



21-2025-171

Notice of Exemption
City of San Rafael

DATE: November 18, 2025

TO: Office of Planning and Research
PO Box 3044, Room 113
Sacramento, CA 95812-3044

FROM: City of San Rafael
1400 5th Avenue
San Rafael, CA 94901
Attn: Kristina Estudillo

County Clerk
County of Marin
3501 Civic Center Drive
San Rafael, CA 94903

FILED

NOV 18 2025

SHELLY SCOTT
MARIN COUNTY CLERK
BY: *[Signature]*, Deputy

- 1. Project Title:** 350 Merrydale Road Shelter Crisis and Acquisition Project
- 2. Project Location:** 350 Merrydale Road, San Rafael; APNs 179-041-27 & 179-041-28
- 3. Project Description:** The City has an opportunity to acquire a 2.5-acre property at 350 Merrydale Road /3833 Redwood Highway (Property) to serve as an interim shelter for up to 65 unhoused individuals on a temporary basis, followed by a permanent affordable housing development of up to 80 units. The project includes several actions, including 1) Declaring a "Shelter Crisis" in the City; 2) Adopting an Urgency Ordinance; 3) Adopting an Uncodified Ordinance; 4) Authorizing the City Manager to negotiate and execute a grant agreement with the County of Marin and affordable housing agreement; and 5) Authorizing the City Manager to negotiate and execute a purchase and sale agreement for real property located at 350 Merrydale Road.
- 4. Public Agency Approving Project:** City of San Rafael
- 5. Project Sponsor:** City of San Rafael
- 6. CEQA Exemption Status:**

1. Resolution Declaring a Shelter Crisis Pursuant to Government Code Section 8698, Et. Seq.; California Environmental Quality Act (CEQA) Determination: Not a Project Per CEQA Guidelines 15378(b)(2),(4),(5); Alternatively Exempt Pursuant to CEQA Guidelines 15061(b)(3) [Common Sense]; 15269(c) [Emergency]
2. Urgency Ordinance Adopting Reasonable Local Standards and Procedures for Homeless Shelters Pursuant to Government Code Section 8698; Et. Seq.; CEQA Determination: Not a Project Per Government Code Sections 65660(b), 65662; CEQA Guidelines 15378(b)(2), (4), (5); Alternatively Exempt Pursuant to CEQA Guidelines 15061(b)(3) [Common Sense]; 15269(c) [Emergency]

POSTED 11/18/25 TO 12/18/25

3. Uncodified Ordinance Adopting Reasonable Local Standards and Procedures for Homeless Shelters Pursuant to Government Code Section 8698, Et. Seq.; CEQA Determination: Not a Project Per Government Code Sections 65660(b), 65662; CEQA Guidelines 15378(b)(2), (4), (5); Alternatively Exempt Pursuant to CEQA Guidelines 15061(b)(3) [Common Sense]; 15269(c) [Emergency]
4. Resolution Authorizing the City Manager to Negotiate and Execute a Grant Agreement Between the City and County of Marin in the Amount of \$8 Million and Affordable Housing Agreement in a Form to be Approved by the City Attorney to Facilitate the Acquisition of Real Property Located at 350 Merrydale Road (APNs 179-041-27 & 179-041-28) for Use as an Interim Shelter and Permanent Affordable Housing and to Accept the Full Amount of the Grant and Appropriate \$7.0 Million to Cover Costs Related to Acquisition; CEQA Determination: Not A Project Per Government Code Sections 8698.4(a)(4); 65660(b), 65662; Public Resources Code Section 21080(b)(1) [Ministerial Project]; CEQA Guideline 15268(B) [Ministerial Project]; Exempt Pursuant To CEQA Public Resources Code Section 15183 [Consistent With General Plan Policies]; CEQA Guidelines 15269(c) [Emergency]; 15332 [Infill]
5. Resolution Authorizing the City Manager to Negotiate and Execute a Purchase and Sale Agreement in the Amount of \$6.7 Million, Plus Associated Costs, to Execute a Certificate Of Acceptance and Other Documents Necessary to Complete the Purchase of the Real Property Located At 350 Merrydale Road and to Execute a Professional Services Agreement with Cornish and Carey Commercial (D/B/A Newmark) in an Amount Not to Exceed \$201,000 for Real Estate Brokerage Services Rendered to the City for the City s Purchase of 350 Merrydale Road (APNS 179-041-27 & 179-041-28); CEQA Determination: Not a Project Per Government Code Sections 8698.4(a)(4); 65660(b), 65662; Public Resources Code Section 21080(b)(1) [Ministerial Project]; CEQA Guideline 15268(b) [Ministerial Project]; Exempt Pursuant To CEQA Public Resources Code Section 15183 [Consistent With General Plan Policies]; CEQA Guidelines 15269(c) [Emergency]; 15332 [Infill]; 15061(b)(3) [Common Sense]; 15378(b)(4) [Fiscal Activity].

7. Reasons for Exemption:

1. **Shelter Crisis:** The shelter crisis resolution does not constitute a project as defined in Public Resources Code Section 21065 because the resolution is simply a declaration that existing conditions meet certain state law criteria. (See also CEQA Guidelines sections 15378 (b)(2), (4), (5).) Further, even if adoption of the resolution did constitute a project, it would be exempt from further CEQA review pursuant to CEQA Guideline 15061(b)(3) because there is no possibility that the declaration of a shelter crisis may have a significant effect on the environment since it merely is finding that existing conditions meet certain criteria. Finally, adoption of the resolution is exempt pursuant to CEQA Guideline 15269(c) as necessary to mitigate an emergency situation caused by the affordable housing shortage.
2. **Urgency Ordinance:** Adoption of the Urgency Ordinance is not a project within the meaning of the California Environmental Quality Act (CEQA), as defined in Public Resources Code Section 21065 and Sections 15378(b)(2), (4), and (5) of the CEQA Guidelines. This Ordinance establishes administrative procedures and

standards for the implementation of an existing state program authorized under Government Code Sections 8698 through 8698.4, which does not directly authorize or approve any specific development or physical change in the environment. Further, the adoption of this Ordinance is exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance, or its implementation, will have a significant effect on the environment. Finally, adoption of this Ordinance is exempt pursuant to CEQA Guideline 15269(c) as necessary to mitigate an emergency situation caused by the affordable housing shortage.

3. **Uncodified Ordinance:** Adoption of the Uncodified Ordinance is not a project within the meaning of the California Environmental Quality Act (CEQA), as defined in Public Resources Code Section 21065 and Sections 15378(b)(2), (4), and (5) of the CEQA Guidelines. This Ordinance establishes administrative procedures and standards for the implementation of an existing state program authorized under Government Code Sections 8698 through 8698.4, which does not directly authorize or approve any specific development or physical change in the environment. Further, the adoption of this Ordinance is exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this Ordinance, or its implementation, will have a significant effect on the environment. Finally, adoption of this Ordinance is exempt pursuant to CEQA Guideline 15269(c) as necessary to mitigate an emergency situation caused by the affordable housing shortage.
4. **Grant Agreement:** Upon declaration of a shelter crisis, CEQA does not apply to financial assistance or an encumbrance of land owned by a local government for a homeless shelter. (Cal. Gov. Code Sec. 8694(a)(4).) Further, execution of the Grant Agreement and Affordable Housing Agreement is exempt from CEQA review pursuant to CEQA Guideline 15061(b)(3), because it can be seen with certainty that there is no possibility that their execution may have a significant effect on the environment. The underlying projects, a temporary homeless shelter or low barrier navigation center are both uses by right and therefore ministerial projects not subject to CEQA, pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268(b). (See also Gov. Code Sec. 65660(b), 65662.) The proposed interim shelter and future affordable housing project are also exempt from CEQA pursuant to Public Resources Code sections 15183 (Community Plan Exemption) and 15332 (Class 32 Infill), as detailed in the attached CEQA memo. Finally, adoption of the Resolution is exempt pursuant to CEQA Guideline 15269(c) as necessary to mitigate an emergency situation caused by the affordable housing shortage.
5. **Purchase and Sale Agreement:** Upon declaration of a shelter crisis, CEQA does not apply to financial assistance or conveyance by a local government for a homeless shelter. (Cal. Gov. Code Sec. 8698.4(a)(4).) Further, the underlying projects, a temporary homeless shelter or low barrier navigation center, are both uses by right and therefore ministerial projects not subject to CEQA, pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268(b) (see also Gov. Code sections 65660(b), 65662). The proposed future affordable housing project is also exempt from CEQA pursuant to Public Resources Code sections 15183 (Community Plan Exemption) and 15332 (Class 32 Infill). Approval of the brokerage agreement does not constitute a project

pursuant to CEQA Guideline 15378(b)(4), and even if it did constitute a project, approval of the brokerage agreement is exempt from CEQA pursuant 15061(b)(3) under common sense that it can be seen that the brokerage agreement will not result in an impact to the environment. Finally, adoption of the resolution is exempt pursuant to CEQA Guideline 15269(c) as necessary to mitigate an emergency situation caused by the affordable housing shortage. The procurement of professional services by Newmark is exempt from competitive bidding pursuant to San Rafael Municipal Code Section 2.55.100.D and Newmark has demonstrated the competence and the necessary real estate license to render real estate brokerage services.

Filed by:

Kristina Estudillo

Kristina Estudillo, AICP
Principal Planner

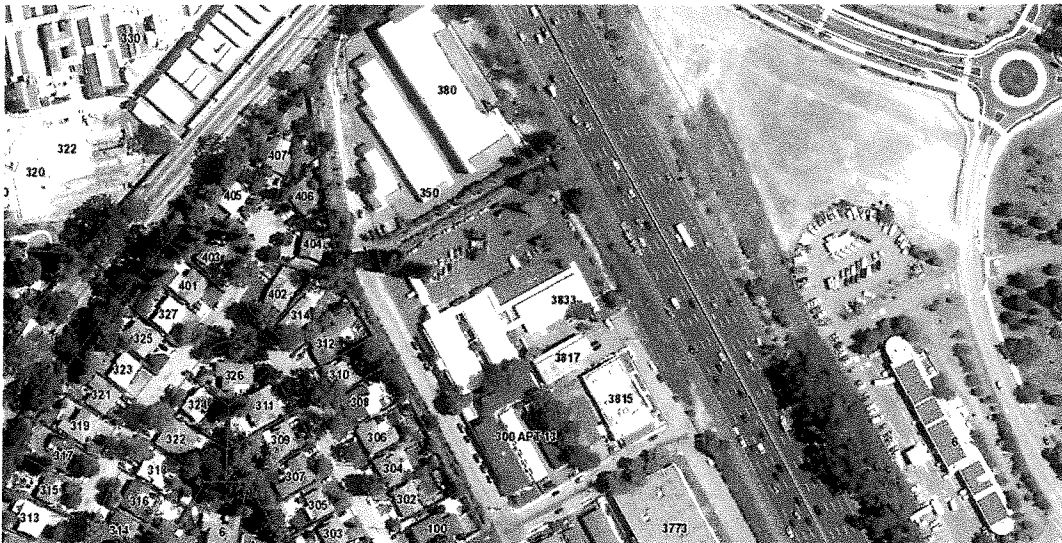
Attachment:

- 1) CEQA Memo, dated November 2025



CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION REVIEW

**350 MERRYDALE INTERIM SHELTER AND AFFORDABLE
HOUSING DEVELOPMENT PROJECT
APN(s): 179-041-27 and 179-041-28**



November 3, 2025

City of San Rafael
Community and Economic Development Department
1400 Fifth Avenue, Top Floor
San Rafael, CA 94901

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I. SUMMARY

The proposed project (“Project”) is an infill development located at 350 Merrydale Road and 3833 Redwood Highway in the City of San Rafael. As part of a collaboration between the County of Marin and the City of San Rafael (City) to address homelessness and the lack of affordable housing, the project proposes the acquisition of a 2.5-acre property to serve as an Interim Shelter for up to 65 unhoused individuals on a temporary basis followed by a permanent affordable housing development of up to 80 units. The project site was last used as an adult school serving approximately 100 individuals, but the project site has been vacant for at least five years. In 2020, the property owners received land use approvals for 45 for sale townhomes but the property owners did not proceed with construction activities and earlier this year placed the property for sale.

The City prepared this CEQA Exemption Memorandum to serve as the technical documentation of an environmental analysis prepared for the Project. As demonstrated in the memorandum, the Project qualifies for a Categorical Exemption under CEQA Section 15183 as the Project is consistent with the development density established by existing zoning and general plan policies associated with the certified City of San Rafael 2040 General Plan. The Project also qualifies for a Categorical Exemption under CEQA Section 15332 (Infill Development) as the Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, is located within city limits on a project site of no more than 5 acres substantially surrounded by urban uses; the project site has no value, as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.”

II. PROJECT SITE

The project site is located at 350 Merrydale Road and comprises 2.5 acres of land located just west of the US Highway 101 transportation corridor in northern San Rafael, approximately two miles north of downtown. The property has two physical addresses: 350 Merrydale Road and 3833 Redwood Highway, San Rafael. The property is recorded by the Marin County Assessor as Assessor’s Parcel Numbers (APN) 179-041-27 and 179-041-28. The property is zoned Planned Development (PD) District under the City’s zoning ordinance and currently consists of three single-story buildings, most recently occupied by an adult school. The existing buildings are separated by small courtyards and surrounded by an asphalt-surfaced parking lot. In terms of surrounding land uses, commercial businesses adjoin the property to the north and south; a residential apartment building also adjoins to the south, along Merrydale Road. A residential subdivision is located west across Merrydale and the US Highway 101 corridor is adjacent to the east side of the project site. The project

site is approximately half a mile from the Sonoma-Marín Area Rail Transit (SMART) Marin Civic Center Station.

Table 1. Project Characteristics

| | | | |
|--------------------------|---|--------------------------|---------------------------|
| Address/Location: | 350 Merrydale Road and 3833 Redwood Highway | Parcel Number(s): | 179-041-27 and 179-041-28 |
|--------------------------|---|--------------------------|---------------------------|

| | | | |
|-----------------------|-----------|----------------------|-------------|
| Property Size: | 2.5 acres | Neighborhood: | Terra Linda |
|-----------------------|-----------|----------------------|-------------|

| Site Characteristics | | | |
|-----------------------------|---|---|--------------------------|
| | General Plan Designation | Zoning District | Existing Land-Use |
| Project Site: | Community Commercial Mixed Use (GC) | Planned Development District (PD) | Educational |
| North: | Office Mixed Use (OMU) | Planned Development District (PD) | Commercial |
| South: | High Density Residential (HR) and Community Commercial Mixed Use (GC) | High Density Residential (HR) and General Commercial (GC) | Residential/Commercial |
| East: | US 101 Highway | US 101 Highway | US 101 Highway |
| West: | Low Density Residential (LDR) | Single-Family Residential (R7.5) | Residential |

Figure 1 - Vicinity Map



III. PROJECT DESCRIPTION

In partnership with the County of Marin, the Project proposes acquiring the site for use as an Interim Shelter for unhoused residents on a temporary basis and subsequent development of a permanent affordable housing development as outlined below:

- **Interim Shelter Operations**
 - City and County will split the operating costs until June 30, 2027.
 - Up to two extensions beyond June 30, 2027, based on available funding per a City-led fundraising campaign, in collaboration with the County.
 - Site closure no later than June 30, 2029.
 - Maximum of 65 individuals will be served at any one time. Through program attrition and contingent upon available funding, no more than 70 unique individuals may be eligible to participate in the program with priority placement given in this order; (1) current Sanctioned Camping Area participants, (2) Andersen Road Encampment; (3) other encampments in the City of San Rafael.
 - No new entries within one year of anticipated closure unless adequate funding is secured.

- **Affordable Housing Development**

- City to entitle property for up to 80 units of affordable housing by June 30, 2028.
- City will make good faith effort to keep affordability levels as low as possible.
- County will contribute \$100,000 per entitled unit, up to 80 units; If less than 80 units are entitled, the City will refund the County \$100,000 per unit.
- If the property is not entitled by June 30, 2028, or the City otherwise defaults on the Agreement, the City must reimburse the County.

General Plan Designation: The project site is designated Community Commercial Mixed Use (21.8-43.6 units/net acre; maximum FAR 0.3). This category corresponds to general retail and service uses, restaurants, automobile sales and service uses, hotels/ motels, and other commercial activities. Offices are also permitted, except where specifically precluded by General Plan policies. Mixed use projects that combine housing and commercial uses are encouraged. Projects that are entirely residential are permitted, although limitations may apply in certain zoning districts to ensure that adequate land is provided for activities generating sales tax, jobs, and local service opportunities. Residential development is subject to a maximum net density of 43.6 units per acre. The FAR limit of 0.3 applies to non-residential square footage only, and excludes square footage associated with housing in mixed use projects. Lower FAR limits may apply on some parcels, as indicated on Figure 3-2 (Floor Area Ratio map). Areas with this designation include the Northgate Town Center, Merrydale Road area, and portions of Francisco Boulevard East and West.

Zoning District: The site has a Planned Development (PD) zoning classification and the PD was adopted on February 18, 2020 (PD 1979). The purpose of the Planned Development District for the 45-unit residential development is to regulate the development of a 2.28-acre site located at 350 Merrydale Road/3883 Redwood Highway.

The PD permitted: 1) a 45-unit residential condominium development on the 2.28-acre site, a 500 square foot Community Room for tenant use and a “Creek Promenade” area for use as a recreational amenity, as per approved plan Sheet SP-2 and; 2) All other land uses shall follow the land use regulations set forth in the High Density Residential (HR1) District land use classification as contained in Zoning Ordinance (SRMC 14.04.020).

Multifamily Residential Districts: High-Density (HR1, HR1.5, HR1.8)

The purpose of the high-density residential district is to provide opportunities for high-density multifamily residential development. High-density multifamily residential districts are included in the high-density residential land use category with densities ranging from one thousand (1,000) square feet to one thousand eight hundred (1,800) square feet per dwelling unit. Allowable land uses are outlined in SRMC Section 14.04.020 - Land use regulations (R, DR, MR, HR, PD).

Pursuant to SRMC Section 14.04.020, "Multifamily residential" is an allowed use in the HR zoning district and no use permit is required. "Emergency shelters for the homeless" is an allowable use in the HR zoning district with a Use Permit. Applicable definitions contained in SRMC Section 14.03.030 (Definitions) can be found below:

"Residential, multifamily" means medium and high density residential development, including a "transitional housing development" or "supportive housing" as defined under State Health and Safety Code Section 50675.2 (and subsequent amendments), containing three (3) or more attached dwelling units in one (1) or more structures located on a single parcel or common lot.

"Emergency shelters" means housing as defined under the State Health and Safety Code Section 50801(e); i.e., with minimal supportive services for homeless person(s) that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay.

"Permanent emergency shelter for the homeless" means a permanent residential facility operated by a provider which provides emergency housing or temporary accommodations year-round to homeless persons and/or families on a nonprofit basis, and which meets the standards for shelters contained in this title. A facility under this section does not include temporary shelter provided by general relief in the wake of a disaster where assistance by the American Red Cross and/or federal disaster relief is provided.

"Temporary or rotating emergency shelter for the homeless" means a nonprofit temporary or emergency housing facility for individuals and families authorized to operate up to six (6) consecutive months. A facility under this definition does not include temporary shelter provided by general relief in the wake of a disaster where assistance by the American Red Cross and/or federal disaster relief is provided.

The proposed project entails the acquisition of the project site for future use as an emergency shelter, which is an allowable use with a Use Permit and for future development for affordable housing, which is allowed by right, the project is consistent with the HR zoning district and as allowed under PD 1979.

Future Development

At this time, project specific details of the future affordable housing project are not available; however, CEQA requires the analysis of a reasonable worst-case scenario. As a result, the following assumptions are being made about the future development. The maximum future development potential was estimated based on the size of the project site, General Plan maximum density, and development standards for the HR-1 zoning district, and additional units allowed under State Density Bonus Law.

Based on the net acreage and the maximum net density (21.8-43.6 units/net acre), the site is anticipated to accommodate approximately 76 units. As the project is anticipated to be a 100 percent affordable housing project, under State Density Bonus Law a density bonus of 80 percent is allowed, therefore, a maximum of 137 units would be allowed. Applicable development standards would be those for the HR-1 zoning district, and therefore it is assumed the future development would maintain a maximum base height of 36 feet.

Gross Area: 2.3 acres

Easements:

- MCFCD 25-foot wide flood control easement - 0.21 acres
- MCFCD 15-foot wide maintenance easement - 0.11 acres
- City of San Rafael Roadway/Utility easement - (0.25 acres)
- Overlap of easements 0.03 acres

Net Area: 1.74 acres

Max General Plan Density: 43.6 units/net acre

Max Density: 76 units

Density Bonus: 80% or 61 allowable density bonus units

Maximum Total Units: 137 units

Future permits would include:

- Environmental and Design Review Permit
- Grading Permit
- Building Permits

IV. CEQA PROCESS

CEQA establishes a three-tier environmental review process. The first step is jurisdictional and requires a public agency to determine whether a proposed activity is a “project” as defined in Section 21065 of the CEQA Guidelines. As provided therein, under CEQA a “project” means an activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

- a. An activity directly undertaken by any public agency.
- b. An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- c. An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

If an activity is defined as a “project”, the agency must decide whether the project is exempt from CEQA review under either a statutory or categorical exemption, Articles 18 and 19, respectively. If a project is categorically exempt, it is not subject to CEQA and is processed without an initial study or further CEQA review. (*Holden v. City of San Diego* [2019] 43 Cal.App.5th 404, 409.)

CEQA provides several “categorical exemptions” that are applicable to categories of projects that the Legislature has determined do not pose a risk of significant impacts on the environment. Here, the Project qualifies for a Categorical Exemption under CEQA Section 15183 as the Project is consistent with the development density established by existing zoning and general plan policies associated with the certified City of San Rafael 2040 General Plan and the infill development exemption pursuant to Title 14 of the California Code of Regulations Section 15332 (“CEQA Guidelines 15332”).

V. DOCUMENTS INCORPORATED BY REFERENCE

The City of San Rafael General Plan Final EIR (State Clearinghouse No 2019039167) has been cited and incorporated by reference into this analysis, in accordance with Section 15150 of the State CEQA Guidelines, as a means of reducing the redundancy and length of this environmental document. The City of San Rafael General Plan Final EIR is available for public online. This document is hereby incorporated by reference into this Initial Study/State CEQA. The following documents have been incorporated into this analysis.

1. City of San Rafael General Plan and EIR, 2021

[General Plan Documents - San Rafael](#)

[Environmental Review - San Rafael](#)

2. City of San Rafael Housing Element

[2023-2031 Housing Element Update - San Rafael](#)

3. City of San Rafael Zoning Code, Title 14

[Mini TOC: Title 14 - ZONING* | Code of Ordinances | San Rafael, CA | Municode Library](#)

4. City of San Rafael Subdivision Regulations, Title 15

[Mini TOC: Title 15 - SUBDIVISIONS | Code of Ordinances | San Rafael, CA | Municode Library](#)

VI. CEQA GUIDELINES SECTION 15183 EXEMPTION

A. Applicability

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provides a streamlined environmental review process and a statutory exemption for projects that are consistent with the densities established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified. As described in detail below, the Project is consistent with the existing zoning designation for the site and with the City of San Rafael Plan. The City of San Rafael General Plan EIR was certified by the City Council on July 19, 2021, (SCH No. 2019039167). Based on the Project's consistency with existing zoning and the General Plan, and provided that the General Plan EIR was certified, the project qualifies for streamlined environmental review pursuant to Section 15183 of the CEQA Guidelines.

B. General Plan Consistency

General Plan Land Use Designation

The project site is designated Community Commercial Mixed Use (21.8-43.6 units/net acre; maximum FAR 0.3). This category corresponds to general retail and service uses, restaurants, automobile sales and service uses, hotels/ motels, and other commercial activities. Offices are also permitted, except where specifically precluded by General Plan policies. Mixed use projects that combine housing and commercial uses are encouraged. Projects that are entirely residential are permitted, although limitations may apply in certain zoning districts to ensure that adequate land is provided for activities generating sales tax, jobs, and local service opportunities. Residential development is subject to a maximum net density of 43.6 units per acre. The FAR limit of 0.3 applies to non-residential square footage only, and excludes square footage associated with housing in mixed use projects. Lower FAR limits may apply on some parcels, as indicated on Figure 3-2 (Floor Area Ratio map). Areas with this designation include the Northgate Town Center, Merrydale Road area, and portions of Francisco Boulevard East and West.

The proposed use of the site would be consistent with the General Plan Land Use designation as the project proposes an interim shelter for unhoused residents on a temporary basis and subsequent development of a permanent affordable housing development. Based on the size of the site (2.29 acres) and the maximum net density (21.8-43.6 units/net acre), the site is anticipated to accommodate approximately 76 base units and up to 137 units with State Density Bonus Law.

General Plan Policies

An analysis of the Project's conformity with the applicable General Plan policies is provided in detail in matrix format in the General Plan Conformity Analysis (Attachment 1).

C. Zoning Consistency

The site has a Planned Development (PD) zoning classification and the PD was adopted on February 18, 2020 (PD 1979). The purpose of the Planned Development District for the 45-unit residential development is to regulate the development of a 2.28-acre site located at 350 Merrydale Road/3883 Redwood Highway.

The PD permitted: 1) a 45-unit residential condominium development on the 2.28-acre site, a 500 square foot Community Room for tenant use and a "Creek Promenade" area for use as a recreational amenity, as per approved plan Sheet SP-2; and 2) all other land uses shall follow the land use regulations set forth in the High Density Residential HR1) District land use classification as contained in Zoning Ordinance (SRMC 14.04.020).

Multifamily Residential Districts: High-Density (HR1, HR1.5, HR1.8)

The purpose of the high-density residential district provides opportunities for high-density multifamily residential development. High-density multifamily residential districts are included in the high-density residential land use category with densities ranging from one thousand (1,000) square feet to one thousand eight hundred (1,800) square feet per dwelling unit. Allowable land uses are outlined in SRMC Section 14.04.020 - Land use regulations (R, DR, MR, HR, PD).

Pursuant to SRMC Section 14.04.020, Multifamily residential is an allowed use in the HR zoning district and no use permit is required. Emergency shelters for the homeless is an allowable use in the HR zoning district with a Use Permit. Under state law, during a declared shelter crisis by a city, certain homeless shelters can be exempted from provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city or county has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety and those standards are complied with. (Gov. Code section 8698.4(a)(2)(A)(ii).) These "shelter crisis" homeless shelters are defined as "a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A temporary homeless shelter community may include supportive and self-sufficiency development services. A "homeless shelter" shall include a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals." (Gov. Code

section 8698.4(c)(1).) The City is currently considering a shelter crisis declaration and adoption of an ordinance for reasonable local standards and procedures for the design, site development, and operation of homeless shelters while ensuring compliance with minimum health and safety measures on City-owned or leased property, which would include the project site.

Low barrier navigation centers are another type of homeless shelter that, under state law, are a “use by right” not subject to CEQA in areas zoned for mixed use and nonresidential zones permitting multifamily uses, provided certain conditions are met. (Gov. Code section 65660(b).) A “low barrier navigation center” or “LBNC” means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. An LBNC may be non-congregate and relocatable. “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

LBNCs must:

(1) Offer services to connect people to permanent housing through a services plan that identifies services staffing.

(2) Be linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

(3) Comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

(4) Have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

It is likely that the interim shelter component of the Project would constitute an LBNC and would therefore be a use by right.

The Project entails the acquisition of the project site for future use as a homeless shelter pursuant to the Shelter Crisis Act, or for a low barrier navigation center (which would be a use by right) and for future development for affordable housing, which is allowed by right. The Project is consistent with PD 1979 and applicable provisions of the HR zoning district as preempted by state law.

Development Standards

As outlined in PD 1979, applicable development standards for the site are for the HR1 zoning district, which are contained in SRMC Section 14.04.040 - Property development standards, which include a 36-foot height limit. Through consistency with applicable state law pertaining to Shelter Crisis Act homeless shelters (Gov. Code section 8698.4) and LBNCs, (Gov. Code section 65662), and compliance with the HR1 zoning district development standards (for the affordable housing component), The City's proposed acquisition of 350 Merrydale for use as an Interim Shelter for unhoused residents on a temporary basis and subsequent development of a permanent affordable housing development of up to 76 base units (137 units with a Density Bonus utilizing applicable waivers) conforms with the City of San Rafael 2040 General Plan land use designation, General Plan policies, and is allowed by the applicable Planned Development PD 1979.

D. CEQA Guidelines Section 15183 Analysis

In approving a project meeting the conditions of CEQA Guidelines Section 15183, analysis of environmental impacts is limited to those impacts that (1) are peculiar to the project or site on which the project is located; (2) were not analyzed as significant effects in the prior EIR with which the project is consistent; (3) are potentially significant off-site and cumulative impacts that were not discussed in the prior EIR, and; (4) are previously identified significant effects that are determined to have a more severe impact than discussed in the prior EIR.

The Project will not result in significant environmental effects peculiar to the Project or site where it is located. The site was previously used as a school and the General Plan and associated EIR anticipated the site would be developed for residential development. The project site is located within a developed urban context connected by roads and utilities and surrounded by established urban uses, including single-family, multifamily, and commercial development.

Environmental effects associated with General Plan buildout, including development of the site at the proposed density and intensity of the project were previously examined at a programmatic level in a certified EIR for the adopted General Plan. The Project would not contribute new significant effects that were not previously analyzed or could not be addressed through standard requirements for development.

Through incorporation of the recommended conditions of approval, impacts associated with development of the Project will be the same as previously identified in the General Plan EIR. Accordingly, the Project will not result in impacts that are peculiar to the Project or site on which the project is located; does not involve impacts that were not analyzed as significant effects in the prior EIR; will not result in impacts that are potentially significant off-site and cumulative impacts that were not discussed in the prior EIR, and will not result in impacts that new or more severe impacts as compared to those discussed in the prior EIR. Therefore, the Project qualifies for streamlined review pursuant to Section 15183 of the CEQA Guidelines.

VII. CEQA GUIDELINES SECTION 15332 EXEMPTION

CEQA Guidelines Section 15332 states that infill development is exempt from CEQA review if it meets the following criteria:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
- c. The project site has no value, as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

As discussed below, the Project meets each of these criteria and is therefore categorically exempt from CEQA. Furthermore, there are no applicable exceptions to the exemption.

A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulation.

General Plan: The Project site is designated Community Commercial Mixed Use (21.8-43.6 units/net acre; maximum FAR 0.3). This category corresponds to general retail and service uses, restaurants, automobile sales and service uses, hotels/motels, and other commercial activities. Offices are also permitted, except where

specifically precluded by General Plan policies. Mixed use projects that combine housing and commercial uses are encouraged. Projects that are entirely residential are permitted, although limitations may apply in certain zoning districts to ensure that adequate land is provided for activities generating sales tax, jobs, and local service opportunities. Residential development is subject to a maximum net density of 43.6 units per acre. The floor-area-ratio (FAR) limit of 0.3 applies to non-residential square footage only, and excludes square footage associated with housing in mixed use projects. Lower FAR limits may apply on some parcels, as indicated on Figure 3-2 (Floor Area Ratio map). Areas with this designation include the Northgate Town Center, Merrydale Road area, and portions of Francisco Boulevard East and West.

The proposed use of the site would be consistent with the General Plan Land Use designation as the project proposes an interim shelter for unhoused residents on a temporary basis and subsequent development of a permanent affordable housing development. Based on the size of the site (2.29 acres) and the maximum net density (21.8-43.6 units/net acre), the General Plan evaluated the site at anticipated net density would be 50-100 units based on the allowable density in the General Plan. An analysis of the Project's conformity with the applicable General Plan policies is provided in detail in matrix format in the General Plan Conformity Analysis (Attachment 1).

Zoning Code: The site has a Planned Development (PD) zoning classification and the PD was adopted on February 18, 2020 (PD 1979). The purpose of the Planned Development District for the 45-unit residential development is to regulate the development of a 2.28-acre site located at 350 Merrydale Road/3883 Redwood Highway.

The PD permitted: 1) a 45-unit residential condominium development on the 2.28-acre site, a 500 square foot Community Room for tenant use and a "Creek Promenade" area for use as a recreational amenity, as per approved plan Sheet SP-2; and 2) All other land uses shall follow the land use regulations set forth in the High Density Residential (HR1) District land use classification as contained in Zoning Ordinance ([SRMC 14.04.020](#)).

Multifamily Residential Districts: High-Density (HR1, HR1.5, HR1.8) - The purpose of the high-density residential district is to provide opportunities for high-density multifamily residential development. High-density multifamily residential districts are included in the high-density residential land use category with densities ranging from one thousand (1,000) square feet to one thousand eight hundred (1,800) square feet per dwelling unit. Allowable land uses are outlined in [SRMC Section 14.04.020 - Land use regulations \(R, DR, MR, HR, PD\)](#).

Pursuant to [SRMC Section 14.04.020](#), Multifamily residential is an allowed use in the HR zoning district and no use permit is required. Emergency shelters for the homeless is an allowable use in the HR zoning district with a Use Permit. Applicable definitions contained in [SRMC Section 14.03.030 \(Definitions\)](#) can be found below:

"Residential, multifamily" means medium and high density residential development, including a "transitional housing development" or "supportive housing" as defined under State Health and Safety Code Section 50675.2 (and subsequent amendments), containing three (3) or more attached dwelling units in one (1) or more structures located on a single parcel or common lot. "Emergency shelters" means housing as defined under the State Health and Safety Code Section 50801(e); i.e., with minimal supportive services for homeless person(s) that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay.

"Permanent emergency shelter for the homeless" means a permanent residential facility operated by a provider which provides emergency housing or temporary accommodations year-round to homeless persons and/or families on a nonprofit basis, and which meets the standards for shelters contained in this title. A facility under this section does not include temporary shelter provided by general relief in the wake of a disaster where assistance by the American Red Cross and/or federal disaster relief is provided.

"Temporary or rotating emergency shelter for the homeless" means a nonprofit temporary or emergency housing facility for individuals and families authorized to operate up to six (6) consecutive months. A facility under this definition does not include temporary shelter provided by general relief in the wake of a disaster where assistance by the American Red Cross and/or federal disaster relief is provided.

The proposed project entails the acquisition of the project site for the future use as a Shelter Crisis Act homeless shelter or LBNC (a use by right), and for future development for affordable housing, which is allowed by right, the project is consistent with the HR zoning district through the application of state laws related to shelters and density bonus, and is allowed under PD 1979.

The Project is consistent with the General Plan land use designation and application policies and programs. The Project is also consistent with the PD zoning designation and governing standards. Therefore, the Project meets criteria a.

B. The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.

The project site is located on a 2.5-acre Project Site within the limits of the City of San Rafael and is surrounded by commercial businesses to the north and south; a residential apartment building to the south, along Merrydale Road; a residential subdivision to the west across Merrydale; and the US Highway 101 corridor neighbors the site to the east. As the Project Site is located within the city limits on a

site less than five (5) acres and is surrounded on all sides by urban uses, the project site meets criteria b.

C. The project site has no value, as habitat for endangered, rare or threatened species.

As shown in Figure 6-1 of the San Rafael 2040 General Plan, the project site and surrounding area has a vegetative cover of “Urban/other” which is consistent with the developed nature of the site, including the existing hardscape and vacant commercial building, which limits the presence of critical habitat for endangered, rare or threatened species. The existing vacant building and trees on the site have the potential to provide habitat for roosting bats and nesting birds; however, as shown in Figure 2, the site’s features and surrounding areas do not represent value as habitat considering that they lack the ecological complexity, natural features, and documented, recurring use by rare, threatened, or endangered species necessary to be considered critical, sensitive, or valuable habitat.



Figure 2. Aerial of Project Site

General Plan Program C-1.12A requires that sites with suitable anthropogenic habitat be surveyed for the presence of special status species following accepted protocol prior to development-related habitat removal. Additionally, General Plan

Program C-1.13E requires pre-construction surveys if construction will occur during the bird nesting season. As such, consistent with these General Plan Programs and state requirements, any future development would be conditioned to conduct pre-construction surveys if demolition and/or tree removal will occur during the roosting and nesting seasons.

Given the highly disturbed nature of the site and surrounding area, there is an overall lack of value as habitat for endangered, rare, or threatened species. Therefore, the Project complies with criteria c.

D. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

This memorandum relies on the impact criteria contained in Appendix G of the 2025 CEQA Guidelines to evaluate whether the project would result in significant effects relating to traffic, noise, air quality, or water quality.

Traffic

The project site is located approximately 100 feet southwest of US 101 Highway near the Civic Center SMART station. Vehicular access to the Project Site is via Merrydale Road, which is a two-lane north-south roadway with on-street parking and a posted speed limit of 25 miles per hour (mph). Merrydale Road is discontinuous, terminating at the Sonoma-Marín Area Rail Transit (SMART) railroad tracks and beginning again north of the railroad tracks. Redwood Highway runs north-south parallel to Merrydale Road and US-101. The roadway has two lanes with on-street parking. The prima facie speed limit is 25 mph. The site accesses Highway 101 via the Merrydale Road/US 101 South Ramps and Merrydale Road/North San Pedro Road intersections.

- Merrydale Road/US 101 South Ramps is an all-way stop-controlled tee intersection with a yield-controlled channelized northbound right-turn. The intersection has a crosswalk on the east ramp leg.
- Merrydale Road/North San Pedro Road is a signalized intersection with split phasing on the eastbound and westbound Merrydale Road approaches, protected left-turn phasing on eastbound North San Pedro Road, and a right-turn overlap on westbound North San Pedro Road. Crosswalks are provided on the north and west legs, and sidewalks are provided except the southeast corner.

Anticipated trip generation was estimated using standard rates published by the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition, 2021. Rates for Multifamily Housing (Mid-Rise) Close to Transit (LU 221) in a dense, urban setting was applied to the housing units. These estimates conservatively do not include offsets for any existing or prior uses of the site. As shown in Table 2

below, the project would be expected to generate an average of 201 net new trips per day, with 25 am peak hour trips and 25 pm peak hour trips.

Table 2. Trip Generation Summary

| Land Use | Units (du) | Daily Rate (per ksf) | Trips | AM Peak Hour Rate (per ksf) | Trips | PM Peak Hour Rate (per ksf) | Trips |
|-------------------------------|------------|----------------------|-------|-----------------------------|-------|-----------------------------|-------|
| Proposed | | | | | | | |
| Multifamily Housing (ITE 221) | 100 | 2.01 | 201 | 0.25 | 25 | 0.25 | 25 |
| Net New Trips | | | 201 | | 25 | | 25 |

Vehicle Miles Traveled

Pursuant to Senate Bill 743, transportation and traffic impacts should be measured using vehicle miles traveled (VMT) instead of the previously used Level of Service (California Office of Planning and Research [OPR] 2013). Reducing VMT is an effective climate strategy and is intended to decrease greenhouse gas emissions associated with the transportation sector while increasing benefits to human health.

The 2022 City of San Rafael Transportation Analysis Guidelines (“guidelines”) include a list of VMT screening thresholds and indicate that projects meeting at least one of the thresholds would be presumed to not require CEQA VMT analysis. Figure 2 in the guidelines provides a map based on outputs from the Transportation Authority of Marin Demand Model that identifies low-VMT areas for residential development in the City of San Rafael. The project location is shown on the map as being in a low-VMT area, indicating that the VMT per capita is at least 15 percent below the average of the nine-county Bay Area. Therefore, the impact is presumed to be less than significant and does not require a quantitative VMT analysis.

In addition, the project site is located within approximately 0.6-mile walking distance of the Civic Center SMART station. Projects in proximity to major transit stops are presumed to have a less-than-significant impact under the VMT standards applied by the State of California and most local lead agencies. Due to the proximity of these transit opportunities as well as a range of services in San Rafael, many project-generated trips would be made using non-vehicle modes of transportation, which supports the finding from the model data that the site is in a low-VMT area. The project’s VMT impact would be presumed to be less than significant.

Pedestrian, Bicycle and Transit Facilities

Pedestrian Facilities: Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting, benches, etc. In general, a network of sidewalks, crosswalks, pedestrian signals, and curb ramps provide access for pedestrians in the vicinity of the proposed project site; however, sidewalk gaps, obstacles, and barriers can be found along all of the roadways connecting to the project site. Existing gaps and obstacles along the connecting roadways impact convenient and continuous access for pedestrians and present safety concerns in those locations where appropriate pedestrian infrastructure would address potential conflict points.

- Merrydale Road - Nearly continuous sidewalk coverage is provided on the east side of Merrydale Road except along one parcel where sidewalk has not been constructed by the property owner or the City. Pedestrians walking on the east side of Merrydale Road are able to walk adjacent to parked vehicles, out of the travel lane. No sidewalk is provided on the west side of Merrydale Road. Curb ramps and crosswalks at side street approaches are intermittent. At both study intersections along Merrydale Road channelized right turns conflict with pedestrian movements. Lighting is provided by overhead streetlights.
- Redwood Highway - Nearly continuous sidewalk coverage is provided on the west side of Redwood Highway except along one parcel where sidewalk has not been constructed by the property owner or the City. Pedestrians do not need to enter the travel lane to walk on the west side of the street. There is no sidewalk coverage provided on the east side of Redwood Highway. Curb ramps at side street approaches are provided; however, there are no marked crosswalks. Overhead street lighting provides intermittent coverage.

Bicycle Facilities: In the project area, there is a Class I bike path along the western side of the SMART tracks from Lincoln Avenue to Civic Center Drive. Bicyclists ride in the roadway and/or on sidewalks along all other streets within the project study area.

Transit Facilities: Marin Transit provides fixed route bus service in Marin County, including the City of San Rafael. Marin Transit Route 35 provides regional service between San Rafael and Novato, and stops at Merrydale Road and North San Pedro Road. Route 35 operates seven days per week. Route 49 also stops at Merrydale Road and North San Pedro Road, although only the southbound stop is near the project site. Southbound Route 49 service connects San Rafael and Novato and is provided seven days per week. Route 145 is a school route that stops at Merrydale Road and North San Pedro Road and connects various neighborhoods in San Rafael to Terra Linda High School on the north side of the City. Service is provided on school days. Route 233 provides service between downtown San Rafael and the communities along North San Pedro Road, with a stop at Merrydale Road and North San Pedro Road in the southbound direction only. Southbound service is provided seven days per week. Route 245 provides service between downtown San Rafael and the

northern neighborhoods of San Rafael, with a stop along US 101 South between the Merrydale off-ramp and on-ramp, in the southbound direction only. Service is provided seven days per week. Route 257 provides regional service between San Rafael and unincorporated communities south of Novato, with stops at Los Ranchitos Road and Golden Hinde Boulevard. Route 257 operates Monday to Friday.

Golden Gate Transit provides service between San Francisco and various communities in Marin and Sonoma Counties. Routes 44, 54, and 70 share a stop along US 101 South between the Merrydale off-ramp and on-ramp, in the southbound direction only. Route 44 service is provided Monday to Friday. Route 54 service is provided Monday to Friday. Route 70 service is provided seven days per week.

At present, rail transit is located within one-half mile of the project site at the at-grade crossing on Civic Center Drive and the SMART Tracks. SMART provides service between San Rafael and Airport Road north of Santa Rosa, including stops in Novato, Petaluma, Cotati, Rohnert Park, and Santa Rosa. Extensions are planned to Windsor, Healdsburg, and Cloverdale in the north, and Larkspur in the south, where passengers can transfer to ferries to San Francisco. Service is provided seven days per week.

As discussed above, SMART service and numerous bus routes are available within a short walking distance of the project site and provide service to a wide variety of destinations, and existing transit routes are adequate to accommodate project-generated transit trips. Impacts related to pedestrian, bicycle and transit facilities would be less than significant.

Site Circulation and Access

The project would not result in changes to the physical or operational conditions of the roadway that would introduce hazards, and the project impact with regard to these factors would be less than significant. Site access would be unchanged and impacts related to emergency access and response times would also be less than significant.

Conclusion

Impacts related to VMT and site circulation and access would be less than significant. The project would meet the requirements for Traffic under criterion d.

Noise

Noise Fundamentals

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment

to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz and less sensitive to frequencies around and below 100 Hertz (Kinsler, et. al. 1999). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; dividing the energy in half would result in a 3 dB decrease (Crocker, 2007).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive changes of three (3) dBA, increase or decrease (i.e., twice the sound energy); that a change of five (5) dBA is readily perceptible (eight [8] times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (half) as loud as what is readily perceptible (Crocker, 2007).

Sound changes occur in both level and frequency spectrum as it travels from the source to the receptor. The most obvious change is the decrease in level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line, the path the sound will travel, site conditions, and obstructions). Noise levels from a point source typically attenuate, or drop off, at a rate of six (6) dBA per doubling of distance (e.g., construction, industrial machinery, ventilation units). Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about three (3) dBA per doubling of distance (California Department of Transportation [Caltrans], 2013). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this “shielding” depends on the size of the object and the frequencies of the noise levels.

The impact of noise is not a function of loudness alone. The time of day when noise occurs, and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed by academics and industry professionals. One of the most frequently used noise metrics is the equivalent noise level (L_{eq}); it considers both duration and sound power level. L_{eq} is defined as the single steady A-weighted level equivalent to the same amount of energy as that contained in the actual fluctuating levels over time. Noise that occurs at night tends to be more disturbing than that occurring during the day. Community noise is often measured using Day-Night Average Level (L_{dn} or DNL), which is a 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours (Caltrans, 2013).

Noise Standards

City of San Rafael General Plan: The San Rafael General Plan Noise Element noise compatibility guidelines illustrate the State guidelines established by the State Department of Health Services for acceptable noise levels for each county and city. These standards and criteria are incorporated into the land use planning process to reduce future noise and land use incompatibilities. This table is the primary tool that allows the city to ensure integrated planning for compatibility between land uses and outdoor noise. As shown in Table 3, for residential land uses, noise levels of up to 60 dBA are considered “Normally Acceptable” and noise levels of 60 to 70 dBA are considered “Conditionally Acceptable”.

Table 3 Noise Compatibility Guidelines for San Rafael

| Land Use Categories | Exterior Noise Levels - Community Noise Equivalent Level (CNEL) | | | |
|--|---|---------------------------------------|------------------------------------|-----------------------------------|
| | Normally Acceptable ¹ | Conditionally Acceptable ² | Normally Unacceptable ³ | Clearly Unacceptable ⁴ |
| Residential (Low-Density, Single-Family, Duplex, Mobile Homes) | 50-60 | 60-70 | 70-75 | 75-85 |
| Residential (Multiple-Family) | 50-65 | 65-70 | 70-75 | 70-85 |
| Transient Lodging, Motels, Hotels | 50-65 | 65-70 | 70-80 | 80-85 |
| Schools, Libraries, Churches, Hospitals, Nursing Homes | 50-65 | 65-70 | 70-80 | 80-85 |
| Auditoriums, Concert Halls, Amphitheaters | N/A | 50-70 | N/A | 70-85 |
| Sports Arenas, Outdoor Spectator Sports | N/A | 50-75 | N/A | 75-85 |
| Playgrounds, Neighborhood Parks | 50-70 | 70-75 | 75-85 | N/A |
| Golf Courses, Riding Stables, Water Recreation, Cemeteries | 50-70 | 70-80 | 80-85 | N/A |
| Office Buildings, Business Commercial and Professional | 50-70 | 70-75 | 75-85 | N/A |
| Industrial, Manufacturing, Utilities, Agriculture | 50-70 | 70-80 | 80-85 | N/A |

¹ Normally Acceptable: Specified land use is satisfactory based upon the assumption that any buildings involved meet conventional Title 24 construction standards. No special noise insulation requirements.

² Conditionally Acceptable: New construction or development shall be undertaken only after a detailed noise analysis is made and noise reduction measures are identified and included in the project design

³ Normally Unacceptable: New construction or development is discouraged. If new construction is proposed, a detailed analysis is required, noise reduction measures must be identified, and noise insulation features included in the design.

⁴ Clearly Unacceptable: New construction or development should not be undertaken

Source: San Rafael 2021

The following goals and policies from the Noise Element are relevant to the proposed project.

Policy N-1.2: Maintaining Acceptable Noise Levels. Minimize noise conflicts resulting from everyday activities such as construction, sirens, yard equipment, business operations, night-time sporting events, and domestic activities.

- (a): New development shall not increase noise levels by more than 3 dB L_{dn} in a residential area, or by more than 5 dB L_{dn} in a non-residential area.

Policy N-1.9: *Maintaining Peace and Quiet.* Minimize noise conflicts resulting from everyday activities such as construction, sirens, yard equipment, business operations, night-time sporting events, and domestic activities.

Program N-1.9B: *Construction Noise.* Establish a list of construction best management practices (BMPs) for future projects and incorporate the list into San Rafael Municipal Code Chapter 8.13 (Noise) The City Building Division shall verify that appropriate BMPs are included on demolition, grading, and construction plans prior to the issuance of associated permits

Policy N-1.11: *Vibration.* Minimize noise conflicts resulting from everyday activities such as construction, sirens, yard equipment, business operations, night-time sporting events, and domestic activities.

Program N-1.11A: *Vibration-Related Conditions of Approval.* Adopt Standard conditions of approval in San Rafael Municipal Code Chapter 8.13 (Noise) that apply Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration for various building types. These conditions should:

- (a) reduce the potential for vibration-related construction impacts for development projects near sensitive uses such as housing, schools, and historically significant buildings
- (b) reduce the potential for operational impacts on existing or potential future sensitive uses such as uses with vibration-sensitive equipment (e.g., microscopes in hospitals and research facilities) or residences.

Vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects. If vibration levels exceed FTA limits, conditions of approval shall identify construction and operational alternatives that mitigate impacts.

City of San Rafael Municipal Code: To implement the City's noise policies, the City adopted Chapter 8.13 Noise (Noise Ordinance) in the San Rafael Municipal Code (SRMC). SRMC Section 8.13.040 states that the general noise limits contained in Table 4 shall apply subject to the exceptions and exemptions set forth in the chapter. Where two or more noise limits may apply, the more restrictive noise limit shall govern. For purposes of determining sound levels from any source of sound, a sound level measurement shall be made at any point on any receiving private or public property. In multifamily structures, the microphone shall be placed no closer than 3.5 feet from a wall through which the source of sound at issue is transmitting and shall also be placed five feet above the floor regardless of whether the source of sound at issue transmits through the floor, ceiling or wall. Sound level measurements shall be made with a sound level meter (Type 1 or 2) set to A-weighting, and "fast" response for intermittent sound. Slow or fast response may be used for constant noise sources. For intermittent sound, the one second rms maximum level (Lmax) shall be used. For constant sound, the average level (Leq) shall be used.

Table 4 San Rafael General Noise Limits

| Land Use | Noise Level (dBA) | | | |
|-------------------------|----------------------|----------|------------------------|----------|
| | Daytime ¹ | | Nighttime ¹ | |
| | Intermittent | Constant | Intermittent | Constant |
| Residential | 60 | 50 | 50 | 40 |
| Mixed-Use | 65 | 55 | 55 | 45 |
| Multifamily Residential | 40 | 35 | 35 | 30 |
| Commercial | 65 | 55 | 65 | 55 |
| Industrial | 70 | 60 | 70 | 60 |

¹ Daytime = 7am-9pm (Sun-Thu); 7am-10pm (Fri-Sat); Nighttime = 9pm-7am (Sun-Thu); 10pm-7am (Fri-Sat)

Source: City of San Rafael Ordinance, Chapter 8.13

Section 8.13.050(A), Standard exceptions to general noise limits – Construction, states that on any construction project on property within the city, construction, alteration, demolition, maintenance of construction equipment, deliveries of materials or equipment, or repair activities otherwise allowed under applicable law shall be allowed between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturdays, provided that the noise level at any point outside of the property plane of the project shall not exceed 90 dBA. All such activities shall be precluded on Sundays and holidays.

Sensitive Receptors

Some land uses are generally regarded as being more sensitive to noise than others due to the types of population groups or activities involved. Sensitive population groups include children and the elderly. Sensitive land uses generally include residential areas, hospitals, schools, childcare facilities, senior facilities, libraries, churches, and parks. The nearest sensitive receptors are residences across Merrydale (75 feet to the west) and a senior care facility on Redwood Highway (800 feet to the south), and residential development along Merrydale (1,000 feet to the south).

Existing Noise Environment

The project site is in the City of San Rafael, Marin County, in a characteristically urban area subject to noise from nearby Highway 101, local traffic on public streets, buses, trains, light rail, construction, and small power equipment (e.g., lawn mowers, edger, etc.).

The project site is located to the west of Redwood Highway (US-101) on Merrydale Road in the City of San Rafael. The primary noise source at the site is vehicular traffic along US- 101 and local traffic along Merrydale Road. US-101 is elevated by about 10 feet above the ground level of the site. Residential and commercial structures surround the project site. A noise monitoring survey was performed in the vicinity of the project site beginning Monday, May 21, 2018 and concluding on Thursday, May 24, 2018. The primary noise sources at the site were traffic on Redwood Highway and Highway 101.

Construction of the project would generate temporary noise that would be audible at nearby residences. Noise associated with construction is a function of the type of construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the construction activities. Construction of the project would generate temporary noise that would be audible at nearby residences to the south and east of the project site. Noise associated with construction is a function of the type of construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the construction activities. Based on construction details provided by the applicant, it is estimated that the construction period for all phases would be approximately 30 months. While all phases of construction would generate noise, the demolition, grading and building construction phases would represent the loudest periods of noise-generating activity. The greatest anticipated sources of construction noise would be generated by large earthmoving equipment such as large bulldozers and industrial concrete saws. Construction noise was estimated using the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) (FHWA 2006). It is anticipated that the maximum noise level associated with construction equipment would be 90 dBA at a distance of 50 feet from the source. Pile driving is not anticipated in any phase of construction. Construction would be limited to hours allowed by the City's Municipal Code Section 8.13.050(A). The project would introduce sources of operational noise to the site, including HVAC. The City applies conditions of approval (COA) to implement *Program N-1.9B: Construction Noise* of the 2040 General Plan EIR. The following condition of approval would be applied to the project.

- **COA-Construction Noise.** During construction, the project shall:
 1. Properly muffle and maintain all construction equipment powered by internal combustion engines.
 2. Prohibit unnecessary idling of combustion engines.
 3. Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Such equipment shall also be acoustically shielded.
 4. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.
 5. Residences adjacent to project sites shall be notified in advance by writing of the proposed construction schedule before construction activities commence.
 6. The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be posted at the construction site.
 7. Erect temporary noise barriers to limit construction noise to no more than 90 dBA L_{max} at residences. Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square

foot with no gaps from the ground to the top of the barrier at a minimum height of 12 feet along the southern and eastern project boundaries. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least one pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class (STC) 32 or higher.

Additionally, construction activity would occur within the allowable construction day and time limits defined in the City of San Rafael Code of Ordinances: between 7:00 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. and 6:00 p.m. on Saturday. Implementation of the COA above would be required and would decrease construction noise by at least 15 dBA (Harris 1991; Bies, Hansen, Howard 2018) to 89 dBA Lmax. This would be below the construction noise threshold of 90 dBA Lmax and impacts would be less than significant.

Airport Noise

Aircraft noise can occasionally be an issue in San Rafael due to aircraft passing overhead and planes taking off and landing at San Rafael Airport, a small private airport in the Smith Ranch area. The City is also home to a private heliport, located in southeast San Rafael near Point San Quentin. Aircraft noise is regulated by Federal Aviation Administration standards and by the California Code of Regulations. The State Code limits noise-sensitive land uses such as housing in areas where aircraft exterior noise levels exceed 65 dBA CNEL. As the maps in General Plan Appendix I indicate, noise levels are below this level at San Rafael Airport and are expected to remain below this level in the future. The San Rafael Airport is located approximately 1.0 mile to the east and is not located within the 65 dBA CNEL noise contour of this airport (City of San Rafael 2021). There is no other public or private use airport within two miles of the project site. Therefore, there would be no impact.

Air Quality

Construction activities associated with development of the project would temporarily generate emissions associated with diesel-powered construction equipment and fugitive dust. Construction emissions modeled include emissions generated by construction equipment used on the site and emissions generated by vehicle trips associated with construction, such as worker, hauling, and vendor trips. Operation of the project would generate criteria air pollutant emissions associated with area sources (e.g., architectural coatings, consumer products, and landscaping equipment) and mobile sources (i.e., vehicle trips to and from the project site).

The Bay Area Air Quality Management District (BAAQMD) 2022 CEQA Guidelines provide preliminary screening for a lead agency to consider in making a conservative determination of a project's potential impacts on air quality based on proposed land-use (i.e. residential, commercial, industrial, etc.). Projects that are below the screening criteria are reasonably expected to result in less than significant impacts to air quality since pollutant emissions would be minimal and as such, preparation

of a quantitative analysis is not needed. The screening level criteria for residential development (apartment or condo/townhouse) is 416 dwelling units for construction and 638 dwelling units for operation. The maximum anticipated development of the site would be 137 units.

When projects exceed the BAAQMD screening criteria, a detailed assessment of the project's criteria air pollutant and precursor impacts would be warranted to determine if the project would result in significant impacts related to air quality. The Project proposes the development of a maximum of 137 dwelling units, which is below the screening size for construction (416 dwelling units) and operation (637 dwelling units) (BAAQMD, 2022). Given that the proposed project size is well below the screening criteria, the Project does not trigger the need for a detailed assessment of the Project's criteria air pollutant and precursor emissions and therefore the proposed project will not result in significant effects related to air quality during project construction or operation. The Project will be required to comply with conditions of approval requiring implementation of best management practices (BMPs) established by BAAQMD.

Water Quality

The project site is currently developed with existing structures and surface parking, and there are no wetlands on or adjacent to the project site. The site is comprised almost entirely of impervious surfaces under existing conditions, and this condition would not substantially change with the proposed project. The City of San Rafael's Urban Runoff Pollution Prevention ordinance (SRMC Chapter 9.30) includes provisions to comply with federal requirements for the control of urban pollutants in storm water runoff during construction and operation. The ordinances require construction projects to implement BMPs during construction to prevent discharge of construction contaminants including erosion and sediment controls and pollution prevention practices, and to implement an Erosion and Sediment Control Plan if subject to a grading or building permit. Therefore, this impact would be less than significant.

E. The site can be adequately served by all required utilities and public services.

The project site is located within the City of San Rafael and would continue to be adequately served by City and regional services. The Property is currently being served and water service would continue to be provided by the Marin Municipal Water District (MMWD), though the purchase of additional water allotment will be required. The proposed project is consistent with the expected growth in the Downtown Precise Plan and the EIR prepared for the 2040 General Plan concluded that MMWD will have sufficient water supply to meet the demand for buildout of the General Plan pursuant to the MMWD Water Resources Plan 2040 (March 2017) and would neither exceed planned levels of supply nor require building new water treatment facilities or expanding existing facilities beyond what is currently planned.

Therefore, the proposed project would not have a significant effect on electricity or water utility services.

Wastewater service would be provided by the Las Gallinas Valley Sanitation District. The EIR for the General Plan concluded that the expected increase in population as a result of the plans would not exceed the permitted capacity of the wastewater treatment plant or have other significant impacts to wastewater. The proposed project is consistent with the development anticipated by the General Plan and, therefore, the proposed project would not have a significant effect on wastewater. As the proposed project is within the planned development of the area and can be served by all utilities and would exceed the capacity of or require the construction or expansion of new utility services, it can be concluded that the project can be adequately served by all required utilities and public services.

Exceptions to the Exemption

If a project qualifies for use of a categorical exemption, then the lead agency must determine whether the categorical exemption is unavailable because the project is subject to an exception to the categorical exemptions (CEQA Guidelines § 15300.2.). A project will not qualify as exempt if it is subject to one of the six exceptions provided below:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located.

(b) Cumulative Impact. All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources within a highway officially designated as a state scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

As described below, none of the exceptions to the exemption apply.

a. Location. Section 15300.2(a) does not apply to a Class 32 infill exemption.

b. Cumulative Impact. Cumulative impacts relates to successive projects of the same type in the same place. No development is proposed at this time; however, the City maintains a list of active development project on the Major Project webpage:

Major Planning Projects - San Rafael

Cumulative project for 350 Merrydale include the Northgate Mall Redevelopment, 555 Northgate, and the project at 4040 Civic Center Drive. The project would not affect sensitive biological resources and therefore would not result in a cumulative impact related to biological resources. As noted in the report, VMT and air quality analyses already take into account cumulative impacts and these impacts were found to be less than significant. The proposed project would not contribute pollutants such that water quality would be impacted and would be served by available utilities and public services. The project would not result in a cumulatively considerable contribution to potential cumulative impacts.

The project would involve temporary noise and vibration during construction; however, these effects are localized and would cease upon cessation of construction activities. Construction noise impacts would not perceptibly overlap for the proposed project and the projects listed above, given their distance from the site; the other projects are over 0.25-miles from the project site. Noise attenuates over distance and as a result of intervening buildings and topography, and construction noise from other projects would not be substantially perceptible at the project site. Overall, the project would not result in a significant contribution to potential cumulative impacts. Therefore, this exception does not apply to the proposed project.

c. Significant Effect and Unusual Circumstances. CEQA Guidelines Section 15300.2 states that “a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”

The project site is a level, paved and developed site in an urbanized area surrounded by other development. Neither the site, its surroundings, or the proposed project itself (a residential project on a level site in an urban area) are unusual in terms of existing conditions, land uses or proposed features. The potential presence of cultural resources is not uncommon or unusual in urban neighborhoods in the Bay Area, and as discussed further below, impacts related to cultural resources would be less than significant with implementation of existing City regulations. The project site does not possess characteristics which would qualify as unusual circumstances under CEQA Guidelines Section 15300.2. There are no known unusual circumstances at the project site or related to project operations that would result in a reasonable possibility of significant effects on the environment. Therefore, this exception to a Categorical Exemption does not apply to the proposed project.

d. Scenic Highways. Section 15300.2(d) does not apply because the project site is not in proximity or visible to any designated scenic highway or highway eligible for

designation based on the State of California's Scenic Highway program (Caltrans, 2025).

e. Hazardous Waste Sites. The site is not a hazardous waste site and is not included on a list compiled pursuant to Section 65962.5 of the Government Code (DTSC 2025, SWRCB 2025). This exception is not applicable to the proposed project.

f. Historical resources. CEQA Guidelines Section 15300.2(f) states that a categorical exemption "shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." Archeological Resource Service prepared a Cultural Resources Evaluation for the project site in March of 2018. The assessment included: a California Historical Resources Information System (CHRIS) records search; a check of historical reference to determine potential for archeological deposits; a surface reconnaissance of all accessible parts of the site for visible signs of potentially significant historic or prehistoric deposits; and contact with all appropriate Native American organizations or individuals designated by the Native American Heritage Commission to determine the presence or absence of listed Sacred Lands within the project area. Archeological Resource Service concluded that no indicators of Native American habitation or use is expected as this location. No archeological monitoring was required, but several recommendations made with the intention of minimizing potential negative impacts to cultural resources in the event that they are discovered in the project area.

The City has adopted a number policies and regulations to protect cultural and historical resources, including:

- San Rafael General Plan 2040 Policy CDP-5.13
- Resolution No. 10980.
- San Rafael Code of Ordinances Chapter 2.19 - Archeological Resources Protection

Accordingly, the City, as a standard regulatory practice, includes conditions of approval for projects on sites with the potential to contain cultural resources, as required by these City policies and regulations. The following conditions of approval (COA) to implement these existing regulations would apply to the proposed project:

- **COA-Cultural Resources-1 Retention of a Qualified Archaeologist.** Prior to the start of project-related ground disturbance activities that may include, but are not limited to, demolition, pavement removal, potholing, grubbing, tree removal, trenching, excavation or grading, the applicant shall retain an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards (Qualified Archaeologist) in prehistoric archaeology to oversee all Conditions of Approval associated with cultural resources.
- **COA-Cultural Resources-3 Unanticipated Discoveries of Archaeological Resources.** Should archaeological resources unrelated to those associated with the resource addressed in COA -2, as determined by the Qualified Archaeologist,

be encountered during ground disturbing activities, work shall be immediately halted within 50 feet of the discovery until the Qualified Archaeologist has inspected the find. Discoveries may consist of pre-contact and/or historic-period resources. Construction shall not resume within the discovery area until the Qualified Archaeologist has conferred on the significance of the resources with the City, and Native American representatives for resources of an indigenous nature.

If it is determined that the unanticipated discovered archaeological resource constitutes a historical resource or a unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. Preservation in place of the unanticipated discovery may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place of the unanticipated discovery is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan shall be prepared and implemented by the Qualified Archaeologist in consultation with the City that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The Qualified Archaeologist and City shall consult with appropriate Native American representatives in determining treatment for pre-contact or indigenous resources to ensure cultural values ascribed to the resource, beyond those that are scientifically important, are considered.

With application of existing City regulations and standard conditions of approval, the proposed project would not result in an adverse change to the significance of a cultural resource, and this exception is not applicable to the proposed project.

VIII. CONCLUSION

Based on this analysis, the Project qualifies for a Categorical Exemption under CEQA Section 15183 as the Project is consistent with the development density established by existing zoning and general plan policies associated with the certified City of San Rafael 2040 General Plan. The Project also meets the criteria for a Class 32 Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines and is exempt from CEQA pursuant to CEQA Guidelines Article 19.

IX. REFERENCES

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ATTACHMENTS

- A. General Plan Consistency Determination
- B. City of San Rafael City Council Ordinance No. 1979