

CITY OF



*San Rafael*

Community Development Department – Planning Division  
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**Meeting Date:** November 15, 2011

**Agenda Item:**

**Case Numbers:** ZC05-01; UP05-08; ED05-15

**Project Planner:** Kraig Tambornini (415) 485-3092

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## REPORT TO PLANNING COMMISSION

**SUBJECT: 397-400 Smith Ranch Road (San Rafael Airport Recreational Facility)** – Review of Final Environmental Impact Report (FEIR) published for a Zone Change, Master Use Permit and Environmental and Design Review Permit for proposed recreational sports facility project at the San Rafael Airport; APN: 155-230-10,11,12,13,14,15,16); Planned Development-Wetland Overlay (PD1764-WO) Zone; Bob Herbst, Applicant; San Rafael Airport, LLC, Owner; File Number(s): ZC05-01, UP05-08, ED05-15

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### EXECUTIVE SUMMARY

The City of San Rafael, Community Development Department, Planning Division, has completed environmental review for a new recreational facility project proposed on the San Rafael Airport property, located off Smith Ranch Road in North San Rafael. The project proposes construction of an 85,700 square foot multi-use recreational building and outdoor sports fields, with associated parking, lighting, fencing and landscaping improvements located on an undeveloped portion of the airport property. The property has been developed under the San Rafael Airport Master Plan, approved in 2001. Planning applications required for the project include a Zone Change to amend the current Planned Development (PD) District to establish recreational uses and development standards, Use Permit to establish conditions for facility operations, and Environmental and Design Review Permit for building and site improvements. The Commission is responsible for reviewing the Final Environmental Impact Report (FEIR) and project zoning entitlements, and providing its recommendation to the City Council.

The purpose of this hearing is to discuss certification of the project FEIR; which has been prepared for the purpose of identifying, evaluating and reducing all potential environmental impacts of the proposed development project, and to respond to all comments received during the required 60-day public review period. The Commission must consider whether to recommend certification of the FEIR before providing its recommendation on the Rezoning and related project entitlements. Staff has prepared a draft resolution with the findings required to certify the project EIR (**Exhibit 2**). Certification of the FEIR does not result in a decision whether to approve or how to carryout the project. Rather, certification of the FEIR confirms that the document has been prepared properly in accordance with the requirements of CEQA, and that the reviewing agency has considered the information contained in the document. Review of the FEIR prior to certification focuses on the response provided to the comments on the DEIR. Disagreement over the conclusions of the analysis or the responses to comments is not a reason to deny certification of the document.

Prior to approving the project, the Planning Commission must adopt a separate resolution finding that the certified FEIR adequately mitigates the projects potentially significant environmental effects. A detailed staff report and draft resolutions on the Rezoning, Use Permit and Environmental and Design Review Permit entitlements would be presented for the Commission to review and consider at a separately noticed public hearing. This would include a draft resolution containing the CEQA findings of fact and Mitigation Monitoring and Reporting Program (MMRP) required for approval of the development project evaluated by the FEIR. Potential hearing dates for project merits would be December 13, 2011 and January 10, 2012.

On May 12, 2009, following a 60-day public review period, the Planning Commission accepted public comments on a project Draft EIR (DEIR); in compliance with the requirements of California Environmental Quality Act (CEQA). Following the hearing, the Commission directed staff and the City's environmental consultants to prepare responses to the 78 total written comments received; which included 6 comments from responsible agencies, 71 comments from non-agencies and the meeting minutes containing the oral comments received from public and Commissioners at the May 12, 2009 hearing. As part of the effort to respond to comments, City staff requested additional information from the project geotechnical engineer, John C Hom and Associates, and requested further analysis and peer review to be conducted by its environmental consultants.

The further analysis and peer review work included preparation of responses to comments on biological resources provided by Monk & Associates, comments on airport hazards by Mead & Hunt, responses to comment on air quality impacts associated with aviation activities provided by Donald Ballantini, responses to comments on the levee, flooding and sea level rise provided by Questa Engineering Corporation, and responses to comments on noise impacts provided by Geir & Geir. City staff also had a greenhouse gas assessment prepared for informational purposes, evaluating regional air quality district (BAAQMD) thresholds adopted *after* publication of the DEIR (thus, the new BAAQMD thresholds do not apply to this project). The FEIR contains responses to all comments received on the DEIR, provided in FEIR Chapter 1. Revisions to the DEIR discussion are provided in FEIR Chapter 2. An FEIR Appendices is also provided containing the additional information prepared to augment the DEIR analysis. The FEIR represents the conclusive environmental analysis and responses to all comments made on the DEIR. Staff and the project environmental consultants will provide a presentation at the hearing to review the conclusions of the FEIR and this report. Further responses to any new or additional comments made on the FEIR are not required prior to certifying the FEIR.

The FEIR response to comments include 24 *Master Responses* that address topics regarding the sites maximum occupancy calculation, property declaration of restrictions, story pole placement, headlight glare, operational impacts on wildlife, revised FEMA flood datum values\*, levee maintenance and condition, sea level rise and levee breach, water quality, noise, SMART train operations, growth inducing effects, greenhouse gasses, and alternative assumptions. As a result of preparing the responses to comments, revisions have been made to the DEIR to clarify some of the discussion found in Chapter 13 Transportation and Traffic, Chapter 14 Cumulative Impacts, Chapter 15 Climate Change and Chapter 16 Alternatives. In addition, mitigation measures for Biological Resource, Hydrology and Water Quality and Noise impacts have been revised (FEIR Chapter 2, revised Table 2-1). These revisions to the DEIR discussion and mitigation measures clarify, augment or expand discussion contained in the DEIR. Minor revisions to the project site plan have also been identified and would be required for project approval. The project would not result in any significant unavoidable impacts, and revisions made as a result of preparing responses to the DEIR have not resulted in any additional impacts, required new or substantially different mitigation measures, or triggered recirculation of the document.

## RECOMMENDATION

It is recommended that the Planning Commission take the following actions on the Recreational Facility Project, amending the current San Rafael Airport Master Plan:

1. Recommend to the City Council Certification of the FEIR for the San Rafael Airport Recreational Facility Project by adopting the attached Resolution (Exhibit 2).

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\* The change from the 1929 NGVD to more recent NAVD results in a +2.67 increase in the datum *value* but this does not reflect change in site hydrology. In this report, staff has continued to use the old 1929 NGVD datum value for reference, in order to avoid confusion from switching between NGVD and NAVD datum values.

2. Direct staff to schedule the project for Planning Commission review and recommendation on the project merits (i.e., PD Rezoning, Use Permit and Environmental and Design Review Permit zoning entitlement requests).

As mentioned previously, the Commission must recommend certification of the FEIR before it can consider the project zoning entitlements. If certification is not recommended, the project could only proceed without further environmental review by filing of an appeal to the City Council.

**PROPERTY FACTS**

<b>Address/Location:</b>	397-400 Smith Ranch Road	<b>Parcel Number(s):</b>	155-230-10 thru -16
<b>Property Size:</b>	16.6-acres of 119.5-acre site	<b>Neighborhood:</b>	Smith Ranch
Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	<b>Airport/Recreation</b>	<b>PD1764-WO &amp; W</b>	<b>Airport &amp; Assoc. Use</b>
North:	P/OS, Cons, Low Den Res	P/OS	McInnis Park
South:	P/OS, Cons, Low Den Res	Unincorporated	Santa Venetia Residen
East:	P/OS, Cons, Low Den Res	Unincorporated	Santa Venetia & Bay
West:	Medium Density Residential	PD1626-WO&PD1399	Contempo Marin & Captains Cove Resid

**Site Description/Setting:**

The airport property consists of a single, 119.52-acre parcel (Parcel B on Parcel Map 70 Civic Center North) which was recorded in December 1983. The project area comprises a 16.6-acre portion of the airport site, located between the existing runway and Gallinas Creek, east of the existing airport hangars. This area is currently undeveloped, annually disked and mowed grasslands and improved only with a man-made drainage ditch and row of eucalyptus trees. The property is a relatively level site consisting of formerly submerged tidelands situated at approximately 0-3 feet elevation above mean sea level, and bordered by the North and South Forks of Gallinas Creek. The site is protected by a perimeter levee system extending approximately 12,000 linear feet and connecting with the Contempo Marin levee system, which as a whole, provides flood protection to the area. The levees around the site are established at 9-feet above mean sea level, and built circa 1940 as agricultural levees to reclaim tidally influenced lands for agricultural use. Prior to this time, agricultural use was initiated circa 1915 with purported fill placed near the existing airport operations (aka, Smith Ranch).

Delineated wetlands (under jurisdiction of US Army Corps of Engineers) are located between the proposed recreational facility site (project area) and the levee along the North Fork of Gallinas Creek. Drainage from the eastern portion of the site and project area is collected and transported through existing man-made drainage swales that run parallel along the north side of the proposed building and the airport runway. The ditches carry runoff to an existing pump-house near the northeastern corner of the airport site, where it is pumped into the creek. The pump-house is located on state lands, which are managed by Marin County. Access to the site is provided from Smith Ranch Road across a private roadway and bridge. The bridge and the road access are off-site, crossing a private easement within the Captains Cove development (formerly Smith Ranch subdivision lands) and public lands (North Fork of Gallinas Creek).

The existing airport facility primarily operates for small private aircraft flights and hangars for aircraft based at the site, located in the westerly portion of the property. This area includes hangars for 100-based aircraft, an aviation service use, airport administrative offices, two residential units, and 12 non-

avation uses. There are 14-acres of undeveloped land south of the runway within the City jurisdiction. Another undeveloped 45-acre (+/-) portion of airport property lies within County jurisdiction (unincorporated). This area primarily consists of undeveloped flat lands, portions of the levee along the South Fork of Gallinas Creek, and extending under the South Fork of Gallinas Creek waterway. The majority of the airport property (including all existing airport improvements and the proposed project site area) are within the City of San Rafael jurisdiction. The developed and undeveloped land areas on the airport property are further identified as follows:

- San Rafael Airport hangars, structures and runway are located on area identified as APN 155-230-11; (+/-) 38-acres
- Proposed recreational facility, wetlands and creek setback buffer, access road extension and related improvements are located on the area identified as APN 155-230-12; (+/-) 16.6-acres
- Vacant undeveloped lands located south of the runway and within the City of San Rafael corporate boundary are identified as APN 155-230-13; (+/-) 14-acres
- Vacant undeveloped lands located south of the runway and outside City of San Rafael corporate boundary (within County of Marin jurisdiction), that contain southerly portions of the levee and extending under the South Fork of Gallinas Creek are identified as APN's 155-230-14 and 15; (+/-) 45-acres

The 441-acre McInnis Regional Park and golf course, and a public walking path are located just north/northeast of the site (across Gallinas Creek). Sonoma-Marin rail right-of-way runs along the southwest to northwest boundary and separates the site from the Contempo Marin and Captains Cove residential neighborhood areas, and two additional residential units located along the existing access road. The unincorporated Santa Venetia residential neighborhood is located to the south/southeast (across the South Fork of Gallinas Creek). US Highway 101 is located approximately 1-mile to the west. Other prominent visual features in the area include Marin County Civic Center, which is 1-mile to the southwest, the nearby San Pedro Ridge to the south, Mount Tamalpais to the west and San Pablo Bay located to the east. A detailed description of the setting is also contained in the DEIR, Chapter 3, pages 3-1 thru 3-4.

## BACKGROUND

The subject applications for the recreational facility were filed in March 2005. Following the publication and hearing on a draft Initial Study and Negative Declaration that was prepared for the project in 2006, the City concluded that it must prepare an Environmental Impact Report (EIR) for the project, and required California Clapper Rail protocol surveys to be conducted in 2007. On May 12, 2009, following completion of the project Draft Environmental Impact Report (DEIR) in March 2009, the Planning Commission conducted a public hearing and accepted comments on the DEIR and directed staff to prepare responses to all comments received in compliance with CEQA. The Final EIR (FEIR) was completed and published in August 2011 and distributed in September 2011, following detailed review of all comments and the responses prepared by the City's environmental consultants and CEQA attorney. Certification of the FEIR is the first step in determining whether the project is ready for review of its zoning entitlements. A certified EIR is required for the project before the City can decide whether it would approve the project in its current or modified fashion.

## PROJECT DESCRIPTION

The project proposes construction of a new, multi-purpose private recreational facility that would develop approximately 9.1-acres of vacant land on the San Rafael Airport site (with new hardscape, roadway and parking paving, structures and landscape improvements associated with the facility). The project site is located between the existing airport runway and North Fork of Gallinas Creek, east of the existing airport

hangars and site access road. An additional approximately 4-acres of project site area would be maintained as a wetland and creek buffer area; located between the proposed recreational facility improvements and the creek bank. The recreational facility development would be in addition to the existing approved and built airport facility uses. The proposed recreational facility development consists of the following uses and components:

### Recreational Uses:

- An 85,700-square-foot multi-purpose recreational building, 39-foot-6-inch tall (overall height), with the following use areas:
  - Multi-purpose gymnasium area for recreational uses. The project plans propose to improve the building with two indoor soccer sports fields and two multi-purpose gymnasium sport courts, common locker and restroom areas on the 71,300-square-foot ground floor level, and
  - A 14,400-square-foot mezzanine level. This level would include an ancillary viewing area, approximately 4,092 square foot café area with dedicated countertop seating for 20 people, restrooms, sports shop, administrative offices and meeting room uses. The meeting room would be available for private ancillary recreational activities such as birthday parties and similar group events or meetings, and would be offered as complimentary use of local seniors for activities and for neighborhood groups who need meeting space.
- Lighted all-weather outdoor sports field and an unlighted outdoor grass warm-up field. The project proposes to develop the lighted outdoor field as a 200-foot by 300-foot sized soccer field with all weather field turf, to allow year round use.

### Facility Use and Hours of Operation:

The use proposes to operate 7 days per week. The applicant anticipates up to 700 daily users within the indoor facilities and 300 daily users for the outdoor field, plus up to 12 equivalent full-time employees. The project would not be open during the weekday AM traffic peak hour. The proposed hours of operation are as follows:

Indoor Facility:           9AM to 11PM Sunday through Thursday (weekdays)  
                                   9AM to 12AM Friday and Saturday (weekends)

Outdoor Facility:        9AM to 11PM\* Sunday through Thursday (weekdays)  
                                   9AM to 12AM\* Friday and Saturday (weekends)

*\*As a result of the mitigation measures contained in the FEIR, to address light and noise impacts on wildlife and nearby residents, an outdoor event curfew would limit field usage to no later than 10PM, and with a potential for earlier curfew of 9PM on weekdays.*

### Site Design and Access:

The project proposes to develop the site in compliance with standards established by the US Green Building Council, with a two-year construction timeframe. Features proposed to be incorporated into the project design include solar roof panels and energy efficient field lighting. Site improvements include exterior lighting, landscaping and drainage. The building finished pad elevation would be raised with fill soils to achieve +1.0 NGVD and the building would be dry flood-proofed (impermeable to penetration by floodwaters) to +7.0 NGVD in compliance with FEMA standards.

Project improvements include extension of a new 30-foot wide paved private roadway including a 5-foot pedestrian walkway access extending from the end of the existing access road. The new roadway elevation would be raised to meet the parking lot elevation of approximately 2.0 feet NGVD. All development has been designed to avoid conflict with an aircraft transition safety zone (i.e., 7:1 'ascending clear zone'). This zone extends at an incline angle from the edge of the 125-foot airport 'aviation clear zone' setback to the sky (see Plan Sheet A-5). There would be 184 paved parking spaces, a turnaround drop off area, and 86 unpaved parking spaces provided. This parking exceeds the 222 space parking demand calculated for the proposed facility (see DEIR Appendix K, Fehr & Peers traffic report, page 19). In addition, the existing bridge crossing over the North Fork of Gallinas Creek would be replaced with a new two-lane, 25-foot wide steel truss bridge deck.

*Note: During preparation of the FEIR, staff required site plan revisions that are deemed to be minor in order to confirm the following items could be addressed:*

- *The existing eucalyptus trees along the north side of the building were indicated on project plans but were not surveyed. It has been established that the building location extends into the trees along the north building wall. The FEIR requires that all exterior site work must occur outside of raptor nesting periods. Further, replacement of landscape screening is required along the north side of the building, to help screen the building. The revision to the site plan is intended to clearly establish the need for tree removal and replacement in this area, which is within the scope of the impacts evaluated for the project.*
- *The Fire Department requires a new fire access along the west side of the building along with a 5-foot pathway behind the building, to address current fire requirements. The building is setback 55-feet from the wetland. Thus, installing a 5-foot path behind the building would maintain compliance with the minimum required 50-foot wetland setback.*
- *Three roll-up doors shown on the north side of the building would likely need to be eliminated. Thus, all deliveries of large equipment and supplies for the building would occur at the east, west and south building sides.*

### **Exterior Lighting:**

The project would utilize four types of lights, as follows (see Plan Sheets A-1 and A-7 for locations):

- Building Entry: Eight (8) 42-watt compact fluorescent under-canopy lights 20 feet on-center at the three building entryways.
- Main Building Walls: Twenty-three (23) 150-watt metal halide wall-mounted lamps at 50 feet on-center, 14-feet above finished floor.
- Access Road/Parking Lot Perimeter: Thirty-one (31) 42" high 70-watt round bollards at 40 feet on-center along the access road and parking lot perimeter.
- Parking Lots: Nineteen (19) 14-foot tall poles with 150-watt metal halide lamps on two-way side pole mounted fixtures at 40-feet on-center.
- Field Lights: Four (4) 40-foot high poles on the north side of the field with energy efficient "MUSCO Green Generation" or equivalent 1500 watt metal halide lamps, 3 luminaries per pole, at 30 feet on-center and four (4) 23-foot high poles with 2 luminaries per pole on the south side of the field.

### **Zoning Entitlements:**

The project includes requests for the following required zoning entitlements:

- Zone Change: ZC05-01 to amend the Planned Development Ordinance (PD-1764)–Wetland Overlay (WO) district to include development standards for the proposed recreational facility use.
- Use Permit: UP05-08 (amendment to Master Use Permit UP99-9) to establish conditions under which the proposed recreation use should be allowed to operate.
- Environmental and Design Review Permit: ED05-15 to approve the design of the recreation building and site improvements.

## ENVIRONMENTAL REVIEW ANALYSIS

### Environmental Review Process to Date

The following discussion addresses the California Environmental Quality Act (CEQA) environmental review process followed for the project, summarizes the conclusions for each of the environmental topic area discussed in the DEIR, and identifies the revisions to discussion and mitigation measures that have been made in response to comments on the DEIR. The DEIR and FEIR response to comments documents comprise the entire project FEIR. The project FEIR CEQA document must be certified as having appropriately analyzed the potential physical effects of the project on the environment. This analysis must be completed before the City can take action to approve the development project. The noticing that has been provided for the DEIR/FEIR, as required by CEQA, is summarized as follows:

Notice of Preparation (NOP): Consistent with the California Environmental Quality Act (CEQA) Guidelines, on October 10, 2007 the City prepared and published a Notice of Preparation (NOP) of an Environmental Impact Report for the San Rafael Airport Recreational Facility, to obtain updated comments from responsible and trustee agencies and interested parties. Following the required 30-day public review period, comments received were forwarded to the EIR consultant. As noted above, the decision to prepare an EIR was previously made following hearings on the project by the Planning Commission. A formal scoping meeting was not required, nor conducted, given the amount of public input provided at the previous public hearings on the project and published draft Initial Study/Mitigated Negative Declaration. As a result of the public hearings and public input, it was determined that the EIR would focus on the following topic areas:

- *Land Use and Planning*
- *Aesthetics*
- *Air Quality*
- *Biological Resources*
- *Cultural and Historic Resources*
- *Geology and Soils*
- *Hazards*
- *Hydrology and Water Quality*
- *Noise*
- *Transportation and Traffic*
- *Other Environmental Effects*
- *Alternatives*

Additionally, the scope of work was expanded in response to recently enacted environmental legislation to address the following:

- *Climate Change*

The scope included detailed review of biological habitat issues, specifically to assess potential California clapper rail impacts; aeronautical safety hazard study; peer review of noise analysis; traffic analysis of operations during the 4PM to 6PM evening peak hour; visual impact analysis; and light and glare impacts from the proposed outdoor field lights. The environmental topic areas addressed in the DEIR are summarized on DEIR Chapter 3 pages 3-51 thru 3-53 (Project Description).

Notice of Completion and Publication of DEIR: The DEIR was completed and distributed along with a Notice of Completion (NOC) on March 11, 2009 pursuant to Section 15372 of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Availability and Public Hearing was also mailed to all interested and affected parties, including property owners within 1,000 feet of the subject property. In addition, the NOC was published in the Marin IJ, posted on the property and at the nearby McInnis Park, and copies of the NOC and DEIR were made available online and distributed to several public locations. Publication and mailing of the notices and distribution of the DEIR initiated a 60-day public review period, during which time all interested parties, persons and agencies were encouraged to submit comments on the adequacy of the DEIR. Staff also held an informational meeting on March 25<sup>th</sup> to inform representatives of neighborhood and interested groups about the DEIR review process and conclusions. On April 23, 2009, a supplemental notice was distributed to all parties, and the State Clearinghouse, reporting that the review and comment period was extended to May 12, 2009 (61 days).

At the DEIR hearing the Commissioners identified concerns with "piece-meal" development of the site, adequacy of the noise analysis and clapper rail study, geologic investigation of the site and levee, levee stability and maintenance, impacts of SMART train operations, need for clarification regarding airport hazards and mitigation, impacts at unsignalized intersections and peak traffic impacts, and the adequacy and enforcement of conservation area protections. The minutes of the hearing can be found on FEIR page C&R-824 through C&R-833. Responses to the Commissioners comments begin on FEIR page C&R-851. Following the hearing, staff directed its environmental consultants to prepare a FEIR responding to all of the comments and data that had been received during the public comment period. In providing responses to all the comments, the City's environmental consultants were directed to prepare additional and expanded analysis of several topic areas, including:

- *Climate change impacts regarding sea level rise and greenhouse gas emissions;*
- *Geology and Hydrology impacts relate to levee construction; and*
- *Project alternatives*

Additionally, information and analysis methods for evaluating potential global warming effects continued to evolve during preparation of the environmental document. The DEIR analysis has been prepared using the qualitative threshold to determine whether the project would conflict with any of the programs encouraged under AB32 (Global Warming Solutions Act). This is the appropriate threshold applicable at the time of preparation and publication of the DEIR. However, in order to fulfill the role of CEQA as an informational document, staff directed the City's environmental consultants to prepare a quantitative greenhouse gas analysis using more recent BAAQMD thresholds adopted in June 2010; after publication and release of the DEIR. Although this analysis is not required since the law was adopted after the preparation of the DEIR, staff found that including the greenhouse gas emissions would be valuable information to have and help fulfill the primary goal of CEQA, to present an informational document. Finally, a detailed legal review of the revisions made to the DEIR was conducted by City CEQA counsel, to confirm that the document changes would not trigger re-circulation pursuant to CEQA Guidelines section 15088.5.

Notice of Availability of FEIR: On September 8, 2011 copies of FEIR were delivered to the Planning Commission, City Council and 6 public agencies that commented on the project, with electronic (CD) copies delivered to the 71 non-agency commenter's. Mailed copies of the notice of completion of the



FEIR were sent to surrounding residents and property owners and interested parties and groups requesting notification on the project. Staff has also emailed notification of the FEIR completion to individuals and groups that have provided email addresses.

### **Summary of Final EIR / Response to Comments**

The published FEIR contains Chapter 1: Response to Comments, Chapter 2: Revisions of the DEIR, and the FEIR appendices, and incorporates the previously published DEIR and DEIR Volume II: Technical Appendices. FEIR Chapter 1 responds to all comments made on the DEIR and includes 24 *Master Responses* that address multiple comments received on similar topic areas (FEIR pages C&R-8 through C&R-53). FEIR Chapter 2 includes revisions, corrections and modifications made to the discussion in the DEIR. All potential impacts and proposed mitigation measures are summarized in the FEIR revised Table 2-1 (commencing on FEIR page R-52).

As noted in the Executive Summary above, the FEIR includes revisions to discussion in Chapter 13 Transportation and Traffic, Chapter 14 Cumulative Impacts, Chapter 15 Climate Change and Chapter 16 Alternatives. In addition, mitigation measures for Biological Resource, Hydrology and Water Quality and Noise impacts have been modified in FEIR Chapter 2, revised Table 2-1. Detailed discussion of revisions made in response to comments on the DEIR has been provided below in the appropriate sections of this report. The project FEIR has concluded that all of the potential impacts associated with the project can be mitigated to a less-than-significant level. The project has not resulted in any potentially significant unavoidable impacts (significant environmental impacts for which there is no mitigation or that cannot be mitigated to less-than-significant levels). The potential environmental effects that would result in less-than-significant effects with implementation of mitigation measures have been identified in the following environmental impact categories:

- *Aesthetics*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Geology and Soils*
- *Hazards*
- *Hydrology and Water Quality*
- *Noise*

Mitigation measures required for the potentially significant impacts identified in these categories primarily establish controls on facility construction and design, which are intended to protect wildlife and minimize construction noise and dust. Several design-related mitigation measures have been identified to address the building height, construction and facility occupancy limits that would mitigate potential safety conflicts between the use and aircraft in flight. Operational measures that have been identified include the implementation of a 10PM outdoor event curfew, which would mitigate noise and light impacts on wildlife and nearby residential areas. There were no potential impacts identified that would require mitigation in the areas of Land Use and Planning, Traffic, Climate Change, or Other Environmental Effects. Additionally, no potentially significant unavoidable impacts have been identified as a result of the additional review conducted during preparation of the FEIR/Response to Comments. A detailed discussion of the FEIR analysis and changes made in response to comments is provided for each environmental topic area, as follows:

**Land Use and Planning (Chapter 4, DEIR pages 4-1 thru 4-20)**

The Land Use and Planning section provides an overview of the site location, existing and surrounding uses, history, current entitlements, and land use restrictions. The current entitlements permit a private, state-regulated airport with 100 hangars and 12 non-aviation light industrial businesses. A project would result in a significant land use impact if it: a) physically divides or disrupts a community, or b) is in conflict with the General Plan, any other planning program or conservation plan.

The San Rafael General Plan 2020 contains goals and policies applicable to the site and the environmental characteristics found on the site. The PD zoning district is used to implement the General Plan Airport/Recreation land use designation. The General Plan and –WO zoning regulations also specify development setbacks from wetlands and creeks. The proposed project has been evaluated for consistency with the San Rafael General Plan 2020 (DEIR Appendix C). The project impacts were identified as less-than-significant based upon: a) recreational uses may be conditionally permitted; and b) the project provides the minimum required 50-foot setbacks from designated wetlands north of the building and 100-foot setbacks from the top of bank of Gallinas Creek (see DEIR Figure 3-3, Site Plan). The project would not result in any potentially significant land use impacts. Therefore, no mitigation measures have been recommended or required.

The comments provided on the Land Use and Planning section have not resulted in any changes to the DEIR discussion. The FEIR Master Response 2 (PD-2) has been provided to further discuss and confirm the conclusions of the DEIR analysis; primarily that the private and public recreational uses category allowed under the property Declaration of Restrictions is broad enough to include structures.

*Land Use Covenant*

The “public and private recreational uses” term used in the covenant is unqualified; other than stating that the use may be for public or private recreational uses. This restriction was recorded on the property in 1983 as a condition of parcel map 21 PM 70, which created two lots (Parcel A and Parcel B). This is a three-party agreement between the City, County of Marin and property owner. The agreement is in favor of the City and County by establishing a restriction on future land uses for the airport parcel (Parcel B); which is partially within County jurisdiction. The airport property Parcel B was not a part of the adjacent Civic Center North Master Plan, which included Parcel A. The idea for the covenant was first raised at the City Council meetings on the parcel map conducted February 22 and March 21, 1983, after the Planning Commission hearings on the project. This idea was introduced by a Marin County supervisor. The property owner agreed to accept a limit on future land uses on the airport as a condition of the parcel map. The subsequent purchaser of the property challenged the validity of the restriction, and the covenant was upheld. The covenant was not required to transfer any development rights to adjacent lands. The City had a formal process for this to occur at the time, and this process was not applied to this case.

While it is clear the covenant intended to restrict future land uses on the site, and the site has been maintained with limited development intensity, the terms of the covenant do not provide any specific limits on development *intensity*. Further, it is worth noting that the General Plan 2000 had a land use policy that would have allowed more intense residential development of the site, in the event that the land use restriction were lifted. Staff has reviewed the project files related to the covenant, and cannot establish specific limits on intensity of the permitted land uses. In fact, a review of the City Zoning Ordinance in effect in 1983 (at the time the covenant was executed) reveals that the “Recreational Uses” zoning classification included a broad range of recreational activities, such as parks, gymnasiums, public pools, play or game courts including tennis and handball, skating rinks without fixed seats, marinas, golf course and driving range, pool or billiard halls and bowling alleys. Thus, a recreational land use category

was established in 1983 that included a variety of recreational activities that included uses in buildings; which is similar to the current zoning classification. It stands to reason that if the intent of the covenant was to further limit the *intensity* of recreational use, the covenant would have specified further limitations. Opinions that the restriction intended to preclude the development intensity proposed by the project are unsupported by evidence in the City zoning record, and neither the City nor the County could reject filing of the project applications based on the terms of the covenant. However, this does not limit the City's review authority over the proposed development project.

The City Attorney and Marin County Counsel have both reviewed the declaration and confirmed that the covenant is, as stated, a restriction on future land uses of the property; which does not preclude the level of development proposed, including construction of a recreational facility with structures. Further, the City General Plan 2020 Airport/Recreation land use designation does not restrict the type of private or public recreational uses that could be proposed and considered by the City for this site. Questions and concerns regarding the City's review and enforcement of the covenant restriction on the potential land uses for the property have been resolved from a legal and land use standpoint, and the FEIR appropriately evaluates the potential environmental impacts of the level of development proposed consistent with this determination. Any remaining disagreement over the intent of the 1983 covenant is not an environmental issue. Rather, this may be a topic for further discussion on the merits of the project, i.e., the decision on whether or how to implement the project.

#### **Aesthetics (Chapter 5, DEIR pages 5-1 thru 5-36)**

The Aesthetics section describes the flat land characteristics of the property, and its relationship to the nearby McInnis Park regional park, and surrounding hillsides and ridgelines. The project site currently maintains substantially unobstructed public views from McInnis Park and pathways along Gallinas Creek toward the historically significant Marin County Civic Center building, the nearby San Pedro Ridge and more distant Mount Tamalpais. The public views and potential lighting impacts are subject to review for conformance with General Plan 2020 Policies CD-5 (Views) and CD-19 (Lighting), Zoning Code Section 14.25.050.F.4 (Exterior Lighting), and the San Rafael Design Guidelines lighting criteria. Project impacts would be significant if the project would: a) have a substantial adverse affect on a scenic vista; b) damage scenic resources; c) substantially degrade the existing visual character or quality of the site and its surroundings; or d) create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

The threshold for a significant impact on public views was identified as the loss of one-half the view of the resource (e.g., project impairing one-half of the view). The City does not have a specific maximum nighttime lighting threshold. The Police Department recommends minimum levels for security, including recommended 1-footcandle intensity at ground level overlap in parking areas, walkways and building entrances. The Zoning Ordinance Chapter 25 Design Criteria states that lighting should provide safety for building occupants but not create glare or hazard on adjoining streets or be annoying to adjacent properties or residential areas. The City has an informal policy to maintain low lighting levels, and require shielding of light sources to avoid spillover off-site. Given the site location at the edge of urban development, the projects lighting impacts were considered potentially significant if average intensity exceeds 1.0-foot-candle or results in significant spillover into adjacent areas.

Four prominent public views were identified and photo-simulations were prepared to evaluate the project's potential aesthetic effects (DEIR Figures 5-2, 5-3, 5-4 and 5-5). These views and photo-simulations were presented and accepted as appropriate at noticed public hearings held prior to the preparation of the DEIR. These views include two vantage points looking south across the site from McInnis Park and two views looking west across the site from the creek and path. Photometric studies

were also prepared to evaluate light and glare (DEIR, Figures 5-6 and 5-7). As a result of this analysis, the following potentially significant impacts were identified:

#### *View Impacts*

The analysis has concluded that the new building and improvements would potentially affect public views of the Civic Center from certain portions of the trail along the north shore of Gallinas Creek and waterway, and would partially block a portion of the public views of surrounding hillsides and Mount Tamalpais, as viewed from the regional park, creek and trails. The amount of public view blockage is considered to be less-than-significant because the development would only block less than 1/3<sup>rd</sup> of the bottom view of hills from public places, would not significantly block public views of the Civic Center from public places, and would not silhouette above a scenic vista or ridgeline.

#### *Lighting Impacts*

The lighting levels in the building and parking lot area (12.2 foot-candle max. intensity; with 1.84 average foot-candles), are considered relatively low level as compared to urban development within the City. The project's average intensity would be 2 foot-candles, including lighting of the soccer field which ranges from 14 to 71-footcandles on the field area. A 1 foot-candle threshold has been established for purposes of analyses in this environmental impact report, due to the location of the site at the edge of the urban development and in an undeveloped area in proximity to public lands. This would establish minimum level of lighting for safety and security of occupants at this location. As a result of this threshold, the average lighting levels generated as a result of the project have been considered potentially significant. Two mitigation measures have been required to mitigate the potential impact from addition of nighttime lighting in the area to less-than-significant levels.

**MM Aesth-1a** requires Design Review Board approval of the lighting plan and establishes performance measures including a 90-day review of lighting following installation, that field lighting is turned off at 10PM, and site lighting be turned off by 12:30AM. Staff notes that this mitigation requires that outdoor field use end earlier, at 10PM, whereas the project proposes to operate outdoor fields until 11PM on weekdays and 12AM on the weekend. (DEIR page 5-35)

**MM Aesth-1b** requires Design Review Board approval of final colors and landscaping details to ensure potential daytime glare impacts are minimized and that the gaps in the tree row along the north side of the building are filled-in, as proposed. (DEIR page 5-35)

The public comments on aesthetic impacts analyzed in the DEIR have not required changes to the DEIR discussion. Master Responses 3 and 4 (AES-1 & AES-2) have been provided to further discuss and confirm the DEIR conclusions that the project adequately analyzed the visual impacts of the project. This analysis concludes that the project would not have a significant visual effect on scenic views or vistas as a result of construction of a new building on site, nor result in a significant effect as a result of the new lighting or from vehicle headlight glare on the nearby residences. The project mitigation measures (which require DRB review of the final lighting details to assure 1 foot-candle intensity is achieved at the edge of the conservation area and project boundary) is a typical City-wide standard for projects, and can be readily implemented and accomplished within the parameters of the lighting and photometric plan presented for this project.

Concerning glare impacts from vehicle headlights, the discussion on FEIR page C&R-19 concludes that a condition of approval that has been previously offered by the applicant to construct a wall or hedge along the access road would sufficiently address concerns with headlight glare; which is not identified as a visually significant environmental impact. FEIR figures 1 and 2, page C&R-17 through C&R-19, show

the relationship between the nearest residences and the access road and bridge. Vehicle headlights would not appear to directly shine into the nearest units, and would be substantially reduced through installation of a screen wall or hedge on-site or along the access roadway.

Adjustments that are required to address updated fire access requirements, relocation of rollup doors and removal of trees would minimally impact the project, and are within the scope of the project description. Although CEQA permits and encourages project revision made to reduce environmental impacts, the revisions that have been identified as required are considered to be related to project merits. Removal of trees must be reviewed against the discussion in DEIR Chapter 5. On DEIR page 5-24, it states that the trees serve to reduce the visual impact and mass of the structure. Change in visual impacts must be compatible with the analysis of this Chapter. The significance thresholds for measuring Aesthetic impacts are as follows:

- *Would the project have a substantial adverse effect on a scenic vista*
- *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway*
- *Would the project substantially degrade the existing visual character or quality of the site and its surroundings*
- *Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area*

The only potentially applicable criteria is identified in the third bullet point. Review of the analysis on DEIR page 5-24 includes an analysis of the building in context with the entire area. The trees help integrate the building by screening. However, as noted above, new landscape screening is also similarly required to achieve this result. Therefore, removal and replacement of trees along this edge of the building would not conflict with the analysis and impact conclusions contained in the DEIR Chapter 5.

### **Air Quality (Chapter 6, DEIR pages 6-1 through 6-22)**

Air Quality is regulated by the regional Bay Area Air Quality Management District (BAAQMD). The standards for the region are set by the state California Air Resources Board, a department of the CalEPA. The Federal Clean Air Act is the principal regulatory mechanism. The BAAQMD adopted the Clean Air Plan 2000 for the region. Assessment of Air Quality is based on the 1999 BAAQMD CEQA Guidelines. The DEIR evaluates both short-term construction and long-term operational air quality impacts.

The primary sources of contamination would result from project related vehicle traffic, construction vehicles and grading activities, and building fuel consumption for heating and cooling systems. Impacts would be potentially significant if they would: a) conflict with the BAAQMD Air Quality Plan; b) violate an air quality standard; c) increase a criteria pollutant for a non-attainment area; d) expose sensitive receptors to pollutants; or e) create objectionable odors affecting substantial numbers of people. A project that would include a general plan amendment for more intense development of a site, or development that generates more than 2,000 daily vehicle trips (ADT) could be considered significant.

The General Plan includes policies AW-2 (Land Use Compatibility), AW-3 (Air Quality and Other Processes) and AW-4 (Particulate Matter Pollution Reduction) to ensure excellent air quality is achieved by promoting compatible land uses, buffers and setbacks, particulate matter controls, and design that will encourage alternate modes of transportation. Generally, a use that is consistent with the City General Plan may be concluded to be consistent with the BAAQMD air quality plan. Although the project would remain consistent with the General Plan and would not exceed 2,000 ADT, air quality modeling was still conducted for the project using the URBEMIS 2007 modeling program. URBEMIS is a modeling software

tool that is used to measure such impacts for compliance with air district rules. This modeling was completed as a conservative measure to confirm that the proposed new development would remain in compliance with the BAAQMD Air Quality Plan, given that the General Plan 2020 EIR land use analysis did not specifically assess the proposed recreational land use. The following project air quality impacts were identified:

#### *Operational Impacts*

Based on the results of the URBEMIS modeling and number of anticipated 1,701 daily trips (ADT), long term project operations would not exceed the BAAQMD established daily threshold of 2,000 ADT. The FEIR further discusses potential air quality impacts associated with aviation, on FEIR pages C&R-533 through C&R-535, response 45-42. The response notes that the small airplanes at the site primarily use aviation gasoline, and that *“the level or density of criteria pollutant emission along the runway is far less than along a lightly-traveled rural two-lane road, and would pose no hazard to persons using the proposed recreational facility.”* Aviation gasoline does contain lead. However, the strength of the emission associated with the airport is identified as quite small, and aviation gas contains a fraction of lead that was used in automobile gasoline before its use was phased out. The airport averages only 20 landing/takeoffs per day. Emissions taking place near the ground that would potentially affect neighboring properties are considered to be negligible.

#### *Construction Impacts*

Short-term construction impacts are assumed for most large sized development projects (e.g., projects that would not be exempt from CEQA) involving new construction and grading. Standard mitigation measures are employed to ensure construction impacts (e.g., vehicle fumes and dust) would be mitigated to a less-than-significant level. The following mitigation measures were identified to address potentially significant construction related impacts.

**MM AQ-1a through MM AQ-1c** (Construction Impact) establish vehicle emission and dust control measures required during grading and construction activities (DEIR page 6-19).

There were no substantial comments made on the DEIR that required further discussion or revision in this section of the FEIR. Thus, there have been no modifications proposed to the DEIR discussion or DEIR mitigation measures.

#### **Biological Resources (Chapter 7, DEIR pages 7-1 through 7-82)**

The airport property contains ruderal grasslands north of the airport runway, which are within the project site area. Additionally, six jurisdictional wetland areas have been delineated on the north side of the proposed development (see DEIR page 7-27, Figure 7-1). The grasslands, including the area containing the nearby delineated wetlands, are disked and mowed regularly to prevent potential wildlife and aircraft collisions. This practice is in keeping with FAA recommended practices, and may continue. The US Army Corps of Engineers established a jurisdictional delineation of the wetlands (to the north of the building), and a Streambed Alteration Permit has been issued by the Department of Fish and Game for the proposed bridge deck replacement. The North Fork of Gallinas Creek contains habitat for fish and wildlife. The Federal and State Endangered Species Acts protect threatened or endangered species and their habitats. Project impacts would be potentially significant if they would have a substantial adverse effect on or result in loss or harm to a protected species or habitat.

Initial biological studies were prepared by WRA, biological consultants and submitted with the planning applications. Monk and Associates (M&A) biological consultants were hired to re-evaluate potential

impacts on special status plant and animal species (DEIR Appendix E); initially evaluated by WRA and peer reviewed by Zander and Associates. Protocol surveys were conducted by M&A from February through July 2007, and two pairs of California clapper rails were observed or heard on the north side of Gallinas Creek. Threatened steelhead trout species also have been identified as potentially occurring in the nearby creek. Additionally, migratory birds and other sensitive species that have a low potential for occurring in the area were identified and discussed in the M&A study. (See DEIR page 7-50, Figures 7-2 through 7-5 for known species locations). Lastly, the General Plan 2020 contains several polices for protection of environmental resources that were considered in the DEIR analysis, including CON-1, CON-2, CON-4 through CON 6, CON-9 through CON-11, CON-13 and CON-14.

The project, as designed, provides the minimum required 50-foot setback from identified wetlands and recommended 100-foot from creeks (see DEIR page 3-22, Figure 3-3 – Site Plan). No sensitive plant species would be affected by the project. The DEIR evaluates the potential impact of project construction and operation on raptors that may nest in trees, fish species that may occur in the creek, migratory birds, and the identified clapper rails and clapper rail habitat. Mitigations measures are recommended to address potential impacts to sensitive clapper rail and fish species and habitat known and anticipated to occur in the area, as well as other species that although not found still could occur given that they are known to occur in the region. The mitigation measures are primarily proposed to assure that the project would not affect breeding and/or migratory patterns of protected species. This has resulted in mitigation measures that: a) limit construction to occur between July 1 to February 1, with shorter construction windows established for pile-driving activities, b) requires nesting surveys to be conducted prior to construction, c) establish lighting curfews for outdoor events and general site lighting, and d) ensure stormwater pollution controls are implemented in compliance with local, regional and state requirements. The following mitigation measures were identified to address the potentially significant Biological Resources impacts:

**MM Bio-1a and 1b** (Anadromous Fish) reduce potential impacts of the project on federally listed fish species to less-than-significant by restricting the timeframe for bridge pile driving activities, and requiring a stormwater pollution prevention program and stormwater management plan to be prepared (DEIR page 7-62). While the streambed alteration permit would allow work to start July 15, mitigation measure Bio-1a further restricts all bridge work to occur between August 1 and October 15. Pile driving is further not permitted to start before September 1, which would avoid disturbance to breeding activities of any anadromous fish species that may be occurring in the area.

**MM Bio-2a through 2e** (California Clapper Rail) reduce potential project impacts on the clapper rail and black rail habitat identified on the North Fork of Gallinas Creek by requiring installation of barrier fencing (construction and permanent), a permanent conservation area north of the proposed building and fields, recommended scheduled levee maintenance timeframes for the area, adherence to the construction timeframe limits, and establishing an outdoor event curfew. (DEIR pages 7-66 thru 7-69) The construction timeframes in these measures are consistent with MM Bio-1a. The event curfew, however, requires that outdoor events end by 10PM to mitigate noise, which is up to 2 hours earlier than proposed by the applicant (see DEIR page 3-13, Table 3-1).

**MM Bio-3a and 3b** establish lighting controls and a lighting curfew to ensure nighttime light and glare would avoid causing significant adverse impacts on adjacent habitat and nocturnal wildlife movement (DEIR page 7-70). Measure MM Bio-3b mirrors the 10PM event curfew established under MM Bio-2.

**MM Bio-4a through 4c** (Nesting Raptors) reduce the potential impacts that construction of the bridge and facility could have on nesting raptors by limiting construction to the “avoidance window” specified under MM Bio-1 (although the recreational facility may begin work as early as July 1), and requiring

preconstruction surveys a minimum of 30 days before commencement of work. (DEIR pages 7-71 and 7-72).

**MM Bio-5 through MM Bio-8** protect against the potential occurrence of other sensitive species of concern, which have a low potential for occurring on the site; i.e., the Western Burrowing Owl, Common and Special-Status Nesting Birds, Salt Marsh Harvest Mouse, Suisun shrew and San Pablo vole, and Pallid and other Bat species. Pre-construction surveys are required to assure any potential impacts would not occur as a result of occurrence of these species (which have not been identified on-site, but are anticipated in the area), with the appropriate performance based measures identified in the unlikely event that a discovery of one or more of these species is made. (DEIR pages 7-73 through 7-80).

**MM Bio-9** is required to assure implementation of all streambed alteration agreement requirements would be satisfied for the bridge replacement work (DEIR page 7-81).

In response to comments on the DEIR, Master Responses 5 through 10 (BIO-1 to BIO-6) expand and clarify the restrictions that have been established for construction timeframes, the preconstruction nesting survey and monitoring requirements, and the fencing and lighting requirements recommended for the protection of wildlife species that have been found or anticipated to occur near the site. These Master Responses confirm the DEIR conclusions that the project, with the recommended mitigation measures, would have less-than-significant environmental impacts.

Minor revisions have been made to the Biological Resources discussion in this section, as reflected on FEIR pages R-1 through R-21. These revisions consist of minor corrections and clarification made to discussion in the DEIR, which have been based upon the supporting project studies contained in the DEIR Appendix E. Revisions have similarly been made to the mitigation measures in FEIR Chapter 2, revised Table 2-1, which more accurately describe the necessary construction time constraints and the project monitoring requirements. None of the changes are substantive. No new significant unavoidable impacts or new mitigation measures would result.

### **Cultural and Historic Resources (Chapter 8, DEIR pages 8-1 through 8-16)**

A study of cultural resources was conducted by Richard Greene, Archaeological Resource Service, and is contained in DEIR Appendix F. Review of historic mapping shows the project area was once part of the San Pablo bay marsh system and was regularly inundated by tidal action, until levees were constructed around the area for agricultural purposes during the 1940's. In general terms, a project impact would be potentially significant if it would cause a substantial adverse change or result in loss or destruction of a culturally or historically significant resource.

The site is not historically significant. The likelihood of finding any prehistoric, archaeological, or historic resources is considered low given the historic characteristics of the site; i.e., tidally influenced lands, placement of fill and prior agricultural use. Regardless, the potential for uncovering unidentified cultural resources is presumed to exist in the region. Standard mitigation measures found in the CEQA Guidelines have been recommended to guard against the potential that resources could be discovered during site grading. The following mitigation measures were identified to address potentially significant Cultural and Historic Resources impacts:

**MM CR-1** applies the standard CEQA mitigation which requires monitoring by a qualified archaeological professional during any earth moving activities, and establishes protocols in the event a discovery of remains (human or artifact) is made.



No significant comments on the DEIR analysis of this topic were made. Thus, there have been no revisions required in the FEIR. The project would implement standard mitigation measures consistent with CEQA Guidelines to protect against accidental discovery during site work.

### **Geology and Soils (Chapter 9, DEIR pages 9-1 through 9-34)**

The DEIR Geology and Soils analysis relies on the geotechnical reports prepared by John C Homs & Associates and City-initiated peer review by Kleinfelder, which is consistent with the General Plan 2020 geotechnical review matrix. San Rafael does not have any known active fault traces, but is located between the Rodgers Creek Fault 5 miles to the east, and the San Andreas Fault 16 miles to the west (see DEIR Figure 9-1). The geotechnical reports have shown that the site is comprised primarily of silty clay soils and silty clay bay mud. In general terms, the project's impacts would be potentially significant if it would destroy a unique landform, expose people or structures to hazards including unstable soils, cause significant erosion, destroy a mineral resource or contribute to any geological, soils or seismicity impact.

The DEIR concludes that the potential for ground rupture is low given that there are no fault traces on the site. The fill soils over bay mud are not identified as susceptible to liquefaction. Earthquake resistant construction in compliance with the California Building Code is required to assure ground shaking impacts are mitigated. Given the special characteristics of the site, being comprised of fill over bay mud, foundation systems are limited to use of engineered designs. This requires: a) conducting detailed soils analysis for the site; b) design of graded slopes and systems to carry drainage away from structures, and; c) use of concrete or steel driven piles in-lieu of conventional slab on grade. Therefore, the following required mitigation has been required to ensure impacts would remain less-than-significant.

**MM Geo-1** is being required to assure the recommendations of the geotechnical report are implemented at the time of construction. This includes the use of driven piles to bedrock to support the buildings, hinged slab for site work and flexible utility connections to accommodate anticipated level of differential site settlement.

There have been no changes made to the DEIR in response to comments in this category. Comments were submitted concerning the safety of the levee, including construction and maintenance. In order to respond to the DEIR comments on issues in this section, staff required that an additional investigation of the levee and site be conducted to confirm the assumed integrity of the levee and depth of bay mud onsite. This further investigation is contained in FEIR Appendix B. Questa Engineering Corporation was hired to provide further peer review of the levee safety and potential flooding risk analysis prepared for the project. The FEIR Master Responses 12 and 13 and FEIR Appendix B confirm the conclusions of the DEIR regarding stability of the levee and that the levee fill has completed full compaction.

The levee ownership and maintenance obligations and practices of the airport property owner and Marin County flood control staff have also been further identified (see FEIR Figure 3, page C&R-29). The levee would continue to be annually inspected by the airport owners and Marin County, with repairs and fill added to maintain the 9-foot height. The County has stated that they are not interested in entering into a formal maintenance agreement for this levee system. This issue was explored to some extent by County staff. However, the levee is not engineered to flood control district specifications, and is not in a flood control district. If the County were to enter into a formal maintenance agreement with the property owner, the County could be held liable for the condition and repair of the levee. Therefore, the County staff would continue their own periodic review and maintenance practices. Likewise, the property owner would continue their routine maintenance practices, which consist of periodic inspection of the levee and adding additional fill soils to the tops of the levees to fill holes and maintain its 9-foot height. City grading permits may be required for significant fill amounts in excess of 50 cubic yards.

Lastly, the building would be constructed on suitable pile foundations and flood-proofed at +7NGVD elevation in compliance with FEMA requirements, to assure that water would not penetrate the building in the event flooding occurs as a result of seismically induced levee failure. John C Hom & Associates analysis has confirmed that piles for the building could be driven down to bedrock (see FEIR Appendix B, Log of Boring 1; which shows bedrock depth of 44-feet). Thus, no seismic-related structural hazards have been identified that cannot be adequately addressed and mitigated.

### **Hazards (Chapter 10, DEIR pages 10-1 through 10-26)**

This section of the DEIR evaluates the project in context of safety and environmental hazards that may be present on-site and that the project may pose to others. An aeronautical safety review was prepared by Mead & Hunt, aeronautical consultants (DEIR Appendix H). The airport hazards study evaluated both safety on the ground for occupants of the facility and safety of aircraft as a result of placement of the building near the runway. A review of local and state lists of hazardous waste sites was also conducted, and also provided in DEIR Appendix H, to assess impacts from exposure to hazardous substances.

The airport is identified as having 15,000 annual, private small aircraft trips (7,500 takeoffs and 7,500 landings) on the single airport runway, and does not have an air traffic control operator (required for *commercial* airports). This equates to the roughly 20 takeoffs/20landings per day reported elsewhere in this report. The study notes that the private airport facility is limited by the City use permit to no more than 100 aircraft, with small planes, not exceeding 15,000 flights annually (takeoffs and landings); with the majority (85%) off aircraft operations occurring during daylight hours. This continued level of operation is expected to remain essentially unchanged. Aircraft typically arrive/depart east of the airport and runway over the baylands, and west to/from 101 when winds are from the west, avoiding overflight of residential neighborhoods. The pilot is ultimately responsible for determining the safest direction for departure/landing based on conditions.

The FAA establishes a 125 foot development setback (aviation clear zone) from the centerline of the runway for the small private airport facility. The FAA establishes transition zones adjacent to the runway approach and landing strip that must be kept clear of obstructions in order for aircraft to safely descend/ascend to/from the facility. The airport safety study identifies basic safety zones that would apply to project land uses around the runway, outside of the aviation clear zone, using the *California Airport Land Use Planning Handbook*, published by the California Department of Transportation Division of Aeronautics<sup>†</sup>. The recreational facility is located in Zone 5 – Sideline Zone, which encompasses the close-in area lateral to the runway which is not normally overflowed and has a low risk of an aircraft accident. The outdoor warm-up field is proposed within Zone 2 – Sideline Zone, which is an area overflowed by aircraft at low altitudes (closer to the end of the runway) and considered to be exposed to substantial risk. The safety study estimated a peak intensity of 475 people would be on the recreational facility site using the facilities (Mead & Hunt, page 7). The project would have a potential significant impact if the activity would conflict with airport operations, or exceed the thresholds for activity within the safety zones identified in the airport hazards study. DEIR Figures 10-1 and Figure 10-2 show the airport layout and safety zones.

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<sup>†</sup> The DOT Handbook website states its purpose is to support and amplify the article of the State Aeronautics Act (California Public Utilities Code, Section 21670 et seq.) which establishes statewide requirements for the conduct of airport land use compatibility planning. The Handbook provides compatibility planning guidance to airport land use commissions (ALUC's), their staff, consultants, and the counties and cities having jurisdiction over land use surrounding airports. <http://www.dot.ca.gov/hq/planning/aeronaut/handbook2011.html>

It has been established that the building would contain high risk users, such as elderly and youths, that could have difficulty leaving the facility in the event of an emergency. Also, improvements on-site could minimally encroach within the airspace required to be kept clear for aircraft, per FAA standards. Thus, any safety thresholds that are exceeded would need to be mitigated. In addition to airport related hazards, potential impacts would result if a project would create objectionable odors affecting a substantial population, or would be located on a site containing hazardous materials, or in close proximity to a hazardous waste site. The following project Hazards impacts have been identified and discussed:

#### *Exposure to Hazardous Materials and Substances*

There are no known sources of contamination on the project site. Review of historic aerials and information do not show any historic uses on the project site that could have resulted in contamination, prior to use of the site for agricultural purposes circa 1915 or installation of levees in the 1940's. There are no toxic waste sites or waste generators located in the area, as indicated in DEIR Appendix H, which includes a review of the State Department of Toxic Substances Envirostar Database. The site is also not on a list of hazardous materials site maintained by the San Rafael Fire Department.

#### *Airport Safety Hazards to People*

The airport safety study concludes that buildings “provide substantial protection from the crash of a small airplane” (DEIR, Appendix H, page 5 of the *Aeronautical Safety Review*). Special risk-reduction construction features that could be required to mitigate the potential for an aircraft accident to occur on the project site include: *single story wall height; concrete walls, upgraded roof strength, limited number of windows, no skylights, enhanced fire sprinkler system (designed in a manner that the entire system would not be disabled by an accident affecting one area), and increased number of emergency exits beyond California Building Code (CBC) requirements.*

The airport safety study establishes an average threshold of 100 people per acre as being an acceptable safety threshold within the project site area, north of the runway. Concentrations of people over 200 people per acre would be considered potentially significant. The report concludes the 1.6-acre recreational building would have the greatest concentration of people, and that the anticipated occupancy amount would slightly exceed the 200 people per single-acre intensity threshold established for Zone 5. Therefore, special risk-reduction design building features must be incorporated to mitigate this level of impact. The risk-reduction design features that are required to mitigate exceedance of the single-acre intensity threshold within the building include provision of enhanced fire sprinkler systems and increased emergency exits for the building.

The outdoor warm-up field located in Zone 2 could potentially exceed the *average* 100-person per acre intensity threshold, which would be significant given the increased risks associated with this area. In order to reduce the risk, it is recommended that the occupancy of this area be limited to 50 occupants, maximum. This limitation is reasonably enforceable with signage and would not be likely exceeded given the fact that it would be used at most by 2 soccer teams awaiting games on the outdoor field.

Several comments on the DEIR raised questions regarding how the maximum single-acre intensity occupancy calculation was determined for the airport hazards analysis, which states that intensity of use would slightly exceed the recommended 200 people per single-acre intensity threshold. In response to comments, Master Response 1 (PD-1) clarifies how this intensity calculation was determined. The occupancy calculation is based on the anticipated concentration of people within airport basic safety zones. i.e., inside the recreational facility building, outside the building and on the outdoor soccer field within basic safety zone 5, and on the outdoor warm-up field within basic safety zone 2 (see DEIR Figure

10-1 and Plan Sheets A-2 and A-5 for the location of safety zones and the 7:1 'ascending clear zone' transitional surfaces).

The highest occupancy for the site would occur within the building, which has a development footprint covering up to 1.6 acres of the site. The occupancy calculated for the indoor facility of 216 occupants was determined based on the highest occupancy level anticipated for the recreational facility building. The assumptions used to determine this occupancy amount have been confirmed as compatible with the CBC methodology for calculating the maximum allowable occupancy for generally assembly use, and the traffic study methodologies used for calculating the projects trip generation. The occupancy level assumed by Mead & Hunt for the recreational building's gymnasiums, indoor fields and indoor mezzanine were assumed at 50-percent of the CBC *maximum* occupancy allowance for general assembly usage. Mead & Hunt considers its assumptions on occupancy to be conservative for the recreational facility use, on the basis that industry surveys conducted of actual occupancy levels indicate that many uses are generally occupied at no more than 50-percent of CBC maximum occupancy levels, and the recreation facility building is not proposed to be used for higher occupancy general assembly uses; e.g. fixed or general seating for stage/theater and auditorium uses.

#### *Airport Safety Hazards to Flight*

Based on review of project plans, the Mead & Hunt concluded that portions of parked cars, proposed fencing, trees, lighting and building corners could slightly encroach (by an amount of less than 2-feet) within the 7:1 '*ascending clear zone*' that is required for aircraft to safely transition to/from the runway; shown on DEIR Figure's 3-4 and 3-7 (Plan Sheet's A-2 and A-5). The potential encroachment locations are shown on DEIR Figure 10-2. These assumed encroachments result from an assumption that the runway grade is slightly lower than actual. The following mitigation measures would address the potentially significant single-acre intensity occupancy and potential structure encroachment impacts:

**MM Haz-1 and MM Haz-2** are recommended to reduce potential impacts to site occupants and flights by requiring upgrades to building exiting and fire sprinkler systems, signage to restrict occupancy of the warm up field to 50 people, and limiting height of buildings and features to assure clearance of the ascending clear zone is achieved. The measures may require slight modifications to lower height of the building, parking area and related improvements by 0.5 to 1.7-feet, and/or install obstruction lights at the affected locations (DEIR pages 10-20 and 10-25).

Due to the fact that the building would have high risk users, the Aeronautical Safety Review (Mead & Hunt, DEIR Appendix H) confirms that the project can incorporate specific risk reduction design features to mitigate its potential exceed the single-acre intensity threshold. Although the report identifies several risk reduction design features that could be used, it recommends the specific features that should be required for the impact of this project (page 10 of the Aeronautical Safety Review). All risk reduction features are not required to be implemented. The minimum features deemed necessary for the building include installation of enhanced fire safety and exiting for the building. The mitigation measures reflected in MM Haz-1 and MM Haz-2 implement the safety study recommendations, and would adequately mitigate the slight exceedance of the single acre intensity threshold and potential encroachments into ascending clear zone space.

#### **Hydrology and Water Quality (Chapter 11, DEIR pages 11-1 through 11-36)**

Oberkamper & Associates prepared a hydrologic analysis, which included evaluation of drainage (runoff increases, volume and velocity) and potential for levee breach (see DEIR Appendix I). The flat site is located in low lying baylands protected by levees. The analysis analyzes the addition of 4.6 acres of hardscape from the recreational facility project that is proposed to be added to 16 acres of existing site

development, located within the projects 106 acre watershed area. This new hardscape area would result in a 1/8<sup>th</sup> inch increase in the depth of water during a 100 year storm event. The additional amount of runoff created by the project is relatively minimal, and would have an insignificant effect on the hydrologic and hydraulic conditions. The site would drain into the man-made drainage swales located on the north and south side of the building, and empty into the creek via an existing pump-station. The volume of water added to this watershed would easily be accommodated by the existing holding capacity of the site, and the capacity of the pump station to eject 500,000 gallons per hour/18.5 cubic feet per second from the site into the creek. Impacts would be potentially significant if runoff would violate water quality standards, substantially alter drainage patterns, degrade water quality, or expose people or structures to loss or damage from flooding.

Construction activities would potentially impact water quality. Runoff over the parking lot could carry contaminants to the waterway. Increasing runoff discharge into the creek could have a cumulative impact on water quality. Lastly, a breach of the 9-foot tall levees that surround the site could result in flooding of the site (which lies below the +6 NGVD flood elevation). A levee breach would affect the structure and its occupants. The February 24, 2006 levee breach analysis by Oberkamper and Associates is provided at after the Hydrologic Analysis in DEIR Appendix I. This is followed by a February 24, 2006 analysis of the low potential for levee failure due to liquefaction, prepared by John C Hom that has been further confirmed in the study attached as FEIR Appendix B. The hydrologic analysis assumes a conservative scenario of an *instantaneous* 100-foot wide levee breach down to +3NGVD elevation, with breach reaching a width of 325 feet as flood waters enter the site, and erosive characteristics reduce as flood waters achieve +3 foot elevation. This analysis was based upon a 400 foot wide breach which occurred in the delta in June 2004. The analysis concludes that flood waters would reach an elevation of +2 feet in 2 hours and 15 minutes, and provide ample time for occupants to leave the facility. Further discussion of potential impacts of levee breach and sea level rise are provided in the Climate Change discussion below. The following measures have been identified to reduce the potential water quality and flooding impacts to less-than-significant levels.

**MM Hyd-1a through f** require plans to be submitted with building permits that would assure erosion, siltation and water runoff will be treated to avoid contaminating the waterway. This will include providing enhanced grassed swales to filter pollutants from runoff, preparing stormwater pollution prevention and stormwater management plans (SWPPP, SWMP) and maintaining paved areas clear of debris for the duration of the project use (DEIR pages 11-23 through 11-25).

**MM Hyd-2a and 2b** require the building to be flood proofed and watertight to an elevation of +7 feet NGVD so that it is impermeable to penetration of water, and specifying criteria for finalizing hydrology and grading plans to support final design of improvement plans (DEIR pages 11-32 and 11-33).

There were several comments received for this DEIR topic area. Master Responses 11 through 14 (HYD-1 through HYD-4) provide updated FEMA flood elevation datum values (to illustrate the change from the 1929 NGVD to current NAVD)<sup>‡</sup> and further characterize the potential impacts of sea level rise and potential flooding impacts. Master Response 15 (HYD-5) further addresses water quality impacts. Minor revisions to the FEIR discussion have been provided to this section, which can be found on FEIR pages R-7 and R-10. These revisions are reflected in revised Mitigation Measure MM Hyd-1a which has been amended to clarify the erosion control requirements that would apply to the project as part of its construction, and revised MM Hyd-2a which has been modified to indicate the *new* flood elevation datum values (as reflected in revised FEIR Table 2-1). The FEIR responses conclude that no additional hydrology or flooding impacts would result.

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<sup>‡</sup> The change from the 1929 NGVD to more recent NAVD results in a +2.67 increase in the datum *value* but this does not reflect change in site hydrology. In this report, staff has continued to use the old 1929 NGVD datum value for reference, in order to avoid confusion from switching between NGVD and NAVD datum values.

**Noise (Chapter 12, DEIR pages 12-1 through 12-26)**

DEIR Appendix J contains the noise study prepared by Illingworth & Rodkin. A peer review of this noise study was completed by Geir and Geir. The analyses assessed existing noise conditions, which primarily result from airport use. Project-generated noise was found to be primarily attributed to the increased vehicle traffic traveling to and from the facility, and from the games on the outdoor field. Construction noise impacts were also evaluated, as a result of construction vehicle and equipment operation, and pile driving activities. McInnis Park is located within 300-feet of the site. Santa Venetia residential neighborhood is located within 750 feet to the south of the outdoor warm up field and Contempo Marin residential neighborhood is located 1,000 feet from the recreation building. Contempo Marin is separated from the airport site by a solid block wall, and existing airport hangar buildings. The access driveway runs along the boundary of Contempo Marin and Captains Cove residential neighborhoods. There are no walls or structures directly between the homes in Captains Cove and the site access road. No other noise sensitive land uses are in close distance to the facility. A noise impact would be significant if the project increases noise levels noise-sensitive receptors exceeding thresholds, and if construction created significant ground-borne vibrations. The intermittent high noise levels generated by aircraft takeoffs is not deemed significant to the outdoor fields use. The following noise related impacts have been discussed in the DEIR:

*Construction Noise*

The analysis has concluded that the high decibel noise generated by construction vehicles and pile driving activity may also disrupt field use at McInnis Park. Mitigation has been required as noted below.

*Traffic Noise*

Traffic noise would be significant if it would increase levels at noise sensitive receptors by 3 decibels, if existing noise exceeds 65 dBA. The project does not exceed the established threshold.

*Operational Noise*

The noise analysis for the DEIR has identified that games on the outdoor soccer field could generate increased noise levels at the nearest residential property line in Santa Venetia, which may result in a 1 decibel exceedance of the 40 dBA Ldn (nighttime) threshold established by the City Noise Ordinance (Chapter 8.13). Chapter 8.13 defines nighttime hours as the periods between 9PM and 7AM Sunday through Thursday, and between 10PM and 7AM Friday and Saturday. The City noise ordinance establishes a much more stringent outdoor residential noise threshold for properties within the City; whereas the General Plan 2020 Policy N-1, Exhibit 31, establishes 40dBA as the upper range of normally acceptable interior residential exposure limit and 60dBA as the upper range for normally acceptable exterior residential exposure limit. The noise limits in the General Plan are the more common residential noise thresholds. However, for purposes of environmental review the City Noise Ordinance requirements have been applied to all surrounding residential properties including Santa Venetia, which is outside the City Limits and is not subject to the City's Noise Ordinance. Monitoring of the use has been recommended to determine whether anticipated noise levels would actually exceed the City noise threshold at the nearest residential property line. If this is the case, the use of outdoor fields would be required to cease by 9PM on weekdays.

The following mitigation measures would reduce operational and construction noise impacts to less-than-significant levels:

**MM N-1** requires outdoor field use to be monitored by a noise consultant during the first year of use to determine whether nighttime games would cause the City Noise Ordinance to be exceeded at the nearest residential property line. If noise ordinance would be exceeded, 9PM would be set as the curfew for the outdoor field use on weekdays (DEIR page 12-21).

**MM N-2 and MM N-3** address the construction noise impacts through assuring construction vehicles are maintained and operated appropriately and requiring pre-drilling of holes to shorten the duration of pile driving (DEIR pages 12-24 and 12-25).

Master Responses 16 and 17 provide further clarification of the DEIR noise analysis discussion, in response to comments regarding the nighttime noise and intermittent noise levels anticipated from outdoor field use. As a result of further review of outdoor noise impacts, Mitigation measure MM N-1 has been modified to eliminate a proposed sound wall as an option for reducing noise levels; which was identified to allow game times into the nighttime hours on weekdays to extend slightly longer, from 9PM to until 10PM. Rather, the mitigation measure has been modified to require monitoring of games during the first year of operation to determine whether the established noise thresholds would be exceeded during this 1 hour period. Additionally, MM N-2 regarding construction time restrictions has been appended to further assure that construction activities would avoid causing conflicts with daytime usage of the nearby field at McInnis Park.

### **Transportation and Traffic (Chapter 13, DEIR pages 13-1 through 13-44)**

The traffic analysis for the project was prepared by Fehr and Peers, transportation consultants, and is contained in Appendix K. The study evaluated the five signal-controlled intersections that would be affected by project traffic along the Smith Ranch Road/Lucas Valley arterial (DEIR Figure 13-1). The study also assessed the Yosemite Rd and Silveira/Smith Ranch intersections to determine if signal warrants would be met, to require installation of additional traffic controls at these locations. (Appendix K - *Attachment A*). A study of arterial segments was provided to determine whether the project traffic would result in any significant delays along the roadway. This was primarily conducted as a means of confirming queuing capacity between signalized intersections was adequate. However, the arterial segment identified in the General Plan requires Smith Ranch Road/Lucas Valley Road to be split due to the change in roadway name, whereas this is a continuous segment. Thus, arterial segment level of service is not a good standard for evaluating traffic operations in this area. Intersection LOS has been maintained as the appropriate standard to be used for the roadways and intersections impacted by project traffic. The DEIR identifies the following conditions: baseline traffic, baseline with project, general plan, and general plan with project. The analysis also discusses the proposed site access, pedestrian and alternative transportation modes, transit, and parking facilities.

The General Plan 2020 establishes a level of service standard D for intersections within the project study area. An impact would be significant if it would cause the level of service standard to be reduced from an LOS D condition to an LOS E condition from the addition of project traffic, or add traffic to an existing intersection that currently operates below the LOS D standard during the peak hours of intersection operations. The peak hours are the periods of 7AM to 9AM and 4PM to 6PM. The project generates 268 PM peak hour trips, with 135 trips in and 133 trips out (DEIR Table 13-3). Based on distribution and assignment of these vehicle trips, it was concluded that the project would not cause the LOS D threshold to be exceeded at the intersections impacted by the project. Additionally, the project would be required to pay its fair share of traffic mitigation fees, in the amount of \$1,137,926.00, which would be used to fund the traffic improvements that have been identified by the General Plan 2020 for cumulative development. As this traffic mitigation fee has been established and is required citywide, it is imposed as a condition of project approval in-lieu of a mitigation measure. In addition, the signal warrants were not met at non-signalized intersections evaluated along Smith Ranch Road (DEIR Appendix K). It has been concluded

that the existing non-signalized intersections would continue to function adequately without a significant increase in delays or concerns with adequate vehicle sight distance before making turns onto Smith Ranch Road.

The DEIR analysis had also concluded that short-term vehicle queuing before dance and gymnastics classes could cause vehicles to backup at the bridge deck. This was concluded to be the case if the existing single-lane bridge deck were to remain. However, the project does include replacement of the deck with a wider 2-lane roadway surface. Therefore, Mitigation Measure Traf-1 has been deleted due to the fact that the project includes installation of a new two-lane bridge deck and the queuing impacts previously anticipated on the private road adjacent to residential uses would not result.

Several comments were submitted questioning why the non-signalized intersections along Smith Ranch Road were not evaluated in the traffic study, why the analysis was not conducted when McInnis field was active, and the impact of SMART operations. Master Responses 18 and 19 (TRA-1 and TRA-2) include a revision to the impact analysis discussion in the DEIR to clarify that the City significance threshold for AM/PM peak hour traffic (General Plan Policy C-5A) applies only to signalized intersections along the Smith Ranch Road and Lucas Valley Road segment that would be affected by project generated traffic. Arterial segment LOS is not the threshold that applies for this location. Further, the traffic study evaluated the peak weekday traffic conditions, which reflects the most significant period of traffic at these intersections. FEIR pages R-26 through R-33 include revisions to the discussion in DEIR Chapter 13, which clarify that signalized intersection level of service LOS D is the threshold used by the City for analysis of project impacts. Finally, as discussed in paragraph 3 of this section above, the analysis evaluated the unsignalized intersections along Smith Ranch Road to determine whether warrants would be met for installation of traffic controls, and these intersections did not meet the warrants. Thus, the traffic related impacts on Smith Ranch Road would be less-than-significant for purposes of environmental review.

Master Response 20 (TRA-3) responds to comments on the impact of SMART train operations. This topic has been fully evaluated in a certified EIR prepared for the SMART project. SMART has over 100 crossings that it must address, and has identified several crossing control options. SMART would result in relatively rapid pass-bys and would not result in any significant delays for vehicles entering or departing from the site at the at-grade crossing located at the airport site boundary. Thus, no significant impacts would result from SMART train operations.

#### **Other Environmental Effects (Chapter 14, DEIR pages 14-1 through 14-16)**

Study areas in the DEIR that result in either a No Impact conclusion, or that did not require mitigation measures include Agricultural Resources, Mineral Resources, Population & Housing, Public Services, Recreation, Utilities & Services, Cumulative impacts, and Growth Inducing impact categories. The project has not resulted in potentially significant impacts in these categories; therefore, no mitigation measures have been required.

Master Response 21 (GI-1) has been provided in response to comments, to confirm that the project would not have any growth inducing impacts. The project is limited by existing utility service agreements, and would not require upgrades to existing public utility systems or public infrastructure in order to accommodate the increased development on site.

Chapter 14 Cumulative Impacts discussion has been revised to incorporate all cumulative impact discussion in a single chapter (See FEIR Chapter 2: Revisions, pages R-33 to R-42). No new significant unavoidable impacts or mitigation measures have been identified as a result of the FEIR response to comments in this Chapter.



**Climate Change (Chapter 15, DEIR pages 15-1 through 15-16)**

SB97 (Greenhouse Gas Emissions) and AB32 (Global Warming Solutions Act), were enacted during preparation of this EIR. The contribution of a local project to global environmental warming is considered too speculative, and no thresholds had been established by the state at time of preparation of the DEIR that could have been used to evaluate or measure global warming impacts at a local project level. The DEIR provides a general response identifying the methods by which the project may control its contribution to greenhouse gas (GHG) emissions through implementing some practicable available control measures. In addition, the potential affect of global warming on the project locally is also discussed; such as impact of potential sea level rise.

*Sea Level Rise*

Master Response 22 (GHG) has been prepared to respond to concerns raised regarding sea level rise and greenhouse gas emissions assessment. These are global areas of concern that were developing during preparation of the EIR. Sea level rise may occur as a result of global warming, which could potentially affect the project site and all low lying areas protected by levee systems. This is beyond the project scope, and such an impact if realized would need to be addressed on a regional basis. FEMA has been updating flood maps to address new mapping standards, and would be responsible for evaluating this regional impact. As designed, the building would be flood proofed to protect against flooding as required by FEMA. The existing 9-foot tall levee has been analyzed and found to be adequate to continue protecting the site through the year 2050 in the event that the current estimates of an 18-inch sea level rise were to be realized. The creek elevation is approximately +3 feet NGVD. The 100 year flood elevation of the creek would rise to +6 feet NGVD (during period of high tide with stacking of flood waters). A levee breach would typically occur due to erosion of the levee caused by water cresting the levee during a 100-year storm. Surcharge of waters against the levee walls is not a risk factor. The earthen levee has achieved full compaction since its construction in the 1940's and, as a result, is considered to be sound and not subject to liquefaction. The levee has not failed during recent earthquakes (including Loma Prieta) and if it is continued to be properly maintained at its current elevation, through routine filling of low points that may occur in the levee system, it is not anticipated to be susceptible to failure due to a levee breach. Furthermore, the levee height may be increased over time through the addition of soils, which would be compacted onto the top of the levee. Therefore, the project would not be subject to any significant Climate Change impacts as a result of sea level rise, and no mitigation measures are required.

*Global Warming/Greenhouse Gas*

DEIR Chapter 15 has been augmented to clarify the threshold for analysis in the DEIR is based on whether the project would conflict with AB 32 (Global Warming Solutions Act), and incorporate the information regarding the measures available to reduce project related GHG emissions (FEIR pages R-42 through R-46 and Master Response 22; GHG-1). However, staff has also included a more up to date quantitative analysis showing level of project conformance with the Bay Area Air Quality Management District (BAAQMD) newly adopted thresholds of significance. Analysis based on this standard is not required, but has been provided for informational purposes in Master Response 22. This additional analysis shows that due to the fact that all vehicle miles traveled (VMT) attributed to the project are treated as new regional trips, which are primary source of its greenhouse gas (GHG) emissions, it would not be possible for the project to reduce its emissions below the new BAAQMD significance threshold of 1,100 metric tons of greenhouse gas emissions annually (MT/CO<sub>2</sub>e).

Master Response 22 clarifies that the threshold of significance used for this project is whether the project would impede the Global Warming Solutions Act (AB32). FEIR Table 1 on page C&R-45 identifies the applicable qualitative standards used to evaluate project conformance with strategies for reducing greenhouse gas emissions. While many of these are related to improvements required for vehicles, there are several strategies that encourage green building construction and water conservation. As noted above, at the time of the publication of this report, there was no state adopted method for assessing a local projects impact on global warming. It is reasonable to anticipate that the project would be affected by state and federal mandates requiring improved vehicle and equipment energy efficiency; at time of construction or replacement of vehicles or equipment. The project must also comply with updated Title 24 mandates and meet all other applicable standards and regulations addressing energy and building efficiency. Further, although the project is exempt from the City's local green building ordinance, the project proposes to achieve US Green Building Council LEED certification which would lessen the project impacts. This includes installation of rooftop solar, energy efficient lighting systems, use of recycled water if available, and installation of all-weather field turf (reducing energy for water transmission and maintenance). These efforts would reduce greenhouse gas emissions through reduction in the project's demand on nonrenewable energy usage. Thus, the project would not impede implementation of AB 32 and would not result in significant impacts using this applicable threshold.

Since publication of the DEIR, the Bay Area Air Quality Management District (BAAQMD) adopted new thresholds of significance on June 2, 2010 that provide a qualitative method for evaluating greenhouse gas emissions. Although analysis based on this standard is not required, staff has provided this analysis on pages R-44 & R-45 and Master Response 22 beginning on page C&R-43. This analysis concludes that the project would generate 2,203 metric tons (MT/CO<sub>2</sub>e) annually as a result of increased vehicle traffic, which would exceed the new BAAQMD significance threshold of 1,100 metric tons (MT/CO<sub>2</sub>e) annually. The project includes green building techniques that would reduce its emissions by approximately 386 metric tons of CO<sub>2</sub>e emissions. However, due to the isolated geographic location and lack of multi-modal transportation opportunities the project cannot significantly reduce the amount of vehicle miles traveled (VMT) attributed to the project, which is the primary source of its GHG emissions. Although the project is not required to meet this new threshold, it is worth noting that the VMT attributed to the project would likely be similar to another location in Marin County and further the analysis assumes the facility would generate new regional VMT, which may or may not be true.

### **Alternatives (Chapter 16, DEIR pages 16-1 through 16-28)**

As required by California Environmental Quality Act (CEQA) Guidelines Section 15126.6, the DEIR considered and analyzed a reasonable range of feasible alternatives that would lessen impacts and meet basic project objectives. The DEIR assessed the following three alternatives:

- *No Project*
- *Reduced Development Intensity*
- *Alternative Location*

The No Project alternative would maintain the existing airport operation, as regulated under the existing Master Use Permit with 100-based aircraft and 12 non-aviation businesses operating between the hours of 7AM to 6PM. Private and public recreational uses would also remain a potential use consistent with the December 1983 property restrictions. This scenario would not include a recreation building and associated indoor uses. Without building or bridgework construction, the comparative analysis of this scenario identifies that impacts in biological, geology, hazards, hydrology and noise would be reduced to levels below the project. Master responses 23 and 24 (ALT) expands the No Project alternative discussion to include a No Project / No Build variant (see also Chapter 2: Revisions Page R-46 to R-50). This additional discussion does not identify any additional impacts or mitigation measures. Rather, it

clarifies that the no development option would not result in any of the associated traffic, biological, noise or lighting impacts identified in the document.

The Reduced Development Intensity alternative retains the existing single-lane bridge deck, eliminates nighttime lighting and use of outdoor fields, and assumes a smaller indoor sports facility by eliminating the two court uses. The comparative analysis of this alternative identifies that impacts in biological, hazards and noise would be reduced to levels below the project. Finally, the Alternative Location analysis concludes that an alternative site within the City would require similar level of analysis, generating similar traffic and cumulative impacts. Given that this project results in mitigation of all environmental impacts, an alternative location would not necessarily achieve greater environmental protection.

Thus, the FEIR has provided discussion of a reasonable range of alternatives to the Project, as required under CEQA. This analysis provides sufficient information to compare impacts of approving the project with impacts of not approving the project. As a result of this review, none of the alternatives would achieve the project objectives. However, all impacts associated with the proposed project could be mitigated to less than significant levels.

### **FEIR Conclusions**

As required by CEQA, all potential environmental impacts of the project would be mitigated to the extent feasible. None of the revisions made to the DEIR have resulted in new impacts or required new mitigation measures. Thus, recirculation is not required under the requirements of CEQA Guidelines for any revisions made to the DEIR discussion and mitigation measures. Further, no additional public review and comment period is required for the FEIR. Comments on the FEIR may be accepted during the hearing, but do not require an additional written response beyond that already provided.

A Mitigation Monitoring and Reporting Program (MMRP) would be prepared prior to project approval, in order to demonstrate the program to implement all measures required to mitigate impacts to less-than-significant levels. The MMRP would be incorporated into draft conditions of project approval.

### **NOTICING/CORRESPONDENCE**

At least 15 days prior to the Planning Commission meeting, a public hearing notice was mailed to property owners and occupants within at least 1,000 feet of the site as well as other community groups, neighborhood associations and interested parties. The entry to the airport site and the entrance to the levee trail at McInnis Park site were also posted with public notice hearing boards, and a notice was published in the local Marin IJ newspaper. Staff also has emailed notice of the hearing to interested parties that have previously provided email addresses. A copy of the public hearing notice is attached (**Exhibit 3**). Comments received since publication and release of the FEIR and prior to publication of this report have been attached.

Comments received to date include at least one letter in support of the project, and several letters opposed; including continued concerns with noise, a violation of the intent of the 1983 Declarations of Restrictions, expressing inadequacy of response to comments on traffic, noise and lighting impacts, impacts on habitat and protection, concerns with impaired drivers leaving the facility, safety from potential aircraft crashes, among others. A letter has also been received from the Department of Transportation requesting further revisions to the traffic impact report, and a letter from Marin County Counsel agreeing that the project is not in conflict with the covenant, and requesting conditions of project approval to recognize the 1983 Declaration of Restriction and include them on future project referrals. No further written response to comments is required. The responses to comments will be addressed as part of the staff and the City's environmental consultant's presentation to the Planning Commission.

## NEXT STEPS

If the Planning Commission recommends certification of the FEIR, staff would return with a complete staff report on the project merits and draft resolutions required to take action to approve the project. Should the Commission reject certification of the FEIR, the project could not proceed unless appealed to the City Council, or until a revised EIR has been certified.

## OPTIONS

The Planning Commission has the following options:

1. Adopt Resolution Recommending that the City Council Certify the EIR and direct staff to prepare resolutions with draft CEQA Findings of Fact and MMRP for Project Approval, PD Rezoning, Master Use Permit and Environmental and Design Review Permit (staff recommended);
2. Reject certification of the EIR and direct staff to prepare further revisions to the response to comments;
3. Deny certification of the FEIR and direct staff to draft resolutions to deny the PD Rezoning, and/or Master Use Permit and Environmental and Design Review; or
4. Continue the matter to future Commission meeting for further review and discussion.

## EXHIBITS

1. Vicinity Map
2. Draft Resolution Recommending California Environmental Quality Act (CEQA) Certification
3. Public Hearing Notice
4. Recent Correspondence (rec'd since publication of the FEIR)

*The following Exhibits have been distributed to the Planning Commission Only:*

5. Environmental Impact Report (*distributed separately*)
6. Project Plans