

6.0 OTHER CEQA CONSIDERATIONS

As required by the California Environmental Quality Act (CEQA), this chapter discusses the following types of impacts that could result from implementation of the proposed project: growth-inducing impacts, significant irreversible changes, effects found not to be significant, and significant unavoidable effects.

6.1 GROWTH-INDUCING IMPACTS

This section summarizes the project's potential growth-inducing impacts on the surrounding community. A project is typically considered growth inducing: if it would foster economic or population growth or the construction of additional housing; if it would remove obstacles to population growth or tax community services to the extent that the construction of new facilities would be necessary; or if it would encourage or facilitate other activities that cause significant environmental effects.¹ Examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped.

The proposed project consists of the redevelopment of an infill site (consisting of the existing mall) through demolition, renovation, and new construction with a mix of commercial and residential land uses. As described in Section 4.2, Population and Housing, it is estimated that the approximately 501,940 square feet of commercial uses in Phase 1 would generate an estimated maximum of 1,434 daily employees on the site, for a decrease of approximately 756 employees compared to the full occupancy of the project site that could occur under existing conditions. In light of the net reduction to approximately 217,520 square feet of commercial space associated with Phase 2, it is estimated that the proposed uses at buildout would result in a decrease in the estimated maximum number of daily employees on the site, from 1,434 to 621 employees, a reduction of 813 employees compared to Phase 1 and 1,569 compared to full occupancy of the project site. Based on the average household size of 2.49 persons per household as conservatively identified in the San Rafael 2040 General Plan, the proposed project would result in an increase to San Rafael's population by approximately 2,295 residents with completion of Phase 1 in approximately 2025 and an additional 1,246 residents with completion of Phase 2, for a total of 3,541 residents at project buildout in approximately 2040.² As described in Section 4.1, Land Use and Planning, the proposed project fits within the overall development assumptions envisioned under the General Plan and assumed in the General Plan Final EIR, as well as the specific density requirements for the project site. In addition, Phase 1 of the proposed project is specifically identified in the 2023-2031 Housing Element, which was certified in May 2023 and did not change any of the overall buildout figures from the 2040 General Plan. Therefore, the proposed project would not result in substantial direct or indirect population growth beyond that planned for the city, county, or region, and instead would contribute

¹ *State CEQA Guidelines*. 2023. Section 15126.2(d).

² 922 residential units x 2.49 persons per household = 2,295
1,422 residential units x 2.49 persons per household = 3,541

to the needed and planned for supply of housing, including affordable housing through the provision of up to 147 below market rate units (approximately 10.5 percent of the total residential units).

Additionally, the proposed project would consist of redevelopment of an existing urbanized site and would not require the extension of utilities or roads into undeveloped areas or directly or indirectly lead to the development of greenfield sites. Although the existing 12-inch diameter Terra Linda Trunk Sewer line downstream of the project site would be required to be upsized to 15-inches to serve the proposed project (Mitigation Measure UTL-1), approximately 58 percent of the new capacity would accommodate the proposed project development, and the remainder would accommodate existing development within the project area. The increased capacity would not facilitate new, unplanned population growth in the project area. Due to the location of the project site and the presence of existing uses on and in the vicinity of the site, development of the proposed project would not induce unplanned growth in the area. Therefore, the growth that would occur as a result of the proposed project would not be substantial or adverse.

6.2 SIGNIFICANT IRREVERSIBLE CHANGES

An Environmental Impact Report (EIR) must identify any significant irreversible environmental changes that could result from implementation of a proposed project. These may include current or future uses of non-renewable resources, and secondary growth-inducing impacts that commit future generations to similar uses. CEQA suggests that irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. Each of these three categories is further detailed below.

6.2.1 Changes in Land Use Which Commit Future Generations

The project site is currently developed with the existing Northgate Mall, and the proposed project would redevelop the site with residential and new commercial uses. The proposed project would allow for redevelopment of the project site with 1,422 residential units and 217,520 square feet of commercial space. Because the project would occur on an infill site in which a variety of land uses may be considered under the General Plan and Municipal Code and because, in the future, the site could be rezoned (in which case at the end of the useful life of the project, the use could change), the proposed project would not commit future generations to a significant change in land use.

6.2.2 Irreversible Damage from Environmental Accidents

No significant environmental damage (e.g., accidental spills or explosion of a hazardous material) is anticipated with implementation of the proposed project. Compliance with federal, State, and local regulations, and implementation of Mitigation Measures HAZ-1 and HAZ-2, as outlined in Section 4.8, Hazards and Hazardous Materials of this EIR, would ensure that this potential impact would be reduced to a less than significant level. As such, no irreversible changes (e.g., those that might result from construction of a large-scale mining project, a hydroelectric dam project, or other industrial project) would result from development of the proposed project.

6.2.3 Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes increased energy consumption, conversion of agricultural lands, and lost access to mining reserves. As discussed in Section 6.3.1 below, the State

Department of Conservation designates the site as “Urban and Built-Up Land,” and the site is located in an urbanized area of San Rafael. Therefore, no existing agricultural lands would be converted to non-agricultural uses. In addition, the project site does not contain known mineral resources and does not serve as a mining reserve; thus, development of the proposed project would not result in the loss of access to mining reserves. Please refer to Sections 6.3.1 and 6.3.3 below for a discussion of impacts related to agricultural and mining resources, respectively.

Construction of the proposed project would require the use of energy, including energy produced from non-renewable resources. Energy consumption would also occur during the operational period of the proposed project. As discussed in Section 4.15, Energy, of this EIR, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Additionally, the proposed project would not require the construction of major new lines to deliver energy or natural gas as these services are already provided in the area. Therefore, the proposed project would not result in a significant impact associated with the consumption of nonrenewable resources.

6.3 EFFECTS FOUND NOT TO BE SIGNIFICANT

The environmental topics analyzed in Chapter 4.0, Setting, Impacts, and Mitigation Measures, represent those topics that generated the greatest potential controversy and expectation of adverse impacts associated with development of the proposed project. The following topics are not addressed in this EIR because impacts related to these topics either would not occur or would be less than significant with implementation of applicable mitigation measures. A summary of the conclusions provided in the Initial Study analysis for each of the topics scoped out of the EIR is provided below.

6.3.1 Agricultural and Forestry Resources

The project site and vicinity are located within an urban area in San Rafael. The project site is currently zoned as General Commercial and is classified as “Urban and Built-Up Land” by the State Department of Conservation.³ The project site is not used for agricultural production and it does not support forestry resources. Therefore, there would be **no impact** to agricultural and forestry resources.

6.3.2 Biological Resources

The project site and vicinity are located within an urban area in San Rafael. The project site does not provide suitable habitat for any special-status plant species due to prior disturbance at the project site and the resulting lack of native plant communities (e.g., wetlands, salt marsh, woodlands, and grasslands). The proposed project would result in the removal of mature trees and vacant buildings that could provide habitat for special-status species, including the white-tailed kite (*Elanus leucurus*)

³ California Department of Conservation (DOC). 2022. Division of Land Use Resource Protection. California Important Farmland Finder. Website: maps.conservation.ca.gov/dlrp/ciff (accessed October 2023).

and pallid bay (*Antrozous pallidus*) as well as other roosting bats.⁴ Compliance with regulatory requirements imposed by the California Department of Fish and Wildlife (CDFW) and the federal Migratory Bird Treaty Act (MBTA) to protect nesting birds and roosting bats would be required as conditions of approval for the proposed project. Implementation of these measures, which are standard construction measures that are applicable to all construction projects that have the potential to impact nesting birds and bats species, would ensure that these impacts would not occur.

Regulatory Compliance Measure 1: Nesting Bird Surveys. If construction, grading, or other project-related construction activities are scheduled during the nesting season, February 1 to September 1, a focused survey for active nests shall be conducted by a qualified biologist within 7 days prior to the beginning of project-related activities. If an active nest is found, the qualified biologist shall delineate a no-work-zone buffer distance around the nest that is site and species specific using high visibility fencing or flagging. The buffer distance shall be specified to protect the bird's normal behavior and prevent nesting failure or abandonment. No work shall occur within the no-work zone until the nest is no longer active as determined by a qualified biologist. If a lapse in project-related work of 7 days or longer occurs, another focused survey shall occur before project work is reinitiated.

Regulatory Compliance Measure 2: Roosting Bat Habitat Assessment and Surveys. Prior to any building demolition or tree removal, a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have at least 2 years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted no more than 15 days prior to tree removal or building demolition and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species, attics, eaves). If suitable habitat trees or buildings are found, or bats are observed, Regulatory Compliance Measures BIO-2b and BIO-2c shall be implemented.

⁴ Dudek. 2022. *Results of the Biological Resources Assessment Conducted for the Northgate Town Square Project, City of San Rafael, Marin County, California*. May 25.

Regulatory Compliance Measure 3: **Roosting Bat Building Exclusion Plan.** If the qualified biologist identifies buildings scheduled for demolition as potential bat habitat, then building demolition shall not occur until either (1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats, or (2) an appropriate bat eviction and exclusion plan has been approved by the City of San Rafael and implemented. The City of San Rafael shall seek the California Department of Fish and Wildlife's input on the exclusion plan. The plan shall: (a) recognize maternity and winter roosting season as vulnerable seasons for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15; (b) identify suitable areas for excluded bats to disperse or require installation of appropriate dispersal habitat, such as artificial bat houses, prior to project activities and include an associated management and monitoring plan with implementation and funding; and (c) include a requirement that exclusion materials shall be re-evaluated for effectiveness by the qualified biologist up to 2 weeks prior to building demolition.

Regulatory Compliance Measure 4: **Roosting Bat Tree Protections.** If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal shall not proceed unless the following occurs: (1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats, or (2) tree trimming and tree removal occur only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.

The project site does not contain any riparian habitat, wetlands, or wildlife movement corridors, and is not located within the boundaries of any adopted Habitat Conservation Plan. The City of San Rafael Municipal Code Chapter 11.12 protects trees planted in, upon, or along public streets, sidewalks, and walkways. The proposed project would result in the removal of 463 ornamental

trees; however, none of these trees would be street trees. The proposed project would also include the planting of at least 683 new trees on the project site. Therefore, the proposed project would not conflict with any local policies protecting biological resources. Given the above, there would be **no impact** on biological resources as a result of project implementation.

6.3.3 Mineral Resources

The project site is located within an urban area on a developed site. The San Rafael Rock Quarry, which is located approximately 4.75 miles east of the project site, is the only mineral resource area located within San Rafael.⁵ Therefore, the proposed project would not result in the loss of availability of a known mineral resource of value to the region or residents of the State or the loss of availability of a locally important mineral resource recovery site. There would be **no impact**.

6.3.4 Wildfire

The project site and adjacent areas are not located in a Very High Fire Hazard Severity Zone (VHFHSZ) as mapped by the California Department of Forestry and Fire Protection (CAL FIRE), and the project site is not located within any State Responsibility Areas (SRAs) for fire service.⁶ The project site is a generally level infill site in an urban area, and is bound by existing development on all sides. Therefore, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The project would also not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death related to wildland fires. There would be **no impact**.

6.4 SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

Even with implementation of the mitigation measures recommended in this EIR, the proposed project would result in the following significant unavoidable impacts:

- **Impact GHG-1:** The proposed project would not incorporate all of the Bay Area Air Quality Management District's (BAAQMD) recommended design thresholds to reduce greenhouse gas (GHG) emissions; therefore, operation of the proposed project would generate GHG emissions that would have a significant effect on the environment.
- **Impact GHG-2:** As the proposed project would generate GHG emissions that would have a significant effect on the environment, the proposed project would conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions.
- **Impact NOI-2:** Phase 2 operation period noise levels would exceed the City's land use compatibility thresholds for future on-site sensitive receptors.

⁵ City of San Rafael. 2021. *San Rafael General Plan 2040*. August 2.

⁶ California Department of Forestry and Fire Protection (CAL FIRE). 2023. *Marin County State Responsibility Area Fire Hazard Severity Zones*. June 15.