael, Marin County, California (ASR; ICF International 2014d)
- Historic Property Survey Report [for the Marin Civic Center Drive Improvements Project] (HSPR; ICF International 2014e)
- Historical Resources Evaluation Report for the Marin Civic Center Drive Improvements Project California Department of Transportation, District 4 Marin County, California (HRER; ICF International 2014f)
- Marin Civic Center Drive Water Quality Technical Memorandum (WQ Memo; ICF International 2014g)
- Marin Civic Center Drive Improvements—Noise Memorandum (Noise Memo; ICF International 2014h)
- Memorandum—Marin Civic Center Drive Traffic Operations (Fehr & Peers 2013a)
- Memorandum—Civic Center Drive Roundabout Safety Analysis (Fehr & Peers 2013b)
1. AESTHETICS/VISUAL

Information in this section is based on the *Marin Civic Center Drive Improvements Project Effects on Visual Resources* technical memorandum (Visual Impact Assessment or VIA) prepared for this proposed project (ICF International 2014b), which also includes additional background information.

**Regulations**

CEQA establishes that it is the policy of the state to take all action necessary to provide the people of the state “with…enjoyment of aesthetic, natural, scenic and historic environmental qualities” (Public Resources Code [PRC] 21001[b]).

Caltrans designates state scenic highways where roadways pass through particularly scenic landscapes. There is no roadway within or near the project area that is designated in state plans as a scenic highway or route worthy of protection for maintaining and enhancing scenic viewsheds (California Department of Transportation 2014c).

The following planning documents guide visual and aesthetic planning in the proposed project area.

*City of San Rafael 2020 General Plan Community Design Element*

The Community Design Element addresses the physical form of the natural environment and the built form of the City (City of San Rafael 2013). The following policies are relevant to the proposed project:

- **CD-1. City Image.** Reinforce the City’s positive and distinctive image by recognizing the natural features of the City, protecting historic resources, and by strengthening the positive qualities of the City’s focal points, gateways, corridors, and neighborhoods.
- **CD-4. Historic Resources.** Protect San Rafael’s positive and distinctive image by recognizing, preserving, and enhancing the City’s historic resources.
- **CD-5. Views.** Respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael’s church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.
- **CD-7. Downtown and Marin Civic Center.** Build upon the character of these areas by controlling land uses to clearly distinguish their boundaries; by recognizing Mission San Rafael Arcangel and St. Raphael Church, Marin Civic Center, and other buildings that help define the City’s character, and requiring that these and other architectural characteristics and land uses that give these areas their identify are strengthened.
- **CD-18. Landscaping.** Recognize the unique contribution provided by landscaping, and make it a significant component of all site design.
- **CD-19. Lighting.** Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.
City of San Rafael 2020 General Plan Circulation Element

The Circulation Element serves to ensure that the transportation network – including roads, transit, and bicycle and pedestrian facilities are designed to accommodate the city into the future (City of San Rafael 2013). The following policy is relevant to the proposed project:

- **C-22. Attractive Roadway Design.** Design roadway projects to be attractive and, where possible, to include trees, landscape buffer areas, public art, integration of public spaces, and other visual enhancements. Emphasize tree planting and landscaping along all streets.

San Rafael Civic Center Station Area Plan

The Civic Center Station Area Plan (Fehr & Peers 2012) serves to identify a community vision for the area around the future Civic Center SMART station in North San Rafael. The following recommendation is relevant to the proposed project:

- Provide “Complete Streets” treatments, such as wider sidewalks, improved bicycle facilities, calmed traffic, and improved streetscaping on all streets within the Study Area.

Marin County Civic Center Master Design Guidelines, Section 5 Landscape and the Elements

The *Master Design Guidelines* were created to provide a framework for future development that recognizes the need to maintain the visual prominence of Frank Lloyd Wright’s Civic Center buildings within a setting that engenders an overall sense of openness (Royston, Hanamoto, Alley & Abey 2005). The following guidelines are relevant to the proposed project:

- The existing Oak trees are to be augmented with additional Oaks whenever and wherever possible. Oaks will serve as the “signature tree” for this landscape as they thrive on these hills, are long-lived, and are appropriate to the site’s cultural history.

- Both deciduous and evergreen plantings should be selected to enhance the native Oak woodland landscape and be appropriate in size and scale with respect to any adjacent historic structures. For example, new planting should not interfere with views to or from the Civic Center buildings when they reach maturity.

- Primary streets, such as Civic Center Drive, Peter Behr Drive and the Avenue of the Flags, should each have a clear and consistent streetscape planting approach and design. Plant palettes, especially street trees, should be devised for each primary street. Formal street tree planting is encouraged where appropriate. Cohesion and clarity in planting and materials will enhance the visitors’ experience and improve wayfinding on the site. Special attention should be paid to the protection of view corridors. While unity is desired, some breaks in street tree plantings may be necessary to preserve views.

- The entry landscapes of the Veteran’s Memorial Auditorium and the Exhibit Hall should be enhanced and improved with additional appropriately scaled plantings. This would also enhance wayfinding for visitors to these venues.

- Existing sidewalks should be made as consistent as possible in terms of design, material, color and finish.
The preferred material for primary pedestrian routes is standard gray concrete with a consistent medium broom finish. Where the route is directly adjacent to historic structures and “Taliesin Red” paint color has traditionally been used on the paving, it is recommended that integrally colored or stained concrete be used in lieu of surface paint.

Asphalt paving with concrete curbs for primary and secondary streets is preferred.

Enhance, protect and restore riparian habitats on the Civic Center site to the highest degree possible.

The preferred approach is to complete the loop around the entire lagoon with parkland as originally envisioned. The path along the lagoon should be considered a primary pedestrian route and enhanced accordingly. Site furnishings should be upgraded per the guidelines above. Lighting should be improved for safety and nighttime ambiance. Signage and wayfinding should be clear and encourage visitors.

Concrete sidewalks adjacent to primary and secondary streets are preferred. In particular, Civic Center Drive between Armory Drive and the Avenue of the Flags should have a concrete sidewalk along its eastern edge of no less than 6’ in width.

Streets should have adequate night lighting for vehicles and pedestrians to enhance safety and in order to improve the site’s accessibility during evening events. Civic Center Drive, the Avenue of the Flags and Armory Drive are of particular concern. Lighting fixtures and design for streets should be consistent site-wide. See section 5.10 on lighting for further details.

All intersections should be appropriately striped for pedestrian crossings; curb-cuts and other appropriate measures should be taken to ensure disabled access.

The County should consider striped bike lanes on primary streets, particularly Civic Center Drive, in order to encourage cycling.

Street trees are encouraged as they define edges and beautify the site. Highlighting the same tree on a single street is also preferred in order to add order and clarity to the campus. Special attention should be paid, however, not to obstruct view corridors with new street tree planting.

Provide adequate light for safety and security. Two main lighting factors that reinforce a sense of safety and security are adequate horizontal illuminance at the ground for navigation of pathways, and adequate vertical luminance at surfaces such as building forms, building entries, people, signage and planting to provide visual context.

The scale, form, color, and spacing of lighting elements should be cohesive campus-wide and compatible with the historic design precedents and with the simple, and timeless designs of other site elements such as planting, architecture, and signage.

Site lighting fixtures located near historic structures must be respectful of the historic styled designs and site lighting fixtures used elsewhere should be simple, timeless, and cohesive throughout possible future development areas. This concept of a “family of fixtures” should be applied to the major open spaces.

The color of light throughout the Marin County Civic Center should be consistent with only slight variations in the color of the light source, which may be considered
appropriate for distinguishing adjacent areas of different functions. To maintain this historic color variation, we recommend using warm colored 3000 Kelvin compact fluorescent light sources. All light sources should have the highest color rendering properties available to enhance the quality of the nighttime experience.

- The existing historic hat-shaped fixtures, placed 60’ on center, do not provide a uniform coverage of the pathways, where vertical illumination on pedestrians falls off in between light fixtures. It is recommended that a higher light pole with the same fixture head style and profile be considered for greater vertical and horizontal illumination coverage along pedestrian pathways.

- A reconstructed custom hybrid fixture design that represents the original historic fixture concept and overall profile yet with modernized fixture optics and lamp technology is recommended. The use of ceramic metal halide technology is preferred for roadway and street lighting.

- Public transit systems typically have their own, distinct signage and graphics, together with standards for their use, and this may be the case for SMART. However, because of the Civic Center’s unique, historic character, SMART signage should, if possible, have site-specific structural supports and/or “framing.”

Marin Countywide Plan Built Environment Element

The Built Environment Element provides guidance in identifying many land use issues, constraints, and opportunities, and in addressing the numerous needs, perspectives, and desires within the County (Marin County 2007). The following policies are relevant to the proposed project:

- **DES-4.1. Preserve Visual Quality.** Protect scenic quality and views of the natural environment – including ridgelines and upland greenbelts, hillsides, water, and trees – from adverse impacts related to development.

- **DES-5.1. Achieve Streetscape Compatibility.** Ensure that roadways, parking areas, and pedestrian and bike movement are functionally and aesthetically appropriate to the areas they serve.

Existing Conditions

The project area lies in the City of San Rafael in Marin County, less than 15 miles north of San Francisco and approximately 2.5 miles west of the San Pablo Bay. Topography varies within the project area with elevations ranging from approximately 13 feet to 120 feet Mean Sea Level. An artificial lagoon, Lagoon Park, is located directly to the north of the project area. The San Rafael Hills and the San Pedro Ridge are located approximately one mile to the east.

Civic Center Drive is a two-lane roadway within the City of San Rafael’s ROW. Running roughly parallel to US Highway 101 (US 101), Civic Center Drive connects Manuel T. Freitas Parkway at its northern terminus to North San Pedro Drive at its southern terminus. The northern portion of Civic Center Drive acts as a frontage road for US 101, while the southern portion traverses through the historic Marin County Civic Center Campus. The southern portion of Civic Center Drive was constructed as part of the Civic Center Campus in the
early 1960s. The posted speed limit on Civic Center Drive is 30 miles per hour (mph) north of Avenue of the Flags and 25 mph south of Avenue of the Flags.

The Marin County Civic Center was the last major work and largest project of renowned architect Frank Lloyd Wright and is designated as a state and National Historic Landmark. The Civic Center itself consists of the Administration Wing, constructed in 1962, and the Hall of Justice Wing, constructed in 1970. These two buildings serve as the official government offices for Marin County. The Veterans’ Memorial Auditorium and Exhibit Hall were constructed in the 1970s and host various cultural and entertainment events. The Civic Center Campus also includes facilities such as the Marin County Fairgrounds, Lagoon Park, the County Jail, the US Post Office, and the City of San Rafael Fire Station #57. The campus is a cultural attraction, a portion of which is the Marin Civic Center National Historic Landmark District.

The project area is located in a transit priority area due to its designation as the location for the planned SMART station for North San Rafael. The surrounding area is an employment center with regional shopping centers, the County offices, and other large employers (Fehr & Peers 2012).

US 101 at this location and the local streets within and adjacent to the project area are not state or Marin County designated scenic highway, and there are no scenic vistas in the project area. Views of the project site from US 101 are fleeting as roadway travelers pass by the site at high rates of speed and the view is mostly blocked by trees along the highway. Views of the project site from local streets are primarily available on approach and from streets that intersect with the project site, such as Peter Behr Drive.

AESTHETICS/VISUAL RESOURCES. Would the proposed project:

<table>
<thead>
<tr>
<th>a) Have a substantial adverse effect on a scenic vista?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
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</tbody>
</table>

For the purposes of this analysis, a *scenic vista* is defined as a vantage point with a broad and expansive view of a significant landscape feature (e.g., a mountain range, lake, or coastline) or of a significant historic or architectural feature (e.g., views of a historic tower). A scenic vista is a location that offers a high quality, harmonious, and visually interesting view. The project site contains views of the surrounding hillsides and the Marin County Civic Center, but views are limited due to topography, existing buildings, and trees. The existing surroundings are not identified as scenic vistas or views in the General Plan or by regulatory agencies with jurisdiction over the project site. Any views of the project site from surrounding hillsides or parks would also be blocked by topography, existing buildings, and trees.
The proposed project would not add any structures that would block any existing views to or from the site. Therefore, the project would have no impact on scenic vistas.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (source #'s): _____**

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
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<td>[ X ]</td>
</tr>
</tbody>
</table>

The project would not damage scenic resources, including—but not limited to—trees, rock outcroppings, and historic buildings within a state scenic highway. The project site is currently blocked from view for motorists traveling along US 101. Regardless, US 101 at the proposed project location is not designated as a state scenic highway by Caltrans (California Department of Transportation 2014c). Although there are Eligible State Scenic Highways within Marin County, there are none Officially Designated at this time. Therefore, the project would result in no impact on scenic resources along a scenic highway.

**c) Substantially degrade the existing visual character or quality of the site and its surroundings?**

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
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</tbody>
</table>

As described in the VIA (ICF International 2014b), while the road would be realigned and widened to accommodate the bicycle lane and median, these changes would not significantly alter the existing visual character of the project area, as seen by all viewer groups, because these elements are consistent with the visual character of Civic Center Drive south of Armory Drive. In addition, sidewalks would provide greater and safer visual access to surrounding areas, and landscaping would improve visual conditions along the roadway. All additions would be similar in appearance to existing facilities in the area. Views of the National Historic Landmark and National Historic Landmark District would be only temporarily impacted by the construction of the project due to unsightly construction equipment and demolition of the exiting roadway. Once construction is complete, however, the accessibility and visual quality along Civic Center Drive is expected to be improved, particularly for pedestrians and bicyclists, which would aid in improving the visual quality of views toward the National Historic Landmark and National Historic Landmark District. Therefore, impacts would be less than significant.
The proposed project would include new light standards along the new sidewalk for safety. However, the new lighting would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area, because lighting is already present in the project area. Additionally, new lighting would conform to local ordinances, such as the *City of San Rafael 2020 General Plan Community Design Element*, CD-19. Lighting and the guidance laid out in the *Marin County Civic Center Master Design Guidelines*. Construction-related light and glare would be limited to the daytime hours and reflection off construction equipment. Therefore, the impact would be less-than-significant.
2. AGRICULTURE AND FOREST RESOURCES

Regulations

Farmland Protection Policy Act

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that to the extent possible, federal programs are administered to be compatible with state and local units of government. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every 2 years.

For the purpose of FPPA, farmland includes Prime Farmland, Unique Farmland, and Land of Statewide or Local Importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

The California Land Conservation Act of 1965

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is the state’s primary program for the conservation of private land in agricultural and open space use (Government Code Section 51200 et seq.). It is a voluntary, locally administered program that offers reduced property taxes on lands that have enforceable restrictions on their use through contracts between individual landowners and the County.

Farmland Mapping and Monitoring Program Classification

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) prepares Important Farmland maps periodically for most of the state’s agricultural areas based on information from NRCS soil survey maps, Land Inventory and Monitoring criteria developed by NRCS, and land use information mapped by the California Department of Water Resources (DWR). These criteria generally are expressed as definitions that characterize the land’s suitability for agricultural production, physical and chemical characteristics of the soil, and actual land use. Important Farmland maps generally are updated every 2 years. The FMMP thereby provides information about the quality of farmland in San Joaquin County.

The Important Farmland mapping system incorporates eight mapping categories: five categories relating to farmlands and three categories associated with lands used for non-agricultural purposes. The five farmland mapping categories are summarized below.

- **Prime Farmland**—lands with the combination of physical and chemical features best able to sustain long-term production of agricultural crops. The land must be supported by a developed irrigation water supply that is dependable and of adequate quality during the growing season. It also must have been used for the production of irrigated crops at some time during the 4 years before mapping data were collected.

- **Farmland of Statewide Importance**—lands with agricultural land use characteristics, irrigation water supplies, and physical characteristics similar to those of Prime Farmland but with minor shortcomings, such as steeper slopes or less ability to retain moisture.
- **Unique Farmland**—lands with lesser quality soils and used for the production of California’s leading agricultural cash crops. These lands usually are irrigated but may include non-irrigated orchards or vineyards, as found in some of the state’s climatic zones.

- **Farmland of Local Importance**—lands of importance to the local agricultural economy, as determined by each county’s board of supervisors and a local advisory committee.

- **Grazing Land**—lands in which the existing vegetation is suited to the grazing of livestock.

### Existing Conditions

The project site is not on or adjacent to any farmland, agricultural resources or forest resources.

### AGRICULTURE AND FOREST RESOURCES. *Would the proposed project result in:*

<table>
<thead>
<tr>
<th>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
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<td></td>
</tr>
</tbody>
</table>

The proposed project site is not on or adjacent to any farmland and is classified Urban and Built-Up Land by the California Department of Conservation, Farmland Mapping and Monitoring Program (State Department of Conservation, Farmland Mapping and Monitoring Program 2014). The project site is currently zoned as Civic/Institutional. Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and would have no impact.

<table>
<thead>
<tr>
<th>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
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</tr>
</tbody>
</table>

The proposed project site is not currently protected under the Williamson Act or zoned for agricultural uses (State Department of Conservation, Division of Land Resource Protection 2013). The project site is currently zoned as Civic/Institutional. Therefore, the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract and would have no impact.
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?  

The proposed project site is not used for growing a crop of trees for commercial lumber or other forest products; therefore, the proposed project site is not considered timberland. PRC Section 12220(g) defines forested land as land that can support 10% native tree cover of any species. By this definition, the proposed project site is not considered forest land. In addition, the proposed project site has previously been developed and did not include forestry resources. As discussed above, the proposed project site is zoned Civic/Institutional and Transportation. The land uses would continue with implementation of the proposed project. As such, the proposed project would not conflict with existing zoning for forest land or timberland, and no impact would occur.

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
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<td>[ X ]</td>
</tr>
</tbody>
</table>

d) Result in the loss of forest land or conversion of forest land to non-forest use?  

The proposed project would result in the removal of select existing trees required for construction; however, these trees are not considered to be part of forest land. In addition, the conceptual plans include median landscaping. As such, the proposed project would have no impact on the loss of forest land or the conversion of forest land to non-forest use.

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
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<td>[ X ]</td>
</tr>
</tbody>
</table>

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?  

As discussed above, the proposed project would not involve changes in the existing environment that would result in the conversion of farmland to nonagricultural use or the conversion of forest land to non-forest use. The proposed project site does not contain agricultural resources and none are proposed under the project. Although landscaping trees exist at the proposed project site, they are not considered a forestry resource. As
such, the proposed project would have no impact on the conversion of agricultural and forest land.
3. AIR QUALITY

Information in this section is based on the Marin Civic Center Drive Improvements—Air Quality Memorandum (AQ Memo) prepared for this proposed project (ICF International 2014c), which also includes additional background information.

Regulations

Federal

The federal Clean Air Act (CAA), enacted in 1963 and amended several times thereafter (including the 1990 amendments known as CAAA 1990, which are the current federal governing regulations for air quality), establishes the framework for modern air pollution control. The EPA has established National Ambient Air Quality Standards (NAAQS) for six criteria pollutants (Table 2). Criteria pollutants include carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), lead, and particulate matter (PM), which includes two subsets: PM less than 10 microns in diameter (PM10) and PM less than 2.5 microns in diameter (PM2.5). Air quality concentrations are expressed in terms of parts per million or micrograms per cubic meter (µg/m³). Most standards have been set to protect public health. For some pollutants, standards have been based on values such as protection of crops, protection of materials, or avoidance of nuisance conditions.
### Table 2. Federal and State Ambient Air Quality Standards

<table>
<thead>
<tr>
<th>Criteria Pollutant</th>
<th>Average Time</th>
<th>California Standards</th>
<th>National Standards</th>
<th>Primary</th>
<th>Secondary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone (O₃)</td>
<td>1-hour</td>
<td>0.09 ppm</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>8-hour</td>
<td>0.070 ppm</td>
<td>0.075 ppm</td>
<td>0.075 ppm</td>
<td>0.075 ppm</td>
</tr>
<tr>
<td>Particulate matter (PM10)</td>
<td>24-hour</td>
<td>50 μg/m³</td>
<td>150 μg/m³</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Annual mean</td>
<td>20 μg/m³</td>
<td>150 μg/m³</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Fine particulate matter (PM2.5)</td>
<td>24-hour</td>
<td>None</td>
<td>35 μg/m³</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Annual mean</td>
<td>12 μg/m³</td>
<td>35 μg/m³</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Carbon monoxide (CO)</td>
<td>8-hour</td>
<td>9.0 ppm</td>
<td>9 ppm</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>1-hour</td>
<td>20 ppm</td>
<td>35 ppm</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Nitrogen dioxide (NO₂)</td>
<td>Annual mean</td>
<td>0.030 ppm</td>
<td>0.053 ppm</td>
<td>0.053 ppm</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>1-hour</td>
<td>0.18 ppm</td>
<td>0.100 ppm</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Sulfur dioxide (SO₂)</td>
<td>Annual mean</td>
<td>None</td>
<td>0.030 ppm</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>24-hour</td>
<td>0.04 ppm</td>
<td>0.014 ppm</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>3-hour</td>
<td>None</td>
<td>0.075 ppm</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>1-hour</td>
<td>0.25 ppm</td>
<td>0.075 ppm</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Lead</td>
<td>30-day average</td>
<td>1.5 μg/m³</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Calendar quarter</td>
<td>None</td>
<td>1.5 μg/m³</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>3-month average</td>
<td>None</td>
<td>0.15 μg/m³</td>
<td>0.15 μg/m³</td>
<td>None</td>
</tr>
<tr>
<td>Sulfates</td>
<td>24-hour</td>
<td>25 μg/m³</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Hydrogen sulfide</td>
<td>1-hour</td>
<td>0.03 ppm</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Vinyl chloride</td>
<td>24-hour</td>
<td>0.01 ppm</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Source: California Air Resources Board 2013.

Notes:
- ppm = parts per million.
- μg/m³ = micrograms per cubic meter.

**State**

Responsibility for achieving the California Ambient Air Quality Standards (CAAQS) shown in Table 2—which for certain pollutants and averaging periods are more stringent than federal standards—is placed on the California Air Resources Board (ARB) and local air pollution control districts. State standards are achieved through district-level air quality management plans that are incorporated into the state implementation plan (SIP), for which ARB is the lead agency.

The California Clean Air Act of 1988 (California CAA) substantially added to the authority and responsibilities of air districts. The California CAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement transportation control measures.

The California CAA focuses on attainment of the CAAQS and requires designation of attainment and nonattainment areas with respect to these standards. The act also requires that local and regional air districts expeditiously adopt and prepare an air quality attainment plan (Clean Air Plan) if the district violates CAAQS for O₃, CO, SO₂, or NO₂. These plans are
specifically designed to attain state standards and must be designed to achieve an annual 5% reduction in district-wide emissions of each nonattainment pollutant or its precursors. No locally prepared attainment plans are required for areas that violate the state PM10 standards; the ARB is responsible for developing plans and projects that achieve compliance with the state PM10 standards.

**Local**

At the local level, air quality is managed through land use and development planning practices, which are implemented in the project area through the general planning process. The Bay Area Air Quality Management District (BAAQMD) is responsible for establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws. It is also responsible for ensuring the NAAQS and CAAQS are met. The proposed project is subject to BAAQMD rules and regulations at the time of construction and may be subject to the following rules.

- Regulation 2, Rule 2 (New Source Review). This regulation contains requirements for Best Available Control Technology and emission offsets.
- Regulation 2, Rule 5 (New Source Review of Toxic Air Contaminants). This regulation outlines guidance for evaluating toxic air contaminants (TACs) emissions and their potential health risks.
- Regulation 6, Rule 1 (Particulate Matter). This regulation restricts emissions of PM darker than No. 1 on the Ringlemann Chart to less than 3 minutes in any 1 hour.
- Regulation 7 (Odorous Substances). This regulation establishes general odor limitations on odorous substances and specific emission limitations on certain odorous compounds.
- Regulation 8, Rule 3 (Architectural Coatings). This regulation limits the quantity of VOCs in architectural coatings.
- Regulation 9, Rule 6 (Nitrogen Oxides Emission from Natural Gas–Fired Boilers and Water Heaters). This regulation limits emissions of nitrogen oxides (NOX) generated by natural gas–fired boilers.
- Regulation 9, Rule 8 (Stationary Internal Combustion Engines). This regulation limits emissions of NOX and CO from stationary internal combustion engines of more than 50 horsepower.
- Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing). This regulation controls emissions of asbestos to the atmosphere during demolition, renovation, milling, and manufacturing and establishes appropriate waste disposal procedures.

As part of its responsibility, the BAAQMD developed California Environmental Quality Act (CEQA) Guidelines that include analysis requirements for construction- and operational-related emissions and thresholds of significance for reactive organic gases (ROGs), NOX, CO, PM2.5, PM10, TACs, and odors.

As stated in Appendix G of the State CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the Appendix G checklist determinations. Accordingly, the BAAQMD’s thresholds,
as summarized in Table 3, are used to evaluate the significance of air quality impacts associated with the project.

**Table 3. Bay Area Air Quality Management District Thresholds of Significance**

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Construction</th>
<th>Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reactive organic gases (ROGs)</td>
<td>54 pounds/day</td>
<td>54 pounds/day or 10 tons/year</td>
</tr>
<tr>
<td>Nitrogen oxides (NOX)</td>
<td>54 pounds/day</td>
<td>54 pounds/day or 10 tons/year</td>
</tr>
<tr>
<td>Carbon monoxide (CO)</td>
<td>–</td>
<td>Violation of California Ambient Air Quality Standards</td>
</tr>
<tr>
<td>Particulate matter (PM10)</td>
<td>82 pounds/day</td>
<td>82 pounds/day or 15 tons/year</td>
</tr>
<tr>
<td>Fine particulate matter (PM2.5)</td>
<td>54 pounds/day</td>
<td>54 pounds/day or 10 tons/year</td>
</tr>
<tr>
<td>PM10 /PM2.5 (dust)</td>
<td>Best management practices –</td>
<td></td>
</tr>
<tr>
<td>Toxic air contaminants (TACs)</td>
<td>Increased cancer risk of 10 in 1 million; increased non-cancer risk of greater than 1.0 (hazard index [HI]); PM2.5 increase of greater than 0.3 micrograms per cubic meter</td>
<td>Same as construction</td>
</tr>
<tr>
<td>TACs (cumulative)</td>
<td>Increased cancer risk of 100 in 1 million; increased non-cancer risk of greater than 10.0; PM2.5 increase of greater than 0.8 microgram per cubic meter at receptors within 1,000 feet</td>
<td>Same as construction</td>
</tr>
<tr>
<td>Odors</td>
<td>–</td>
<td>Five complaints per year averaged over 3 years</td>
</tr>
</tbody>
</table>

Source: Bay Area Air Quality Management District 2011.

With respect to greenhouse gas emissions and climate change, the BAAQMD directs lead agencies to quantify and disclose GHG emissions and make a determination on the significance of GHG impacts in relation to meeting AB 32 GHG reduction goals. The BAAQMD’s 2011 CEQA Guidelines outline advisory operational thresholds for stationary source and land use development projects. In establishing its GHG significance thresholds, BAAQMD identified the emissions level that would not be expected to substantially conflict with AB 32 GHG reductions or to contribute substantially to a cumulative impact. For stationary-source projects, the mass emissions threshold is 10,000 metric tons of carbon dioxide equivalent (MTCO\textsubscript{2}E) per year. For land use development projects, the guidelines establish three potential analysis criteria for determining project significance: compliance with a qualified GHG reduction strategy, a mass emissions threshold of 1,100 MTCO\textsubscript{2}E per year, and a GHG efficiency threshold of 4.6 MTCO\textsubscript{2}E per service population (project jobs + projected residents).

The BAAQMD CEQA Guidelines do not identify a GHG emissions threshold for construction-related emissions, but they recommend that GHG emissions from construction be quantified.
and disclosed with appropriate best management practices (BMPs) implemented to further reduce construction-related GHG emissions.

Additionally, the County of Marin has completed a GHG inventory and climate action plan to reduce GHG emissions in the unincorporated county consistent with the reduction goals of AB 32.

**Existing Conditions**

*Ambient Air Quality*

The existing air quality conditions in the project area can be characterized by monitoring data collected in the region. The nearest monitoring station to the project is the San Rafael station at 534 4th Street, which is approximately 2 miles south of the project area. This station monitors O₃, CO, PM2.5, PM10, and NO₂. Table 4 summarizes O₃, CO, PM2.5, PM10, and NO₂ pollutant levels from the San Rafael station for the last 3 years for which complete data are available (2011–2013). As shown in Table 4, the monitoring station has experienced three violations of the national PM2.5 standard during this time period.
Table 4. Ambient Air Quality Data for the San Rafael Air Quality Monitoring Station*

<table>
<thead>
<tr>
<th>Pollutant Standards</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ozone (O₃) (ppm)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum 1-hour concentration</td>
<td>0.092</td>
<td>0.076</td>
<td>0.081</td>
</tr>
<tr>
<td>Maximum 8-hour concentration</td>
<td>0.070</td>
<td>0.058</td>
<td>0.070</td>
</tr>
<tr>
<td>Fourth highest 8-hour concentration</td>
<td>0.053</td>
<td>0.049</td>
<td>0.057</td>
</tr>
<tr>
<td>Days state 1-hour standard exceeded (0.09 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Days state 8-hour standard exceeded (0.070 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Days national 8-hour standard exceeded (0.075 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Carbon monoxide (CO) (ppm)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum 1-hour concentration</td>
<td>1.9</td>
<td>2.3</td>
<td>2.2</td>
</tr>
<tr>
<td>Maximum 8-hour concentration</td>
<td>1.21</td>
<td>1.11</td>
<td>NA</td>
</tr>
<tr>
<td>Days state 1-hour standard exceeded (20 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Days national 1-hour standard exceeded (35 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Days state 8-hour standard exceeded (9.0 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Days national 8-hour standard exceeded (9 ppm)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Particulate matter (PM10) (µg/m³)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum state 24-hour concentration</td>
<td>54.1</td>
<td>37.1</td>
<td>54.4</td>
</tr>
<tr>
<td>Maximum national 24-hour concentration</td>
<td>51.2</td>
<td>36.1</td>
<td>51.5</td>
</tr>
<tr>
<td>Annual average concentration</td>
<td>16.5</td>
<td>13.3</td>
<td>15.6</td>
</tr>
<tr>
<td>Days national 24-hour standard exceeded (estimated) (150 µg/m³)</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Particulate matter (PM2.5) (µg/m³)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum state 24-hour concentration</td>
<td>42.2</td>
<td>26.5</td>
<td>44.9</td>
</tr>
<tr>
<td>Maximum national 24-hour concentration</td>
<td>42.2</td>
<td>26.5</td>
<td>44.9</td>
</tr>
<tr>
<td>Annual average concentration</td>
<td>9.8</td>
<td>8.0</td>
<td>10.7</td>
</tr>
<tr>
<td>Days national 24-hour standard exceeded (estimated) (35 µg/m³)</td>
<td>1.0</td>
<td>0.0</td>
<td>2.0</td>
</tr>
<tr>
<td><strong>Nitrogen dioxide (NO₂) (ppb)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum 1-hour concentration</td>
<td>53.2</td>
<td>52.2</td>
<td>49.6</td>
</tr>
<tr>
<td>Annual average concentration</td>
<td>12</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>Days state 1-hour standard exceeded (180 ppb)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Days national 1-hour standard exceeded (100 ppb)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Sources: California Air Resources Board 2014a; U.S. Environmental Protection Agency 2014a.

Notes:
- ppb = parts per billion.
- ppm = parts per million.
- µg/m³ = micrograms per cubic meter.
- NA = insufficient data available.
- *An exceedance of a standard is not necessarily related to a violation of the standard.

Attainment Status

Local monitoring data (Table 4) are used to designate areas as nonattainment, maintenance, attainment, or unclassified for the NAAQS and CAAQS. The four designations are further defined as follows.
- **Nonattainment**: Assigned to areas where monitored pollutant concentrations consistently violate the standard in question.

- **Maintenance**: Assigned to areas where monitored pollutant concentrations exceeded the standard in question in the past but are no longer in violation of that standard.

- **Attainment**: Assigned to areas where pollutant concentrations meet the standard in question over a designated period of time.

- **Unclassified**: Assigned to areas where data are insufficient to determine whether a pollutant is violating the standard in question.

Table 5 summarizes the attainment status of the project area with regard to the NAAQS and CAAQS.

**Table 5. Federal and State Attainment Status of the Project Area (Marin County)**

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>National Ambient Air Quality Standards</th>
<th>California Ambient Air Quality Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-hour ozone (O₃)</td>
<td>Marginal Nonattainment</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Carbon monoxide (CO)</td>
<td>Maintenance (P)</td>
<td>Attainment</td>
</tr>
<tr>
<td>Particulate matter (PM10)</td>
<td>Attainment</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Fine particulate matter (PM2.5)</td>
<td>Moderate Nonattainment</td>
<td>Nonattainment</td>
</tr>
</tbody>
</table>

Sources: California Air Resources Board 2014b; U.S. Environmental Protection Agency 2014b.

Notes:

(P) = designation applies to a portion of Marin County.

**Sensitive Receptors**

Sensitive receptors are typically defined as facilities that attract children, the elderly, people with illnesses, or others sensitive to the effects of air pollution. Examples of sensitive receptors include residences, hospitals, schools, parks, and places of worship.

Land uses surrounding the project area are mostly Marin County municipal government buildings and commercial uses. The Novato Community Hospital is approximately 200 feet from the intersection of Merrydale Road and Civic Center Drive, the northern limit of the project site on Civic Center Drive. Single-family residences on Vista Marin Drive are located approximately 500 feet northeast of Civic Center Drive and approximately 800 feet southwest of Civic Center Drive, across US-101. Recreational uses near the project area include Lagoon Park, the Marin Center Fairgrounds, Marin County Civic Center, and the Marin Veterans Memorial Auditorium. The recreational area closest to the project site (Lagoon Park) is directly adjacent Civic Center Drive, where construction activity would occur.

Local air pollutants in the project area are emitted primarily by vehicular traffic traveling on US-101, including truck traffic.
### AIR QUALITY. Would the proposed project:

<table>
<thead>
<tr>
<th>Conflict with or obstruct implementation of the applicable air quality plan?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Marin County is currently designated as a nonattainment area for the federal 8-hour O₃ and PM2.5 standards, a maintenance area for the federal CO standard, and a nonattainment area for the state O₃, PM10, and PM2.5 standards. The BAAQMD has developed air quality plans to attain and maintain air quality standards within designated timeframes. The BAAQMD plans estimate future emissions in the San Francisco Bay Area Air Basin and contain strategies necessary for emissions reductions through regulatory controls. Emissions projections are based on population, vehicle, and land use trends typically developed by the BAAQMD, Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG).

A project is deemed inconsistent with air quality plans if it would result in population and/or employment growth that exceeds estimates used to develop applicable air quality plans. The project would not change any land uses and would not increase vehicle trips, as determined by the project’s traffic engineer (Fehr & Peers 2013a). No growth would occur as a result of the project; thus, the project would not conflict with or obstruct implementation of the BAAQMD plans. Therefore, this impact would be less than significant.

<table>
<thead>
<tr>
<th>Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Construction of the proposed project would result in criteria pollutant emissions from the use of heavy-duty, off-road diesel equipment and on-road vehicles used by construction personnel. Maximum daily emissions that would occur during the 10-month construction period are shown in Table 6 of the AQ Memo (ICF International 2014c). As shown in Table 6, pollutant emissions from project construction would be below the applicable BAAQMD threshold, except in the case of NOₓ. NOₓ emissions would exceed the BAAQMD threshold of 54 pounds per day, which would result in substantial emissions and a potentially significant impact. Emissions from all other pollutants (ROG, CO, PM10, and PM2.5) would not be considered substantial, as those emissions would be below the thresholds.

After construction is completed, there would be no additional operational sources of criteria pollutant emissions, because the project would not change land uses and would not result in any additional vehicle trips. According to the project traffic engineers, traffic volumes would remain unchanged between a with-project scenario...
and a without-project scenario, and level of service would improve at most of the project intersections compared to a without-project scenario (Fehr & Peers 2013a). Consequently, the construction activities would be the only source of emissions attributable to the project.

Implementing the BAAQMD’s basic control measures to reduce exhaust emissions during construction would reduce NOx emissions to below the BAAQMD threshold. The BAAQMD basic exhaust control measures are presented as Mitigation Measure AQ 1 in this analysis.

Mitigation Measure AQ 1: Reduce Construction Emissions to below BAAQMD NOx Threshold
The project applicant will ensure the construction contractor employs the following measures to ensure construction-related emissions do not exceed BAAQMD’s construction NOx threshold of 54 lbs/day. Potential measures include, but are not limited to:

- Require the usage of EPA rated Tier 4 interim or higher rated construction equipment. In general, replacing Tier 2 Equipment with Tier 4 interim rated equipment will reduce NOx emissions by 68% (94%, if using Tier 4 final rated equipment) (South Coast Air Quality Management District n.d.).
- Require the usage of equipment that are retrofitted with Diesel Oxidation Catalysts or Selective Catalytic Reduction technology. In general, equipment that are retrofitted with this technology emit 40% less NOx emissions than conventional equipment.
- Work with the BAAQMD to purchase NOx credits to offset remaining NOx construction emissions exceeding BAAQMD thresholds.

With the implementation of Mitigation Measure AQ 1, also shown in Table 6 of the AQ Memo, this impact would be less-than-significant because it would ensure NOx emissions would be well below the 54-pounds-per-day threshold.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ X ]</td>
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</tr>
</tbody>
</table>

BAAQMD has identified project-level thresholds to evaluate criteria pollutant impacts (see Table 3). In developing these thresholds, BAAQMD considered levels at which project emissions would be cumulatively considerable. As noted in their CEQA Guidelines (Bay Area Air Quality Management District 2011):
In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project’s individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts on the region’s existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is unnecessary.

Consequently, exceedances of the project-level thresholds would be cumulatively considerable. As shown in Table 6 of the AQ Memo, all pollutants except NOx would be below the applicable BAAQMD thresholds and would not result in a cumulatively considerable increase. As discussed for item “b” above, NOx emissions would be well below the BAAQMD NOx threshold with implementation of Mitigation Measure AQ 1. Therefore, the project would not result in a cumulatively considerable net increase, and the impact would be less-than-significant with mitigation.

d) Expose sensitive receptors to substantial pollutant concentrations?

<table>
<thead>
<tr>
<th>Impact</th>
<th>Significantly</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diesel Particulate Matter</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

**Diesel Particulate Matter**

Construction of the project would result in diesel particulate matter (DPM) emissions from the use of diesel-fueled equipment and would result in the exposure of nearby sensitive receptors to DPM concentrations.

Cancer health risks associated with exposure to diesel exhaust are typically associated with chronic exposure, which is considered to be a 70-year exposure period. In addition, DPM concentrations and the associated cancer health risks dissipate as a function of distance from their source. The BAAQMD has determined that construction activities occurring at distances of greater than 1,000 feet from a sensitive receptor likely do not pose a significant health risk.

As described in the setting section, several sensitive receptor areas are located within 1,000 feet of the project area. Although DPM emitted during construction of the project may expose these receptors to increased health risks, construction activities would be short-term (10 months) relative to the 70-year chronic exposure period. Further, the amount of time that any one sensitive receptor would be exposed to DPM would be shorter than 10 months. It is unlikely that any single sensitive receptor would be at the project site for the entire 10 months of construction activity. The nearest sensitive land use area, Lagoon Park, would draw sensitive receptors. However, it is unlikely these sensitive receptors would visit the park every day for 10 months.

Because 10 months of exposure, which is a worst-case scenario, is considerably shorter than the 70-year exposure period typically associated with chronic cancer health risks, construction of the project would not expose sensitive receptors to substantial pollutant concentrations and would not substantially increase health risks. Although not required to reduce this impact to less than significant, implementation of Mitigation Measure AQ 1 (as described under “b”) would reduce exhaust emissions.
of DPM, which would further reduce potential exposure of sensitive receptors to DPM emissions.

After construction is completed, there would be no new sources of pollutant concentrations. Accordingly, this impact would be less than significant.

**Carbon Monoxide**

The BAAQMD has established screening criteria to determine whether a project would result in CO emissions that exceed the CAAQS. According to the screening criteria, a project would result in a less than significant impact on localized CO concentrations if it would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour (Bay Area Air Quality Management District 2011). As discussed above, the project traffic engineers have determined that traffic volumes would not change if the project is constructed (Fehr & Peers 2013a). Because the project would not increase the number of vehicles per hour in the affected intersections, it would not contribute to nor worsen localized CO concentrations. This impact would be less than significant.

**Naturally Occurring Asbestos**

Depending on a project’s size and geographic location, BAAQMD may require mitigation to address potential impacts from naturally occurring asbestos (NOA). BAAQMD enforces ARB’s applicable air toxic control measures (ATCMs) which require operations engaged in road construction and maintenance, grading, and quarrying and surface mining activities in areas where NOA is likely to be found to employ the best available dust mitigation measures to reduce and control dust emissions.

The project is not located in an area known to contain NOA (refer to the AQ Memo’s discussion for Impact AQ-7 [ICF International 2014c]). Therefore, there is no potential for impacts related to NOA emissions during construction activities. This impact would be less than significant.

e) **Create objectionable odors affecting a substantial number of people?**

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
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<td>[ X ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

During construction of the proposed project, potential odor sources would include diesel exhaust from heavy-duty equipment and asphalt. Because odors are highly localized, project-related odor impacts would be limited to when emissions from equipment may be in the immediate vicinity of odor-sensitive land uses. Odor from construction activities would be temporary, ceasing after the 10-month construction period. Because odors from construction would be short-term and only affect land uses in the immediate vicinity of the construction equipment, the project would not be likely to result in nuisance odors that would violate BAAQMD Regulation 7 (Odorous Substances).

After construction is completed, there would be no new sources of odors, because, as discussed above, the project would not result in any new land uses, increase in vehicle
traffic, or the odors associated with these sources. Thus, the project is not expected to create objectionable odors that would exceed the BAAQMD’s odor thresholds. Therefore, this impact would be less than significant.
4. BIOLOGICAL RESOURCES

Information provided in this section is based on the *Marin Civic Center Drive Improvements Project Natural Environment Study* (NES; California Department of Transportation 2014a) and the *Marin Civic Center Drive Improvements Project Biological Assessment* (BA; California Department of Transportation 2014b). The NES and BA include additional background information and details regarding biological resources.

**Regulations**

This section describes regulations that could apply to the project because of potential direct and indirect impacts to natural resources. The NES and BA include a more detailed description of state and federal regulations applicable to biological resources in general.

**Federal and State**

The federal **Clean Water Act** (CWA) is the primary federal law protecting the quality of the nation’s surface waters, including lakes, rivers, and coastal wetlands. CWA empowers the U.S. Environmental Protection Agency (EPA) to set national water quality standards and effluent limitations and establishes permit review mechanisms to enforce them. Most CWA provisions are at least indirectly relevant to the management and protection of biological resources because of the link between water quality and ecosystem health. The portions that are most directly relevant to biological resources management are contained in Section 404, which regulates the discharge of dredged and fill materials into waters of the United States, including wetlands, defined as:

- All areas within the ordinary high water mark of a stream, including non-perennial streams with a defined bed and bank and any stream channel that conveys natural runoff, even if it has been realigned.
- Seasonal and perennial wetlands, including freshwater and tidally influenced wetlands.

**CWA Section 404** requires project proponents to obtain a permit from the U.S. Army Corps of Engineers (USACE) for all discharges of dredged or fill material into waters of the United States, including streams, ponds, and wetlands, before proceeding with a proposed activity. CWA Section 401 requires that applicants for a Section 404 permit must also obtain certification from the Regional Water Quality Control Board (RWQCB) that the project will comply with state water quality standards.

**CWA Section 402** regulates construction-related stormwater discharges to surface waters through the National Pollutant Discharge Elimination System (NPDES) program, administered by EPA. In California, the State Water Resources Control Board is authorized by EPA to oversee the NPDES program through the Regional Water Quality Control Boards (RWQCBs) (see the related discussion under “Porter-Cologne Water Quality Control Act” below). The project area is under the jurisdiction of the San Francisco Bay RWQCB.

NPDES permits are required for projects that disturb more than 1 acre of land. The NPDES permitting process requires the applicant to file a public notice of intent (NOI) to discharge stormwater and to prepare and implement a stormwater pollution prevention plan (SWPPP). The SWPPP includes a site map and a description of proposed construction activities. In addition, it describes the BMPs that would be implemented to prevent soil erosion and
discharge of other construction-related pollutants (e.g., petroleum products, solvents, paints, cement) that could contaminate nearby water resources. Permittees are required to conduct annual monitoring and reporting to ensure that BMPs are correctly implemented and effective in controlling the discharge of stormwater-related pollutants. The project applicant would obtain and comply with the applicable federal and state permits, and all conditions that are attached to those permits would be implemented as part of the project. The permit conditions would be clearly identified in the construction plans and specifications and monitored during and after construction to ensure compliance.

**California Water Code Section 13260** requires "any person discharging waste, or proposing to discharge waste, in any region that could affect the waters of the state to file a report of discharge (an application for waste discharge requirements)." Under the Porter-Cologne Act definition, waters of the state are "any surface water or groundwater, including saline waters, within the boundaries of the state." Although all waters of the United States that are within the borders of California are also waters of the state, the reverse is not true. Therefore, California retains authority to regulate discharges of waste into any waters of the state, regardless of whether the USACE has concurrent jurisdiction under CWA Section 404. If the USACE determines that a wetland is not subject to regulation under Section 404, CWA Section 401 water quality certification is not required. However, the RWQCB may impose waste discharge requirements (WDRs) if fill material is placed into waters of the state.

Pursuant to the requirements of federal Endangered Species Act (FESA), an agency reviewing a project within its jurisdiction must determine whether any federally listed threatened or endangered species may be present in the project area and determine whether the project would have a potentially significant impact on such species. In addition, the agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC 1536[3], [4]). Therefore, Project-related impacts on these species or their habitats would be considered significant and would require mitigation.

The federal Migratory Bird Treaty Act (MBTA) makes it unlawful to “take” any migratory bird listed in 50 CFR 10, including their nests, eggs, or products. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and many others.

Under the California Endangered Species Act (CESA), the California Department of Fish and Wildlife (CDFW) has the responsibility for maintaining a list of threatened species and endangered species. CDFW also maintains lists of species of special concern; impacts on these species would be considered significant under CEQA Guidelines Section 15380 and could require mitigation.
**California Fish and Game Code** Section 1602 prohibits substantial diversion or obstruction of the natural flow of any river, stream, or lake; substantial changes or use of any material from the bed, channel, or bank of any river, stream or lake; or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. Any entity proposing to conduct these activities must notify CDFW and obtain a Streambed Alteration Agreement prior to the commencement of construction.

**California Fish and Game Code** Sections 3503, 3503.5, 3513, and 3800 prohibit the “take, possession, or destruction of birds, their nests or eggs.” The code defines take as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a “take.” Removal of vegetation is the most common action that can lead to a violation of these code sections.

The California Fish and Game Code provides protection from take for a variety of other species, referred to as fully protected species. Section 3511 lists fully protected birds and prohibits take of these species. Except for take related to scientific research, all take of fully protected species is prohibited.

The **California Native Plant Protection Act of 1977** prohibits importation of rare and endangered plants into California, “take” of rare and endangered plants, and sale of rare and endangered plants. The CESA defers to this act, which ensures that state-listed plant species are protected when state agencies are involved in projects subject to CEQA. In this case, plants listed as rare under the California Native Plant Protection Act are not protected under CESA but rather under CEQA.

**Regional and Local**

The **San Rafael General Plan 2020** includes natural resource protection goals (City of San Rafael 2013). Chapter 16 of the San Rafael General Plan 2020 addresses the protection of natural resources and recommends protection or enhancement of environmental resources, such as ridgelines, wetlands, diked baylands, creeks and drainages, shorelines, and habitat for threatened and endangered species.

**Marin County Ordinance 3342—Native Tree Preservation and Protection** applies only to “protected trees” (as defined in Section 22.75.030) on improved and unimproved parcels (as defined in Section 22.75.030) in the non-agricultural, unincorporated areas of Marin County. Trees that are not designated as “protected trees” are not covered by the provisions in this ordinance. Trees which are not defined as “Protected Trees” are not covered by the provisions in this ordinance. A “protected tree” means any one of the following:

- Trees on an Unimproved Parcel. Any individual native tree with a Diameter at Breast Height (DBH) as specified in Attachment 1 of the Marin County Ordinance 3342 which is located on an unimproved parcel is a protected tree.

- Trees on an Improved Parcel. More than a total of five (5) trees of any native species each of which having a DBH as specified in Attachment 1 of the Marin County Ordinance 3342 where the removal of such trees occurs within any 12 month period on an improved parcel.
• Trees Required as Condition of Approval. Any tree required to be planted or preserved as a condition of approval of a County discretionary permit application where such tree does not meet one or more of the exemption criteria described in Section 22.75.050 (Exemptions).

Existing Conditions

Pre-Field Research and Field Survey

The project site where disturbance would occur encompasses approximately 30 acres. For the purposes of assessing the project’s direct and indirect effects on biological resources, a larger “biological study area” was established over approximately 47 acres, so it includes nearby natural resources (see Figure 2 in the NES [California Department of Transportation 2014a]). The biological study area includes: Civic Center Drive between Merrydale Road and Armory Drive/Judge Haley Drive, two channels of the south fork of Las Gallinas Creek from Civic Center Drive eastward approximately 700 feet, the Marin County Civic Center, Veteran’s Memorial Auditorium parking lot, and the existing dirt parking lot south of Civic Center Drive and west of Peter Behr Drive (also known as the “Christmas tree lot”). The biological study area is located in the U.S. Geological Survey San Rafael 7.5-minute quadrangle in Township 1 north, Range 6 west, and Section 8. The project area is located in the San Pablo Bay Watershed hydrological unit (HUC 18050002).

A wildlife biologist and a botanist/wetlands specialist conducted a habitat assessment of the biological study area on December 10, 2013.

To prepare for the field surveys, the biologists reviewed existing resource information related to the project to evaluate whether sensitive species or other sensitive biological resources (e.g., wetlands) could occur in the biological study area and vicinity. The sources listed below were reviewed:

• The California Native Plant Society’s (CNPS’s) Inventory of Rare and Endangered Plants of California (California Native Plant Society 2014).

• A list of sensitive species from the California Natural Diversity Database (CNDDB) records search for the U.S. Geological Survey (USGS) 7.5-minute San Rafael, Novato, and San Quentin quadrangles (California Department of Fish and Wildlife 2014) (see Appendix B of the NES [California Department of Transportation 2014a]).

• A list of threatened and endangered species provided by the Service for the USGS 7.5-minute San Rafael quadrangle (U.S. Fish and Wildlife Service 2014) (see Appendix B of the NES [California Department of Transportation 2014a]).

• Soil Survey of Marin County, California (Soil Survey Staff 2013).

This information was used to develop lists of sensitive species and vegetation communities of special concern that could be present in the project vicinity, and to determine the potential for wetlands to occur in the biological study area. Species from the lists were considered if they were known to occur within a 10-mile radius of the biological study area. The most recent versions of the CNDB (California Department of Fish and Wildlife 2014) and the CNPS inventory (2014) were reviewed and an updated species list was obtained from the Service (2014).
Habitat Present

Natural communities in the biological study area were identified and mapped as six distinct types: tidal salt marsh, seasonal wetland, oak woodland, ruderal/nonnative grassland, ornamental/landscaped, and freshwater pond (see Figure 2 of the NES [California Department of Transportation 2014a]). Other portions of the biological study area are developed or disturbed.

The ruderal/nonnative grassland, ornamental/landscaped areas, and freshwater pond are not considered sensitive natural communities. The ruderal/nonnative grassland and landscaped/ornamental natural communities are considered common natural communities because they have low species diversity, are widespread, re-establish naturally after disturbance, or support primarily nonnative species. The freshwater pond is artificial and maintained by the County as an aesthetic feature. Compensation for the loss of these communities is generally not required by agencies unless the specific site is habitat for or supports sensitive species (e.g., raptor foraging or nesting habitat or upland habitat in a wetland watershed).

Sensitive natural communities are characterized by high species diversity, high productivity, unusual nature, limited distribution, or declining status. The tidal salt marsh, seasonal wetland and oak woodland are considered sensitive natural communities by state and federal regulatory agencies. Locations, dominant plant species, and typical wildlife species found in the natural communities within the biological study area are described below.

Tidal Salt Marsh. There are two branches of Las Gallinas Creek in the biological study area. Both branches drain from the southwest to the northeast and are tidally influenced at this location. The vegetated banks associated with these two tidal channels together comprise the tidal salt marsh habitat, covering approximately 3.28 acres.

Tidal salt marshes provide cover, nesting, and foraging habitat for a variety of bird and mammal species. Wetland plant species observed during a site visit on December 10, 2013 include: button celery (Eryngium sp.), salt grass (Distichlis spicata), alkali heath (Frankenia salina), pickleweed (Salicornia pacifica), gumplant (Grendelia stricta), spearscale, fat hen (Atriplex prostrata), English plantain (Plantago lanceolata), curly dock (Rumex crispus), cordgrass (Spartina sp.), California bulrush (Schoenoplectus californicus), flatsedge (Cyperus eragrostis), and seaside barley (Hordeum marinum ssp. marinum).

Birds that feed or roost in tidal salt marsh habitat include: egrets, herons, ducks, and shorebirds (Zeiner et al. 1990a). Birds that nest, feed, and find cover in this habitat include several sensitive species including: California clapper rail, California black rail (Laterallus jamaicensis coturniculus), northern harrier (Circus cyaneus), short-eared owl (Asio flammeus), and saltmarsh common yellowthroat (Geothlypis trichas sinuosa) (Zeiner et al. 1990a).

Several small mammals, including the endangered salt marsh harvest mouse, occur in the non-submerged portions of tidal salt marshes (Zeiner et al. 1990b). Other mammals that may occur in this habitat include: Virginia opossum, vagrant shrew (Sorex vagrans), and western harvest mouse (Reithrodontomys megalotis) (Zeiner et al. 1990b). Species observed in the tidal salt marsh area during a site visit on December 10, 2013 include: great
egret (Ardea alba), mallards (Anas platyrhynchos), and sparrows (Passeridae). In addition, four killdeer (Charadrius vociferus) were observed in an upland area adjacent to Las Gallinas Creek.

**Seasonal Wetland.** There is one seasonal wetland within the biological study area, located along a chain link fence line west of Civic Center Drive and at the northwest edge of the unpaved parking area used by the farmer’s market and “Christmas tree lot”. This feature is a shallow, narrow depression or ditch approximately 400 feet in length that receives and retains seasonal runoff from the adjacent unpaved area. This ditch has no defined inlet or outlet to other drainage systems or Las Gallinas Creek. The seasonal hydrology of this feature has influenced the vegetation cover, which consists of a mix of nonnative wetland and upland plant species, such as tall flatsedge (Cyperus eragrostis), stinkwort (Dittrichia graveolens), Harding grass (Phalaris aquatica), rabbits foot grass (Polypogon monspeliensis) and wild oats (Avena sp.). The seasonal wetland covers approximately 0.13 acre and provides extremely low habitat value to wildlife, as it is surrounded by parking areas and a freeway and provides little or no cover from predators.

**Oak Woodland.** There is an approximately 3.8-acre area of oak woodland on the east side of Civic Center Drive, between Judge Haley Drive and Peter Behr Drive. Oak woodlands of coastal northern California are dominated by coast live oak (Quercus agrifolia) but also include valley oak (Q. lobata), California black oak (Q. kelloggii), canyon live oak (Q. chrysolepis), and other California oaks.

**Ruderal/Nonnative Grassland.** The ruderal and nonnative grassland habitat in the biological study area occurs in areas that are or have been frequently disturbed by human activity. Ruderal habitat tends to be composed of a mixture of nonnative and native plant species that do not collectively meet the definitions of a distinct natural community, such as oak woodland.

Grasslands as natural communities are typically categorized by key traits of the dominant species present, such as whether the dominant species is/are native or nonnative, annual or perennial. Within the biological study area, the ruderal habitat is intermixed with the grassland, and the grassland consists of both annual and perennial nonnative species only. For this reason, these two communities are mapped together in the biological study area (Figure 2 of the NES [California Department of Transportation 2014a]).

The ruderal/nonnative grassland mapped in the biological study area covers approximately 3 acres and is located between US 101 and Civic Center Drive. Plant species observed during a site visit on December 10, 2013 included: wild oats (Avena sp.), Harding grass (Phalaris aquatica), dallisgrass (Paspalum dilatatum), coyote brush (Baccharis pilularis), California poppy (Eschscholzia californica), milk thistle (Silybum marinum), bristly ox tongue (Helminthotheca echioides), fennel (Foeniculum vulgare), English plantain (Plantago lanceolata), and iceplant (Carpobrotus edulis).

Because ruderal areas typically are disturbed on a regular basis by human activity, they provide low-quality habitat for wildlife. Wildlife species commonly found in urban areas are also found in ruderal and disturbed areas. Such species may include Brewer’s blackbird (Euphagus cyanocephalus), house finch (Carpodacus mexicanus), house sparrow (Passer
domesticus), yellow-billed magpie (Pica nuttalli), mourning dove (Zenaida macroura), Virginia opossum (Didelphis virginiana), and striped skunk (Mephitis mephitis) (Zeiner et al. 1990a; Zeiner et al. 1990b). American kestrels (Falco sparverius) and red-tailed hawks (Buteo jamaicensis) frequently forage in this habitat (Zeiner et al. 1990a).

Ornamental/Landscaped. The ornamental/landscaped areas in the project include trees in the parking lot, along the sidewalk on the east side of Civic Center Drive, and along the pathway and in the medium on Peter Behr Court. There are approximately 5 acres of ornamental/landscaped trees in the project area. Ornamental tree and bush species observed on a site visit December 10, 2013 included pine (Pinus spp.), California pepper tree (Schinus molle), Fremont's cottonwood (Populus fremontii), alder (Alnus), incense cedar (Calocedrus), olive (Olea europaea), coast live oak saplings (Quercus agrifolia), valley oak saplings (Quercus lobata), and Himalayan blackberry (Rubus armeniacus). Wildlife species found in landscaped areas would be similar to those described above for the ruderal/nonnative grassland community type.

Freshwater Pond. There is an approximately 9-acre artificial freshwater pond in the biological study area that is potentially waters of the state. This feature is outside of the project area and will not be impacted by project activities. Wildlife species observed in and around the freshwater pond during a site visit on December 10, 2013 included American coots (Fulica americana), ring-billed gulls (Larus delawarensis), Canada geese (Branta canadensis), and a bufflehead (Bucephala albeola).

Developed/Disturbed. A majority of the project area, approximately 13.5 acres, consists of developed areas that do not provide habitat for wildlife species. The developed areas in the project include human-made, impervious surfaces such as the Civic Center buildings and parking lot, Avenue of the Flags, Memorial Drive, Peter Behr Court, and the multi-use pathways throughout the biological study area.

The disturbed land cover type includes areas that have been or are currently disturbed by human activity but are not fully developed (i.e., paved or constructed) or actively maintained (e.g., landscaped, mowed). In the biological study area this includes footpaths that parallel the tidal channels of Las Gallinas Creek, and the existing unpaved parking lot south of Civic Center Drive and West of Peter Behr Drive (commonly referred to as the “Christmas Tree Lot”). These areas cover approximately 7 acres and consist primarily of unvegetated dirt and gravel. Sparse patches of nonnative grasses and ruderal vegetation occur along Civic Center Drive and Peter Behr Drive. Plant species observed during the reconnaissance-level survey included wild oats (Avena sp.), Harding grass (Phalaris aquatica), California poppy (Eschscholzia californica), fennel (Foeniculum vulgare), and English plantain (Plantago lanceolata). These areas do not likely provide habitat for any special-status plant or wildlife species.

Streams and Wetlands

There are three potentially jurisdictional streams or wetlands in the biological study area (see Figure 2 of the NES [California Department of Transportation 2014a]): two branches of the south fork of Las Gallinas Creek (mapped as tidal salt marsh), which is a tidally influenced stream that drains into San Pablo Bay, and one seasonal wetland.
Special-Status Plant Species

The biological study area is outside the elevation range and/or does not support potential habitat for the majority of the sensitive plant species known to occur in the project vicinity. Spring and summer botanical surveys will be conducted during the appropriate blooming periods for special-status plant species with potential to occur in suitable habitat located in the project area. Two special-status plants have low potential to occur in the project area: Marin dwarf-flax (*Hesperolinon congestum*) and showy Indian clover (*Trifolium amoenum*).

There are four known occurrences of Marin dwarf-flax in within 2 miles of the project. The closest occurrence (from 2010) was approximately 2 miles south of the biological study area. The required habitat (serpentine soils) for this species is not present in the biological study area; consequently, it is very unlikely the species will occur in this area.

Focused botanical surveys were not conducted for showy Indian clover; however, there are no known occurrences of this species within 2 miles of the project area. In addition, the only known existing occurrence of this species in the region occurs on private land in Marin County. It is very unlikely but still possible that this species could occur in the project area because marginally suitable habitat for this species occurs.

Special-Status Wildlife Species

Sensitive wildlife species that could occur in the biological study area were identified based on a review of existing information, reconnaissance-level field surveys, and discussions with species experts. After biological field surveys were conducted and species experts were consulted, it was determined that 9 sensitive wildlife species have the potential to occur in or adjacent to the biological study area (Table 6).
Table 6. Special-Status Wildlife with Potential to Occur in the Biological Study Area

<table>
<thead>
<tr>
<th>Common and Scientific Names</th>
<th>Legal Status (Federal/State)</th>
<th>General Habitat Description</th>
<th>Habitat Present/Absent</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern harrier <em>Circus cyaneus</em></td>
<td>–/SSC</td>
<td>Occurs in grasslands, meadows, marshes, and seasonal and agricultural wetlands throughout lowland California.</td>
<td>Present</td>
<td>Suitable nesting habitat in wetland habitat adjacent to study area.</td>
</tr>
<tr>
<td>White-tailed kite <em>Elanus leucurus</em></td>
<td>–/FP</td>
<td>Lowland areas west of Sierra Nevada from the head of the Sacramento Valley south, including coastal valleys and foothills to western San Diego County at the Mexico border; low foothills or valley areas with valley or live oaks, riparian areas, and marshes near open grasslands for foraging.</td>
<td>Present</td>
<td>Suitable nest trees in and adjacent to study area; could perch or forage in or adjacent to study area.</td>
</tr>
<tr>
<td>California clapper rail <em>Rallus longirostris obsoletus</em></td>
<td>E/E, FP</td>
<td>Marshes around the San Francisco Bay and east through the Delta to Suisun Marsh. Restricted to salt marshes and tidal sloughs; usually associated with heavy growth of pickleweed; feeds on mollusks removed from the mud in sloughs.</td>
<td>Present</td>
<td>Could nest, forage, or rest in wetland habitat in and adjacent to study area.</td>
</tr>
<tr>
<td>California black rail <em>Laterallus jamaicensis coturniculus</em></td>
<td>–/T, FP</td>
<td>Permanent resident in the San Francisco Bay and eastward through the Delta into Sacramento and San Joaquin Counties; small populations occur in Marin, Santa Cruz, San Luis Obispo, Orange, Riverside, and Imperial Counties. Occurs in tidal salt marshes associated with heavy growth of pickleweed; also occurs in brackish marshes or freshwater marshes at low elevations.</td>
<td>Present</td>
<td>Could nest, forage, or rest in wetland habitat in and adjacent to study area.</td>
</tr>
<tr>
<td>San Francisco common yellowthroat <em>Geothlypis trichas sinuosa</em></td>
<td>–/SSC</td>
<td>Found only in the San Francisco Bay Area in Marin, Napa, Sonoma, Solano, Contra Costa, San Francisco, San Mateo, Santa Clara, and Alameda Counties. Breeds in fresh and brackish marsh associated with and close to Bay wetlands. Freshwater marshes are used in summer and salt or brackish marshes in fall and winter; requires tall grasses, tules, and willow thickets for nesting and cover.</td>
<td>Present</td>
<td>Could nest, forage, or rest in wetland habitat in and adjacent to study area.</td>
</tr>
<tr>
<td>Samuels (San Pablo) song</td>
<td>–/SSC</td>
<td>Found in San Pablo Bay. Uses tidal sloughs within pickleweed marshes; requires tall bushes (usually grindelia)</td>
<td>Present</td>
<td>Could nest, forage, or rest in</td>
</tr>
<tr>
<td>Common and Scientific Names</td>
<td>Legal Status (Federal/State)</td>
<td>General Habitat Description</td>
<td>Habitat Present/Absent</td>
<td>Rationale</td>
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<tr>
<td>sparrow Melospiza melodia samuelis</td>
<td>-/SSC</td>
<td>along sloughs for cover, nesting, and songposts; forages over mudbanks and in the pickleweed.</td>
<td>Present</td>
<td>wetland habitat in and adjacent to study area</td>
</tr>
<tr>
<td>Western red bat Lasiurus blossevillii</td>
<td>-/SSC</td>
<td>Found throughout much of California at lower elevations. Found primarily in riparian and wooded habitats. Occurs at least seasonally in urban areas. Day roosts in trees within the foliage. Found in fruit orchards and sycamore riparian habitats in the Central Valley.</td>
<td>Present</td>
<td>May roost in foliage of trees or forage in study area</td>
</tr>
<tr>
<td>Pallid bat Antrozous pallidus</td>
<td>-/SSC</td>
<td>Occurs throughout California except the high Sierra from Shasta to Kern County and the northwest coast, primarily at lower and mid elevations. Found in a variety of habitats from desert to coniferous forest. Most closely associated with oak, yellow pine, redwood, and giant sequoia habitats in northern California and oak woodland, grassland, and desert scrub in southern California. Relies heavily on trees for roosts.</td>
<td>Present</td>
<td>May roost in foliage of trees or forage in study area</td>
</tr>
<tr>
<td>Salt marsh harvest mouse Reithrodontomys raviventris</td>
<td>E/E, FP</td>
<td>Occurs at San Francisco, San Pablo, and Suisun Bays and in the Delta. Habitat consists of salt marshes with a dense plant cover of pickleweed and fat hen with an adjacent upland area for flood escape.</td>
<td>Present</td>
<td>May occur in wetland habitat in and adjacent to study area</td>
</tr>
</tbody>
</table>

*a  Status explanations:
Federal
E = listed as endangered under the federal Endangered Species Act.
T = listed as threatened under the federal Endangered Species Act.
– = no listing.
State
E = listed as endangered under the California Endangered Species Act.
T = listed as threatened under the California Endangered Species Act.
FP = fully protected under the California Fish and Game Code.
SSC = species of special concern in California.
– = no listing.
**BIOLOGICAL RESOURCES. Would the proposed project:**

<table>
<thead>
<tr>
<th>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
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</table>

Special-status plant species could be directly affected if they are present within the project area during construction activities. Showy Indian clover is the only special-status plant species for which marginally suitable habitat occurs in the project area. Although this species is unlikely to occur in the project area, there is approximately 0.3 acre of suitable habitat (ruderal/nonnative grassland) that would be permanently impacted by the project, and approximately 0.01 acre that would be temporarily impacted (see Figures 3a-3c of the NES [California Department of Transportation 2014a]). Loss of individuals of this species would be considered a significant impact.

Several migratory bird species, including some raptors, have the potential to nest in the trees in the project area (see Table 6). Although most of these species are not considered special-status wildlife species, their occupied nests and eggs are protected under the Migratory Bird Treaty Act and Sections 3503 and 3503.5 of the California Fish and Game Code. Western red bat and pallid bat also have the potential to roost in the trees in the project area. Removal of several ornamental trees in the project area could cause direct loss of nests, birds or bats. Loss of individuals of any of these protected species would be considered a significant impact.

Other migratory and non-migratory bird species, including some raptors, have the potential to nest in the tidal salt marsh in the biological study area (Table 6). While the project would not directly impact tidal salt marsh, noise and visual disturbance generated by construction activities could disrupt nesting behavior. Loss of individuals of any of these species due to nesting disturbance would be considered a significant impact.

The salt marsh harvest mouse also has the potential to occur year round in the tidal salt marsh habitat in the biological study area. While the project would not directly impact tidal salt marsh habitat, visual disturbance from project-related lighting (during or after construction) could have an adverse effect on this species by disrupting breeding or foraging behavior or increasing vulnerability to predation. Additionally, project construction activities could contribute to an increase in the cover of invasive plant species in the tidal salt marsh habitat adjacent to the project area by inadvertent transfer of invasive plant propagules. This could result in degradation of upland refugia (i.e., vegetation cover above the high tide level). This could make salt marsh harvest
mouse more susceptible to predation during high tides. Loss of individual salt marsh harvest mouse as a direct or indirect result of the project would be considered a significant impact.

California clapper rail and California black rail have the potential to occur in the tidal salt marsh habitat in the biological study area. While the project would not directly impact tidal salt marsh habitat, construction of the project would require the use and staging of heavy equipment that would generate noise and light sources. This could directly and indirectly impact breeding California clapper rails and California black rails. Consulting biologists conducted a construction impact analysis for the project. The Project Construction Impact Analysis report (ICF International 2014a) includes an analysis of potential noise and visual effects related to construction as they would be detected by breeding rails assumed to be present in tidal marsh habitat within the biological study area.

To determine potential noise effects, meters were installed at the project site for four consecutive days in November 2014 to record ambient noise levels. Noise generated during construction was projected using a construction equipment list developed by the project engineers and analysis methods recommended by the Federal Highway Administration (2006). The cumulative sound level of each construction activity was calculated for varying distances (50 to 1,400 feet) from the source. Based on similar studies conducted by the consulting biologists for other projects, changes in ambient noise levels greater than 3 decibels (dB) detectable at a distance that reaches the tidal salt marsh habitat were assumed to have the potential to result in direct or indirect impacts on rail behavior during the breeding season. The project Construction Impact Analysis report included recommendations for adjusting the proposed construction phasing, and the County adopted these recommendations so that the projected construction noise levels would not exceed a change in ambient noise greater than 3 dBA. The project phasing and staging plans (see Appendix A of the NES [California Department of Transportation 2014a]) ensure that all activities that would generate noise exceeding this threshold are scheduled outside the breeding season and/or at least 700 feet away from the tidal salt marsh habitat.

The project Construction Impact Analysis also assessed potential visual disturbance from project construction. The primary source of potential visual disturbance was determined to be nighttime lighting. Ambient lighting in the biological study area (not measured by the study) is directly influenced by existing light sources including vehicles traveling on US 101 to the west and local roadways to the north and south, as well as safety and security lighting associated with adjacent hotels, parking lots, and existing roads. Because project construction would be limited to daylight hours, construction activities would not contribute additional nighttime lighting. However, security lighting at the staging area could contribute additional nighttime lighting and was analyzed for the potential to disturb rails assumed to be present in the tidal salt marsh. To avoid and minimize visual disturbance on breeding rails, security lighting associated with the staging area would be limited to no more than three lights illuminating a construction trailer entrance. These lights would be located at least 200 feet from tidal salt marsh and would be directed away from the tidal salt marsh to shield the habitat from the potential additional light source. This limited additional lighting, in addition to existing light sources in the area, would be unlikely to adversely affect the behavior of breeding rails.
Additionally, project construction activities could contribute to an increase in the cover of invasive plant species in the tidal salt marsh habitat adjacent to the project area by inadvertent transfer of invasive plant propagules. This could result in degradation of upland refugia (i.e., vegetation cover above the high tide level) making the rails more susceptible to predation during high tides. Loss of individuals of these species as a direct or indirect result of the project would be considered a significant impact.

Implementation of the mitigation measures listed below would reduce these impacts to a less-than-significant level.

**Mitigation Measure BIO 1: Conduct Work outside the Nesting Season or Conduct Preconstruction Surveys for Nesting Native Birds**

To the greatest extent feasible, vegetation removal in the project area will occur between August 16 and February 14, outside the typical nesting season of most native birds.

If vegetation removal or other work in vegetated areas is to occur during the typical nesting season for native birds (February 15 to August 15), the County or its contractor will retain a Service-approved biologist or monitor to conduct nesting surveys no more than 2 weeks before the start of construction in a given area. Surveys will include a search of all trees and shrubs, and tidal marsh areas that provide suitable nesting habitat, in the project area. In addition, a 500 foot area around the project area will be surveyed for nesting raptors. If active nests are found, the Service-approved biologist or monitor will coordinate with the contractor to establish a no-disturbance buffer around the site to avoid disturbance or destruction of the nest site until a Service-approved biologist or monitor determines that the nest is no longer active. The limits of the buffer will be determined by the Service-approved biologist or monitor and will depend on the level of noise or construction-related disturbance, and the distance of the line-of-sight between the nest and the disturbance, taking into consideration topographical, vegetative or artificial barriers. Suitable buffer distances may vary among native bird species or types (e.g., raptors or passerine birds).

**Mitigation Measure BIO 2: Install Environmentally Sensitive Area (ESA) Fencing to Protect Biologically Sensitive Areas Adjacent to the Project Area**

Prior to the start of construction, the County or its contractor will work with the project engineer and a Service-approved biologist or monitor to identify the locations for installation of ESA fencing and will mark those locations with stakes, flagging, or other visible marker. The protected area will be clearly identified as an ESA on the construction specifications. The fencing will be maintained by the County or its contractor throughout the duration of the construction period. If the fencing is removed, damaged, or otherwise compromised during the construction period, construction activities will cease until the fencing is replaced. To ensure there is an unvegetated “buffer” between the fencing and the tidal salt marsh habitat, the fencing to protect tidal salt marsh habitat must be located at least 2 feet beyond the edge of existing vegetation at the top of the tidal channel bank. No tidal salt marsh vegetation will be impacted by installation of the fence.

**Mitigation Measure BIO 3: Conduct Environmental Awareness Training for Construction Crews**

The County or its contractor will retain a Service-approved biologist or monitor to conduct environmental awareness training for construction crews before project
implementation. The awareness training will be provided to all construction personnel to brief them on the need to avoid impacts on sensitive biological resources (i.e., wetlands adjacent to the project area and special-status species). The education program will include a brief review of the special-status species that could potentially occur in or adjacent to the project area (including their life history, habitat requirements, and photographs of the species). The training will identify where, in relation to the project area, the species may occur, as well as their legal status and protection under the federal Endangered Species Act (FESA), California Endangered Species Act (CESA), and California Fish and Game Code (CFGC). The program will also cover the restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on these species during project implementation. This will include the steps to be taken if a sensitive species is found within the project area (i.e., notifying the crew foreman who will call a designated Service-approved biologist or monitor). The crew foreman will be responsible for ensuring that crew members adhere to the guidelines and restrictions. Education programs will be conducted for all new personnel as they are brought on the job during the construction period.

**Mitigation Measure BIO 4: Retain a Service-approved biologist or monitor to Conduct Monitoring during Construction in and adjacent to all Environmentally Sensitive Areas (ESAs)**
The County or its contractor will retain a Service-approved biologist or monitor to conduct monitoring during construction in and adjacent to all identified environmentally sensitive areas. The frequency of monitoring will be determined by the Service-approved biologist or monitor, ranging from daily to weekly, depending on the biological resource and the construction activities. The monitor will record all construction activities and species observed on a daily or weekly monitoring log prepared for the County to submit to the Service and/or other regulatory agencies requesting such documentation. Construction monitoring duties will include the following:

- Inspect the staked and flagged perimeters of the construction area and staging areas adjacent to identified environmentally sensitive areas, and notify the construction contractor of any corrections needed.
- Inspect the ESA fencing (including sediment fencing) and notify the construction contractor of any necessary maintenance or repairs.
- Assist the construction crew as needed to comply with all project implementation restrictions and guidelines.

**Mitigation Measure BIO 5: Implement a Storm Water Pollution Prevention Plan (SWPPP)**
A Storm Water Pollution Prevention Plan (SWPPP) will be implemented by the County as part of the National Pollutant Discharge Elimination System (NPDES) and a General Construction Activity Storm Water Permit to minimize the potential for sediments or contaminants to be discharged in Las Gallinas Creek or other aquatic habitat. A toxic materials control and spill response plan will be implemented to regulate the use of petroleum-based products (fuel and lubricants) and other potentially toxic materials associated with project construction.
The following measures will be implemented to minimize or avoid potential increases in sediment inputs into the creek and other waterways in the project area:

- Conduct all construction work according to site-specific construction plans that minimize the potential for sediment input into the aquatic system.
- Minimize the extent of all areas requiring clearing, grading, revegetation, and recontouring.
- Grade areas following construction plans to minimize surface erosion.
- Avoid wetland vegetation and install ESA fencing to protect wetlands adjacent to the project area.

The following measures will be implemented to minimize the risk of spills or discharges of toxic materials into Las Gallinas Creek:

- Establish a hazardous material spill prevention control and countermeasure plan before construction begins that will minimize the potential for, and the effects of, spills of hazardous or toxic substances during construction. The plan will include storage and containment procedures to prevent spills and respond to spills, and will identify the parties responsible for monitoring the spill response.
- Prevent raw cement, concrete, or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses.
- Clean all spills immediately according to the spill prevention and countermeasure plan.

**Mitigation Measure BIO 6: Conduct a Botanical Survey for Showy Indian Clover between April and June 2015**

A botanical survey in nonnative grassland habitat during the appropriate blooming period (April to June) will be conducted for showy Indian clover to determine presence or absence of this species. The botanical survey will be conducted prior to commencement of construction activities at the intersection of Peter Behr Drive and Civic Center Drive that have the potential to disturb suitable habitat that could support these species. If showy Indian clover is identified during surveys, the monitor will coordinate with the Service and the County to implement appropriate protective measures such as installing additional ESA fencing to avoid direct and indirect impacts to the plants.

**Mitigation Measure BIO 7: Halt Work if a Listed Species is Observed in the Work Area**

The contractor will halt work immediately and contact the County, the Service-approved biologist or monitor, the Service and/or California Department of Fish and Wildlife (CDFW) in the event a California clapper rail, California black rail, or salt marsh harvest mouse is found within 10 feet of any construction activities. The contractor will suspend all construction activities within 10 feet of the detected species until the species leaves the area voluntarily.
Mitigation Measure BIO 8: No Construction Activities Will Occur within 50 Feet of Tidal Salt Marsh Habitat within 2 Hours before and after a High Tide Event of 6.5 Feet or Greater
Construction activities within 50 feet of tidal salt marsh will be scheduled to avoid extreme high tides. No activities will be permitted to occur within 50 feet of the tidal salt marsh habitat adjacent to the project area during the 2 hours before or after extreme high tides of 6.5 feet National Geodetic Vertical Datum (NGVD) or higher, as measured at the Golden Gate Bridge and adjusting to the timing of local high tides.

Mitigation Measure BIO 9: Work Only during Daylight Hours within 700 Feet of Tidal Salt Marsh
To minimize disturbance of light and noise to tidal salt marsh–dependent species, construction activities within 700 feet of tidal salt marsh habitat will be limited to daylight hours.

Mitigation Measure BIO 10: Implement Lighting Specifications to Minimize Potential Light Pollution Effects on Animals
To minimize the potential negative effects of artificial light at night on the adjacent tidal salt marsh after project completion, the following criteria will be identified in the lighting plans and specifications.

- Acorn style lights that are International Dark Sky Association approved “Dark Sky Friendly” will be installed. This type of lighting ensures 0% light above 90 degrees, thereby reducing light pollution. One possible model is Holophane Utility Washington Postlite LED luminaire WFL 070 4K AS L3 B. This model or an equivalent model, approved by the County, will be specified.
- The lowest luminaire wattage that still provides safe conditions for vehicular traffic, bicyclists, and pedestrians will be used.
- If possible, correlated color temperature (an indication of how “warm” or “cool” the light source appears) range of the light source will be between 3800K and 4000K.

Mitigation Measure BIO 11: Phase Construction Activities to Avoid Disturbance to Breeding California Clapper Rail and California Black Rail
Based on the Construction Impact Analysis completed for the project, construction will be phased to minimize and avoid disturbance to breeding California clapper rail and California black rail. Activities identified in the analysis as having potential to impact the species through visual or noise disturbance will be scheduled to occur September 1 to January 14 (outside the breeding season).

Mitigation Measure BIO 12: Implement Measures to Avoid the Introduction and Spread of Invasive Plants
A Service-approved biologist or monitor will coordinate with the contractor to ensure that appropriate measures are implemented to prevent the spread of invasive species and comply with Executive Order 13112 (Prevention and Spread of Invasive Species). Such measures will include but are not limited to:
- Minimize surface disturbance within the construction work area to the greatest extent possible.
- Seed all disturbed areas with certified weed-free native mixes and mulch with certified weed-free mulch (rice straw may be used in upland areas).
- Use noninvasive species in landscaping.

**Mitigation Measure BIO 13: Conduct Preconstruction Surveys for Roosting Bats**

No more than 2 weeks prior to tree removal or trimming, a Service-approved biologist or monitor will examine all trees to be impacted for the presence of roosting bats. If bats or sign of bats are observed, tree trimming and removal will be delayed until the bats leave the roosting sites.

<table>
<thead>
<tr>
<th>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

Sensitive natural communities in the biological study area include tidal salt marsh, seasonal wetland and oak woodland. Because the tidal salt marsh habitat is directly associated with the banks of tidal creeks, it would also likely be considered riparian habitat by CDFW even though it does not support typical woody riparian vegetation. The project would not directly impact tidal salt marsh, seasonal wetland or oak woodland. However, as discussed under “a”, the project could result in indirect impacts to these sensitive natural communities adjacent to the project area, if runoff from the construction area is not controlled, contained or treated and particulates were to enter the sensitive habitat.

Additionally, the proposed construction activities have the potential to further spread invasive species in and beyond the project area. The spread of invasive plant species could result in potential long-term degradation of the tidal salt marsh in the biological study area. Degradation of upland/high tide refugia (i.e., vegetation above the high tide level) due to increased cover of highly invasive plant species (e.g., perennial pepperweed) could have adverse effects on tidal salt marsh–dependent species such as the California clapper rail, California black rail, and salt marsh harvest mouse. Long-term degradation of upland/high tide refugia could result in increased predation and impede the continued use of the tidal salt marsh area as suitable nesting and nursery habitat for California clapper rail, California black rail, and salt marsh harvest mouse.

Implementation of mitigation measures will ensure that there would be no direct or indirect effects on these sensitive natural communities. **Mitigation Measure BIO 2 (Install Environmentally Sensitive Area [ESA] Fencing to Protect Biologically Sensitive Areas Adjacent to the Project Area)** will ensure there are no direct impacts on tidal salt marsh, seasonal wetland or oak woodland adjacent to the project area. **Mitigation Measure BIO 3 (Conduct Environmental Awareness Training for Construction Crews)**
will ensure that all construction personnel are educated on the environmental laws that would be applicable to the project activities and information on sensitive natural communities. Mitigation Measure BIO 4 (Retain a Service-Approved Biologist or Monitor to Conduct Monitoring during Construction in and adjacent to all Environmentally Sensitive Areas) will ensure that all environmental laws, regulations, and conditions from regulatory agencies are complied with during construction.

Mitigation Measure BIO 5 (Implement a Storm Water Pollution Prevention Plan) will be included as a condition of the project to protect water quality in the adjacent tidal salt marsh and seasonal wetland during construction. Lastly, Mitigation Measure BIO 12 (Implement Measures to Avoid the Introduction and Spread of Invasive Plants) will protect the native vegetation in the adjacent tidal salt marsh from the introduction and spread of invasive plants as a result of project construction. Accordingly, the project impacts on riparian habitat or other sensitive natural communities would be less than significant.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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The proposed project would not result in direct impacts (temporary or permanent) on federally protected wetlands as defined by Section 404 of the Clean Water Act or on any wetlands or waters because the seasonal wetland and two tidal channels in the biological study area would be avoided by project construction. Project construction could result in indirect impacts on nearby waters and wetlands that are potentially jurisdictional, if runoff from the construction area is not controlled, contained or treated and particulates were to enter the jurisdictional features. Implementation of mitigation measures would avoid and minimize direct and indirect impacts on the seasonal wetland and two tidal channels in the biological study area during construction.

Mitigation Measures BIO 2 (Install Environmentally Sensitive Area Fencing to Protect Biologically Sensitive Areas Adjacent to the Project Area) and BIO 5 (Implement a Storm Water Pollution Prevention Plan) would protect water quality, hydrologic functions, and vegetation in the tidal salt marsh and season wetland, and reduce potential impacts on federally protected wetlands to a less than significant level.
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

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<th>Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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The tidal salt marsh habitat and trees in the biological study area provide potential nursery sites for special-status and migratory birds, such as California clapper rail, California black rail, Northern harrier, white-tailed kite, San Francisco common yellowthroat, and Samuel’s song sparrow. The tidal salt marsh habitat also provides habitat for terrestrial special-status species such as the salt marsh harvest mouse. The trees also provide potential roosting and nursery sites for special-status bats, such as Western red bat and pallid bat.

Tidal salt marsh habitat would not be directly affected by the project, and the project would not interfere with the movement or use of this habitat by native resident or migratory fish or wildlife species. However, the project would result in the removal of several ornamental trees that could be used by nesting birds or bats. Implementation of Mitigation Measures BIO-1 (Conduct Work Outside of the Nesting Season or Conduct Pre-Construction Surveys for Nesting Birds) and BIO -13 would reduce this impact to a less-than-significant level by requiring preconstruction surveys for nesting birds and bats and establishing protection for any nesting individuals discovered during the surveys.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>Not Applicable</th>
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The trees that would be removed as a result of the project are ornamental varieties and as such are not protected under local policies or ordinances. The project will not conflict with the San Rafael General Plan 2020 policies concerning the protection of natural resources, such as ridgelines, wetlands, diked baylands, creeks and drainageways, shorelines and habitat for threatened and endangered species. Therefore, there would be no conflict with any local policies or ordinances protecting biological resources, and the impact would be less than significant.
<table>
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<tr>
<th>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>Not Applicable</th>
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There are no adopted habitat conservation plans or natural community conservation plans in Marin County. The proposed project would not conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plans. Therefore, there would be no impact to adopted habitat conservation plans or natural community conservation plans.
5. CULTURAL RESOURCES

Information in this section is based on the following documents, which contain additional background information about the proposed project:

- Archaeological Survey Report for the Marin Civic Center Drive Improvements Project, San Rafael, Marin County, California (ASR; ICF International 2014d)
- Historic Property Survey Report [for the Marin Civic Center Drive Improvements Project] (HSPR; ICF International 2014e)
- Historical Resources Evaluation Report for the Marin Civic Center Drive Improvements Project California Department of Transportation, District 4 Marin County, California (HRER; ICF International 2014f)

Regulations

National Historic Preservation Act Section 106

The studies described in this report were conducted in compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 Code of Federal Regulations [CFR]) 800, as amended in 1999). Section 106 requires that federal agencies and entities that they fund or license consider the effects of their actions on properties that are listed in the NRHP, or that may be eligible for such listing. To determine whether an undertaking could affect NRHP-eligible properties, cultural resources, including historical and architectural properties, must be inventoried and evaluated. Although compliance with Section 106 is the responsibility of the lead federal agency, others can conduct the work necessary to comply.

The Section 106 review process consists of four steps.

1. Initiate the Section 106 process by establishing the undertaking, developing a plan for public involvement, and identifying other consulting parties.

2. Identify historic properties (resources that are eligible for inclusion in the NRHP) by determining the scope of efforts, identifying cultural resources in the area potentially affected by the project, and evaluating resources’ eligibility for NRHP inclusion.

3. Assess adverse effects by applying the Section 106 criteria of adverse effect to identified historic properties.

4. Resolve adverse effects by consulting with the State Historic Preservation Officer (SHPO) and other consulting agencies, including the Advisory Council on Historic Preservation (ACHP) if necessary, to develop an agreement that addresses the treatment of historic properties.

National Register of Historic Places Criteria of Evaluation

The NRHP is the nation’s master inventory of known historic properties. It is administered by the National Park Service (NPS) in conjunction with the SHPO. The NRHP includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. The NRHP criteria and associated definitions are outlined in National Register Bulletin 15, How
to Apply the National Register Criteria for Evaluation (U.S. Department of the Interior, National Park Service 1988). The following is a summary of Bulletin 15.

Resources (structures, sites, buildings, districts, and objects) more than 50 years of age can be listed in the NRHP provided they meet the evaluative criteria described below. However, properties less than 50 years of age that are of exceptional importance or are contributors to a district, and that also meet the evaluative criteria, can be included in the NRHP as well. The NRHP includes four criteria under which a structure, site, building, district, or object can be considered significant for listing in the NRHP.

1. Resources associated with events that have made a significant contribution to the broad patterns of history.
2. Resources associated with the lives of persons significant in our past.
3. Resources that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
4. Resources that have yielded or may likely yield information important in prehistory or history.

Resources can be listed individually in the NRHP or as contributors to a historic district.

When nominating a resource to the NRHP, one must evaluate and clearly state the significance of that resource to American history, architecture, archaeology, engineering, or culture. A resource can be individually significant if it meets any of the above-stated criteria; only one criterion needs to be met for the eligibility of the resource to be considered.

A resource may be considered eligible for listing in the NRHP if it meets one or more of the above-stated criteria for significance and possesses integrity. Historic properties must retain their integrity to convey their significance. Although the evaluation of integrity is sometimes a subjective judgment, it must always be grounded in an understanding of the resource’s physical features and how they relate to its significance. The NRHP recognizes seven aspects or qualities, listed below, that define integrity.

- **Location**: the place where the historic property was constructed or the place where the historic event occurred.
- **Design**: the combination of elements that create the form, plan, space, structure, and style of a property.
- **Setting**: the physical environment of a historic property.
- **Materials**: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

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1 A **contributor** is a building, site, structure, or object that adds to the historic associations or historic architectural qualities for which a property is significant. The contributor was present during the period of significance, relates to the documented significance of the property, possesses historic integrity, provides important information about a period, or independently meets the NRHP criteria. A **non-contributor** does not add to the historic associations or historic architectural qualities because it was not present during the period of significance; has experienced alterations, disturbances, additions, or other changes; or does not independently meet the NRHP criteria.
- **Workmanship:** the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

- **Feeling:** a property's expression of the aesthetic or historic sense of a particular period of time.

- **Association:** the direct link between an important historic event or person and a historic property.

To retain historic integrity, a resource should possess several of the above-stated aspects. The retention of specific aspects of integrity is essential for a resource to convey its significance. When the integrity of a resource is being evaluated, the resource should also be considered in comparison to similar properties; such comparison may be important for determining physical features that are essential to reflect the significance of a historic context.

**First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department Of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as It Pertains to the Administration of the Federal-Aid Highway Program in California (2014 PA)**

The Federal Highway Administration (FHWA) under the authority of 23 USC Section 101, implements the Federal-aid Highway Program (Program) in the state of California by funding approved state and locally-sponsored transportation projects (Local Assistance) that are administered by the California Department of Transportation (Caltrans). As a Local Assistance project, the proposed improvements are subject to the 2014 PA. The 2014 PA articulates Caltrans' responsibilities for compliance with Section 106 of the National Historic Preservation Act of 1966 (as amended) with regard to professional qualification standards; consultation with Indian tribes; participation of other consulting parties and the public; delegation of FHWA and Caltrans Actions under this agreement; screened undertakings exempt from further review; identification and evaluation of potential historic properties; finding of effect; assessment of effects, resolution of adverse effects, phased approach to identification, evaluation, and findings of effect; Native American human remains; curation; post-review discoveries; emergency situations; local bridge seismic safety retrofit program; documentation; training requirements; and administrative stipulations.

**California Register of Historical Resources Criteria of Evaluation**

All resources listed in or formally determined to be eligible for the NRHP are eligible for the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant within the context of California’s history. The CRHR is a statewide program of similar scope to the NRHP. In addition, properties designated under municipal or county ordinances also are eligible for listing in the CRHR. A historic resource must be significant at the local, state, or national level under one or more of the criteria defined in the California Code of Regulations (CCR) Title 14, Chapter 11.5, Section 4850. Such a historic resource:
1. Is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

2. Is associated with the lives of persons important to local, California, or national history.

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The CRHR criteria are similar to NRHP criteria and are tied to CEQA because any resource that meets the above criteria is considered a historical resource under CEQA. All resources listed in or formally determined to be eligible for the NRHP are eligible for the CRHR.

**Local and Regional Planning Documents**

The following planning documents guide planning involving historical and archaeological resources in the proposed project area.

**City of San Rafael 2020 General Plan Culture and Arts Element**

The Culture and Arts Element serves to preserve existing and develop new cultural institutions (City of San Rafael 2013). The following policy is relevant to the proposed project:

- **CA-13. Historic Buildings and Areas.** Preserve buildings and areas with special and recognized historic, architectural or aesthetic value including but not limited to those on the San Rafael Historical/Architectural Survey. New development and redevelopment should respect architecturally and historically significant buildings and areas.

- **CA-15. Protection of Archaeological Resources.** Recognize the importance of protecting significant archaeological resources by:
  - Identifying, when possible, archaeological resources and potential impacts on such resources.
  - Providing information and direction to property owners in order to make them aware of these resources.
  - Implementing measures to preserve and protect archaeological resources.

**Marin County Civic Center Master Design Guidelines**

The **Master Design Guidelines** were created to provide a framework for future development that recognizes the need to maintain the visual prominence of Frank Lloyd Wright’s Civic Center buildings within a setting that engenders an overall sense of openness (Royston, Hanamoto, Alley & Abey 2005). The Master Design Guidelines define design parameters for the following elements:

- Site organization to include views, parking locations and capacities, and traffic
- Buildings and architecture
• Landscape and site elements to include planting, irrigation, paving, site furniture, riparian environments, lagoon, park areas, streetscapes, parking lot design, lighting, and signage.

*Marin Countywide Plan Socioeconomic Element*

The Socioeconomic Element seeks to enhance quality of life for everyone in Marin (Marin County 2007). The following policies are relevant to the proposed project:

• **HAR-1.1. Preserve Historical and Archaeological Resources.** Identify archaeological and historical resource sites.

• **HAR-1.3. Avoid Impacts to Historical and Archaeological Resources.** Ensure that human activity avoids damaging cultural resources, where feasible.

*Existing Conditions*

*Historic Resources*

There are two built/architectural resources in the project area that are considered historical resources for the purposes of CEQA: (1) the Marin County Civic Center National Historic Landmark District (District) consisting of six contributing elements and (2) the Veterans Memorial Auditorium.

A records search at the Northwest Information Center (NWIC) indicated that the District was listed in the National Register of Historic Places (NRHP) in 1991 as #91002055. The contributing elements to the 81.5-acre District include the Administration Building (built in 1962), the Hall of Justice (built in 1970), a United States Post Office building (built in 1962), a lagoon and associated features (constructed between 1961 and 1962), landscaping features (added between 1962 and 1970), and circulation features (built between 1962 and 1970). See Table 7 below. The District represents the largest and last major work of renowned architect Frank Lloyd Wright, who died in 1959, just prior to the construction of this project. The District’s period of significance ranges from 1960 through 1970. The District is significant under National Historic Landmark (NHL) Criterion 3, NRHP Criterion C, and satisfies NRHP Criteria Consideration G. The District is also listed in the California Register of Historical Resources (CRHR) and thus is a historical resource as defined in the CEQA Guidelines per Section 15064.5.
Table 7. Contributing Elements of the Marin County Civic Center National Historic Landmark District

<table>
<thead>
<tr>
<th>Resource Name</th>
<th>APN</th>
<th>Address</th>
<th>Year Built</th>
<th>NRHP/NHL Criteria</th>
<th>NHL Status*</th>
<th>Recommended NRHP Status Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration Building</td>
<td>17927011</td>
<td>3501 Civic Center Drive</td>
<td>1962</td>
<td>NRHP C and Criteria Consideration G, NHL 4</td>
<td>NHL-C</td>
<td>no change</td>
</tr>
<tr>
<td>Hall of Justice</td>
<td>17927011</td>
<td>3501 Civic Center Drive</td>
<td>1970</td>
<td>NRHP C and Criteria Consideration G, NHL 4</td>
<td>NHL-C</td>
<td>no change</td>
</tr>
<tr>
<td>United States Post Office Building</td>
<td>17927019</td>
<td>2 Civic Center Drive</td>
<td>1962</td>
<td>NRHP C and Criteria Consideration G, NHL 4</td>
<td>NHL-C</td>
<td>no change</td>
</tr>
<tr>
<td>Lagoon and associated features</td>
<td>17927012</td>
<td>N/A</td>
<td>1961–1962</td>
<td>NRHP C and Criteria Consideration G, NHL 4</td>
<td>NHL-C</td>
<td>no change</td>
</tr>
<tr>
<td>Other—Landscaping</td>
<td>17927011/2</td>
<td>N/A</td>
<td>c. 1962–1970</td>
<td>NRHP C and Criteria Consideration G, NHL 4</td>
<td>NHL-C/O</td>
<td>no change</td>
</tr>
<tr>
<td>Other—Circulation</td>
<td>17927011/2</td>
<td>N/A</td>
<td>c. 1962–1970</td>
<td>NRHP C and Criteria Consideration G, NHL 4</td>
<td>NHL-C/O</td>
<td>no change</td>
</tr>
</tbody>
</table>

* “NHL-C” is a National Historic Landmark (NHL) contributor. “NHL-C/O” is a NHL contributing resource that extends outside of the NHL boundary.

In addition, the 2014 Historic Resources Evaluation Report (HRER) prepared by ICF recommends one newly recorded built/architectural resource, the Veterans Memorial Auditorium (Auditorium), as eligible for listing in the NRHP and the CRHR, both individually and as a contributing element to the Marin County Civic Center National Historic Landmark District. Constructed in 1971, the Auditorium appears to be significant under NHL Criterion 4, NRHP Criterion C, and NRHP Criteria Consideration G. See Table 8 below. The Auditorium was evaluated in accordance with Section 15064.5(a)(2)(3) of the State CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code and found to be a historical resource for the purposes of CEQA.
Table 8. Veterans Memorial Auditorium

<table>
<thead>
<tr>
<th>Resource Name</th>
<th>APN</th>
<th>Address</th>
<th>Year Built</th>
<th>NRHP/NHL Criteria</th>
<th>NHL Status*</th>
<th>Recommended NRHP Status Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veterans Memorial Auditorium</td>
<td>17927012</td>
<td>10 Avenue of the Flags</td>
<td>1971</td>
<td>NRHP C and Criteria Consideration G, NHL 4</td>
<td>NHL-O-NC</td>
<td>3B</td>
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</tbody>
</table>

* "NHL-O-NC" is a resource that is located outside the NHL boundary but addressed in the 1991 NHL form as a non-contributor.

Archaeological Resources

There is one previously recorded archaeological resource in the project area, although it was not evaluated for significance and has in all likelihood been destroyed, or partially destroyed, by the initial construction of the Marin County Civic Center—the site was recorded only once, in 1907, prior to almost all current development in the area. During the archaeological survey that ICF conducted for the project, as detailed in the ASR (ICF International 2014d), this archaeological resource was not identified. As such, there are no archaeological resources located in the project area that are considered to be historical resources for the purposes of CEQA. However, a records search at the NWIC indicated that there are three previously recorded archaeological resources within 0.25 mile of the project area, one of which is NRHP- and CRHR-eligible, and therefore considered an historical resource for the purposes of CEQA.

Human Remains

There is no record of existing human remains in the project area. A records search at the NWIC indicated that there is one previously recorded archaeological resource (and historical resource for the purposes of CEQA) within 0.25 mile of the project area that contained human remains. The remains were removed in a prior archaeological excavation.

Paleontological Resources

The project area consists of only landscaped areas, fill, and shallow soils—no bedrock is included in the project area.

CULTURAL RESOURCES. Would the proposed project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

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<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
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The proposed project would physically alter features within the Marin County Civic Center National Historic Landmark District and in the setting of the Veterans Memorial Auditorium. However, as described below, none of the activities of the proposed project would affect characteristics that qualify these resources for inclusion in the
NRHP or the CRHR in a manner that would diminish their integrity of location, design, setting, materials, workmanship, feeling, or association.

One of the components of the proposed project would involve the construction of a roundabout just outside of the northwest border of the District at the intersection of Civic Center Drive and Peter Behr Drive. Within the District, this improvement would result in the removal of a street light at the southeast corner of the intersection, the removal of five signs at the southwest corner of the intersection, and the removal of two signs along the south side Civic Center Drive. None of these features are contributing elements to the District.

The proposed project would also require the removal of three trees located just outside of and adjacent to the District. The removal of these trees would not impair the integrity of the District's historical setting because the existing views (looking out from the District) of asphalt-paved roadways and parking lots, accentuated along the north side of Civic Center Drive and along Memorial Drive with a band of trees would overall remain much the same.

Additionally, the construction of the roundabout would not diminish the integrity of the circulation within the District because Civic Center Drive would remain a two-lane arterial roadway and retain its historic alignment through the property. The construction of the roundabout would, however, introduce a new visual element in the surrounding setting immediately outside of the District. Overall, the setting of the District would not be impaired since this area currently consists of views of modern roadway features and adjoining parking lots.

A second component of the proposed project would involve improvements along Civic Center Drive between Peter Behr Drive and Judge Haley Drive. These improvements will require the replacement of existing facilities (e.g., asphalt roadway, concrete sidewalk and driveways, and curbs and gutters) with similar facilities consistent with Marin County Standard Plan 105, small landscaped areas near the roundabout, and a bioretention area. None of these activities would impact any of the buildings that contribute to the significance of the District, nor would they alter the circulation pattern or result in the removal of existing trees within the District boundaries. As such, the integrity of the District as a whole would not be impaired.

A third component of the proposed project would involve the installation of sidewalks and bicycle improvements along Peter Behr Drive, from Civic Center Drive to 600 feet south of Civic Center Drive. These improvements would require the replacement of existing facilities (e.g., asphalt roadway, concrete sidewalk and driveways, and curbs and gutters) with similar facilities (e.g., new HMA roadway segment, new PCC sidewalk) consistent with Marin County Standard Plan 105, small landscaped areas near the roundabout, a small bioretention area, and a curb ramp. None of these activities would impact any of the buildings that contribute to the significance of the District, nor alter the circulation pattern or result in the removal of existing trees within the District. As such, the integrity of the District as a whole would not be impaired.

A fourth component of the proposed project would involve improvements just outside of the northern boundary of the District, northeast of the proposed roundabout along Memorial Drive. These improvements would require the removal of existing asphalt, AC dike, concrete sidewalk and driveways, curbs and gutters, and two trees in the center median strip of the roadway. New construction would consist of a new HMA roadway segment (over part of the existing segment), new PCC sidewalk per Marin County Standard Plan 105, new decorative PCC sidewalk and driveway, small...
landscaped areas near the roundabout, and two curb ramps. None of these activities would impact the Veterans Memorial Auditorium or any of the buildings that contribute to the significance of the District, nor would they result in alterations to the District’s circulation pattern. Although the proposed project would require the removal of two trees located just outside of and adjacent to the District (and approximately 480 feet from the Auditorium), the removal of these trees would not impair the historical integrity of the setting surrounding the District and the Auditorium because the visual qualities of the surrounding landscape would still be similar to those of the existing setting.

Since the proposed improvements would not affect the character-defining features of the District or the Auditorium, or diminish their integrity of location, setting, feeling, and association, the impacts would be less than significant. Consultation with SHPO has been initiated, and a finding of no adverse effect is expected.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?  

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The entire project area has experienced a large amount of ground disturbance by the construction of roads, sidewalks, parking lots, as well as landscaping activities. ICF did not locate P-21-000153 (only once recorded, in 1907), which has most likely been destroyed in whole, or part, by the construction of the Marin County Civic Center. The site was recorded prior to almost all current development in the area. The ASR for the project (ICF International 2014d) included an archaeological sensitivity analysis that determined that the potential for intact surficial archaeological deposits in the project area is very low, and the potential for subsurface intact archaeological deposits in the project area ranges from low to high. Because there is potential to encounter previously unrecorded buried archaeological resources during project construction activities, there is the potential for the project to result in a significant impact on an archaeological resource if it were evaluated and determined eligible for the CRHR, thereby qualifying it as an historical resource for the purposes of CEQA. This impact would be reduced to a less than significant level with implementation of Mitigation Measure CUL-1 which would require archaeological monitoring of project ground-disturbing construction activities in those portions of the project area determined to have high potential for intact archaeological resources.

Mitigation Measure CUL-1: Perform archaeological construction monitoring during ground-disturbing activities in archaeological sensitive areas and halt work if previously unrecorded cultural resources are encountered

The applicant shall retain a qualified archaeologist to conduct construction monitoring during ground-disturbing construction activities in archaeological sensitive areas as determined by the ASR (ICF International 2014d). The archaeologist shall observe the ground-disturbing activities to ensure that no cultural material is present or disturbed during those activities. If potential cultural material is observed, all work within 100 feet of the find shall cease and the archaeologist, and if deemed necessary, a Native American representative, shall assess the significance of the find. If the find is determined to be an historical resource pursuant to State CEQA Guidelines Section 15064.5 or a unique
archaeological resource pursuant to PRC Section 21083.2, mitigation measures shall be developed in consultation with the applicant, lead agency, SHPO, and other appropriate agencies or parties.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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If fossils or unique geologic features are present in the project area, they could be damaged by earth-disturbing activities (i.e., excavation and grading) during construction. However, according to the U.S. Geological Survey’s (USGS) Geologic Map of Marin County, CA (U.S. Geological Survey 2013), the project area consists only of artificial fill and shallow soils. Fossils are typically found in bedrock, and no bedrock is included in the project area. Additionally, construction activities would be 2-6 feet deep, and paleontological resources are typically found much deeper. Therefore, it is highly unlikely that any paleontological resources or unique geologic features would be discovered during construction, and the impact is less-than-significant.

d) Disturb any human remains, including those interred outside of formal cemeteries?

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It is possible that buried human remains are present in the project area but were not identified during the ICF archaeological survey or previous archaeological surveys due to their subsurface location. As such, there is still the potential that human remains would be encountered during project ground-disturbing activities. This impact would be less-than-significant level with implementation of Mitigation Measure CUL-2 which would require monitoring for human remains during ground-disturbing construction activities in archaeological sensitive areas.

Mitigation Measure CUL-2: Perform archaeological construction monitoring during ground-disturbing activities in archaeological sensitive areas and halt work if human remains are encountered

The applicant shall retain a qualified archaeologist to conduct construction monitoring during ground-disturbing construction activities in archaeological sensitive areas as determined by the ASR (ICF International 2014d). The archaeologist shall observe the ground-disturbing activities to ensure that no human remains are present or disturbed during those activities. During any project excavation, regardless of the presence of an archaeological monitor, if human remains (or remains that are suspected to be human) are discovered, all work shall cease in the vicinity of the find (a minimum of 100 feet) and the Marin County Coroner (Coroner) will be notified immediately. If the Coroner determines the remains to be Native American in origin, the Coroner shall be responsible for
notifying the NAHC, which shall appoint a MLD (PRC Section 5097.99). The archaeological consultant, applicant, project lead agency, and MLD shall make all reasonable efforts to develop an agreement for the dignified treatment of human remains and associated or unassociated funerary objects (CCR Title 14 Section 15064.5[d]). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The MLD shall have 24 hours after notification by the NAHC to make their recommendation (PRC Section 5097.98). If the MLD does not agree to the reburial method, the project shall follow PRC Section 5097.98(b), which states, “the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.”
6. GEOLOGY AND SOILS

Regulations

Alquist-Priolo Earthquake Fault Zoning Act

California’s Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) (PRC Section 2621 et seq.), originally enacted in 1972 as the Alquist-Priolo Special Studies Zones Act and renamed in 1994, is intended to reduce risks to life and property from surface fault rupture during earthquakes. The Alquist-Priolo Act prohibits the location of most types of structures intended for human occupancy across the traces of active faults and strictly regulates construction in the corridors along active faults (earthquake fault zones). It also defines criteria for identifying active faults, giving legal weight to terms such as active, and establishes a process for reviewing building proposals in and adjacent to earthquake fault zones.

Under the Alquist-Priolo Act, faults are zoned, and construction along or across them is strictly regulated if they are “sufficiently active” and “well defined.” A fault is considered sufficiently active if one or more of its segments or strands shows evidence of surface displacement during Holocene time (defined for purposes of the act as referring to approximately the last 11,000 years). A fault is considered well-defined if its trace can be identified clearly by a trained geologist at the ground surface, or in the shallow subsurface using standard professional techniques, criteria, and judgment (Bryant and Hart 2007).

Seismic Hazards Mapping Act

Like the Alquist-Priolo Act, the Seismic Hazards Mapping Act of 1990 (PRC Sections 2690–2699.6) is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-Priolo Act—the state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other corollary hazards; and cities and counties are required to regulate development within mapped seismic hazard zones.

Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development. Specifically, cities and counties are prohibited from issuing development permits for sites within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans. Geotechnical investigations conducted within Seismic Hazard Zones must incorporate standards specified by California Geological Survey Special Publication 117a, Guidelines for Evaluating and Mitigating Seismic Hazards (California Geological Survey 2008).

Clean Water Act Section 402 General Permit for Construction and other Land Disturbance Activities (General Order 2010-0014-DWQ)

The CWA is discussed in detail in Section 2.9, Hydrology and Water Quality. However, because CWA Section 402 is directly relevant to grading activities, additional information is provided herein.
Section 402 of the CWA mandates that certain types of construction activity comply with the requirements of EPA’s NPDES program. EPA has delegated to the State Water Board the authority for the NPDES program in California, where it is implemented by the state’s nine Regional Water Boards.

Dischargers whose projects disturb 1 or more acres of soil, or whose projects disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres, are required to obtain coverage under the General Order 2010-0014-DWQ. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. General Construction Permit applicants are required to prepare a Notice of Intent and a SWPPP and implement and maintain BMPs to avoid adverse effects on receiving water quality as a result of construction activities, including earthwork.

Coverage under the General Permit is obtained by submitting permit registration documents to the State Water Board that include a risk level assessment and a site-specific SWPPP identifying an effective combination of erosion control, sediment control, and non-stormwater BMPs. The General Permit requires that the SWPPP define a program of regular inspections of the BMPs and, in some cases, sampling of water quality parameters.

**Existing Conditions**

The project area and biological study are within the Central Coast geographic subregion of Central Western California in the California Floristic Province. The topography is relatively level, and elevations are approximately 40 feet or less above mean sea level. According to the soil survey of Marin County, the biological study area is located within a single soil map unit: Xerorthents–Urban land complex, 0–9% slopes. The properties of this soil map unit, including drainage, are variable depending on the type and amount of fill material present and/or the amount of ground disturbance in a particular area.

**Seismicity**

The project site is located in the vicinity of the San Andreas and Hayward fault zones, one of the most seismically active regions in the United States. Earthquakes can lead to various seismic hazards, including ground shaking, liquefaction, ground rupture, and the generation of large waves in bodies of water. The level of risk of seismic hazards is tied to the geologic conditions and the extent of land use proposed on any given site. However, the San Andreas Fault Zone lies on the west side of Marin County and the Hayward Fault Zone nearest to the proposed project is offshore. The last ground rupture along the San Andreas in Marin County occurred in 1906.

**Ground Shaking**

Ground shaking is the source of the most widespread earthquake damage. An earthquake produces seismic waves that emanate in all directions from the fault rupture surface. The seismic waves cause strong ground shaking, which typically is strongest near the fault and diminishes as the waves move through the earth away from the fault. The severity of ground shaking at the proposed project site is controlled by the interaction of several factors including the following.
- Distance from the earthquake source.
- Earthquake magnitude.
- Directivity (focusing of earthquake energy along the fault axis rather than perpendicular to the fault.
- Condition of underlying geologic material (bedrock, sediment, soils, and artificial fill).

Maximum ground shaking would be expected to result from a large earthquake on one of the nearby active faults. Strong ground shaking may also occur as a result of moderate or large earthquakes on other faults in the San Francisco Bay Region.

*Ground Surface Rupture*

Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake’s seismic waves. The magnitude, sense, and nature of fault rupture can vary for different faults or even along different strands of the same fault. Ground rupture is considered more likely along active faults. The County contains Alquist-Priolo designated faults and hazard zones. However, there are no fault lines identified within the project site limits and the Project site is not within an Alquist-Priolo designated zone. Therefore, the risk of seismically induced ground rupture is low.

*Liquefaction and Associated Hazards*

Liquefaction is a phenomenon in which saturated soil temporarily loses strength from the buildup of excess pore water pressure, especially during earthquake-induced cyclic loading. Soils susceptible to liquefaction include loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. Flow failure, lateral spreading, differential settlement, loss of bearing strength, ground fissures and sand boils are evidence of excess pore pressure generation and liquefaction. The project site has been mapped within a zone of liquefaction susceptibility by the California Geologic Survey (CGS).

*Soils*

Marin County is located in the central portion of the Coast Ranges which are characterized by northwest-southeast ridges and valleys. The soils in the eastern portion of Marin County where the proposed project is located, are dominated by the Franciscan Complex bedrock with unique mélange rocks. The proposed project site is underlain by Artificial fill over Bay mud (afbm) and late Cretaceous Franciscan complex sandstone and shale (Kfs). The afbm soils are susceptible to a negligible amount of expansion while the Kfs soils have a medium expansion potential (Marin County 2007). Expansive soils are characterized by their potential shrink-swell behavior. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in certain fine-grained clay sediments from the process of wetting and drying.

The proposed project site is not within an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known active or potentially active faults exist on the site.
GEOLOGY AND SOILS. Would the proposed project:

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<th>a)</th>
<th>b) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</th>
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<td>i)</td>
<td>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)</td>
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<td>ii)</td>
<td>Strong seismic ground shaking?</td>
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<td>iii)</td>
<td>Seismic-related ground failure, including liquefaction?</td>
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<td>iv)</td>
<td>Landslides?</td>
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The proposed project site is not within an Earthquake Fault Zone as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known active or potentially active faults exist on the site. Therefore, the Project would result in no impact.

According to the *Uniform California Earthquake Rupture Forecast (UCERF)* (U.S. Geological Survey 2008), the probability of a large earthquake on the San Andreas Fault in the next 30 years is about 21%, or about 1 out of 5 and the earthquake probability for the Hayward-Rodgers Creek Fault system is about 31%, or nearly 1 out of 3. Although the potential for seismic ground shaking to occur at the proposed project site is unavoidable, the risk of excessive, permanent damage to the proposed infrastructure is anticipated to be relatively minor because no structures are proposed as a part of the proposed project. Therefore, ground shaking hazards would be less-than-significant.

The risks of lateral spreading, subsidence, and liquefaction at the project site is high, as described above in Existing Setting. However, no structures are proposed as a part of the proposed project so liquefaction hazards would be less-than-significant.
Landslides may occur on slopes of 15 percent or less; however, the probability is greater on steeper slopes that exhibit old landslide features such as scarps, slanted vegetation, and transverse ridges. The proposed project site is relatively flat and, therefore, the proposed project has a low potential for earthquake-induced landslides, and the impact would be less-than-significant.

b) Result in substantial soil erosion or the loss of topsoil?

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Ground-disturbing activities associated with construction of the proposed project have the potential to increase erosion if proper sedimentation and erosion control methods are not in place during construction. However, because the proposed project site exceeds one acre in size, the Project would require development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), in accordance with NPDES General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Implementation of the SWPPP would reduce the potential for soil erosion impacts during construction of the proposed project. This impact would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

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As described above in Existing Conditions, the risks of lateral spreading, subsidence, and liquefaction at the project site are high. However, no structures are proposed as a part of the proposed project so liquefaction hazards would be less-than-significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

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The soils at the proposed project site are susceptible to a negligible to medium amount of expansion potential. As no structures are proposed as a part of the proposed project, the risks from expansive soil would be less-than-significant.
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

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The proposed project would not include any septic tanks or leach field systems. Wastewater generated at the project site would be disposed through the existing sanitary sewer system. Consequently, the existence of soils incapable of supporting septic systems is not considered an impact associated with the proposed project. No impact would occur.
7. GREENHOUSE GAS EMISSIONS

Regulations

There are currently no federal laws specifically related to climate change, although regulation under the federal CAA is under development.

California has adopted several policies and regulations for the purpose of reducing greenhouse gas (GHG) emissions. The most stringent of these is Global Warming Solutions Act (AB 32), which requires that statewide GHG emissions be reduced to 1990 levels by 2020. ARB adopted the Assembly Bill (AB) 32 Scoping Plan as a framework for achieving AB 32. This plan outlines a series of technologically feasible and cost-effective measures to reduce statewide GHG emissions. Some reductions will need to come in the form of changes pertaining to vehicle emissions and mileage standards. Some will come from changes pertaining to sources of electricity and increased energy efficiency at existing facilities. The remainder will need to come from plans, policies, or regulations that will require new facilities to have lower carbon intensities than they have under business as usual conditions.

Existing Conditions

This section includes a GHG inventory, which is a quantification of all GHG emissions and sinks within a selected physical and/or economic boundary. GHG inventories can be performed on a large scale (i.e., for global and national entities) or on a small scale (i.e., for a particular building or person). Although many processes are difficult to evaluate, several agencies have developed tools to quantify emissions from certain sources.

Table 9 outlines the most recent global, national, statewide, and local GHG inventories to help contextualize the magnitude of potential Project-related emissions.

Table 9. Global, National, State, and Local GHG Emissions Inventories

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<th>Emissions Inventory</th>
<th>CO2e (metric tons)</th>
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<tr>
<td>2010 IPCC Global GHG Emissions Inventory</td>
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<tr>
<td>2012 EPA National GHG Emissions Inventory</td>
<td>6,525,600,000</td>
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<tr>
<td>2012 ARB State GHG Emissions Inventory</td>
<td>458,680,000</td>
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<tr>
<td>2007 SFBAAB GHG Emissions Inventory</td>
<td>95,800,000</td>
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<tr>
<td>2012 Unincorporated Marin County GHG Emissions Inventory (Draft)</td>
<td>477,456</td>
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Sources:
Intergovernmental Panel on Climate Change 2014; U.S. Environmental Protection Agency 2014c; California Air Resources Board 2014c; Bay Area Air Quality Management District 2010; ICF International 2014i.

CO2e = carbon dioxide equivalent
GREENHOUSE GAS EMISSIONS.
Would the proposed project:

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<th>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</th>
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Construction activities associated with the project would generate short-term GHG emissions. Emissions would originate from on-road hauling trips, construction worker commute trips, construction site fugitive dust, and off-road construction equipment. Construction-related emissions would vary substantially depending on the level of activity and specific construction operations.

The Sacramento Metropolitan Road Construction Model was used to estimate construction emissions based on project-specific inputs of the project size and length, duration of the construction period, soil exported daily, and the maximum amount of area that would be disturbed per day. The project construction data were provided by the project's engineering consultant. The construction assumptions and Road Construction Model inputs and outputs are provided in the transportation impact memoranda prepared for this project (Fehr & Peers 2013a & Fehr & Peers 2013b). Construction equipment defaults, such as emission factors, horsepower, and load factors, from the Road Construction Model were used for the analysis. The default vehicle trip lengths for hauling trucks and workers, and the default number and types of construction phases implicit in the Road Construction Model were also used for the analysis.

The analysis of emissions with the Road Construction Model determined that the total GHG emissions associated with the 10-month construction period of the project would be 729 metric tons.

Although the BAAQMD does not have an identified construction GHG threshold, emissions from the project would not result in a significant impact on the environment because of the short-term nature of the construction emissions. In addition, construction GHG emissions would eventually be offset by the reduction in GHGs from reduced delay at the project intersections. A reduction in delay would result in a reduction in GHG emissions, because traffic congestion leads to increased idling, slower speeds, and higher GHG emissions.

Although not required to reduce this impact to less-than-significant, the project would also implement the following recommended Mitigation Measure GHG 1, consistent with BAAQMD’s recommendation to use BMPs to reduce GHG emissions.

For the purposes of CEQA, this impact is considered less-than-significant. All emissions of GHGs, past, present, and future, have contributed to and will contribute to global climate change. Consequently, due to the cumulative nature of the effect of greenhouse gases on climate change, it is not possible to determine a single project’s direct impact on climate change. Nevertheless, this analysis follows the BAAMQD guidance of quantifying and disclosing construction GHG emissions and recommending BMPs. The significance conclusion for this impact was determined based on the adherence to the BAAQMD guidance, and for the reasons discussed.
above pertaining to the short-term nature of the emissions and eventual offset of emissions (net benefit to climate change) from project operation.

**Mitigation Measure GHG-1: Implement the Best Management Practices to Minimize GHG Emissions during Construction (Recommended)**

The project applicant will implement, to the extent feasible, the following BMPs to reduce GHG emissions from construction equipment. These BMPs are based on measures proposed in the BAAQMD CEQA Guidelines (2011).

- Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;
- Local building materials of at least 10 percent; and
- Recycle at least 50 percent of construction waste or demolition materials.

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<th>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</th>
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The proposed project would not conflict with any applicable plans, policies, or regulations adopted for the purpose of reducing climate change, because no new land uses would be constructed, no additional vehicle trips would be generated, and overall the project would reduce delay at the affected intersections. Although the project would emit GHGs during the construction period, these GHG emissions would be temporary and would eventually be offset by the reduction in GHGs from improved delay at the project intersections. For the purposes of CEQA, this impact would be less than significant, but, as discussed above, it is not possible to determine a single project’s impact on global climate change. However, assessing whether a single project supports or conflicts plans, policies, or regulations related to reducing greenhouse gas emissions is not speculative. In the case of the proposed project, it is clear that there will be an eventual net benefit on climate change.
8. HAZARDS AND HAZARDOUS MATERIALS

Regulations

Clean Water Act

Section 402 of the CWA establishes the NPDES, a permitting system for the discharge of any pollutant (except for dredged or fill material) into waters of the United States. This permit program is administered by the San Francisco Bay RWQCB. The proposed project would have a footprint greater than 1 acre. As a result, it would be necessary to obtain an NPDES General Construction Permit prior to any construction activities. One requirement for an NPDES permit is the development and implementation of a SWPPP that provides BMPs to prevent the discharge of pollutants and sediments into receiving waters.

State agencies accept delegation of federal responsibility for the administration of hazardous materials and hazardous waste management. The Porter-Cologne Act allows the State Water Board and the Regional Water Boards to accept implementation and responsibility for the CWA. The Hazardous Waste Control Act of 1977, and recent amendments to its implementing regulations, has given the California Department of Health Services the lead role in administering the Resource Conservation and Recovery Act (RCRA) program.

Hazardous Waste Control Act

The Hazardous Waste Control Act created the State Hazardous Waste Management Program. Hazardous wastes are defined as waste products with properties that make them dangerous or potentially harmful to human health or the environment; they can be the by-products of manufacturing processes or simply discarded commercial products, like cleaning fluids or pesticides. The act is implemented by regulations set forth in 26 CCR, which describes the following required parameters for the proper management of hazardous waste: identification and classification; generation and transport; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements.

These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of them. Under this act and 26 CCR, a generator of hazardous waste must complete a manifest that accompanies the waste from the generator to the transporter to the ultimate disposal location. Copies of the manifest must be filed with Department of Toxic Substances Control (DTSC).

State and Federal Occupational Safety and Health Administration Regulations

Pursuant to the Occupational Safety and Health Act of 1970, the federal Occupational Safety and Health Administration (OSHA) has adopted numerous regulations pertaining to worker safety, contained in the CFR Title 29. These regulations set the standards for safe work practices and work places, including standards relating to the handling of hazardous materials. The California Occupational Safety and Health Administration (Cal-OSHA) assumes primary responsibility for developing and enforcing standards for safe workplaces and work practices within the state. At sites known to be contaminated, a site safety plan must be prepared to protect workers. The site safety plan establishes policies and
procedures to protect workers and the public from exposure to potential hazards at the contaminated site. Cal-OSHA regulations are generally more stringent than federal OSHA regulations and are detailed in CCR Title 8.

California Department of Transportation Standard Specifications

The Caltrans standard specifications address a wide variety of construction standards and procedures. Sections 14-11.09 and 14-11.11 discuss procedures for handling and disposing of TWW and asbestos-containing materials. Section 7-1.02M(2) lists fire prevention protocols to follow during construction.

City of San Rafael 2020 General Plan Safety Element

The Safety Element is aimed at reducing potential risk of death, injuries, damage to property, and the economic and social dislocation resulting from fire, flood, and geologic hazards, and other public health and safety hazards (City of San Rafael 2013). The following policy is relevant to the proposed project:

- **S-10. Location of Public Improvements.** To minimize threat to human health or any extraordinary construction and monitoring expenses, avoid locating improvements and utilities in areas with dangerous levels of identified hazardous materials. When the location of public improvements and utilities in such areas cannot feasibly be avoided, effective mitigation measures will be implemented.

- **S-13. Potential Hazardous Soils Conditions.** Where development is proposed on sites with known previous contamination, sites filled prior to 1974 or sites that were historically auto service, industrial or other land uses that may have involved hazardous materials, evaluate such sites for the presence of toxic or hazardous materials. The requirements for site-specific investigation are contained in the Geotechnical Review Matrix.

- **S-15. Hazardous Waste Management.** Support measures to responsibly manage hazardous waste consistent with protection of the public health, welfare, safety and the environment. The City of San Rafael supports the Marin County Hazardous Waste Management Plan as adopted by the State, County and Cities within Marin County.

Marin Countywide Plan Socioeconomic Element

The Socioeconomic Element seeks to enhance quality of life for everyone in Marin (Marin County 2007). The following policies are relevant to the proposed project:

- **PS-4.1. Regulate and Reduce Hazardous Material Use.** Control the use and storage of hazardous materials to minimize their presence in, and potential dangers to, the community and environment.

Existing Conditions

Recognized Environmental Concerns

An environmental database search was conducted via State Water Resources Control Board’s Geotracker and Department of Toxic Substances Control’s Envirostor to document hazardous materials handling, storage, or releases in the Project area’s vicinity. No sites were identified during the environmental database search.
Nearby Schools

There are no public or private K–12 schools within 0.25 mile of the project area. The nearest schools to the proposed project area are the Abbey Montessori Preschool, the Marin School High School, and the Phoenix Academy High School. They are located approximately 0.4 to 0.5 miles east of proposed project site on Civic Center Drive.

Nearby Airports

The proposed project area is not located within an airport land use plan area or within 2 miles of a public airport or public use airport. The closest airport is the San Rafael Airport, a private-use single runway airport located approximately 1 mile to the northeast of the proposed project area. The Petaluma Municipal Airport is located approximately 18 miles north of the proposed project site. Oakland International Airport is located approximately 27 miles to the southeast and across the Bay and San Francisco International Airport is located approximately 28 miles to south. There are no private airstrips in the vicinity of the Project.

Wildfire Risk

According to the “Very High Fire Hazards Severity Zones in LRA – Marin County map from the Fire and Resource Assessment Program, California Department of Forestry and Fire Protection (Cal Fire), the proposed project is not located within a High Fire Risk Area (California Department of Fire and Forestry Protection 2008). However, the project is located less than 0.5 miles from an area identified as moderate fire hazard severity zone (Marin County).

Emergency Planning and Hazardous Materials Response

The City of San Rafael Fire Department (SRFD) is responsible for hazardous materials response in the proposed project area. The SRFD’s responsibilities include on-scene management of hazardous-materials incidents such as accidental releases of toxic substances, industrial fires and explosion of petroleum products and other chemicals. The hazmat team includes specialists from the City’s Office of Emergency Services (OES) to provide technical expertise in isolation, identification of chemicals, hazard assessment, containment, mitigation, decontamination and disposal.

The SRFD’s Emergency Management Organization (EMO) is responsible for emergency planning and response in the project area (City of San Rafael 2014a). The EMO’s responsibility is to ensure the City of San Rafael is able to prevent, mitigate, prepare for, respond to, and recover from the effects of natural and human-caused emergencies. The EMO coordinates activities relating to planning, preparation and implementation of the City’s Emergency Plan. The EMO supports emergency response coordination of the City’s Police, Fire and other first responders via the City’s Emergency Management System.

The San Rafael OES assists local governments in their emergency preparedness, response and recovery efforts; serves as the conduit for federal disaster assistance; provides emergency information to the public; and coordinates the statewide mutual aid system. The San Rafael OES, a division of the SRFD serves as the certified unified program agency (CUPA) for the city, enforcing federal, state and local legislation related to hazardous materials and operates the city’s Emergency Management System.
HAZARDS AND HAZARDOUS MATERIALS.

Would the proposed project:

<table>
<thead>
<tr>
<th>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</th>
<th>Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
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</table>

Implementation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. During construction, fuel and small amounts of solvents, paints, oils, grease and caulking would be transported, used, and disposed in compliance with applicable regulations such as the Resource Conservation and Recovery Act (RCRA), Department of Transportation Hazardous Materials Regulations, and the San Rafael Fire Department Office of Emergency Services CUPA regulations. This would minimize hazards to the public and environment. Therefore, this impact would be less-than-significant. Once construction is complete, there would be no further use of hazardous materials or potential exposure associated with the project.

<table>
<thead>
<tr>
<th>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</th>
<th>Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

Implementation of the proposed project is not expected to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. As mentioned under “a", construction-related hazardous materials that could be used and transported include fuel, solvents, paints, oils, grease, and caulking. It is possible that any of these substances could be released during construction activities. However, compliance with federal, state, and local regulations, in combination with construction BMPs implemented from a SWPPP (as required by the Construction General Permit), would ensure that all hazardous materials are used, stored, and disposed properly, which would minimize potential impacts related to a hazardous materials release during the construction phase of the project. No hazardous materials are expected to be used or stored on site during the operational phase of the project. Based on the regulatory requirements, this impact would be less-than-significant.
c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? |
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</table>

There are no public or private K–12 schools within 0.25 mile of the project area. The nearest schools to the proposed project area are the Abbey Montessori Preschool, the Marin School High School, and the Phoenix Academy High School. They are located approximately 0.4 to 0.5 miles east of proposed project site on Civic Center Drive. There would be no impact.

d) | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? |
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<td>Significant Impact</td>
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</tbody>
</table>

The project area is not located on a Superfund or other National Priorities List (NPL) site and, therefore, would not result in a significant hazard to the public or the environment through exposure to such sites. There would be no impact.

e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? |
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The project is not located within an airport land use plan, or within 2 miles of a public airport or public use airport. There would be no impact.
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<th></th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
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</tbody>
</table>

The project is located approximately 1 mile to the southwest of San Rafael Airport, a private-use single runway airport. The project is not changing any new land uses, so no new people residing or working in the project area would be exposed to hazardous materials from the airport. Further, the proposed project would not result in an increase in people residing in or working in the project area, therefore, the impact would be less-than-significant.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | [ ] | [ ] | [X] | [ ] |

The proposed project would not result in a significant increase in traffic nor would the proposed project modify the surrounding roadway network. Further, emergency access would be maintained throughout construction. Since the Project would not alter roadways, would not significantly increase traffic, and would improve emergency access, the proposed project would have a less-than-significant impact on an emergency response or evacuation plan.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | [ ] | [ ] | [ ] | [X] |

Although the proposed project is located less than 0.5 mile from an area identified to have a moderate wildfire risk, the project does not propose to construct structures that would expose people or the structures to risk from wildland fires. Further, the 2007 Marin Countywide Plan contains policies to reduce the likelihood of wildfires and to improve emergency response times when wildfires do occur. Therefore, there is no impact.

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9. HYDROLOGY AND WATER QUALITY

Information in this section is based on the *Marin Civic Center Drive Water Quality Technical Memorandum* (WQ Memo; ICF International 2014g), which also includes additional background information.

**Regulations**

*Clean Water Act*

In 1972 Congress amended the Federal Water Pollution Control Act, making the addition of pollutants to the waters of the United States from any point source unlawful unless the discharge is in compliance with a NPDES permit. Known today as the Clean Water Act (CWA), Congress has amended it several times. In the 1987 amendments, Congress directed dischargers of storm water from municipal and industrial/construction point sources to comply with the NPDES permit scheme. CWA sections applicable to the project are described below.

**Section 303: Impaired Water Bodies (303(d) list) and Total Maximum Daily Loads.**

Under Section 303(d) of the CWA, the State Water Resources Control Board (SWRCB) is required to develop a list of impaired water bodies that do not meet water quality standards (promulgated under the National Toxics Rule [NTR] or the California Toxics Rule [CTR]) after the minimum technology-based effluent limitations have been implemented for point sources. Lists are to be priority ranked for development of a total maximum daily load (TMDL). A TMDL is a calculation of the total maximum amount of a pollutant that a water body can receive on a daily basis and still safely meet water quality standards. The California Regional Water Quality Control Boards (RWQCBs) and EPA are responsible for establishing TMDL waste-load allocations and incorporating improved load allocations into water quality control plans, NPDES permits, and waste discharge requirements (WDRs), described further in State Laws and Requirements, below.

**Section 402: National Pollutant Discharge Elimination System Permits.** Section 402(p) of the CWA was amended in 1987 to require EPA to establish regulations for permitting of municipal and industrial (including active construction sites) stormwater discharges under the NPDES permit program. EPA published final regulations for industrial and municipal stormwater discharges on November 16, 1990. The NPDES program requires all industrial facilities, construction projects and municipalities of a certain size that discharge pollutants into waters of the United States to obtain a permit. Stormwater discharges in California are commonly regulated through general and individual NPDES permits, which are adopted by the SWRCB or RWQCBs and are administered by the RWQCBs.

*Executive Order 11988—Floodplain Management*

Executive Order 11988 requires federal agencies to recognize the value of floodplains and to consider the public benefits of restoring and preserving floodplains. Under this order, the U.S. Army Corps of Engineers (USACE) has the responsibility of reviewing flood protection projects that may affect navigable waters. USACE is required to take action and provide leadership to avoid development in the base floodplain; reduce the risk and hazard associated with floods; minimize the impact of floods on human health, welfare, and safety; and restore and preserve the beneficial and natural values of the base floodplain.
Porter-Cologne Water Quality Control Act

The State of California’s Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) (Porter-Cologne Act) provides the basis for water quality regulation within California. The SWRCB administers water rights, water pollution control, and water quality functions throughout the state, while the RWQCBs conduct planning, permitting, and enforcement activities. The Porter-Cologne Act authorizes the SWRCB to adopt, review, and revise policies for all waters of the state (including both surface and groundwater) and directs the RWQCBs to develop regional Basin Plans. The RWQCBs are required, by law, to develop, adopt, and implement a Basin Plan for the entire region. The principal elements of the Basin Plan are a statement of beneficial water uses that the RWQCBs will protect; water quality objectives needed to protect the designated beneficial water uses; and strategies and time schedules for achieving the water quality objectives. The water quality objectives are achieved primarily through the establishment and enforcement of WDRs.

Construction General Permit. Pursuant to CWA Section 402(p) and as related to the goals of the Porter-Cologne Water Quality Control Act, the SWRCB has issued a statewide NPDES General Permit for Storm Water Discharges Associated with Construction Activity (Order No. 2009-0009-DWQ, NPDES No. CAR000002) (Construction General Permit), adopted September 2, 2009. Every construction project that disturbs 1 or more acres of land surface or that is part of a common plan of development or sale that disturbs more than 1 acre of land surface would require coverage under this Construction General Permit. To obtain coverage under this Construction General Permit, the landowner or other applicable entity must file Permit Registration Documents prior to the commencement of construction activity, which include a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP), and mail the appropriate permit fee to the SWRCB.

Municipal General Permit. CWA Section 402 mandates permits for municipal stormwater discharges, which are regulated under the NPDES General Permit for Municipal Separate Storm Sewer Systems (MS4 Permit). MS4 Permits require that cities and counties develop and implement programs and measures, including BMPs, control techniques, system design and engineering methods, and other measures as appropriate, to reduce the discharge of pollutants in stormwater to the maximum extent possible. As part of permit compliance, these permit holders have created stormwater management plans for their respective locations. These plans outline the requirements for municipal operations, industrial and commercial businesses, construction sites, and planning and land development. These requirements may include multiple measures to control pollutants in stormwater discharge. During implementation of specific projects under the program, project applicants are required to follow the guidance contained in the stormwater management plans as defined by the permit holder in that location.

Marin Countywide Plan

The Marin Countywide Plan of 2007 guides the conservation and development of Marin County. The Plan designates the four distinct corridors that make up Marin County as the Coastal, Inland Rural, City Centered, and Baylands Corridors. The project area is within the City Centered Corridor. Guidelines relevant to this Project can be found in the Natural Systems & Agriculture Element and include:
- Maintain or increase predevelopment infiltration to reduce downstream erosion and flooding
- Maximize groundwater infiltration and minimize surface water runoff, by measures such as restricting wet-weather grading
- Require replanting of vegetation, remediation of erosion, and stream restoration in conjunction with land-use approvals
- Integrate stormwater-pollution prevention designs into all projects

City of San Rafael General Plan 2020 and Municipal Code

The City of San Rafael initiated the General Plan Update process in 2000 and the following public drafts of specific elements of the updated plan are currently available: Land Use, Community Design and Neighborhoods, Circulation and Infrastructure, Housing, Open Space, Parks and Recreation, Conservation, Safety, Noise, Governance and Community Involvement, Economic Vitality, Culture and Arts, and Air and Water Quality.

The General Plan 2020 was adopted by the City in 2004 and addresses the physical development of the City up to 2020. The Air and Water Quality section addresses goals important to this Initial Study including:

- AW-8. Reduce Pollution from Urban Runoff.

Marin County Flood Control District

The Marin County Flood Control and Water Conservation District was formed in 1955 by an Act of the State Legislature found in Chapter 68 of the State Water Code. The Board of Supervisors sits as Board of the District and the District is staffed by the Department of Public Works. The boundaries of the District are contiguous with those of the County of Marin and eight "zones" have been established to address specific watershed flooding problems. Each zone has an "Advisory Board" of 5 or 7 residents, which are appointed by the Board of Supervisors. These Boards review Zone budgets and master plans and advise the Board on these matters.

Marin County Stormwater Pollution Prevention Program (MCSTOPPP)

Formed in 1993, the MCSTOPPP is a joint effort of Marin's cities, towns and unincorporated areas. Their goal is to: (1) prevent stormwater pollution; (2) protect and enhance water quality in Creeks and wetlands; (3) preserve beneficial uses of local waterways; and (4) comply with State and Federal regulations. Performance standards are set forth under the MCSTOPPP Action Plan. This program integrates the State- and Federal-mandated municipal stormwater programs to enhance and preserve wetland and Creek habitat. The MCSTOPPP program establishes performance standards for new development, redevelopment, and construction site controls. The performance standards include water quality protection to the maximum extent practicable. MCSTOPPP has several guidance documents and other resources on stormwater management practices on their website at mcstoppp.org.
Since May 20, 2004, Marin County has had State Water Board’s General Permit coverage for Stormwater Discharges from Small MS4s under Water Quality Order No. 2003-00005-DWQ (Phase II General Permit). MCSTOPPs Action Plan 2010, serves as a stormwater management plan per the County’s Phase II General Permit requirements.

**Existing Conditions**

**Surface Water Hydrology**

The project area is located in the tidally-influenced portion of the Las Gallinas Creek Watershed between the Miller and San Rafael watersheds (Marin County Watershed Program 2014). The basin has two main drainage areas: the North and South Forks. The project area is located within the South Fork drainage area.

Two tributaries to the south fork of Las Gallinas Creek slough channel bisect the project area. Although the South Fork of Las Gallinas Creek and its receiving tidal marsh have been highly altered from their original states, they continue to support a unique and rich diversity of plants and wildlife. The tributaries that drain the southern portion of the Las Gallinas watershed have been realigned and their banks heavily armored.

There is an approximately 11-acre human-made freshwater pond adjacent to the project area that is part of Lagoon Park on the Civic Center Campus.

Stormwater is collected via pipes and discharged into Las Gallinas Creek via a series of five pump stations. An existing concrete v-ditch collects stormwater along Civic Center Drive and discharges stormwater into the section of Las Gallinas Creek that flows parallel to McInnis Parkway.

**Groundwater Hydrology**

The project area is located within the San Rafael Valley Groundwater Basin. It is bounded to the east by San Rafael Bay, which lies between San Pablo Bay to the north and San Francisco Bay to the south. The basin boundaries approximate the contact between the artificial fill (predominantly) and alluvium (minor) in the basin and the surrounding bedrock. Not enough data exists presently to provide either an estimate of the San Rafael Valley basin’s groundwater budget or the groundwater extraction from the basin. No published information was found that would indicate groundwater level trends for the San Rafael Valley groundwater basin.

**Water Quality**

**Surface Water.** Beneficial uses represent the services and qualities of a water body (i.e., the reasons the water body is considered valuable). The San Francisco Bay Basin Plan identifies the following existing designated beneficial uses for Las Gallinas Creek (California Regional Water Quality Control Board 2007).

- Coldwater freshwater habitat (COLD).
- Preservation of rare and endangered species (RARE).
- Warm freshwater habitat (WARM).
- Wildlife habitat (WILD).
- Noncontact water recreation (REC-2).

Table 10 shows waters with potential to be affected by the project that have been listed by the State Water Resources Control Board and U.S. Environmental Protection Agency as impaired on the Clean Water Act 303(d) list.

### Table 10. Water Quality Impairments in Project Vicinity

<table>
<thead>
<tr>
<th>Water Body</th>
<th>303(d) Listed Impairments</th>
<th>Potential Sources</th>
<th>EPA TMDL Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Las Gallinas Creek (near the confluence of the two forks and the Gallinas Marsh)</td>
<td>Diazinon</td>
<td>Urban Runoff/Storm Sewers</td>
<td>2007</td>
</tr>
<tr>
<td></td>
<td>Chlordane</td>
<td>Nonpoint Source</td>
<td>2013</td>
</tr>
<tr>
<td></td>
<td>DDT (Dichlorodiphenyltrichloroethane)</td>
<td>Nonpoint Source</td>
<td>2013</td>
</tr>
<tr>
<td></td>
<td>Dieldrin</td>
<td>Nonpoint Source</td>
<td>2013</td>
</tr>
<tr>
<td></td>
<td>Dioxin compounds (including 2,3,7,8-TCDD)</td>
<td>Atmospheric Deposition</td>
<td>Est. 2019</td>
</tr>
<tr>
<td></td>
<td>Furan Compounds</td>
<td>Atmospheric Deposition</td>
<td>Est. 2019</td>
</tr>
<tr>
<td></td>
<td>Invasive Species</td>
<td>Ballast Water</td>
<td>Est. 2019</td>
</tr>
<tr>
<td>San Pablo Bay</td>
<td>Mercury</td>
<td>Atmospheric Deposition, Municipal Point Sources, Natural Sources, Nonpoint Source, Resource Extraction</td>
<td>2008</td>
</tr>
<tr>
<td></td>
<td>PCBs (Polychlorinated biphenyls)</td>
<td>Unknown Nonpoint Source</td>
<td>2008</td>
</tr>
<tr>
<td></td>
<td>PCBs (Polychlorinated biphenyls) (dioxin-like)</td>
<td>Unknown Nonpoint Source</td>
<td>2008</td>
</tr>
<tr>
<td></td>
<td>Selenium</td>
<td>Exotic Species, Industrial Point Sources, Natural Sources</td>
<td>2010</td>
</tr>
</tbody>
</table>

Source: State Water Resources Control Board 2011.

**Groundwater.** The San Rafael Valley groundwater basin has the following designated potential beneficial uses (California Regional Water Quality Control Board 2007):

- Municipal and domestic supply (MUN).
- Industrial process supply (PROC).
- Industrial service supply (IND).
- Agricultural supply (AGR).

Little is known about the quality of groundwater in the San Rafael Valley groundwater basin. However, limited published information suggests that sea water intrusion may be a problem within the basin (California Department of Water Resources 2004).
Flooding

The project area is not within a Federal Emergency Management Agency (FEMA) 100-year flood zone, but Avenue of the Flags and McInnis Parkway lie immediately adjacent to the FEMA 100-year flood zones (Flood Zone AE) surrounding the South Fork of Las Gallinas Creek slough channel and the freshwater pond at Lagoon Park. The project area is located within the 500-year flood zone (Flood Zone X), which occurs just outside the banks of Las Gallinas Creek and Lagoon Pond.

Tidally influenced inundation is not expected to extend past the banks of the South Fork Las Gallinas Creek slough channel, as the tidal influence is not as strong adjacent to the Civic Center as downstream in Santa Venetia. The South Fork Las Gallinas Creek slough channel is regularly dredged, which provides additional storage in the event of heavy rainfall (Kamman Hydrology & Engineering, Inc. 2004).

There are no levees within the project area. However, a system of levees and pump stations has been constructed to reduce the area’s flood risk in Santa Venetia. The County is currently reviewing the integrity of the levee system. The extent of inundation due to potential levee failure is unknown. In addition, there are no dams located immediately upstream of the project area; therefore, the project area is not located within a dam inundation area.

HYDROLOGY AND WATER QUALITY. Would the proposed project:

<table>
<thead>
<tr>
<th>a) Violate any water quality standards or waste discharge requirements?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

Construction

Construction of the proposed project would require temporary disturbance of surface soils, which could introduce soil and other contaminants into the Las Gallinas Creek watershed via storm drains or surface drainages. Hazardous materials, such as paints, solvents, cleaning agents, and metals used during construction could also enter Las Gallinas Creek watershed via storm drains or surface drainages. Stormwater runoff within the work access area also has the potential to contaminate the groundwater through soil infiltration. Construction is expected to disturb approximately 2.8 acres of land; therefore, a Construction General Permit would be required.

As required by the Construction General Permit, a stormwater pollution prevention plan would be prepared and implemented. The project would also be required to obtain a grading permit from the County, which would further ensure the implementation of BMPs related to water quality. With implementation of the applicable grading permit requirements and the construction stormwater pollution prevention plan, the project would not violate any water quality standards or waste discharge requirements. Accordingly, impacts on water quality from construction activities would be less than significant.
Operation

Project operation may introduce pollutants, such as trash, oil and grease from parking lots, and pesticides and fertilizers from landscaped areas. The project would be required to comply with the MCSTOPPP requirements, which require that post-construction treatment control BMPs incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, to mitigate (infiltrate, filter or treat) storm water runoff. Therefore, the proposed project is not expected to violate any water quality standards or waste discharge requirements, and the impact would be less than significant.

Construction

Temporary dewatering could be required during construction activities, such as dewatering groundwater during excavation for utility work. Minor excavation of less than 2 feet is expected to occur to add new paving, planters, and concrete improvements on roughly 2.1 acres of the project area. In addition, trenching to a maximum excavation depth of 6 feet would be required for approximately 0.2 acre for new pipelines such as storm drains, bioswale underdrains, irrigation, fiber optic conduit, and lighting conduit. However, 2–6 feet of depth is very shallow, and it is not likely that groundwater will be encountered during project construction. If dewatering is required, it would occur on a one-time basis during construction and would not result in a loss of quantities of water that would deplete groundwater supplies. Accordingly, impacts would be less than significant.

Operation

No excavation would occur during project operation. Therefore, no dewatering would be necessary, and the project would not impact an aquifer by cuts or excavation. Furthermore, no groundwater wells are proposed for the project.

The ability for groundwater recharge may be affected during and post-paving activities with 0.9 acre of new impervious area. However, new stormwater treatment areas would be created as part of the project to compensate for this potential loss of recharge. Accordingly, impacts would be less-than-significant.
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

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<th>Significant Impact</th>
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<th>Less Than Significant Impact</th>
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Construction

Construction activities such as grading, vegetation removal, and establishing construction staging areas could temporarily alter existing drainage patterns and redirect stormwater runoff. In addition, new storm drain pipelines would be constructed to tie into the Las Gallinas Creek culvert. However, these potential impacts are expected to be temporary, and erosion control plans would be prepared with subsequent submittals and at a minimum would include provisions for drainage inlet protection, silt fence, and fiber rolls. Accordingly, this impact would be less than significant.

Operation

The project would result in an increase in 0.9 acre of impervious surface area at the project site. The proposed landscape buffers, changes to drainage and gutters, and introduction of new landscaping would reduce the potential adverse effects of altering the existing drainage patterns and potentially improve the water quality of stormwater runoff discharge in Las Gallinas Creek. Increased landscaping is intended to decrease the velocity of stormwater runoff, thus decreasing the volume of pollutant-laden sediment transported by runoff to the creek. Site drainage systems would tie into Las Gallinas Creek culvert (most drainage would be treated first). Other than adding tie-in points for this culvert, no other culverts would be affected. The project generally would result in a mild raising of grades; however, drainage patterns would roughly match existing patterns at the site. Accordingly, this impact would be less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

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Construction
As previously described, the project area is not within a FEMA 100-year flood zone. However, the project area is within the 500-year Flood Zone (Flood Zone X), which occurs outside the banks of Las Gallinas Creek and Lagoon Pond and lies near the FEMA 100-year Flood Zones (Flood Zone AE) along the South Fork Las Gallinas Creek slough channel and the freshwater pond at Lagoon Park. No stream or river would be altered as part of the project. New storm drains will be constructed with new tie-in points to the culvert leading to Las Gallinas Creek. However, construction activities would not occur during a rain event, and this work would be temporary and not obstruct natural onsite drainage patterns. In addition, the project would implement construction stormwater BMPs to reduce potential impacts related to hydrology and drainage during construction. Accordingly, this impact would be less than significant.

Operation
The project would create a minimal amount of new impervious area (0.9 acre), which would increase the volume and rate of stormwater runoff during a storm event. In addition, new storm drains would be installed as part of the project. However, new stormwater treatment areas would be designed with the intention of offsetting this increase by allowing it to infiltrate the soil and reducing the potential for flooding or ponding of water during a heavy rain event. Accordingly, this impact would be less than significant.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

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<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
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Construction
As stated under “d”, the project includes: modifications to the existing drainage system, including trenching, excavation, bedding, backfill, drainage structures, and pipe. However, construction activities would not occur during a rain event, and this work would be temporary and not obstruct natural onsite drainage patterns. In addition, the project would be in compliance with the Construction General Permit and local stormwater ordinances, which requires the development of a list of BMPs the discharger will use to protect storm water runoff, a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Accordingly, this impact would be less than significant.

Operation
As stated under “d”, the project would create a minimal amount of new impervious area (0.9 acre), which would increase the volume and rate of stormwater runoff during a storm event. New storm drains would be installed as part of the project. However, new stormwater treatment areas would be designed with the intention of offsetting this
increase by allowing for it to infiltrate into the soil and reducing the potential for flooding or ponding of water during a heavy rain event. In addition, the project would be in compliance with MCSTOPPP requirements, local stormwater ordinances, and any other relevant stormwater requirements during operation. Accordingly, this impact would be less than significant.

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<th>f)</th>
<th>Otherwise substantially degrade water quality?</th>
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<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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As described above, potential water quality impacts are determined to be less-than-significant. The analysis did not identify other potential impacts to water quality.

<table>
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<th>g)</th>
<th>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</th>
<th>Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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The project area is not within a FEMA 100-year flood zone, and no housing would be developed as part of the project. Therefore there would be no impact.

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<th>h)</th>
<th>Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</th>
<th>Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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Construction

The project area is not within a FEMA 100-year flood zone. There would be no new structures built as part of the project except for new conduit and poles, which would cover minimal area and not result in an obstruction of natural drainage flows onsite. Accordingly, there would be no impact.

<table>
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<th>i)</th>
<th>Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</th>
<th>Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>
The project area is not within a FEMA 100-year flood zone. However, the project area is within the 500-year flood zone (Flood Zone X), which occurs outside the banks of Las Gallinas Creek and Lagoon Pond and lies near the FEMA 100-year Flood Zones (Flood Zone AE) along the South Fork Las Gallinas Creek slough channel and the freshwater pond at Lagoon Park. Accordingly, the potential for flooding is low.

There are no levees within the project area. However, a system of levees and pump stations has been constructed to reduce the area’s flood risk in Santa Venetia. The potential for levee failure is low. In addition, there are no dams located immediately upstream of the project area; therefore, the project area is not located within a dam inundation area.

Further, the project does not include structures that would expose people or structure to a significant injury or loss due to flooding. Therefore, the impact would be less-than-significant.

<table>
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<th>Inundation by seiche, tsunami, or mudflow</th>
<th>Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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A seiche is a standing wave in an enclosed or partially enclosed body of water, such as a lake. There are no lakes located within or near the project site. Lands adjacent to the San Pablo Bay may be at risk due to inundation from a Pacific tsunami. However, the project site is not located within a tsunami inundation area (Association of Bay Area Governments 2014). In addition, the project site is not located within a debris source flow area and therefore not susceptible to risks of mudflows (Association of Bay Area Governments 2014). Accordingly, the proposed project would result in no impact.
10. LAND USE AND PLANNING

Regulations

There are no federal or state laws or regulations that are relevant to the proposed project and land use.

The following planning documents guide land use planning in the proposed project area. No habitat conservation plans or natural community conservation plans are applicable to the proposed project.

City of San Rafael 2020 General Plan Land Use Element

The Land Use Element serves to establish development patterns and densities that support the Circulation Element’s strategies of reducing reliance on vehicles, accommodating increased traffic from planned development, and promoting a variety of mixed-uses and activities in the Downtown and other commercial areas (City of San Rafael 2013). The following policy is relevant to the proposed project:

- LU-1. Planning Area and Growth to 2020. Plan the circulation system and infrastructure to provide capacity for the total development expected by 2020.

City if San Rafael 2020 General Plan Neighborhoods Element

The Neighborhoods Element serves to encourage safe neighborhoods, excellent schools, diverse and well-maintained housing, friendly streets, investment in desired changes, convenient access to goods and services, and protection of natural resources (City of San Rafael 2013). The following policy is relevant to the proposed project:

- NH-88. Sonoma Marin Area Rail Transit (SMART) Station.
  - NH-88b. Safe Walkways and Bikeways. Encourage the provision of lighting and sidewalks to ensure safe and attractive walkways and bikeways from the transit center, on both sides of Civic Center Drive, to the Northgate area.

City of San Rafael 2020 General Plan Circulation Element

The Circulation Element serves to ensure that the transportation network—including roads, transit, and bicycle and pedestrian facilities are designed to accommodate the City into the future (City of San Rafael 2013). The following policies are relevant to the proposed project:


- C-5. Traffic Level of Service Standards.
  - A. Intersection LOS. In order to ensure an effective roadway network, maintain adequate traffic levels of service (LOS) consistent with standards for signalized intersection in the A.M. and P.M. peak hours.

- C-9. Access for Emergency Services. Provide safe routes for emergency vehicle access so that the emergency services can be delivered when Highway 101 or 580 are closed or congested with traffic.
- **C-10. Alternative Transportation Mode Projects.** Encourage and support projects that benefit alternatives to the single occupant automobile.

- **C-11. Alternative Transportation Mode Users.** Encourage and promote individuals to use alternative modes of transportation, such as regional and local transit, carpooling, bicycling, walking, and use of low-impact alternative vehicles.

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

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

- **C-20. Intermodal Transit Hubs.** Support efforts to develop intermodal transit hubs in Downtown and at the Civic Center to provide convenient and safe connections and support for bus, rail, shuttle, bicycle, and pedestrian users, as well as automobile drivers using transit services.

- **C-26. Bicycle Plan Implementation.** Make bicycling and walking an integral part of daily life in San Rafael by implementing the San Rafael Bicycle and Pedestrian Master Plan.

- **C-27. Pedestrian Plan Implementation.** Promote walking as the transportation mode of choice for short trips by implementing the pedestrian element of the City’s Bicycle and Pedestrian Master Plan.

*City of San Rafael Bicycle/Pedestrian Plan*

The City’s Bicycle/Pedestrian Plan (City of San Rafael 2001) proposes a continuous network of bikeways for travel within San Rafael and to surrounding communities. The following goals are relevant to the proposed project:

- **Goal 1. Bicycle Transportation.** Make the bicycle an integral part of daily life in San Rafael, particularly for trips of less than five miles, by implementing and maintaining a bikeway network, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer.

- **Goal 2. Pedestrian Transportation.** Encourage walking as a daily form of transportation in San Rafael by completing a pedestrian network that accommodates short trips and transit, improves the quality of the pedestrian environment, and increases pedestrian safety and convenience.

- **Goal 3. Model Community.** Make San Rafael a model community for alternative transportation. Aim for a 20 percent mode share of all utilitarian trips to be made by bicycling and walking by the year 2020.

*San Rafael Civic Center Station Area Plan*

The Civic Center Station Area Plan (Fehr & Peers 2012) serves to identify a community vision for the area around the future Civic Center SMART station in North San Rafael. The following recommendations are relevant to the proposed project:
• Provide “Complete Streets” treatments, such as wider sidewalks, improved bicycle facilities, calmed traffic, and improved streetscaping on all streets within the Study Area.

• Complete the Promenade from Las Gallinas Avenue to North San Pedro Road, along Merrydale Road, the SMART Multi-use Pathway and Civic Center Drive.

• Complete the sidewalk network, including portions of Civic Center Drive, North San Pedro Road, and Los Ranchitos Road, such that all streets have adequate facilities on both sides of the street.

• Complete the Citywide Bicycle Network, as identified in the San Rafael Bicycle and Pedestrian Master Plan.

Marin County Civic Center Master Design Guidelines, Section 3.3 Site Circulation and Parking Capacity

The Master Design Guidelines were created to provide a framework for future development that recognizes the need to maintain the visual prominence of Frank Lloyd Wright’s Civic Center buildings within a setting that engenders an overall sense of openness (Royston, Hanamoto, Alley & Abey 2005). The following guidelines are relevant to the proposed project:

• Sidewalks along primary and secondary streets are preferred site-wide in order to strengthen connections between buildings and recreational features on the site. Signage and nighttime lighting should also be included. Sidewalks will improve overall pedestrian safety and access to alternative parking lots for events.

• Pedestrian access to the undeveloped area in the northeast corner of the site is encouraged. Paths should be adequately signed for wayfinding and formalized to the degree necessary to protect sensitive habitats. Habitat control fences will be necessary to protect sensitive wetland areas. Paths should typically be approximately 4 - 6’ wide.

• Civic Center Drive and other primary streets should have striped bike lanes and should meet all City, County and State standards.

• Bicycle access via bike paths or multi-use paths throughout the open space areas is encouraged. Care should be taken in designing these paths to avoid user conflicts and safety problems.

• The County is committed to enhancing public and alternative modes of transportation to and from the Civic Center. Future transportation planning efforts should emphasize options other than the use of private vehicles.

• Coordination with and support of the SMART project and station at the Civic Center is encouraged.

• The northbound, southbound and eastbound approaches to Civic Center Drive/Peter Behr Drive should be re-striped to include separate left-turn lanes and through/right-turn lanes and the intersection should be signalized as part of the development of the new Court Facilities.
**Marin Countywide Plan Built Environment Element**

The Built Environment Element provides guidance in identifying many land use issues, constraints, and opportunities, and in addressing the numerous needs, perspectives, and desires within the County (Marin County 2007). The following policies are relevant to the proposed project:

- **DES-5.1. Achieve Streetscape Compatibility.** Ensure that roadways, parking areas, and pedestrian and bike movement are functionally and aesthetically appropriate to the areas they serve.

- **TR-2.1. Improve the Bicycle and Pedestrian Network.** Promote adequate bicycle and pedestrian links, to the extent feasible, throughout the county, including streetscape improvements and standards that are safe and pedestrian and bicycle friendly.

**Existing Conditions**

The proposed project site is zoned Civic/Institutional and Transportation (Fehr & Peers 2013a).

Land uses surrounding the project area are mostly Marin County municipal government buildings and commercial uses. The Novato Community Hospital is approximately 200 feet from the intersection of Merrydale Road and Civic Center Drive, the northern limit of the project site on Civic Center Drive. Single-family residences on Vista Marin Drive are located approximately 500 feet northeast of Civic Center Drive and approximately 800 feet southwest of Civic Center Drive, across US-101. Recreational uses near the project area include Lagoon Park, the Marin Center Fairgrounds, Marin County Civic Center, and the Marin Veterans Memorial Auditorium. The recreational area closest to the project site (Lagoon Park) is directly adjacent Civic Center Drive, where construction activity would occur.

**LAND USE AND PLANNING. Would the proposed project:**

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<th>a) Physically divide an established community?</th>
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The project proposes to improve pedestrian and bicycle access within the project area, which would serve to connect the community. Accordingly, there would be no impact.
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

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The proposed project would improve pedestrian and bicycle access to an existing urban area and would result in no land use changes. The proposed project is consistent with the San Rafael 2020 General Plan Neighborhoods Element (NH-88) in that the General Plan supports construction of the Civic Center SMART station, encouraging “a plan that provides higher density housing, bus transit connections, a parking lot, and incorporates pedestrian facilities and bicycle access (including bicycle storage facilities) consistent with the San Rafael Bike and Pedestrian Master Plan.” The Neighborhoods Element (NH-105) also encourages use of the unused portions of the SMART right-of-way “to facilitate desired redevelopment of adjacent parcels and an easement for the North-South bikeway” (City of San Rafael 2013).

The proposed project is also consistent with the Civic Center Master Design Guidelines specifically regarding bicycle and pedestrian access. The guidelines section on Site Circulation and Parking Capacity outlines an approach to enhance pedestrian and bicycle accessibility to the MCCC (Royston, Hanamoto, Alley & Abey 2005). Elements of this approach include: continuous sidewalks, pedestrian access to the undeveloped northeast corner of the site, and striped bicycle lanes.

The project area is also covered under the San Rafael Civic Center Station Area Plan (Fehr and Peers 2012). The proposed project is consistent with this plan in that the plan’s ultimate goal is supporting ridership on the SMART system, as well as encouraging travel within the Study Area by foot, bicycle, and transit.

The proposed project implements the intent of local plans, which is considered beneficial. There would be no impact.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? contracts?

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The majority of the proposed project site is currently developed. No applicable habitat conservation plans or natural conservation plans were identified that cover the proposed project area. Therefore, there would be no impact.
11. MINERAL RESOURCES

Regulations

The *Surface Mining and Reclamation Act of 1975* is the state legislation that protects mineral resource zones (MRZs). Part of the purpose of the act is to classify mineral resources in the state and to transmit the information to local governments, which regulate land use in each region of the state. Local governments are responsible for designating lands that contain regionally significant mineral resources in local general plans to assure resource conservation in areas of intensive competing land uses. The law has resulted in the preparation of Mineral Land Classification Maps delineating MRZs 1 through 4 for aggregate resources (sand, gravel, and stone).

Existing Conditions

The Project site is not delineated as a locally important mineral resource or an important mineral recovery site in the Marin County General Plan or the San Rafael General Plan.

MINERAL RESOURCES. *Would the proposed project result in:*

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<th>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</th>
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There are no known mineral resources at the proposed project site, as indicated by the Marin County General Plan. The proposed project site is not delineated as a locally important mineral resource by the California Geological Survey or on any County land use plan. Further, the project does not require the use of mineral resources. Therefore, the proposed project would have no impact on known mineral resources.

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<th>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</th>
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<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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As stated above, the propose project site is not delineated as a locally important mineral resource site by the County, and the project does not require the use of any locally important minerals. As such, the proposed project would result in no impact.
12. NOISE

Information in this section is based on the *Marin Civic Center Drive Improvements—Noise Memorandum* (Noise Memo; ICF International 2014h) and the *Marin Civic Center Drive Improvements Project: California Black Rail and California Clapper Rail Project Construction Impact Analysis* (Construction Impact Analysis; ICF International 2014a), which both include additional background information.

**Regulations**

*Caltrans Standard Specifications*

Construction noise on projects that are subject to review and approval Caltrans is regulated by Caltrans Standard Specifications Section 14-8.02, Noise Control, which states the following:

- Do not exceed 86 dBA at 50 feet from the job site activities from 9:00 p.m. to 6:00 a.m.
- Equip an internal combustion engine with the manufacturer-recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.

*Marin County Municipal Code*

Chapter 6.70 of the Marin County Municipal Code contains a number of ordinances pertaining to loud and unnecessary noises. Section 6.70.030 (5), which discusses construction activities and related noise, outlines the following ordinances:

a. Hours for construction activities and other work undertaken in connection with building, plumbing, electrical, and other permits issued by the community development agency shall be limited to the following:
   i. Monday through Friday: seven a.m. to six p.m.
   ii. Saturday: 9 am to 5 pm

b. Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at a construction site for permits administered by the community development agency from eight a.m. to five p.m. Monday through Friday only.

c. Special exceptions to these limitations may occur for:
   i. Emergency work as defined in Section 22.130.030 of this code provided written notice is given to the community development director within forty-eight hours of commencing work;
   ii. Construction projects of city, county, state, other public agency, or other public utility;
   iii. When written permission of the community development director has been obtained, for showing of sufficient cause;
iv. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal/no noise impacts on surrounding properties;

v. Modifications required by the review authority as a discretionary permit condition of approval.

The proposed project construction would be subject to the construction hours and permit requirements under items a and b above. However, as outlined in c. ii above, the project may be exempted from those limitations because it is a County project.

Existing Conditions

Noise-sensitive land uses denote locations where the presence of unwanted noise could adversely affect the use of the land. Noise-sensitive land uses typically include residences, schools, hospitals, and churches. Recreational areas where quiet is an important part of the environment can also be considered sensitive to noise.

Land uses surrounding the project area are mostly Marin County municipal government buildings and commercial uses. The Novato Community Hospital is approximately 200 feet from the intersection of Merrydale Road and Civic Center Drive, the northern limit of the project site on Civic Center Drive. There is a cemetery approximately 300 feet west of Civic Center Drive on the western side of US-101. Single family residences on Vista Marin Drive are located approximately 500 feet northeast of Civic Center Drive and approximately 800 feet southwest of Civic Center Drive, across US-101. Recreational uses near the project area include Lagoon Park, the Marin Center Fairgrounds, Marin County Civic Center, and the Marin Veterans Memorial Auditorium. The recreational area closest to the project site (Lagoon Park) is directly adjacent Civic Center Drive, where construction activity would occur.

The existing noise environment in the project area is governed primarily by vehicular traffic traveling on US-101, which is adjacent to the project area. ICF International (ICF) conducted ambient noise monitoring in the project area over several days beginning on November 4, 2014. Existing daytime noise levels are in the range of about 55 to 65 A-weighted decibels (dBA) depending on the time of day and the proximity to US-101.

NOISE. Would the proposed project result in:

<table>
<thead>
<tr>
<th>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
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As discussed below for item c, the proposed project would result in short-term construction noise (10 months). A reasonable worst-case assumption is that
construction noise would be about 87 dBA at 50 feet if the three loudest pieces of equipment were to operate simultaneously.

Nearby noise sensitive land uses include Lagoon Park, which is located adjacent to the proposed project. However, the existing ambient noise environment is dominated by traffic noise on US-101. As discussed in the Noise Memo (ICF International 2014h), noise levels are typically in the range of about 55 to 65 dBA in the project area. Thus, noise generated by project construction would be less noticeable to people at Lagoon Park than to sensitive land uses in a quieter area because of the existing noisy conditions in the project area.

Additionally, Project construction would be conducted in accordance with Caltrans Standard Specifications Section 14-8.02, and time limits specified in the Marin County Code, as described above in Existing Conditions.

The *Marin Countywide Plan* and Marin Municipal Code do not have specific construction noise standards. Complying with the Caltrans specifications would be consistent with the overall intent of the countywide plan and municipal code of preventing or reducing substantial noise impacts on the community to a level of less-than-significant.

### b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

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Construction of the project may result in some minor ground vibration. Vibration from construction activity is typically below the threshold of perception when the activity is more than 50 feet from the receiver. The closest receiver is Lagoon Park, which is adjacent to the project. However, the park is 10 acres in size, so any impact from vibration would be easily avoidable by recreationists of the park since the vast majority of the park is more than 50 feet away from the project site.

Any vibration impacts resulting from the project would be short-term and would end when construction is completed. In addition, construction would not require high-impact activities, such as pile driving or blasting. Because construction activity would not involve high-impact activities and is short-term in nature, there would be no exposure of persons to excessive groundborne vibration or groundborne noise levels. Therefore, the impact would be less than significant.

### c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

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After construction is completed, the ambient noise levels are not expected to change compared to the ambient levels that occurred prior to project construction. The reconfiguration of Marin Civic Center Drive would not result in a change in traffic volumes (Fehr & Peers 2013). Thus, vehicle noise would not be affected. Because the
The project would not add any new land uses, the operational phase of the proposed project would not result in any permanent increases in ambient noise levels. There would be no impact.

<table>
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<tr>
<th>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</th>
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The proposed project would generate temporary noise during the construction period from the use of heavy-duty construction equipment. Typical construction equipment that may be used to construct the proposed project, and the corresponding noise levels, are shown in Table 3 of the Noise Memo (ICF International 2014h). Additionally, a Construction Impact Analysis (ICF International 2014a) was conducted to determine potential noise effects on biological resources. Noise meters were installed at the project site for four consecutive days in November 2014 to record ambient noise levels. Noise generated during construction was projected using a construction equipment list developed by the project engineers and analysis methods recommended by the Federal Highway Administration (2006). The cumulative sound level of each construction activity was calculated for varying distances (50 to 1,400 feet) from the anticipated source of construction noise. Refer to Section 4, Biological Resources, for further discussion on the potential noise impacts identified in the Community Impact Analysis.

Although construction activity would result in temporary, short-term increases in the ambient noise level, the potential increase in noise is not considered to be substantial because construction would be short-term and intermittent and would be conducted in accordance with Caltrans Standard Specifications Section 14-8.02. In addition, construction noise would cease upon completion of the project. This impact is less-than-significant.

<table>
<thead>
<tr>
<th>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</th>
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<tr>
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The project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. Therefore, there would be no impact.
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

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The project is located approximately 1 mile to the southwest of San Rafael Airport, a private-use single runway airport. The proximity of this airport to the project area would not result in noise impacts for two reasons. The project is not changing existing land uses, and therefore would not result in new people residing or working in the project area. The ambient noise environment in the project area is characterized by vehicle noise from US-101, so aircraft noise is not the dominant noise source in the area. For these reasons, the project would not expose people residing or working in the project area to excessive noise levels, and there would be no impact.
13. POPULATION AND HOUSING

Regulations

City of San Rafael 2020 General Plan Housing Element

The Housing Element serves to preserve existing housing and encourage new housing (City of San Rafael 2013). The following policy is relevant to the proposed project:

H-22. Infill Near Transit. Encourage higher densities on sites adjacent to a transit hub, such as the San Rafael Transportation Center and the Downtown and Civic Center SMART stations, and along major bus corridors.

Existing Conditions

There are no residents or residential units within the project area. The closest residential units are located across US-101 from the proposed project on Merrydale Drive. This is approximately 550 feet southwest of the proposed staging area in the unpaved County-owned lot.

As of 2010, the population of San Rafael was 57,713 (U.S. Census Bureau 2010). By 2020, the City’s population is expected to grow to 68,700 residents, an increase of approximately 19% (City of San Rafael 2014b).

According to the U.S. Census, there are approximately 24,011 housing units in San Rafael. Of the total housing units, approximately 94.8% (22,764 units) are occupied and 5.2% (1,247 units) are unoccupied (U.S. Census Bureau 2010).

The Association of Bay Area Government’s Regional Housing Need Plan for the San Francisco Bay Area: 2014–2022 states that San Rafael must add a total of 1,007 new housing units between 2014 and 2022 (City of San Rafael, Housing Needs Allocation [City of San Rafael 2014b]).

POPULATION AND HOUSING.

Would the proposed project:

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<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
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</table>

The proposed project does not propose any new housing or businesses that could directly induce population growth in the area.

The proposed project would not induce substantial growth in an area either directly or indirectly. The proposed project includes roadway improvements and pedestrian and
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

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The proposed project includes roadway improvements within ROW currently owned by the City of San Rafael or the County of Marin and designated as Civic/Industrial or Transportation land uses. The project would not displace any housing. Therefore, the project would have no impact.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

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As described above, the proposed project would not displace housing or people, necessitating the construction of housing elsewhere. Therefore, the project would have no impact.
14. PUBLIC SERVICES

Regulations

City of San Rafael 2020 General Plan Safety Element

The City of San Rafael General Plan Safety Element (City of San Rafael 2013) sets forth policy and goals associated with safety. The City’s Safety Element goals promote preparedness to respond to and recover from disasters and emergencies, and reducing the city’s rate of violent crime.

Existing Conditions

Fire Protection

The San Rafael Fire Department (SRFD) is the agency responsible for preventing and suppressing fires in San Rafael. The SRFD employs approximately 75 firefighting and emergency medical field personnel. Daily staffing at the city’s seven fire stations totals 23 personnel daily. SRFD’s fleet of equipment includes six type-1 engines, one type-3 engine two aerial ladder trucks, one air unit, and one hose tender.

Two fire stations are within a 1.5-mile radius of the proposed project area. The SRFD station no. 57 is located at 3530 Civic Center Drive, San Rafael, approximately 0.10 miles east of the project. SRFD station no. 53 is located approximately 1.33 miles northwest of the project area at 30 Joseph Court, San Rafael. The project area is not within a designated very high fire hazard severity zone as designated by the California Department of Forestry and Fire Protection (California Department of Forestry and Fire Protection 2008).

Police Protection

The San Rafael Police Department patrols an area of 22 square miles, consisting of 17 square miles of land, 5 square miles of water and tidelands, 176 miles of streets, 23,398 housing units, 26 educational facilities, and 19 parks equaling 141 acres.

The San Rafael Police Department has one police station located at 1400 Fifth Avenue, San Rafael. The department also operates a sub-station at the Northgate Mall.

The San Rafael Police Department has a staff of 65 sworn and 24 non-sworn employees. Patrol is the largest division led by a Captain and includes the Traffic Unit, SWAT team, and Foot-beat.

Schools

San Rafael City Schools and the Dixie School District are responsible for providing public education for grades K–12 in the City of San Rafael. There are five public or private schools within a 0.5 mile radius of the project area. These five schools are Venetia Valley School located approximately 0.5 miles northeast of the project area, the Marin School located 0.4 miles east of the project area, Brandeis Hillel Day School located approximately 0.5 miles east of the project area, Phoenix Academy located approximately 0.4 miles east of the project area, and Abbey Montessori School located approximately 0.3 miles east of the project area.
Parks

San Rafael Community Services manages the City’s parks and community centers.

The closest park to the project area is Lagoon Park, which is located adjacent to the project area on the north side of Civic Center Drive, between Peter Behr Drive and Armory Drive. Lagoon Park is a 10-acre park operated by Marin County. The park surrounds an artificial lagoon and is a popular destination for walking, picnicking, model boating, wildlife viewing, and relaxing. The regional Bay Trail extends along Mandela Parkway. The only other park in the vicinity is a dog park, funded by private donations, located southeast of the project site along Civic Center Drive, across from Judge Haley Drive.

Other Public Facilities

A portion of the existing Bay Trail is within a 0.05-mile radius of the project and is approximately 2,000 feet long, extending northeast from Civic Center Drive north of McInnis Parkway. The Bay Trail provides recreational opportunities for outdoor enthusiasts, including hikers, joggers, bicyclists and skaters. It also offers a setting for wildlife viewing and environmental education.

The Marin County Civic Center functions as a community center and a library is located on the fourth floor of the Civic Center in the Administration Building.

PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?  

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It is anticipated that construction would take about 10 months from fall 2015 to summer 2016. Access through the project area would remain open during construction. The County’s SSSPs for maintaining traffic during construction would be implemented. A traffic plan would require emergency service providers to be notified prior to any
construction work to ensure that construction activities do not disrupt local access routes and emergency services. This impact would be less-than-significant.

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<tr>
<th>b) Police protection?</th>
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It is anticipated that construction would take about 10 months from fall 2015 to summer 2016. Access through the project area would remain open during construction. The County’s SSSPs for maintaining traffic during construction would be implemented. A traffic plan would require emergency service providers to be notified prior to any construction work to ensure that construction activities do not disrupt local access routes and emergency services. This impact would be less-than-significant.

<table>
<thead>
<tr>
<th>c) Schools?</th>
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The proposed project includes bicycle and pedestrian improvements. The project does not include housing or businesses that could bring additional population to the area, and thus would not affect schools. There would be no impact.

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<th>d) Parks?</th>
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The proposed project is adjacent to Lagoon Park which is a 10 acre community park surrounding an artificial lagoon. The park is maintained by Marin County Parks & Open Space. As the project proposes to improve pedestrian and bicycle access through the project area, the project has potential to increase visitors to Lagoon Park due to ease of access. However, the proposed project intends to improve access for pedestrians and bicyclists to travel past the park along Civic Center Drive while travelling to and from the future Civic Center SMART station. Therefore, any increase in park use is expected to be minimal and would not require additional park services or facilities or adversely affect existing facilities. Therefore, the impact would be less-than-significant.
The proposed project would not require additional public services other than routine maintenance of the roadway, bicycle path, and sidewalks. Maintenance of the proposed project would be the responsibility of the Marin County Public Works Department. The proposed project is not anticipated to require a significant additional level of effort to maintain. Therefore, the impact on public facilities would be less-than-significant.
15. RECREATION

Regulations

*City of San Rafael 2020 General Plan Parks and Recreation Element*

The purpose of the Parks and Recreation Element is to identify and document present park facilities; compare those facilities with current and long-term needs; establish attainable goals to meet the community’s recreation needs; and develop and adopt policies and programs that will accomplish those goals (City of San Rafael 2013). The following policies are relevant to the proposed project:

- **PR-1. Standards.** Maintain, and where possible exceed, a recreation standard of three acres of park and recreation facilities per 1,000 residents.

- **PR-17. Park Design.** Design recreation facilities to be safe, attractive and easy-to-maintain in order to minimize conflicts with surrounding neighborhoods and to protect sensitive natural resource areas.

- **PR-22. Relationship to Other Public Agencies.** Cooperate with Marin County and the State to coordinate the use and management of facilities and programs on City, County and State park lands.

Existing Conditions

The closest park to the project area is Lagoon Park, which is located adjacent to the project area on the north side of Civic Center Drive, between Peter Behr Drive and Armory Drive. Lagoon Park is a 10-acre park operated by Marin County. The park surrounds an artificial lagoon and is a popular destination for walking, picnicking, model boating, wildlife viewing, and relaxing. The regional Bay Trail extends along Mandela Parkway. The only other park in the vicinity is a dog park, funded by private donations, located southeast of the project site along Civic Center Drive, across from Judge Haley Drive.

A portion of the existing Bay Trail is within a 0.1-mile radius of the project and is approximately 2,000 feet long, extending northeast from Civic Center Drive north of McInnis Parkway. The Bay Trail provides recreational opportunities for outdoor enthusiasts, including hikers, joggers, bicyclists and skaters. It also offers a setting for wildlife viewing and environmental education.

**RECREATION. Would the proposed project result in:**

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<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
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</table>
The proposed project is adjacent to Lagoon Park which is a 10-acre community park surrounding an artificial lagoon. The park is maintained by Marin County Parks & Open Space.

Project construction could temporarily slow or impede access to the park; however, detours would be provided and access maintained.

Once constructed, the project would improve pedestrian and bicycle access through the project area to the park, which could increase visitors to the park. Any increase in park use is considered beneficial and is not expected to result in substantial deterioration of park facilities. The impact would be less-than-significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

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The proposed project would not provide recreational facilities, nor would it provide housing or result in other changes that would increase the area’s population and increase the need for additional recreation facilities. There would be no impact.
16. TRANSPORTATION/ TRAFFIC

Information in this section is based on the transportation impact memoranda prepared for this project:

- Memorandum—Marin Civic Center Drive Traffic Operations (Fehr & Peers 2013a)
- Memorandum—Civic Center Drive Roundabout Safety Analysis (Fehr & Peers 2013b)

These documents also include additional background information.

Regulations

City of San Rafael 2020 General Plan Circulation Element

The purpose of the Circulation Element serves to ensure that the transportation network – including roads, transit, and bicycle and pedestrian facilities are designed to accommodate the City into the future (City of San Rafael 2013). The following policies are relevant to the proposed project:

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

- C-4. Safe Roadway Design. Design of roadways should be safe and convenient for motor vehicles, transit, bicycles and pedestrians. Place highest priority on safety. In order to maximize safety and multimodal mobility, the City Council may determine that an intersection is exempt from the applicable intersection level of service standard where it is determined that a circulation improvement is needed for public safety considerations, including bicycle and pedestrian safety, and/or transit use improvements.

- C-5. Traffic Level of Service Standards. In order to ensure an effective roadway network, maintain adequate traffic levels of service (LOS) consistent with standards for signalized intersections in the A.M. and P.M. peak hours as indicated in the Circulation Element of the City of San Rafael General Plan.

- C-10. Alternative Transportation Mode Projects. Encourage and support projects that benefit alternatives to the single occupant automobile.

- C-11. Alternative Transportation Mode Users. Encourage and promote individuals to use alternative modes of transportation, such as regional and local transit, carpooling, bicycling, walking and use of low-impact alternative vehicles. Support development of programs that provide incentives for individuals to choose alternative modes.

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

- C-17. Regional Transit Options. Encourage expansion of existing regional transit connecting Marin with adjacent counties, including basic service, express bus service, new commuter rail service, and ferry service.
C-20. Intermodal Transit Hubs. Support efforts to develop intermodal transit hubs in Downtown and at the Civic Center to provide convenient and safe connections and support for bus, rail, shuttle, bicycle, and pedestrian users, as well as automobile drivers using transit services.


C-27. Pedestrian Plan Implementation. Promote walking as the transportation mode of choice for short trips by implementing the pedestrian element of the City’s Bicycle and Pedestrian Master Plan.

City of San Rafael Bicycle/Pedestrian Plan

The City’s Bicycle/Pedestrian Plan (City of San Rafael 2001) proposes a continuous network of bikeways for travel within San Rafael and to surrounding communities. The following goals are relevant to the proposed project:

Goal 1. Bicycle Transportation. Make the bicycle an integral part of daily life in San Rafael, particularly for trips of less than five miles, by implementing and maintaining a bikeway network, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer.

Goal 2. Pedestrian Transportation. Encourage walking as a daily form of transportation in San Rafael by completing a pedestrian network that accommodates short trips and transit, improves the quality of the pedestrian environment, and increases pedestrian safety and convenience.

Goal 3. Model Community. Make San Rafael a model community for alternative transportation. Aim for a 20 percent mode share of all utilitarian trips to be made by bicycling and walking by the year 2020.

San Rafael Civic Center Station Area Plan

The Civic Center Station Area Plan (Fehr & Peers 2012) serves to identify a community vision for the area around the future Civic Center SMART station in North San Rafael. The following recommendations are relevant to the proposed project:

Provide “Complete Streets” treatments, such as wider sidewalks, improved bicycle facilities, calmed traffic, and improved streetscaping on all streets within the Study Area.

Complete the Promenade from Las Gallinas Avenue to North San Pedro Road, along Merrydale Road, the SMART Multi-use Pathway and Civic Center Drive.

Complete the sidewalk network, including portions of Civic Center Drive, North San Pedro Road, and Los Ranchitos Road, such that all streets have adequate facilities on both sides of the street.

Complete the Citywide Bicycle Network, as identified in the San Rafael Bicycle and Pedestrian Master Plan.
Marin County Civic Center Master Design Guidelines, Section 3.3 Site Circulation and Parking Capacity

The Master Design Guidelines were created to provide a framework for future development that recognizes the need to maintain the visual prominence of Frank Lloyd Wright’s Civic Center buildings within a setting that engenders an overall sense of openness (Royston, Hanamoto, Alley & Abey 2005). The following guidelines are relevant to the proposed project:

- Sidewalks along primary and secondary streets are preferred site-wide in order to strengthen connections between buildings and recreational features on the site. Signage and nighttime lighting should also be included. Sidewalks will improve overall pedestrian safety and access to alternative parking lots for events.

- Pedestrian access to the undeveloped area in the northeast corner of the site is encouraged. Paths should be adequately signed for wayfinding and formalized to the degree necessary to protect sensitive habitats. Habitat control fences will be necessary to protect sensitive wetland areas. Paths should typically be approximately 4 - 6’ wide.

- Civic Center Drive and other primary streets should have striped bike lanes and should meet all City, County and State standards.

- Bicycle access via bike paths or multi-use paths throughout the open space areas is encouraged. Care should be taken in designing these paths to avoid user conflicts and safety problems.

- The County is committed to enhancing public and alternative modes of transportation to and from the Civic Center. Future transportation planning efforts should emphasize options other than the use of private vehicles.

- Coordination with and support of the SMART project and station at the Civic Center is encouraged.

- The northbound, southbound and eastbound approaches to Civic Center Drive/Peter Behr Drive should be re-striped to include separate left-turn lanes and through/right-turn lanes and the intersection should be signalized as part of the development of the new Court Facilities.

Marin Countywide Plan Built Environment Element

The Built Environment Element provides guidance in identifying many land use issues, constraints, and opportunities, and in addressing the numerous needs, perspectives, and desires within the County (Marin County 2007). The following policies are relevant to the proposed project:

- DES-5.1. Achieve Streetscape Compatibility. Ensure that roadways, parking areas, and pedestrian and bike movement are functionally and aesthetically appropriate to the areas they serve.

- TR-2.1. Improve the Bicycle and Pedestrian Network. Promote adequate bicycle and pedestrian links, to the extent feasible, throughout the county, including streetscape improvements and standards that are safe and pedestrian and bicycle friendly.
Existing Conditions

Roadway Network

Regional access to the project area is provided by US 101. North San Pedro Road provides access east-west to the project area.

Civic Center Drive is a two-lane roadway within the City of San Rafael’s ROW. Running roughly parallel to US 101, Civic Center Drive connects Manuel T. Freitas Parkway at its northern terminus to North San Pedro Drive at its southern terminus. The northern portion of Civic Center Drive acts as a frontage road for US 101, while the southern portion traverses through the historic Marin County Civic Center Campus. The southern portion of Civic Center Drive was constructed as part of the Civic Center Campus in the early 1960s. The posted speed limit on Civic Center Drive is 30 miles per hour (mph) north of Avenue of the Flags and 25 mph south of Avenue of the Flags. No street parking is provided on Civic Center Drive in the project area.

Traffic Operation

Based on the project location and vehicle travel routes to and from the project area, traffic operation conditions were analyzed for the six intersections that could potentially be affected by implementing the project. The six analysis intersections are listed in Tables 11 and 12.

Operation of the intersections was evaluated using peak hour volumes during the weekday evening (4:00 to 6:00 p.m.) and weekend midday (11:00 a.m. to 1:00 p.m.) peak hours.

Operation of roadway facilities is evaluated using “level of service” (LOS). Level of service is a qualitative description of traffic flow based on factors such as speed, travel time, delay, and freedom to maneuver. Six levels of service are defined ranging from LOS A (best operating conditions) to LOS F (worst operating conditions), with LOS E operating “at capacity.” When volumes exceed capacity, stop-and-go conditions result, and operations are designated as LOS F. The City of San Rafael generally strives to maintain LOS D or better for peak hour intersection operations, although LOS E is allowed at some locations.

The analysis methods used to determine the levels of service of the study intersections are described in detail in the Traffic Operations Memorandum (Fehr & Peers 2013a).
### Table 11. Existing Plus Project Intersections Level of Service for the weekday evening (PM Peak hour)

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Control</th>
<th>Existing</th>
<th>Existing Plus Project</th>
<th>Delay¹</th>
<th>LOS²</th>
<th>Delay¹</th>
<th>LOS²</th>
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<tbody>
<tr>
<td>1 Civic Center Drive/Merrydale Road-Scettrini Drive</td>
<td>Signal</td>
<td>21.9</td>
<td>C</td>
<td>22</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Civic Center Drive/McInnis Parkway</td>
<td>Signal</td>
<td>7.3</td>
<td>A</td>
<td>7</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Civic Center Drive/Avenue of the Flags</td>
<td>Side-street Stop / Roundabout</td>
<td>7.8</td>
<td>A</td>
<td>7.2</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Civic Center Drive/Peter Behr Drive</td>
<td>Side-street Stop / Roundabout / Signal</td>
<td>9.4</td>
<td>A</td>
<td>1.3</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Civic Center Drive/Judge Haley-Armory Drive</td>
<td>Side-street Stop</td>
<td>12.2</td>
<td>B</td>
<td>10.7</td>
<td>B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Civic Center Drive/N San Pedro Road</td>
<td>Signal</td>
<td>25.9</td>
<td>C</td>
<td>25.9</td>
<td>C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Signalized intersection level of service based on weighted average control delay per vehicle; Stop controlled delay based on average delay per vehicle for the worst movement
2. LOS = Level of Service

### Table 12. Existing Plus Project Intersections Level of Service for the Weekend Midday (Sunday Peak hour)

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Control</th>
<th>Existing</th>
<th>Existing Plus Project A</th>
<th>Delay¹</th>
<th>LOS²</th>
<th>Delay¹</th>
<th>LOS²</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Civic Center Drive/Merrydale Road-Scettrini Drive</td>
<td>Signal</td>
<td>13.4</td>
<td>B</td>
<td>12.9</td>
<td>B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Civic Center Drive/McInnis Parkway</td>
<td>Signal</td>
<td>3.9</td>
<td>A</td>
<td>3.9</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Civic Center Drive/Avenue of the Flags</td>
<td>Side-street Stop / Roundabout</td>
<td>8.9</td>
<td>A</td>
<td>10.2</td>
<td>B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Civic Center Drive/Peter Behr Drive</td>
<td>Side-street Stop / Roundabout / Signal</td>
<td>14.1</td>
<td>B</td>
<td>1.9</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Civic Center Drive/Judge Haley-Armory Drive</td>
<td>Side-street Stop</td>
<td>23.8</td>
<td>C</td>
<td>12</td>
<td>B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Civic Center Drive/N San Pedro Road</td>
<td>Signal</td>
<td>32.6</td>
<td>C</td>
<td>25.9</td>
<td>C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Signalized intersection level of service based on weighted average control delay per vehicle; Stop controlled delay based on average delay per vehicle for the worst movement
2. LOS = Level of Service
The results of the level of service calculations indicate that all of study intersections operate at acceptable levels of service according to their designated LOS standard during both the weekday evening and weekend peak hours.

**Pedestrian and Bicycle Facilities**

Pedestrian facilities include sidewalks, pathways, crosswalks, and pedestrian signals. There are significant sidewalk gaps, a lack of bicycle facilities, and little in the way of pedestrian safety components in the project area. A paved walkway is provided throughout Lagoon Park and circles the artificial lagoon.

Portions of the regional Bay Trail are located within 0.1 mile of the project area. The Bay Trail includes 500 miles of continuous bicycle and hiking trails that will ultimately connect the shorelines of all nine Bay Area counties.

**Transit Service**

Golden Gate Bridge, Highway and Transportation District provides regional bus service, with connections to surrounding neighborhoods, communities and counties. Marin Transit operates the 45 and 49 bus lines and the 233 and 259 shuttle lines that access the Marin Civic Center.

In the fall of 2016, multimodal access to the north end of the Civic Center will become significantly more important. The SMART system will begin operations, with a stop serving the Civic Center Campus planned for the area where the existing railroad tracks cross under US 101 and cross Civic Center Drive at-grade.

**TRANSPORTATION/ TRAFFIC.**

*Would the project:*

<table>
<thead>
<tr>
<th>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
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<tbody>
<tr>
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</tbody>
</table>

Project construction is expected to begin in mid to late 2015 and continue over approximately 10 months. Construction activities would generate construction-related truck and employee trips that could create a temporary increase in localized traffic.
The amount of heavy trucks generated during project construction could potentially disrupt traffic flows on area roadways. Disruption to traffic flows could be caused by slow-moving heavy trucks sharing the roadway with normal vehicle traffic and creating potential conflicts between incompatible uses. Although construction would add vehicles to the road, the transportation-related impacts would be temporary in nature, and vehicular access to the project site would be maintained throughout construction.

The proposed project would be consistent with the plans and policies in the Circulation Elements of the Marin County General Plan and the 2020 San Rafael General Plan, the Marin County Civic Center Master Design Guidelines, and the City of San Rafael Bicycle/Pedestrian Plan (City of San Rafael 2001), as discussed above in Regulatory Setting.

Implementation of the proposed project is not anticipated to significantly increase traffic within the project area or on surrounding roadways because it would not increase roadway capacity or otherwise generate additional vehicle trips. In addition, the project would improve pedestrian and bicyclists connections to and from the future Civic Center SMART station, which would encourage fewer vehicle trips.

The proposed project would no conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. The impact would be less-than-significant.

<table>
<thead>
<tr>
<th>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
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</table>

As analyzed in Section 16(a), above, the proposed project is not expected to increase traffic and would not conflict with circulation policies implemented by the County. As such, it would not cause the Level of Service (LOS) to degrade to an unacceptable level at any intersections designated as part of the Marin County Congestion Management Agency 2013 Congestion Management Program (CMP). Therefore, the proposed project would conform to the Marin County CMP, resulting in no impact.

<table>
<thead>
<tr>
<th>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
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</table>

While the project is located approximately 1 mile to the southwest of San Rafael Airport, a private-use single runway airport, the proposed project would not build high
rise structures or include any features that could any way affect air patterns. No aircraft use is required for operation or construction of the proposed project. Therefore, the project would not result in a change in air traffic patterns or otherwise result in a safety risk. There would be no impact.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
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</table>

As indicated in the Civic Center Drive Roundabout Safety Analysis (Fehr & Peers 2013b), the installation of a roundabout at the Civic Center/Peter Behr/Memorial Drive intersection would be an improvement over current conditions. Generally, roundabouts offer improved pedestrian safety over traditional controlled intersections by reducing vehicle speed and reducing potential pedestrian-vehicle conflicts. Roundabouts separate the pedestrian crossings from the vehicle-vehicle conflict points, and at roundabouts pedestrians face only two conflicting vehicle movements on each approach – from entering and exiting vehicles. Pedestrian crossings are typically uncontrolled at roundabouts, but a splitter island provides a refuge that allows pedestrians to cross one lane of traffic at a time and creates relatively short crossing distances with reduced exposure time. Roundabouts have also been shown to result in high driver yield compliance, largely due to reduced travel speeds.

In terms of bicyclists, the reduction in vehicle speed and the implementation of yield control increases safety and reduces delay for bicyclists. Roundabouts are designed to afford bicyclists a high level of comfort and convenience. A bicyclist approaching a roundabout, either from a bike lane or a regular roadway, merges with vehicle traffic through the intersection. This eliminates the need for the bicyclist to stop and allows the bicyclist to ride through the intersection in a single traffic stream. This design is suitable for experienced riders, but it may feel less comfortable for beginner bicyclists who are not as confident riding with and merging into vehicle traffic.

The proposed project would not result in any land use changes. Therefore, the proposed project would not result in hazards due to transportation-related design features or incompatible uses. Accordingly, this would be a less-than-significant impact.

e) Result in inadequate emergency access?

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

It is anticipated that construction would take about 10 months from fall 2015 to summer 2016. Access through the project area would remain open during construction. The County’s SSSPs for maintaining traffic during construction would be implemented. Emergency service providers will be notified prior to any construction work to ensure
that construction activities do not disrupt local access routes and emergency services. This impact would be less-than-significant.

<table>
<thead>
<tr>
<th>f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

As discussed above in Section 16(a), the proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. The project proposes to improve pedestrian and bicycle facilities at the project site, which is considered beneficial. Therefore, there would be no impact.
17. UTILITIES AND SERVICE SYSTEMS

Regulations

There are no federal regulations applicable to the project and utilities. Regulations applicable to soils affecting stormwater runoff and water quality are included in Section 9, Hydrology and Water Quality.

California Integrated Waste Management Act of 1989 (AB 939)

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State legislature passed Assembly Bill (AB) 939, the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. According to AB 939, all cities and counties in California were required to divert 25% of all solid waste to recycling facilities from landfill or transformation facilities by January 1, 1995, and 50% by January 1, 2000. The California Integrated Waste Management Board’s (CIWMB) Department of Resources Recycling and Recovery (now CalRecycle) is the state department designated to oversee, manage, and track California’s 92 million tons of waste generated each year.

City of San Rafael 2020 General Plan Conservation Element

The Conservation Element policies address water, air quality and wildlife and cover the topics of Wetlands; Diked Baylands; Creeks and Drainageways; Native Plants, Animals and Habitat; and Resource Management (City of San Rafael 2013). The following policies are relevant to the proposed project:

- **CON-20. Water Conservation.** Encourage water-conserving practices in businesses, homes and institutions and increase the use of recycled water.

- **CON-22. Resource Efficiency in Site Development.** Encourage site planning and development practices that reduce energy demand, support transportation alternatives and incorporate resource- and energy-efficient infrastructure.

- **CON-23. Energy-efficient Transportation Programs.** Encourage the creation of programs such as Transportation Systems Management (TSM), public transit, carpools/vanpools, ride-match, bicycling, and other alternatives to the energy-inefficient use of vehicles.

Marin County Stormwater Pollution Prevention Program (MCSTOPPP)

Formed in 1993, the MCSTOPPP is a joint effort of Marin's cities, towns and unincorporated areas. Their goal is to: (1) prevent stormwater pollution; (2) protect and enhance water quality in Creeks and wetlands; (3) preserve beneficial uses of local waterways; and (4) comply with State and Federal regulations. Performance standards are set forth under the MCSTOPPP Action Plan. This program integrates the State- and Federal-mandated municipal stormwater programs to enhance and preserve wetland and Creek habitat. The MCSTOPPP program establishes performance standards for new development, redevelopment, and construction site controls. The performance standards include water quality protection to the maximum extent practicable. MCSTOPPP has several guidance documents and other resources on stormwater management practices on their website at mcstoppp.org.
Since May 20, 2004, Marin County has had State Water Board’s General Permit coverage for Stormwater Discharges from Small MS4s under Water Quality Order No. 2003-00005-DWQ (Phase II General Permit). MCSTOPPs Action Plan 2010, serves as a stormwater management plan per the County’s Phase II General Permit requirements.

Existing Conditions

Wastewater

Wastewater collection and treatment is provided by the Central Marin Sanitation Agency (CMSA). CMSA serves approximately 110,000 people throughout central Marin County California, including the cities of San Rafael, Ross Valley, Larkspur and Corte Madera. CMSA treats wastewater from central Marin and disposes of the treated waste stream via deep water outfall pipes into San Francisco Bay. On average, EBMUD treats approximately 11 million gallons of wastewater per day (Marin County Civil Grand Jury 2009). The project area does not currently demand wastewater services from CMSA.

Stormwater

Stormwater in the project area is collected via pipes and discharged into Las Gallinas Creek via a series of five pump stations. As described in Section 2.9, an existing concrete v-ditch collects stormwater along Civic Center Drive and discharges stormwater into the section of Las Gallinas Creek that flows parallel to McInnis Parkway. The Project is covered under the State Water Board’s General Permit coverage for Stormwater Discharges from Small MS4s under Water Quality Order No. 2003-00005-DWQ (Phase II General Permit). MCSTOPPs Action Plan 2010, serves as a stormwater management plan per the County’s Phase II General Permit requirements.

Water Supply

The Marin Municipal Water District (MMWD) provides high-quality drinking water to 186,000 customers in a 147 square mile area in central and southern Marin County (Marin Municipal Water District 2014). The water system collects, transmits, treats, and distributes high-quality water from its primary water source of more than 21,000 acres of protected watershed on Mt. Tamalpais and in the grassy hills of west Marin. Rainfall from these watersheds flows into one of MMWD’s seven reservoirs. This reservoir water is then treated at one of the district’s potable water treatment plants before traveling to customers’ homes and businesses.

Solid Waste

Solid waste disposal service is provided by Marin Sanitary Service, and the Marin Recycling and Resource Recovery Association. The Redwood Landfill is a 420-acre site with 222.5 acres dedicated to waste disposal. The remaining acres support Composting, Recycling, and Operations facilities as well as open space and a fresh water lagoon (Waste Management 2014).
UTILITIES AND SERVICE SYSTEMS.

Would the proposed project:

<table>
<thead>
<tr>
<th>Would the proposed project</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a)</strong> Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Because the project is a roadway improvement project, it would not generate wastewater or a need for wastewater treatment or facilities. Accordingly, it would not exceed any treatment requirements. There would be no impact.

<table>
<thead>
<tr>
<th>Would the proposed project</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>b)</strong> Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Because the project is a roadway improvement project, it would not generate a demand for water or generate wastewater. Accordingly, the project would not require or result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities. There would be no impact.

<table>
<thead>
<tr>
<th>Would the proposed project</th>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>c)</strong> Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
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</tbody>
</table>

The project would create a minimal amount of new impervious area (0.9 acre), which would increase the volume and rate of stormwater runoff during a storm event. New storm drains would be installed as part of the project. The environmental effects of the new stormwater facilities have been evaluated as part of the proposed project in this Initial Study and determined to be less than significant.

New stormwater treatment areas would be designed with the intention of offsetting this increase by allowing for it to infiltrate into the soil and reducing the potential for flooding or ponding of water during a heavy rain event. In addition, the project would be in compliance with MCSTOPPP requirements, local stormwater ordinances, and any other relevant stormwater requirements during operation. Accordingly, this impact would be less-than-significant.
d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

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<thead>
<tr>
<th>Significant Impact</th>
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<th>Less Than Significant Impact</th>
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</table>

The project is a roadway improvement project and would not generate a demand for water, except possibly during construction for dust control. Water, if needed, would be provided by the construction contractor from an appropriate and entitle water source. Therefore, the impact would be considered less-than-significant.

e) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

As described above, the proposed project is a roadway improvement project that would not produce wastewater or require wastewater treatment. Accordingly, wastewater treatment capacity is not an issue. There would be no impact.

f) **Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?**

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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Solid waste generated by the project would be limited to construction waste. Disposal of demolition and construction materials, including any hazardous wastes that may be encountered, would occur in accordance with federal, state, and local regulations, as described above in Regulatory Setting. Disposal would occur at permitted landfills with adequate capacity. Operation of the project would not result in additional solid waste disposal needs. Therefore, the impact would be considered less-than-significant.
Comply with federal, state, and local statutes and regulations related to solid waste?

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Potentially Significant Unless Mitigated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

As described under “f”, the project would comply with requirements to recycle and divert all construction waste and non-contaminated soils from landfills, and to ensure proper disposal of any contaminated soils to an appropriate landfill. Therefore, the project would comply with statues and regulations related to solid waste. The impact would be less than significant.
IV. **MANDATORY FINDINGS OF SIGNIFICANCE.** Pursuant to Section 15065 of the State EIR Guidelines, a project shall be found to have a significant effect on the environment if any of the following are true: 

*(Please explain your answer after each question)*

### a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

![Table for a)](image)

Although the project may result in impacts on wildlife species or their habitats, mitigation measures would be implemented to avoid and minimize any potential impacts. Impacts to the MCCC NHLD site would be avoided and is expected to have a "no adverse effect" determination. Additionally, compliance with existing federal, state, and local regulations would also serve to reduce potential impacts of the proposed project. Therefore, impacts resulting from the proposed project would be less-than-significant with mitigation.

### b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

![Table for b)](image)

As described above, the proposed project could result in several potentially significant Project-level impacts. However, in all cases, mitigation measures have been identified that would reduce these impacts to less-than-significant levels. Further, the proposed project was accounted for in local and regional growth forecasts such as Association of Bay Area Government (ABAG) Projections and Plan Bay Area (2013), and the MTC 2013 Transportation Improvement Plan (TIP).

All reasonably foreseeable future development in the San Rafael Civic Center Station Area Plan would be subject to the same regulations that have been described throughout this
document. Furthermore, all development projects are guided by policies identified in the Marin County General Plan, the San Rafael General Plan, and regulations established in the Municipal Code. Therefore, compliance with applicable land use and environmental regulations would ensure that environmental effects associated with the proposed project would not combine with effects from reasonably foreseeable future development in the Plan area to cause cumulatively significant impacts. Cumulative impacts would be less-than-significant with mitigation measures.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<table>
<thead>
<tr>
<th>Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

As identified in this IS/MND, the proposed project would not directly or indirectly cause adverse effects on human beings with implementation of mitigation measures. Impacts on topics that could affect the human environment, such as aesthetics, agriculture and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation, and utilities, would be less-than-significant. In addition, the proposed project would not result in significant hydrologic, agricultural, mineral, or GHG emissions, which could, in turn, affect humans. As identified, the proposed project would have a potentially significant impact on air quality, biological resources, cultural resources, and noise. These issues could, in turn, affect humans. However, implementation of the mitigation measures identified in each applicable section of this IS/MND would reduce potentially significant impacts to less-than-significant with mitigation. No other direct or indirect adverse impacts on human beings have been identified.
V. PROJECT SPONSOR’S INCORPORATION OF MITIGATION MEASURES:

Acting on behalf of the project sponsor or the authorized agent of the project sponsor, I (undersigned) have reviewed the Initial Study for the Marin Civic Center Drive Improvements Project and have particularly reviewed the mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study, including the recommended mitigation measures, and hereby agree to modify the proposed project applications now on file with Marin County to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

___________________________________________  _______________________
Patrick Zuroske  
Date

County of Marin, Department of Public Works
VI. **DETERMINATION:** (Completed by Marin County Environmental Coordinator). Pursuant to Sections 15081 and 15070 of the State Guidelines, the forgoing Initial Study evaluation, and the entire administrative record for the project:

[  ] I find that the proposed project WILL NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[ X ] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

[  ] I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

_________________________________________  _______________________
Environmental Planning Manager                  Date
LIST OF PREPARERS

ICF International

Leslie Allen  Senior Biologist/Project Manager
Karin Bouler  Environmental Planner/Deputy Project Manager
Kate Giberson  Senior Environmental Planner
Meg Scantlebury  Senior Cultural Resources Specialist
Theresa Engle  Wildlife Biologist
Torrey Edell  Botanist
David Buehler  Senior Acoustical Engineer
Shannon Hatcher  Senior Air Quality Specialist
Cory Matsui  Air Quality and Noise Specialist
Robin Hoffman  Archeologist
Monte Kim  Cultural Resources Specialist
Alexa La Plante  Senior Water Quality Specialist
Meghan Heintz  Water Quality Specialist
Christine McCrory  Publications Specialist
# LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>µg/m³</td>
<td>micrograms per cubic meter</td>
</tr>
<tr>
<td>AASHTO</td>
<td>American Association of State Highway and Transportation Officials</td>
</tr>
<tr>
<td>AB</td>
<td>Assembly Bill</td>
</tr>
<tr>
<td>AB 939</td>
<td>California Integrated Waste Management Act of 1989</td>
</tr>
<tr>
<td>ABAG</td>
<td>Association of Bay Area Governments</td>
</tr>
<tr>
<td>ACHP</td>
<td>Advisory Council on Historic Preservation</td>
</tr>
<tr>
<td>afbm</td>
<td>Artificial fill over Bay mud</td>
</tr>
<tr>
<td>Alquist-Priolo Act</td>
<td>California’s Alquist-Priolo Earthquake Fault Zoning Act</td>
</tr>
<tr>
<td>AQ Memo</td>
<td>Marin Civic Center Drive Improvements—Air Quality Memorandum</td>
</tr>
<tr>
<td>ARB</td>
<td>California Air Resources Board</td>
</tr>
<tr>
<td>ASR</td>
<td>Archaeological Study Report</td>
</tr>
<tr>
<td>ATCMs</td>
<td>air toxic control measures</td>
</tr>
<tr>
<td>Auditorium</td>
<td>Veterans Memorial Auditorium</td>
</tr>
<tr>
<td>BA</td>
<td>Marin Civic Center Drive Improvements Project Biological Assessment</td>
</tr>
<tr>
<td>BAAQMD</td>
<td>Bay Area Air Quality Management District</td>
</tr>
<tr>
<td>BMPs</td>
<td>best management practices</td>
</tr>
<tr>
<td>CAA</td>
<td>Clean Air Act</td>
</tr>
<tr>
<td>CAAQS</td>
<td>California Ambient Air Quality Standards</td>
</tr>
<tr>
<td>Cal Fire</td>
<td>California Department of Forestry and Fire Protection</td>
</tr>
<tr>
<td>California CAA</td>
<td>California Clean Air Act of 1988</td>
</tr>
<tr>
<td>Cal-OSHA</td>
<td>California Occupational Safety and Health Administration</td>
</tr>
<tr>
<td>Caltrans</td>
<td>California Department of Transportation</td>
</tr>
<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
</tr>
<tr>
<td>CDFW</td>
<td>California Department of Fish and Wildlife</td>
</tr>
<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>CESA</td>
<td>California Endangered Species Act</td>
</tr>
<tr>
<td>CFGC</td>
<td>California Fish and Game Code</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>CGS</td>
<td>California Geologic Survey</td>
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<tr>
<td>CMP</td>
<td>Marin County Congestion Management Agency 2013 Congestion Management Program</td>
</tr>
<tr>
<td>CMSA</td>
<td>Central Marin Sanitation Agency</td>
</tr>
<tr>
<td>CNDDB</td>
<td>California Natural Diversity Database</td>
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<tr>
<td>CNPS</td>
<td>California Native Plant Society</td>
</tr>
</tbody>
</table>
**County of Marin**

**Initial Study/Mitigated Negative Declaration**

**CO**  carbon monoxide

**Construction General Permit**  NPDES General Permit for Storm Water Discharges
Associated with Construction Activity

**Construction Impact Analysis**  Marin Civic Center Drive Improvements Project: California Black Rail and California Clapper Rail Project Construction Impact Analysis

**Coroner**  Marin County Coroner

**County**  County of Marin

**CRHR**  California Register of Historical Resources

**CTR**  California Toxics Rule

**CUPA**  certified unified program agency

**CWA**  Clean Water Act

**dB**  decibels

**dBA**  A-weighted decibels

**DBH**  Diameter at Breast Height

**District**  Marin County Civic Center National Historic Landmark District

**DPM**  diesel particulate matter

**DTSC**  Department of Toxic Substances Control

**EMO**  SRFD’s Emergency Management Organization

**EPA**  U.S. Environmental Protection Agency

**ESA**  Environmentally Sensitive Area

**FEMA**  Federal Emergency Management Agency

**FESA**  federal Endangered Species Act

**FMMP**  Farmland Mapping and Monitoring Program

**FPPA**  Farmland Protection Policy Act

**GHG**  greenhouse gas

**HPSR**  Draft Historic Property Survey Report (for the Marin Civic Center Drive Improvements Project)

**HRER**  Draft Historical Resources Evaluation Report for the Marin Civic Center Drive Improvements Project California Department of Transportation, District 4 Marin County, California

**ICF**  ICF International

**Kfs**  late Cretaceous Franciscan complex sandstone and shale
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOS</td>
<td>Level of Service</td>
</tr>
<tr>
<td>MBTA</td>
<td>Migratory Bird Treaty Act</td>
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<tr>
<td>MCSTOPPP</td>
<td>Marin County Stormwater Pollution Prevention Program</td>
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<tr>
<td>MMRP</td>
<td>Mitigation Monitoring and Reporting Program</td>
</tr>
<tr>
<td>MMWD</td>
<td>Marin Municipal Water District</td>
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<tr>
<td>mph</td>
<td>miles per hour</td>
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<tr>
<td>MRZs</td>
<td>mineral resource zones</td>
</tr>
<tr>
<td>MS4 Permit</td>
<td>NPDES General Permit for Municipal Separate Storm Sewer Systems</td>
</tr>
<tr>
<td>MTC</td>
<td>Metropolitan Transportation Commission</td>
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<tr>
<td>MTCO2e</td>
<td>metric tons of carbon dioxide equivalent</td>
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<tr>
<td>NAAQS</td>
<td>National Ambient Air Quality Standards</td>
</tr>
<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
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<tr>
<td>NES</td>
<td>Marin Civic Center Drive Improvements Project Natural Environment Study</td>
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<tr>
<td>NGVD</td>
<td>National Geodetic Vertical Datum</td>
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<tr>
<td>NHL</td>
<td>National Historic Landmark</td>
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<tr>
<td>NHPA</td>
<td>National Historic Preservation Act</td>
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<tr>
<td>NO2</td>
<td>nitrogen dioxide</td>
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<tr>
<td>NOA</td>
<td>naturally occurring asbestos</td>
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<td>NOI</td>
<td>Notice of Intent</td>
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<tr>
<td>Noise Memo</td>
<td>Marin Civic Center Drive Improvements Project Noise Memorandum</td>
</tr>
<tr>
<td>NOX</td>
<td>nitrogen oxides</td>
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<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
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<td>NPL</td>
<td>National Priorities List</td>
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<td>NPS</td>
<td>National Park Service</td>
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<td>NRHP</td>
<td>National Register of Historic Places</td>
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<td>NTR</td>
<td>National Toxics Rule</td>
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<td>NWIC</td>
<td>Northwest Information Center</td>
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<td>O3</td>
<td>ozone</td>
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<tr>
<td>OES</td>
<td>San Rafael Office of Emergency Services</td>
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<tr>
<td>OSHA</td>
<td>Occupational Safety and Health Administration</td>
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<tr>
<td>PM</td>
<td>particulate matter</td>
</tr>
<tr>
<td>PM10</td>
<td>PM less than 10 microns in diameter</td>
</tr>
<tr>
<td>PM2.5</td>
<td>PM less than 2.5 microns in diameter</td>
</tr>
</tbody>
</table>
Porter-Cologne Act | California’s Porter-Cologne Water Quality Control Act
---|---
PRC | Public Resources Code
project | Marin Civic Center Drive Improvements Project
PVC | polyvinyl chloride

RCRA | Resource Conservation and Recovery Act
Regional Water Board | Regional Water Quality Control Board
ROGs | reactive organic gases
ROW | right-of-way
RWQCBs | California Regional Water Quality Control Boards

SAFETEA-LU | Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
Service | US Fish and Wildlife Service
SHPO | State Historic Preservation Officer
SIP | state implementation plan
SMART | Sonoma-Marin Area Rail Transit District
SO2 | sulfur dioxide
SRFD | City of San Rafael Fire Department
SWPPP | Storm Water Pollution Prevention Plan
SWRCB | State Water Resources Control Board

TACs | toxic air contaminants
TIP | MTC 2013 Transportation Improvement Plan
TMDL | total maximum daily load
TSM | Transportation Systems Management

UCERF | Uniform California Earthquake Rupture Forecast
US 101 | US Highway 101
USACE | U.S. Army Corps of Engineers
USGS | U.S. Geological Survey

VIA | Visual Impact Assessment

WDRs | waste discharge requirements
WQ Memo | Marin Civic Center Drive Water Quality Technical Memorandum
REFERENCES

The studies and memoranda shown in bold below are incorporated by reference throughout the Marin Civic Center Drive Improvements Project: Draft Initial Study with Proposed Mitigated Negative Declaration. They are available for review at the Marin County Public Works Office. For more information or to obtain a copy, contact Patrick Zuroske at pzuroske@marincounty.org or (415) 473-2298.


California Department of Transportation. 2014b. *Marin Civic Center Drive Improvements Project [BA]*. December. STPL-5927 (103).


Fehr & Peers. 2012. *San Rafael Civic Center Station Area Plan.* August. Prepared for the City of San Rafael.


Appendix A  Mitigation Monitoring and Reporting Program
Introduction

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with project development. The Initial Study/Mitigated Negative Declaration (IS/MND) for the Marin Civic Center Drive Improvements Project includes mitigation measures to reduce the potential environmental effects of the proposed project.

CEQA also requires reporting on and monitoring of mitigation measures adopted as part of the environmental review process (Public Resources Code section 21081.6). This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the County of Marin in its implementation and monitoring of measures adopted from the Marin Civic Center Drive Improvements Project IS/MND.

Mitigation measures in this MMRP are assigned the same number as in the IS/MND. The MMRP is presented in table format and it describes the actions that must take place to implement each mitigation measure, the timing of those actions, the entities responsible for implementing and monitoring the actions, and verification of compliance.
Table 1. Mitigation Measures for the Marin Civic Center Drive Improvements Project

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Implementing Party</th>
<th>Monitoring Party</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Air Quality</strong></td>
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<tr>
<td>AQ 1: Reduce Construction Emissions to below BAAQMD NOx Threshold</td>
<td>During Construction</td>
<td>Marin County</td>
<td>TBD</td>
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<tr>
<td>The project applicant will ensure the construction contractor employs the</td>
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<tr>
<td>following measures to ensure construction-related emissions do not exceed the</td>
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<td>BAAQMD’s construction NOx threshold of 54 lbs/day by implementing additional</td>
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<td>measures. Potential measures include, but are not limited to:</td>
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<tr>
<td>● Require the usage of EPA rated Tier 4 interim or higher rated</td>
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<tr>
<td>construction equipment. In general, replacing Tier 2 Equipment with Tier 4</td>
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<tr>
<td>interim rated equipment will reduce NOx emissions by 68% (94%, if using Tier 4</td>
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<td>final rated equipment) (South Coast Air Quality Management District n.d.).</td>
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<td>● Require the usage of equipment that are retrofitted with Diesel Oxidation</td>
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<td>Catalysts or Selective Catalytic Reduction technology. In general, equipment</td>
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<td>that are retrofitted with this technology emit 40% less NOx emissions than</td>
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<td>conventional equipment.</td>
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<td>● Work with the BAAQMD to purchase NOx credits to offset remaining NOx</td>
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<td>construction emissions exceeding BAAQMD thresholds.</td>
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<tr>
<td><strong>Biological Resources</strong></td>
<td>Before Construction</td>
<td>Marin County</td>
<td>TBD</td>
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<tr>
<td>BIO 1: Conduct Work outside the Nesting Season or Conduct Preconstruction Surveys</td>
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<tr>
<td>for Nesting Native Birds</td>
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<tr>
<td>To the greatest extent feasible, vegetation removal in the project area will</td>
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<td>occur between August 16 and February 14, outside the typical nesting season of</td>
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<td>most native birds.</td>
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<tr>
<td>If vegetation removal or other work in vegetated areas is to occur during the</td>
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<tr>
<td>typical nesting season for native birds (February 15 to August 15), the County</td>
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<td>or its contractor will retain a U.S. Fish and Wildlife Service-approved</td>
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<tr>
<td>(Service-approved) biologist or monitor to conduct nesting surveys no more than</td>
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<td>2 weeks before the start of construction in a given area. Surveys will include</td>
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<td>a search of all trees and shrubs, and tidal marsh areas that provide suitable</td>
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<tr>
<td>nesting habitat, in the project area. In addition, a 500 foot area around the</td>
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<td>project area will be surveyed for nesting raptors. If active nests are found, the</td>
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<tr>
<td>Service-approved biologist</td>
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<tr>
<td>Mitigation Measure</td>
<td>Timing</td>
<td>Implementing Party</td>
<td>Monitoring Party</td>
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<tr>
<td>or monitor will coordinate with the contractor to establish a no-disturbance buffer around the site to avoid disturbance or destruction of the nest site until a Service-approved biologist or monitor determines that the nest is no longer active. The limits of the buffer will be determined by the Service-approved biologist or monitor and will depend on the level of noise or construction-related disturbance, and the distance of the line-of-sight between the nest and the disturbance, taking into consideration topographical, vegetative or artificial barriers. Suitable buffer distances may vary among native bird species or types (e.g., raptors or passerine birds).</td>
<td>Before Construction</td>
<td>Marin County</td>
<td>TBD</td>
</tr>
<tr>
<td><strong>BIO 2: Install Environmentally Sensitive Area (ESA) Fencing to Protect Biologically Sensitive Areas Adjacent to the Project Area</strong></td>
<td>Before Construction</td>
<td>Marin County</td>
<td>TBD</td>
</tr>
<tr>
<td>Prior to the start of construction, the County or its contractor will work with the project engineer and a Service-approved biologist or monitor to identify the locations for installation of ESA fencing and will mark those locations with stakes, flagging, or other visible marker. The protected area will be clearly identified as an ESA on the construction specifications. The fencing will be maintained by the County or its contractor throughout the duration of the construction period. If the fencing is removed, damaged, or otherwise compromised during the construction period, construction activities will cease until the fencing is replaced. To ensure there is an unvegetated “buffer” between the fencing and the tidal salt marsh habitat, the fencing to protect tidal salt marsh habitat must be located at least 2 feet beyond the edge of existing vegetation at the top of the tidal channel bank. No tidal salt marsh vegetation will be impacted by installation of the fence.</td>
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<tr>
<td><strong>BIO 3: Conduct Environmental Awareness Training for Construction Crews</strong></td>
<td>Before Construction</td>
<td>Marin County</td>
<td>TBD</td>
</tr>
<tr>
<td>The County or its contractor will retain a Service-approved biologist or monitor to conduct environmental awareness training for construction crews before project implementation. The awareness training will be provided to all construction personnel to brief them on the need to avoid impacts on sensitive biological resources (i.e., wetlands adjacent to the project area and special-status species). The education program will include a brief review of the special-status species that could potentially occur in or adjacent to the project area (including their life history, habitat requirements, and photographs of the species). The training will identify where, in relation to the project area, the species may occur, as</td>
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</tbody>
</table>
well as their legal status and protection under the federal Endangered Species Act (FESA), California Endangered Species Act (CESA), and California Fish and Game Code (CFGC). The program will also cover the restrictions and guidelines that must be followed by all construction TBD personnel to reduce or avoid effects on these species during project implementation. This will include the steps to be taken if a sensitive species is found within the project area (i.e., notifying the crew foreman who will call a designated Service-approved biologist or monitor). The crew foreman will be responsible for ensuring that crew members adhere to the guidelines and restrictions. Education programs will be conducted for all new personnel as they are brought on the job during the construction period.

*BIO 4: Retain a Service-Approved Biologist or Monitor to Conduct Monitoring during Construction in and adjacent to all Environmentally Sensitive Areas (ESAs)*

The County or its contractor will retain a Service-approved biologist or monitor to conduct monitoring during construction in and adjacent to all identified environmentally sensitive areas. The frequency of monitoring will be determined by the Service-approved biologist or monitor, ranging from daily to weekly, depending on the biological resource and the construction activities. The monitor will record all construction activities and species observed on a daily or weekly monitoring log prepared for the County to submit to the Service and/or other regulatory agencies requesting such documentation. Construction monitoring duties will include the following:

- Inspect the staked and flagged perimeters of the construction area and staging areas adjacent to identified environmentally sensitive areas, and notify the construction contractor of any corrections needed.
- Inspect the ESA fencing (including sediment fencing) and notify the construction contractor of any necessary maintenance or repairs.
- Assist the construction crew as needed to comply with all project implementation restrictions and guidelines.

*BIO 5: Implement a Storm Water Pollution Prevention Plan (SWPPP)*

A Storm Water Pollution Prevention Plan (SWPPP) will be implemented by the County as part of the National Pollutant Discharge Elimination System (NPDES) permit. During Construction

During Construction  Marin County  TBD
System (NPDES) and a General Construction Activity Storm Water Permit to minimize the potential for sediments or contaminants to be discharged in Las Gallinas Creek or other aquatic habitat. A toxic materials control and spill response plan will be implemented to regulate the use of petroleum-based products (fuel and lubricants) and other potentially toxic materials associated with project construction. The following measures will be implemented to minimize or avoid potential increases in sediment inputs into the creek and other waterways in the project area:

- Conduct all construction work according to site-specific construction plans that minimize the potential for sediment input into the aquatic system.
- Minimize the extent of all areas requiring clearing, grading, revegetation, and recontouring.
- Grade areas following construction plans to minimize surface erosion.
- Avoid wetland vegetation and install ESA fencing to protect wetlands adjacent to the project area.

The following measures will be implemented to minimize the risk of spills or discharges of toxic materials into Las Gallinas Creek:

- Establish a hazardous material spill prevention control and countermeasure plan before construction begins that will minimize the potential for, and the effects of, spills of hazardous or toxic substances during construction. The plan will include storage and containment procedures to prevent spills and respond to spills, and will identify the parties responsible for monitoring the spill response.
- Prevent raw cement, concrete, or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses.
- Clean all spills immediately according to the spill prevention and countermeasure plan.

*BIO 6: Conduct a Botanical Survey for Showy Indian Clover between April Before Construction Marin County TBD*
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Implementing Party</th>
<th>Monitoring Party</th>
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</thead>
<tbody>
<tr>
<td><em>BIO 7: Halt Work if a Listed Species is Observed in the Work Area</em></td>
<td>During Construction</td>
<td>Marin County</td>
<td>TBD</td>
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<tr>
<td>The contractor will halt work immediately and contact the County, the</td>
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<tr>
<td>Service-approved biologist or monitor, the Service and/or California</td>
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<tr>
<td>Department of Fish and Wildlife (CDFW) in the event a California clapper</td>
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<td>rail, California black rail, or salt marsh harvest mouse is found within 10</td>
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<tr>
<td>feet of any construction activities. The contractor will suspend all</td>
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<tr>
<td>construction activities within 10 feet of the detected species until the</td>
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<td>species leaves the area voluntarily.</td>
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<tr>
<td>*BIO 8: No Construction Activities Will Occur within 50 Feet of Tidal Salt</td>
<td>During Construction</td>
<td>Marin County</td>
<td>TBD</td>
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<tr>
<td>Marsh Habitat within 2 Hours before and after a High Tide Event of 6.5 Feet or</td>
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<td>Greater*</td>
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<tr>
<td>Construction activities within 50 feet of tidal salt marsh will be scheduled</td>
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<tr>
<td>to avoid extreme high tides. No activities will be permitted to occur within</td>
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<td>50 feet of the tidal salt marsh habitat adjacent to the project area</td>
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<tr>
<td>during the 2 hours before or after extreme high tides of 6.5 feet National</td>
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<td>Geodetic Vertical Datum (NGVD) or higher, as measured at the Golden Gate Bridge</td>
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<td>and adjusting to the timing of local high tides.</td>
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<tr>
<td><em>BIO 9: Work Only during Daylight Hours within 700 Feet of Tidal Salt Marsh</em></td>
<td>During Construction</td>
<td>Marin County</td>
<td>TBD</td>
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<tr>
<td>To minimize disturbance of light and noise to tidal salt marsh–dependent</td>
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<td>species, construction activities within 700 feet of tidal salt marsh habitat</td>
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<td>will be limited to daylight hours.</td>
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<td><em>BIO 10: Implement Lighting Specifications to Minimize Potential Light Pollution</em></td>
<td>After Construction</td>
<td>Marin County</td>
<td>TBD</td>
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<tr>
<td>Effects on Animals*</td>
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<tr>
<td>To minimize the potential negative effects of artificial light at night on the</td>
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</table>
Mitigation Measure | Timing | Implementing Party | Monitoring Party
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Adjacent tidal salt marsh after project completion, the following criteria will be identified in the lighting plans and specifications.

- Acorn style lights that are International Dark Sky Association approved “Dark Sky Friendly” will be installed. This type of lighting ensures 0% light above 90 degrees, thereby reducing light pollution. One possible model is Holophane Utility Washington Postlite LED luminaire WFL 070 4K AS L3 B. This model or an equivalent model, approved by the County, will be specified.

- The lowest luminaire wattage that still provides safe conditions for vehicular traffic, bicyclists, and pedestrians will be used.

- If possible, correlated color temperature (an indication of how “warm” or “cool” the light source appears) range of the light source will be between 3800K and 4000K.

**BIO 11: Phase Construction Activities to Avoid Disturbance to Breeding California Clapper Rail and California Black Rail**

Based on the Construction Impact Analysis completed for the project, construction will be phased to minimize and avoid disturbance to breeding California clapper rail and California black rail. Activities identified in the analysis as having potential to impact the species through visual or noise disturbance will be scheduled to occur September 1 to January 14 (outside the breeding season).

**BIO 12: Implement Measures to Avoid the Introduction and Spread of Invasive Plants**

A Service-approved biologist or monitor will coordinate with the contractor to ensure that appropriate measures are implemented to prevent the spread of invasive species and comply with Executive Order 13112 (Prevention and Spread of Invasive Species). Such measures will include but are not limited to:

- Minimize surface disturbance within the construction work area to the greatest extent possible.

- Seed all disturbed areas with certified weed-free native mixes and mulch with certified weed-free mulch (rice straw may be used in upland areas).

- Use noninvasive species in landscaping.
### Mitigation Measure

<table>
<thead>
<tr>
<th>BIO 13: Conduct Preconstruction Surveys for Roosting Bats</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mitigation</strong></td>
</tr>
<tr>
<td>No more than 2 weeks prior to tree removal or trimming, a Service-approved biologist or monitor will examine all trees to be impacted for the presence of roosting bats. If bats or sign of bats are observed, tree trimming and removal will be delayed until the bats leave the roosting sites.</td>
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<tr>
<td>Before Construction</td>
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</table>

### Cultural Resources

<table>
<thead>
<tr>
<th>CUL-1: Perform Archaeological Construction Monitoring during Ground-Disturbing Activities in Archaeological Sensitive Areas and Halt Work if Previously Unrecorded Cultural Resources are Encountered</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mitigation</strong></td>
</tr>
<tr>
<td>The applicant shall retain a qualified archaeologist to conduct construction monitoring during ground-disturbing construction activities in archaeological sensitive areas as determined by the Archaeological Survey Report (ASR) (ICF 2014). The archaeologist shall observe the ground-disturbing activities to ensure that no cultural material is present or disturbed during those activities. If potential cultural material is observed, all work within 100 feet of the find shall cease and the archaeologist, and if deemed necessary, a Native American representative, shall assess the significance of the find. If the find is determined to be an historical resource pursuant to State CEQA Guidelines Section 15064.5 or a unique archaeological resource pursuant to PRC Section 21083.2, mitigation measures shall be developed in consultation with the applicant, lead agency, SHPO, and other appropriate agencies or parties.</td>
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<tr>
<td>During Construction</td>
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<table>
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<tr>
<th>CUL-2: Perform Archaeological Construction Monitoring during Ground-Disturbing Activities in Archaeological Sensitive Areas and Halt Work if Human Remains are Encountered</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mitigation</strong></td>
</tr>
<tr>
<td>The applicant shall retain a qualified archaeologist to conduct construction monitoring during ground-disturbing construction activities in archaeological sensitive areas as determined by the Archaeological Survey Report (ASR) (ICF 2014). The archaeologist shall observe the ground-disturbing activities to ensure that no human remains are present or disturbed during those activities. During any project excavation, regardless of the presence of an archaeological monitor, if human remains (or remains that are suspected to be human) are discovered, all work shall cease in the vicinity of the find (a minimum of 100 feet) and the Marin County Coroner (Coroner) will be notified.</td>
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<tr>
<td>During Construction</td>
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</table>
Mitigation Measure | Timing | Implementing Party | Monitoring Party
--- | --- | --- | ---
immediately. If the Coroner determines the remains to be Native American in origin, the Coroner shall be responsible for notifying the NAHC, which shall appoint a MLD (PRC Section 5097.99). The archaeological consultant, applicant, project lead agency, and MLD shall make all reasonable efforts to develop an agreement for the dignified treatment of human remains and associated or unassociated funerary objects (CCR Title 14 Section 15064.5[d]). The agreement shall take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The MLD shall have 24 hours after notification by the NAHC to make their recommendation (PRC Section 5097.98). If the MLD does not agree to the reburial method, the project shall follow PRC Section 5097.98(b), which states, “the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.”

**Greenhouse Gas Emissions**

*GHG 1: Implement the Best Management Practices to Minimize GHG Emissions during Construction (Recommended)*

The project applicant will implement, to the extent feasible, the following BMPs to reduce GHG emissions from construction equipment. These BMPs are based on measures proposed in the BAAQMD CEQA Guidelines (2011).

- Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;
- Local building materials of at least 10 percent; and
- Recycle at least 50 percent of construction waste or demolition materials.