

Exhibit 8

RESOLUTION NO. 11-16

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL AIRPORT RECREATIONAL FACILITY PROJECT, LOCATED SOUTH OF SMITH RANCH ROAD AT 397-400 SMITH RANCH ROAD  
(APN 155-230-10, 11, 12, 13, 14, 15 & 16)  
ZC05-01, UP05-08, ED05-15

WHEREAS, on March 1, 2005, San Rafael Airport, LLC filed planning permit applications with the City of San Rafael, Planning Division proposing development of a recreation facility at the San Rafael Airport. The project proposes the development of: a) an 85,700-square-foot multi-purpose recreational use building with indoor sports fields, courts and associated ancillary support services; b) a lighted outdoor soccer field for games and an un-lighted soccer warm-up area; and c) surface parking for visitor use. The proposed recreation facility development would encumber a 16.6-acre portion of the entire 119.52-acre airport property (sited east of the airport support facilities and north of the runway); on that portion of the property identified as APN 155-230-12; and

WHEREAS, on January 7, 2006, consistent with the California Environmental Quality Act (CEQA) Guidelines, the Community Development Department completed and published an Initial Study, which recommended adoption of a Mitigated Negative Declaration for the project. A 30-day public review period was observed. On February 28 and March 28, 2006, the Planning Commission held public hearings on the Initial Study/Mitigated Negative Declaration. Following public testimony and comment, on June 21, 2006 the Community Development Director determined and directed that an Environmental Impact Report (EIR) be prepared. Pursuant to the CEQA Guidelines (Public Resources Code, § 21000 et seq.), the EIR was required to address the following issues: Land Use and Planning, Aesthetics, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation/Traffic, Cumulative Impacts, Growth-Inducing Impacts and Project Alternatives; and

WHEREAS, on October 16, 2006, the City Council authorized an agreement with Lamphier-Gregory, Environmental Consultants to prepare the project EIR based on the scope of work developed and reviewed by the Planning Commission on September 26, 2006. Work on the EIR commenced but was suspended from December 2006 through July 2007 to allow for completion of California Clapper Rail surveys in conformance with US Fish and Wildlife Draft Survey Protocol. On October 7, 2007, following completion of the protocol surveys, the City prepared and published a Notice of Preparation (NOP) to obtain updated comments from responsible and trustee agencies and interested parties. The scope of work was further expanded to include analysis of climate change; and

WHEREAS, in March 2009 the Draft San Rafael Airport Recreation Facility Draft Environmental Impact Report (DEIR) was completed, which concluded that all significant impacts identified in the DEIR can be mitigated to a less-than-significant level with implementation of the mitigation measures recommended in the DEIR. The Community Development Department published a Notice of Completion (NOC) and the DEIR was circulated for a 60-day public review period beginning March 12, 2009 and closing on May 12, 2009 (SCH # 2006-012-125); and

WHEREAS, On May 12, 2009, the Planning Commission held a duly-noticed public hearing to consider and accept public testimony and provide its comments on the DEIR. Following public comment and discussion, and its own review of the DEIR, the Planning Commission directed staff to review and respond to all comments that had been provided on the DEIR during the 60-day public review period, and

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pursue preparation of a Final Environmental Impact Report (FEIR) consistent with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Public Resources Code Section 21091(d)(2)(A) and CEQA Guidelines Sections 15088 and 15089, the City responded to all the environmental comments that were submitted on the DEIR during the 60-day public review period and a Final Environmental Impact Report (FEIR) was completed. The San Rafael Airport Recreational Facility Project Final Environmental Impact Report (SRARF FEIR) is comprised a) the March 2009 DEIR Volume and DEIR Volume II: Technical Appendices; and b) August 2011 FEIR/Response to Comments Volume. The FEIR concludes that none of the comments and responses result in significant new information or an increase in the severity of impacts from those assessed and determined in the DEIR. On September 8, 2011 a Notice of Availability for the Final Environmental Impact Report/Response to Comments (FEIR) was mailed to interested persons and property owners and occupants within 300 feet of the property and written responses to comments were provided to agencies, organizations and interested parties that commented on the DEIR; and

WHEREAS, on November 15, 2011, the Planning Commission held a duly-noticed public hearing on the San Rafael Airport Recreation Facility Project FEIR, accepting all oral and written public testimony and the written report of the Community Development Department staff and continued the matter with direction that staff provide additional information addressing questions raised by the Planning Commission and public; and

WHEREAS, on January 24, 2012, the Planning Commission held a duly-noticed public hearing on the San Rafael Airport Recreation Facility Project FEIR, accepting all oral and written public testimony and the written report of the Community Development Department staff addressing questions and comments provided at the November 15, 2011 meeting, and considered a resolution recommending certification of the San Rafael Airport Recreation Facility Project FEIR; and

WHEREAS, the Planning Commission also received and considered the additional documents provided as an attachment to staffs report that supplements and confirms the responses provided to the questions and comments raised at the November 15 meeting, which includes; 1) a copy of the Questa Engineering March 15 2010 peer review response to comments letter, 2) FS Erafin January 5 2012 Phase I investigation of the San Rafael Airport property, 3) December 12 2011 Lee Oberkamper letter re: Contempo Marin Flood Protection and Flood Protection Facilities and Flood Protection plat map, 4) San Rafael Sports Facility Sustainability Strategy, and 5) Department of the Army (USACOB) December 9 2011 wetland delineation letter (updated); and

WHEREAS, the FEIR includes an Errata sheet (EXHIBIT A) which includes additional revisions to the FEIR discussion and mitigation measures that would address identified impacts, including measures that the project proponent has agreed to implement as part of the project. None of the comments, responses or revisions made result in significant new information or an increase in the severity of impacts from those assessed and determined in the DEIR; and

WHEREAS, the City intends that the San Rafael Airport Recreational Facility Project FEIR shall be used as the environmental documentation required by CEQA for subsequent discretionary actions required for this project; and

WHEREAS, the custodian of all documents which constitute the record of proceedings for this project and upon which this decision is based, is the Community Development Department.

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NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the City Council certification of the San Rafael Airport Recreational Facility FEIR inclusive of the Errata (Exhibit A) based upon the following findings required by CEQA Guidelines Section 15090:

1. The San Rafael Airport Recreational Facility FEIR has been prepared and completed in compliance with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual by following the appropriate format, content, technical analysis of the potential impact areas and project alternatives identified in the initially-authorized scope of work. Further, all prescribed public review periods and duly noticed hearings were held for the project Notice of Preparation, Notice of Completion for public review of the DEIR and Notice of Availability following publication of the FEIR.
2. The FEIR reflects the independent judgment and analysis of the City of San Rafael Community Development Department and the Planning Commission. The Planning Commission has reviewed and considered all information contained in the FEIR prior to making its recommendation on the project, and concludes that the FEIR:
  - a. Appropriately analyzes and presents conclusions on the impacts of the San Rafael Airport Recreational Facility project.
  - b. Analyzes a reasonable range of alternatives to the San Rafael Airport Recreational Facility project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any significant effect of the project.
  - c. Identifies or recommends mitigation measures to substantially lessen, eliminate or avoid the otherwise significant adverse environmental impacts of the San Rafael Airport Recreational Facility project.
  - d. Includes findings and recommendations supported by technical studies prepared by professionals experienced in the specific areas of study, and which are contained within the document and/or made available within the project file maintained by the City of San Rafael Community Development Department, the custodian of all project documents.
3. The information contained in the FEIR is current, correct and complete for document certification. As a result of comments submitted on the DEIR, the FEIR presents some additional information and recommendations to expand, clarify and support the findings of the specific studies and topic areas, which, as a result, was cause for minor revisions in the DEIR text and recommended mitigation measures. The extent of changes to the document would not meet the threshold for re-circulation of the DEIR, as prescribed in CEQA Guidelines Section 15088.5. New information has been added to the DEIR and does not deprive the public of meaningful opportunity to comment upon the substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. In particular, the new information presented in the FEIR does not disclose or result in:
  - a. A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented.
  - b. A substantial increase in the severity of the impacts that were disclosed and analyzed in the DEIR.
  - c. Any new feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen significant environmental impacts of the project, but which the project's proponents refuse to adopt. This includes consideration of the no project alternative "No Project/No Build" variant that has been added in the FEIR assessing the status quo.
  - d. A finding that the DEIR so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

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4. The FEIR presents factual, quantitative and qualitative data and studies, which find and support the conclusion that the project will result in several potentially significant impacts that necessitate mitigation. Complete and detailed findings pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091 have been provided below, as required before the City considers action on the merits of the project evaluated by the FEIR.
  
5. The City is taking an action to certify the FEIR for the project, recognizing it as an informational document for assessment of the San Rafael Airport Recreational Facility project. The CEQA Guidelines recognize that an environmental document is prepared for public disclosure of potential project impacts and that it is used as an informational document to guide decision-makers in considering project merits. Certification of the FEIR, as presented, would not result in a land use entitlement or right of development for the project site. The FEIR document must be reviewed to determine whether it adequately assesses the impacts of the project, and whether the circumstances presented in Public Resources Code section 21166, as amplified by its corresponding CEQA Guidelines Sections 15162 to 15163 are present with respect to the project to determine whether a Subsequent EIR, a Supplement to the EIR, or Addendum to the EIR need be prepared or if further environmental review under CEQA is not required. Certification of the FEIR prior to consideration of and taking action on project entitlements does not prejudice or bias review or actions on the proposed development project.

The foregoing resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 24<sup>th</sup> day of January 2012.

Moved by Commissioner Charlie Pick and seconded by Commissioner Kate Colin.

AYES: Colin, Lang, Pick, Robertson, Sonnet, Chair Wise

NOES: None

ABSENT: Paul

ABSTAIN: None

ATTEST:

\_\_\_\_\_  
Paul A. Jensen, Secretary

\_\_\_\_\_  
Viktoriya Wise, Chair

ATTACHMENT:

Exhibit A "Errata"

EXHIBIT A

**San Rafael Airport Recreation Facility FINAL EIR – Errata (1/12/12)**

The text of the second paragraph on FEIR page C&R-534 has been modified to read as follows:

“Leaded gasoline for automobiles was phased out in the early 1990s. The aviation industry was given an exemption for 100LL, but EPA has announced a proposed rulemaking scheduled for 2010 that would phase out 100LL by 2017, eliminating General Aviation aircraft as a source of airborne lead.”

Further, the 4<sup>th</sup> paragraph on FEIR page C&R 534 should be modified to read as follows:

“The strength of the emission associated with airport operations is quite small. 100LL avgas contains a small fraction of the lead that was contained in automobile gasoline before its use was phased out, and the airport averages only 20 landing and take-offs per day. Only emissions taking place near the ground can affect neighboring properties, so emissions from aircraft in the air make little contribution to exposure.”

On FEIR page R-1, the following text has been added:

“On DEIR pages 2-3 and 2-4, the text of MM Aesth-1b has been modified to read as follows:

**MM Aesth-1b: Design Review Board Materials and Colors and Landscape Plan Approval.** Consistent with the recommendations of the Design Review Board subsequent to an earlier review, the DRB shall also review and approve the proposed building materials to ensure that the proposed Project is designed with non-reflective and/or tinted glass to minimize potential daytime glare impacts pursuant to the Design Review Permit criteria established in the San Rafael Municipal Code Title 14 (zoning), Chapter 25 (Design Review). Additionally, the DRB shall review and approve the Project final landscape plans for the entire site. The plan shall show the area where the DRB requested the gap in the Eucalyptus row to be filled in. Replacement species shall be consistent with City tree guidelines.”

On FEIR page R-1, the following text has been added:

“On DEIR page 2-6, the following Air Quality Mitigation Measure has been added above the “Biological Resources” section:

**MM AQ-2: Greenhouse Gas Reduction Strategies Compliance.** The applicant shall implement all of the City of San Rafael November 2010 BAAQMD Qualified Greenhouse Gas Reduction Strategy checklist’s Required Elements; as indicated in the checklist prepared and submitted by the project applicant. Additionally, the applicant shall implement the GHG Reduction Strategy checklist’s Recommended Elements, as proposed by the project applicant and required as a condition of approval to comply with City Municipal Code Requirements. Additional strategies shall be implemented, to the extent feasible, as determined by City of San Rafael Building, Planning and Public Works in order to further reduce the project generated GHG emission.”

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On FEIR pages R-2 and R-3, the text related to **MM Bio-2d** has been modified to strike the words “without limitation in the second sentence of this measure, thus is further revised to read as follows:

“Pile driving associated with the recreational facility building shall not commence until September 1<sup>st</sup> and shall be completed by February 1<sup>st</sup>. Outside of pile driving, exterior construction of the recreational facility shall be allowed between July 1<sup>st</sup> and February 1<sup>st</sup> without limitation. Interior work shall be allowed without timing limitations. Construction of the recreational facility shall not commence on the recreational facility Project until on July 1<sup>st</sup> until a qualified biologist determines that there are no nesting California Clapper Rails or California Black Rails within 200 feet of the Project construction envelope. In the event nesting rails are found within 200 feet of the Project site on or after July 1<sup>st</sup>, construction shall be delayed until the nesting attempt is completed and the nest is abandoned or a qualified biologist determines that the nesting would not be adversely affected by commencement of the project. If California Clapper Rails or California Black Rails are determined to be nesting between 200 feet and 500 feet from the Project construction envelope on July 1<sup>st</sup>, the Project may proceed if a qualified biologist determines that the nesting rails would not be affected by the proposed construction activities. Under all circumstances any nest identified within 500 feet of the Project construction envelope would be monitored by a qualified biologist while construction activities were in progress. The monitoring biologist would have the right to shut down any and all construction activities immediately in the event that such activities were determined to be disturbing the nesting attempt. Nests greater than 500 feet away would not require biologist monitoring when the rails can be expected, in most cases, to have fledged young. Construction of the recreational facility could extend into October, with interior work allowed throughout the year.

To account for California clapper rails or black rails, and other special-status birds, that likely occur and nest in the marsh habitats along the creek in the immediate area of the bridge, all work associated with the new bridge, including the demolition of existing bridge deck, installation of the new deck, and other bridge improvements, shall be restricted to August 1 to October 15. The bridge pile-driving dates shall be further restricted to September 1 and October 15 when potentially occurring anadromous fish would not be expected to occur in the channel. This “avoidance window” is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction activities would disrupt breeding attempts. This mitigation measure provides conservation measures that are consistent with the ISP Best Management Practices.”

On FEIR page R-3, the following text has been added:

“On DEIR page 2-14, the text of **MM Bio-4b** has been modified to read as follows:

**MM Bio-4b Nesting Raptors – Recreation Facility Construction.** Exterior Construction of the recreational facility shall occur be allowed between from July 1 and

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February 1<sup>st</sup>, through October, when most raptors are expected to have completed their nesting cycles. In cases where a nest fails early in the egg-laying phase during egg-laying or early incubation, adults may recycle, laying a second set of eggs. In such cases the completion of the nesting season may will be delayed until August. While this is rare, it can does occur and thus out of an abundance of caution, sometimes in nature and thus a mitigation measure is provided below to account for late nesting raptors.”

On FEIR page R-3, the text related to the first bulleted paragraph under **Mitigation Measure Bio-4c: Nesting Raptors – Pre-Construction Nesting Surveys** has been further modified to include the term “qualified biologist” to read as follows:

“A pre-construction nesting survey shall be conducted by a “qualified biologist” in June during the breeding season (February through July) of the year construction of the project will commence. The nesting survey shall be conducted within 30 days prior to commencing of construction work. The raptor nesting surveys shall include examination of all habitats and trees within 500 feet of the entire Project site, including near the bridge, not just eucalyptus trees on the northern boundary of the Project site.”

On FEIR page R-4, the text related to first bullet in **MM Bio-5a** has been further modified in include reference to a “qualified biologist” to read as follows:

- “Pre-construction Survey. A preconstruction survey of the Project site shall be conducted by a “qualified biologist” within 30 days prior to any ground disturbing activities to confirm the absence or presence of burrowing owls. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey must be completed. This process should be repeated until the Project site habitat is converted to non-habitat (e.g., developed for recreational uses). If western burrowing owls are not present, no further mitigation is required.”

On FEIR page R-7, the following text has been added:

“On DEIR page 2-21, the text of **MM Bio-9: Impacts to CDFG Jurisdiction – Banks of the North Fork of Gallinas Creek** has been modified to read as follows:

“**MM Bio-9: Impacts to CDFG Jurisdiction – Banks of the North Fork of Gallinas Creek.** Construction of the proposed bridge shall be restricted to the terms and activities consistent with the approved CDFG 1602 Lake and Streambed Alteration Agreement (Notification Number: 1600-2006-0266-3), including but not limited to the following:

- All work associated with ~~on~~ the new bridge, including the demolition of existing bridge deck, and other bridge improvements, ~~project~~ shall be restricted to August 1 July 15<sup>th</sup> through October 15<sup>th</sup> to account for California clapper rails or black rails, and other special-status birds, that could nest in the marsh habitats along the creek in the immediate area of the bridge. This “avoidance window” is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction

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activities would disrupt breeding attempts. The work on the bridge deck may be extended beyond the October 15<sup>th</sup> date allowed in the SBAA to February 1<sup>st</sup> under the condition that CDFG and the City provide approval for this extension and appropriate weather-related BMPs are implemented. Work up until February 1<sup>st</sup> is likewise outside of the Clapper rail, California black rail, and other special-status bird breeding seasons, during periods of low stream flow and dry weather

- The bridge pile-driving shall occur from September 1 through October 15<sup>th</sup> when potentially occurring anadromous fish are not expected to occur in the channel. While as permitted by CDFG, bridge decking work may continue after October 15<sup>th</sup> until February 1<sup>st</sup>, no work shall be allowed including pile driving, constructing abutments, or any other construction-related activities that could otherwise negatively affect fish habitats between October 15<sup>th</sup> and September 1<sup>st</sup>.
- No work shall occur below the top-of-bank or the normal high-water mark (i.e., the mean higher high tideline) of the stream
- All conditions in the authorized SBAA shall also be made a condition of the project."

On FEIR page R-10, the following text has been added:

"On DEIR pages 2-32 and 2-33, the text **Impact N-1** has been modified to read as follows:

**Impact N-1:** Operation of the proposed recreational facility would have the potential to increase noise levels on the Project site, which could adversely affect nearby residential uses. In addition, operation of the facility would increase traffic on local streets providing access to the site, which also could affect residential uses located adjacent to these streets. This impact is considered *potentially significant*."

On FEIR pages R-10 and R-11, the following text related to **MM N-1: Evening Noise** has been further modified as follows:

**"MM N-1 Evening Noise.** To address the potential that noise from late evening games becomes an annoyance to neighbors to the south due to the potential of a 1 decibel increase over maximum allowable nighttime noise levels, ~~either of the following measures shall be implemented:~~

- "Close the outdoor fields at 9 p.m., Sundays through Thursdays, and 10 p.m. on Fridays and Saturdays. Alternatively, During the first full year of operations, the project sponsor shall annually monitor noise levels during a minimum of five nighttime games to determine whether the use of outdoor fields and warm-up areas actually causes would result in an exceedance of the 40 dBA (Ldn) exterior residential nighttime noise threshold to be exceeded at the closest residential property boundary. The City shall approve the monitoring schedule, to ensure monitoring



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occurs during times when outdoor fields are in full usage. A copy of the noise consultant's analysis shall be submitted to the City. If the analysis demonstrates that the Noise Ordinance nighttime threshold would be exceeded, the outdoor facilities shall remain closed by at 9 p.m., Sundays through Thursdays, and 10 p.m. on Fridays and Saturdays. If the noise analysis demonstrates that the Noise Ordinance nighttime noise threshold would not be exceeded, the outdoor facilities may extend the hours of operation to 10 p.m., Sundays through Thursdays. or"

- ~~Project sponsor shall revise the site plan to provide sufficient space to accommodate a noise wall along the southern boundary of the parking lot and soccer warm up areas. If noise measurements of nighttime games indicate that the ordinance noise limits are exceeded, the project sponsor could build a noise wall instead of closing the outdoor fields at 9 p.m. If a noise wall is constructed, it shall be subject to the following requirements:~~
  - o ~~Pursuant to General Plan Policy S 4, the wall's location shall be subject to a geotechnical investigation, and the wall's design and construction shall proceed in accordance with the recommendations of the geotechnical investigation, as set forth in the City's Geotechnical Review Matrix.~~
  - o ~~The design of the sound wall shall be subject to review and approval by the City's Design Review Board.~~
  - o ~~The sound wall shall be constructed consistent with Part 77 of the Federal Aviation Regulations, *Objects Affecting Navigable Airspace*, specifically, the 7:1 transitional surface that governs Airport Safety Zone 5 — Sideline Zone, as analyzed by airport hazards safety specialist."~~

On FEIR page R-11, the following text has been added:

"On DEIR page 2-36, delete the "Transportation and Traffic" section of Table 2-1, "Impact Traf-1: Bridge Access and MM Traf-1: Traffic Management Plan." in its entirety. This text has been replaced with the following Mitigation Measure:

**MM:Traf-1:** The City shall monitor the signal timing at study intersections #3 (Smith Ranch Road/US 101 Northbound Ramps) and #4 (Lucas Valley Road/US 101 Southbound Ramps) to ensure traffic flow is optimized and that there are no significant impacts to traveler safety as a result of queuing impacts, and that the City will continue to work with Caltrans in these efforts."

On FEIR page R-12, the following text has been added:

"On DEIR pages 5-35 and 5-36, the text of MM Aesth-1b has been modified to read as follows:

**MM Aesth-1b: Design Review Board Materials and Colors and Landscape Plan Approval.** Consistent with the recommendations of the Design Review Board subsequent to an earlier review, the DRB shall also review and approve the proposed building

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materials to ensure that the proposed Project is designed with non-reflective and/or tinted glass to minimize potential daytime glare impacts pursuant to the Design Review Permit criteria established in the San Rafael Municipal Code Title 14 (zoning), Chapter 25 (Design Review). Additionally, the DRB shall review and approve the Project final landscape plans for the entire site. The plan shall show the area where the DRB requested the gap in the Eucalyptus row to be filled in. Replacement species shall be consistent with City tree guidelines."

On FEIR page R-13, the following text has been added:

"On DEIR page 6-22, the following Air Quality Mitigation Measure has been added:

**MM AQ-2: Greenhouse Gas Reduction Strategies Compliance.** The applicant shall implement all of the City of San Rafael November 2010 BAAQMD Qualified Greenhouse Gas reduction Strategy checklist's Required Elements; as indicated in the checklist prepared and submitted by the project applicant. Additionally, the applicant shall implement the GHG Reduction Strategy checklist's recommended Elements, as proposed by the project applicant and required as a condition of approval to comply with City Municipal Code requirements. Additional strategies shall be implemented, to the extent feasible, as determined by City of San Rafael Building, Planning and Public Works staff in order to further reduce the project generated GHG emission."

On FEIR pages R-16 and R-17, the text related to **MM Bio-2d** has been modified to read as follows:

"Pile driving associated with the recreational facility building shall not commence until September 1<sup>st</sup> and shall be completed by February 1<sup>st</sup>. Outside of pile driving, exterior construction of the recreational facility shall be allowed between July 1<sup>st</sup> and February 1<sup>st</sup> without limitation. Interior work shall be allowed without timing limitations. Construction of the recreational facility shall not commence on the recreational facility Project until on July 1<sup>st</sup> until a qualified biologist determines that there are no nesting California Clapper Rails or California Black Rails within 200 feet of the Project construction envelope. In the event nesting rails are found within 200 feet of the Project site on or after July 1<sup>st</sup>, construction shall be delayed until the nesting attempt is completed and the nest is abandoned or a qualified biologist determines that the nesting would not be adversely affected by commencement of the project. If California Clapper Rails or California Black Rails are determined to be nesting between 200 feet and 500 feet from the Project construction envelope on July 1<sup>st</sup>, the Project may proceed if a qualified biologist determines that the nesting rails would not be affected by the proposed construction activities. Under all circumstances any nest identified within 500 feet of the Project construction envelope would be monitored by a qualified biologist while construction activities were in progress. The monitoring biologist would have the right to shut down any and all construction activities immediately in the event that such activities were determined to be disturbing the nesting attempt. Nests greater than 500 feet away would not require biologist monitoring when the rails can be expected, in most cases, to

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~~have fledged young. Construction of the recreational facility could extend into October, with interior work allowed throughout the year.~~

To account for California clapper rails or black rails; and other special-status birds, that likely occur and nest in the marsh habitats along the creek in the immediate area of the bridge, all work associated with the new bridge, including the demolition of existing bridge deck, installation of the new deck, and other bridge improvements, shall be restricted to August 1 to October 15. The bridge pile-driving dates shall be further restricted to September 1 and October 15 when potentially occurring anadromous fish would not be expected to occur in the channel. This "avoidance window" is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction activities would disrupt breeding attempts. This mitigation measure provides conservation measures that are consistent with the ISP Best Management Practices."

On FEIR page R-17, the following text has been added:

"On DEIR page 7-72, the text of MM Bio-4b has been modified to read as follows:

**MM Bio-4b Nesting Raptors – Recreation Facility Construction.** Exterior c~~Construction~~ of the recreational facility shall ~~occur~~ be allowed between from July 1 and February 1<sup>st</sup>, through October, when most raptors are expected to have completed their nesting cycles. In cases where a nest fails ~~early in the egg-laying phase~~during egg-laying or early incubation, adults may recycle, laying a second set of eggs. In such cases the completion of the nesting season ~~may~~ will be delayed until August. While this is rare, it ~~can~~ does occur ~~and thus out of an abundance of caution, sometimes in nature and thus a~~ mitigation measure is provided below to account for late nesting raptors."

On FEIR page R-17, the text related to the first bulleted paragraph under **Mitigation Measure Bio-4c: Nesting Raptors – Pre-Construction Nesting Surveys** has been modified to read as follows:

"A pre-construction nesting survey shall be conducted by a "qualified biologist" in June during the breeding season (February through July) of the year construction of the project will commence. The nesting survey shall be conducted within 30 days prior to commencing of construction work. The raptor nesting surveys shall include examination of all habitats and trees within 500 feet of the entire Project site, including near the bridge, not just eucalyptus trees on the northern boundary of the Project site."

On FEIR page R-18, the text related to first bullet in **MM Bio-5a** has been modified as follows:

"Pre-construction Survey. A preconstruction survey of the Project site shall be conducted by a "qualified biologist" within 30 days prior to any ground disturbing activities to confirm the absence or presence of burrowing owls. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey must be completed. This process should be repeated until

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the Project site habitat is converted to non-habitat (e.g., developed for recreational uses). If western burrowing owls are not present, no further mitigation is required.”

On FEIR page R-21, the following text has been added:

“On DEIR page 7-81, the text of MM Bio-9: Impacts to CDFG Jurisdiction – Banks of the North Fork of Gallinas Creek has been modified to read as follows:

**“MM Bio-9: Impacts to CDFG Jurisdiction – Banks of the North Fork of Gallinas Creek.** Construction of the proposed bridge shall be restricted to the terms and activities consistent with the approved CDFG 1602 Lake and Streambed Alteration Agreement (Notification Number: 1600-2006-0266-3), including but not limited to the following:

- All work associated with on the new bridge, including the demolition of existing bridge deck, and other bridge improvements, project shall be restricted to August 1 July 15<sup>th</sup> through October 15<sup>th</sup> to account for California clapper rails or black rails, and other special-status birds, that could nest in the marsh habitats along the creek in the immediate area of the bridge. This “avoidance window” is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction activities would disrupt breeding attempts. The work on the bridge deck may be extended beyond the October 15<sup>th</sup> date allowed in the SBAA to February 1<sup>st</sup> under the condition that CDFG and the City provide approval for this extension and appropriate weather-related BMPs are implemented. Work up until February 1<sup>st</sup> is likewise outside of the Clapper rail, California black rail, and other special-status bird breeding seasons, during periods of low stream flow and dry weather
- The bridge pile-driving shall occur from September 1 through October 15<sup>th</sup> when potentially occurring anadromous fish are not expected to occur in the channel. While as permitted by CDFG, bridge decking work may continue after October 15<sup>th</sup> until February 1<sup>st</sup>, no work shall be allowed including pile driving, constructing abutments, or any other construction-related activities that could otherwise negatively affect fish habitats between October 15<sup>th</sup> and September 1<sup>st</sup>.
- No work shall occur below the top-of-bank or the normal high-water mark (i.e., the mean higher high tideline) of the stream
- All conditions in the authorized SBAA shall also be made a condition of the project”

On FEIR page R-25, the following text has been added:

“On DEIR page 12-15, the text Impact N-1 has been modified to read as follows:

**Impact N-1:** Operation of the proposed recreational facility would have the potential to increase noise levels on the Project site, which could adversely affect nearby residential

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uses. In addition, operation of the facility would increase traffic on local streets providing access to the site, which also could affect residential uses located adjacent to these streets. This impact is considered *potentially significant*.”

On FEIR pages R-25 and R-26, the following text related to MM N-1: Evening Noise has been modified as follows:

**“MM N-1 Evening Noise.** To address the potential that noise from late evening games becomes an annoyance to neighbors to the south due to the potential of a 1 decibel increase over maximum allowable nighttime noise levels, either of the following measures shall be implemented:

- ~~“Close the outdoor fields at 9 p.m., Sundays through Thursdays, and 10 p.m. on Fridays and Saturdays. Alternatively, During the first full year of operations, the project sponsor shall annually monitor noise levels during a minimum of five nighttime evening games (e.g., during peak field usage after 6:00 PM) to determine whether the use of outdoor fields and warm-up areas actually causes the 40 dBA (Ldn) exterior residential nighttime noise threshold to be exceeded at the closest residential property boundary as a result of the outdoor field use. The City shall approve be consulted in determining which games are to be monitored, to ensure monitoring occurs during times when outdoor fields are in full usage. This shall include at least 3 mid-week games and 2 weekend games. A copy of the noise consultant’s analysis shall be submitted to the City. If the analysis demonstrates that the Noise Ordinance nighttime threshold would not is exceeded, the outdoor facilities shall remain closed by at 9 p.m., Sundays through Thursdays, and 10 p.m. on Fridays and Saturdays. If the noise analysis demonstrates that the Noise Ordinance nighttime noise threshold would not be exceeded, the outdoor facilities may extend the hours of operation to 10 p.m., Sundays through Thursdays. or”~~
- ~~Project sponsor shall revise the site plan to provide sufficient space to accommodate a noise wall along the southern boundary of the parking lot and soccer warm-up areas. If noise measurements of nighttime games indicate that the ordinance noise limits are exceeded, the project sponsor could build a noise wall instead of closing the outdoor fields at 9 p.m. If a noise wall is constructed, it shall be subject to the following requirements:~~
  - o ~~Pursuant to General Plan Policy S-4, the wall’s location shall be subject to a geotechnical investigation, and the wall’s design and construction shall proceed in accordance with the recommendations of the geotechnical investigation, as set forth in the City’s Geotechnical Review Matrix.~~
  - o ~~The design of the sound wall shall be subject to review and approval by the City’s Design Review Board.~~
  - o ~~The sound wall shall be constructed consistent with Part 77 of the Federal Aviation Regulations, *Objects Affecting Navigable Airspace*, specifically, the 7:1 transitional~~

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~~surface that governs Airport Safety Zone 5—Sideline Zone, as analyzed by airport hazards safety specialist.”~~

On FEIR page R-33, the following text has been added:

“On DEIR page 13-43, the following Mitigation Measure has been added:

**MM:Traf-1:** The City shall monitor the signal timing at study intersections #3 (Smith Ranch Road/US 101 Northbound Ramps) and #4 (Lucas Valley Road/US 101 Southbound Ramps) to ensure traffic flow is optimized and that there are no significant impacts to traveler safety as a result of queuing impacts, and that the City will continue to work with Caltrans in these efforts.”

On FEIR page R-53, the text of **MM Aesth-1b** has been modified to read as follows:

**“MM Aesth-1b: Design Review Board Materials and Colors and Landscape Plan Approval.** Consistent with the recommendations of the Design Review Board subsequent to an earlier review, the DRB shall also review and approve the proposed building materials to ensure that the proposed Project is designed with non-reflective and/or tinted glass to minimize potential daytime glare impacts pursuant to the Design Review Permit criteria established in the San Rafael Municipal Code Title 14 (zoning), Chapter 25 (Design Review). Additionally, the DRB shall review and approve the Project final landscape plans for the entire site. The plan shall show the area where the DRB requested the gap in the Eucalyptus row to be filled in. Replacement species shall be consistent with City tree guidelines.”

On FEIR page R-55, the following Mitigation Measure has been added:

**“MM AQ-2: Greenhouse Gas Reduction Strategies Compliance.** The applicant shall implement all of the City of San Rafael November 2010 BAAQMD Qualified Greenhouse Gas reduction Strategy checklist’s Required Elements; as indicated in the checklist prepared and submitted by the project applicant. Additionally, the applicant shall implement the GHG Reduction Strategy checklist’s recommended Elements, as proposed by the project applicant and required as a condition of approval to comply with City Municipal Code requirements. Additional strategies shall be implemented, to the extent feasible, as determined by City of San Rafael Building, Planning and Public Works staff in order to further reduce the project generated GHG emission.”

On FEIR page R-61, the text related to **MM Bio-2d** has been modified to read as follows:

“Pile driving associated with the recreational facility building shall not commence until September 1<sup>st</sup> and shall be completed by February 1<sup>st</sup>. Outside of pile driving, exterior construction of the recreational facility shall be allowed between July 1<sup>st</sup> and February 1<sup>st</sup> without limitation. Interior work shall be allowed without timing limitations. Construction of the recreational facility shall not commence on the recreational facility Project until on July 1<sup>st</sup> until a qualified biologist determines that there are no nesting California Clapper Rails or California Black Rails within 200 feet of the Project construction envelope. In the event nesting rails are found within 200 feet of the Project

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site on or after July 1<sup>st</sup>, construction shall be delayed until the nesting attempt is completed and the nest is abandoned or a qualified biologist determines that the nesting would not be adversely affected by commencement of the project. If California Clapper Rails or California Black Rails are determined to be nesting between 200 feet and 500 feet from the Project construction envelope on July 1<sup>st</sup>, the Project may proceed if a qualified biologist determines that the nesting rails would not be affected by the proposed construction activities. Under all circumstances any nest identified within 500 feet of the Project construction envelope would be monitored by a qualified biologist while construction activities were in progress. The monitoring biologist would have the right to shut down any and all construction activities immediately in the event that such activities were determined to be disturbing the nesting attempt. Nests greater than 500 feet away would not require biologist monitoring when the rails can be expected, in most cases, to have fledged young. Construction of the recreational facility could extend into October, with interior work allowed throughout the year.

To account for California clapper rails or black rails, and other special-status birds, that likely occur and nest in the marsh habitats along the creek in the immediate area of the bridge, all work associated with the new bridge, including the demolition of existing bridge deck, installation of the new deck, and other bridge improvements, shall be restricted to August 1 to October 15. The bridge pile-driving dates shall be further restricted to September 1 and October 15 when potentially occurring anadromous fish would not be expected to occur in the channel. This "avoidance window" is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction activities would disrupt breeding attempts. This mitigation measure provides conservation measures that are consistent with the ISP Best Management Practices."

On FEIR page R-64, the following text has been modified:

**"MM Bio-4b Nesting Raptors – Recreation Facility Construction.** Exterior construction of the recreational facility shall occur be allowed between from July 1 and February 1<sup>st</sup>, through October, when most raptors are expected to have completed their nesting cycles. In cases where a nest fails early in the egg-laying phase during egg-laying or early incubation, adults may recycle, laying a second set of eggs. In such cases the completion of the nesting season may will be delayed until August. While this is rare, it can does occur and thus out of an abundance of caution, sometimes in nature and thus a mitigation measure is provided below to account for late nesting raptors."

On FEIR page R-65 the text related to the first bulleted paragraph under **Mitigation Measure Bio-4c: Nesting Raptors – Pre-Construction Nesting Surveys** has been modified to read as follows:

"A pre-construction nesting survey shall be conducted by a "qualified biologist" in June during the breeding season (February through July) of the year construction of the project will commence. The nesting survey shall be conducted within 30 days prior to

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commencing of construction work. The raptor nesting surveys shall include examination of all habitats and trees within 500 feet of the entire Project site, including near the bridge, not just eucalyptus trees on the northern boundary of the Project site.”

On FEIR page R-67, the text related to first bullet in MM Bio-5a has been modified as follows:

“Pre-construction Survey. A preconstruction survey of the Project site shall be conducted by a “qualified biologist” within 30 days prior to any ground disturbing activities to confirm the absence or presence of burrowing owls. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey must be completed. This process should be repeated until the Project site habitat is converted to non-habitat (e.g., developed for recreational uses). If western burrowing owls are not present, no further mitigation is required.”

On FEIR pages R-72 and R-73, the following text has been modified:

**“MM Bio-9: Impacts to CDFG Jurisdiction – Banks of the North Fork of Gallinas Creek.** Construction of the proposed bridge shall be restricted to the terms and activities consistent with the approved CDFG 1602 Lake and Streambed Alteration Agreement (Notification Number: 1600-2006-0266-3), including but not limited to the following:

- All work associated with on the new bridge, including the demolition of existing bridge deck, and other bridge improvements, project shall be restricted to August 1 July-15<sup>th</sup> through October 15<sup>th</sup> to account for California clapper rails or black rails, and other special-status birds, that could nest in the marsh habitats along the creek in the immediate area of the bridge. This “avoidance window” is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction activities would disrupt breeding attempts. The work on the bridge deck may be extended beyond the October 15<sup>th</sup> date allowed in the SBAA to February 1<sup>st</sup> under the condition that CDFG and the City provide approval for this extension and appropriate weather-related BMPs are implemented. Work up until February 1<sup>st</sup> is likewise outside of the Clapper rail, California black rail, and other special-status bird breeding seasons, during periods of low stream flow and dry weather
- The bridge pile-driving shall occur from September 1 through October 15<sup>th</sup> when potentially occurring anadromous fish are not expected to occur in the channel. While as permitted by CDFG, bridge decking work may continue after October 15<sup>th</sup> until February 1<sup>st</sup>, no work shall be allowed including pile driving, constructing abutments, or any other construction-related activities that could otherwise negatively affect fish habitats between October 15<sup>th</sup> and September 1<sup>st</sup>.
- No work shall occur below the top-of-bank or the normal high-water mark (i.e., the mean higher high tideline) of the stream



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- All conditions in the authorized SBAA shall also be made a condition of the project

On FEIR page R-86, the following text has been modified:

**“Impact N-1:** Operation of the proposed recreational facility would have the potential to increase noise levels on the Project site, which could adversely affect nearby residential uses. In addition, operation of the facility would increase traffic on local streets providing access to the site, which also could affect residential uses located adjacent to these streets. This impact is considered *potentially significant*.”

On FEIR pages R-86 and R-87, the following text related to **MM N-1: Evening Noise** has been modified as follows:

**“MM N-1 Evening Noise.** To address the potential that noise from late evening games becomes an annoyance to neighbors to the south due to the potential of a 1 decibel increase over maximum allowable nighttime noise levels, either of the following measures shall be implemented:

- ~~“Close the outdoor fields at 9 p.m., Sundays through Thursdays, and 10 p.m. on Fridays and Saturdays. Alternatively, During the first full year of operations, the project sponsor shall annually monitor noise levels during a minimum of five nighttime games to determine whether the use of outdoor fields and warm-up areas actually causes would result in an exceedance of the 40 dBA (Ldn) exterior residential nighttime noise threshold to be exceeded at the closest residential property boundary. The City shall approve the monitoring schedule, to ensure monitoring occurs during times when outdoor fields are in full usage. A copy of the noise consultant’s analysis shall be submitted to the City. If the analysis demonstrates that the Noise Ordinance nighttime threshold would be exceeded, the outdoor facilities shall remain closed by at 9 p.m., Sundays through Thursdays, and 10 p.m. on Fridays and Saturdays. If the noise analysis demonstrates that the Noise Ordinance nighttime noise threshold would not be exceeded, the outdoor facilities may extend the hours of operation to 10 p.m., Sundays through Thursdays, or”~~
- ~~Project sponsor shall revise the site plan to provide sufficient space to accommodate a noise wall along the southern boundary of the parking lot and soccer warm up areas. If noise measurements of nighttime games indicate that the ordinance noise limits are exceeded, the project sponsor could build a noise wall instead of closing the outdoor fields at 9 p.m. If a noise wall is constructed, it shall be subject to the following requirements:~~
  - o Pursuant to General Plan Policy S-4, the wall’s location shall be subject to a geotechnical investigation, and the wall’s design and construction shall proceed in accordance with the recommendations of the geotechnical investigation, as set forth in the City’s Geotechnical Review Matrix.

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- ~~o The design of the sound wall shall be subject to review and approval by the City's Design Review Board.~~
- ~~o The sound wall shall be constructed consistent with Part 77 of the Federal Aviation Regulations, *Objects Affecting Navigable Airspace*, specifically, the 7:1 transitional surface that governs Airport Safety Zone 5—Sideline Zone, as analyzed by airport hazards safety specialist.”~~

On FEIR page R-89, the following text has been added:

“MM:Traf-1: The City shall monitor the signal timing at study intersections #3 (Smith Ranch Road/US 101 Northbound Ramps) and #4 (Lucas Valley Road/US 101 Southbound Ramps) to ensure traffic flow is optimized and that there are no significant impacts to traveler safety as a result of queuing impacts, and that the City will continue to work with Caltrans in these efforts.”

Exhibit 9a

RESOLUTION NO. 12-08

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF FINDINGS OF FACT OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL AIRPORT RECREATIONAL FACILITY PROJECT, AND APPROVAL OF THE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) TO SUPPORT APPROVAL OF THE PROJECT, LOCATED SOUTH OF SMITH RANCH ROAD AT 397-400 SMITH RANCH ROAD (APN 155-230-10, 11, 12, 13, 14, 15 & 16) ZC05-01, UP05-08, ED05-15

WHEREAS, on March 1, 2005, San Rafael Airport, LLC filed planning permit applications with the City of San Rafael, Planning Division proposing development of a recreation facility at the San Rafael Airport. The project proposes the development of: a) an 85,700-square-foot multi-purpose recreational use building with indoor sports fields, courts and associated ancillary support services; b) a lighted outdoor soccer field for games and an un-lighted soccer warm-up area; and c) surface parking for visitor use. The recreation facility is proposed on a 16.6-acre portion of the 119.52-acre airport property and would be sited east of the airport support facilities and north of the runway, on that portion of the property identified as APN 155-230-12; and

WHEREAS, on January 7, 2006, consistent with the California Environmental Quality Act (CEQA) Guidelines, the Community Development Department completed and published an Initial Study, which recommended the adoption of a Mitigated Negative Declaration. A 30-day public review period was observed. On February 28 and March 28, 2006, the Planning Commission held public hearings on the Initial Study/Mitigated Negative Declaration. Following public testimony and comment, on June 21, 2006 the Community Development Director determined and directed that an Environmental Impact Report (EIR) be prepared. Further, the public hearings served as a public scoping session to identify issues to be studied in the EIR. Pursuant to the CEQA Guidelines (Public Resources Code, § 21000 et seq.), the EIR was to address the following issues: Land Use and Planning, Aesthetics, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation/Traffic, Cumulative Impacts, Growth-Inducing Impacts and Project Alternatives; and

WHEREAS, on October 16, 2006, the City Council authorized an agreement with Lamphier-Gregory, Environmental Consultants to prepare the project EIR based on the scope of work developed and reviewed by the Planning Commission on September 26, 2006. Work on the EIR commenced but was suspended from December 2006 through July 2007 to allow for completion of California Clapper Rail surveys in conformance with US Fish and Wildlife Draft Survey Protocol. On October 7, 2007, following completion of the protocol surveys, the City prepared and published a Notice of Preparation (NOP) to obtain updated comments from responsible and trustee agencies and interested parties. The scope of work was further expanded to include analysis of Climate Change; and

WHEREAS, in March 2009, the San Rafael Airport Recreation Facility Draft Environmental Impact Report (DEIR) was completed. The DEIR concluded that all significant impacts identified in the DEIR can be mitigated to a less-than-significant level with implementation of the mitigation measures recommended in the DEIR. The Community Development Department published a Notice of Completion (NOC) and the DEIR was circulated for a 60-day public review period beginning March 12, 2009 and closing on May 12, 2009 (SCH # 2006-012-125). As part of this review, the Planning Commission held a duly-noticed public hearing on May 12, 2009 to consider and accept comments on the DEIR; and

WHEREAS, based on written and oral comments received from the public on the DEIR and its own review of the DEIR, and following public comment and discussion, the Planning Commission directed staff to review and respond to all comments on the DEIR and pursue preparation of a Final Environmental Impact Report (FEIR) consistent with the requirements of the CEQA Guidelines; and

WHEREAS, pursuant to Public Resources Code Section 21091(d)(2)(A) and CEQA Guidelines Sections 15088 and 15089, the City responded to all the environmental comments that were submitted on the DEIR during the public review period and a Final Environmental Impact Report (FEIR) was completed. The San Rafael Airport Recreational Facility Project Final Environmental Impact Report (FEIR) consists of the DEIR published March 2009 (i.e., DEIR, DEIR Volume II: Technical Appendices) and the FEIR published August 2011 (i.e., Chapter 1: Response to Comments, Chapter 2: Revisions, and FEIR Appendices). The FEIR concludes that none of the comments and responses result in significant new information or an increase in the severity of impacts from those assessed and determined in the DEIR. On September 8, 2011 a Notice of Availability for the Final Environmental Impact Report/Response to Comments (FEIR) was mailed to interested persons and property owners and occupants within 300 feet of the property and written responses to comments were provided to agencies, organizations and interested parties that commented on the DEIR; and

WHEREAS, on November 15, 2011, the Planning Commission held a duly-noticed public hearing on the San Rafael Airport Recreational Facility Project FEIR. The FEIR includes responses to 78 separate comment documents that include 6 comment letters received from public agencies, and oral comments from the public and Planning Commission recorded at the May 12, 2009 hearing on the Draft EIR. The FEIR has resulted in revisions to the Draft EIR (DEIR), identified on pages R-1 through R-90, which includes information on FEIR Appendix A (Site Plan), FEIR Appendix B (Boring Report Supplement), and FEIR Appendix C (Greenhouse Gas Emissions Calculation Tables), to augment information contained in the DEIR. The FEIR includes edits in order clarify discussion of project impacts and mitigation measures, including MM AQ-1a, MM Bio-1a, MM Bio-1b, MM Bio-2a, MM Bio-2b, MM Bio-2c, MM Bio-2d, MM Bio-3b, MM Bio-4c, MM Bio-5a, deletion of MM Bio-5b (due to redundancy and renumbering of subsequent MM Bio 5 mitigation measures), MM Bio-5b, MM Bio-5c, MM Bio-6b, MM Bio-6c, MM Hyd-1a, MM Hyd-1d, correction to Impact Hyd-2 and MM Hyd-2a, MM Hyd-2b, MM N-1, MM N-2, deletion of Impact Traf-1 and MM Traf-1 regarding bridge queuing, and augmentation to discussion of Chapter 14 Cumulative Impacts, Chapter 15 Climate Change, and Chapter 16, Alternatives. The FEIR Revisions include a revised Table 2-1 (Summary of Impacts and Mitigation Measures). The Planning Commission accepted the written report of the Community Development Department staff, and accepted additional oral and written testimony on the information contained in staff's report and the FEIR. The Planning Commission continued its decision on the FEIR with direction given to City staff to provide additional further information addressing questions that had been raised by the Planning Commission and public at the meeting; and

WHEREAS, on January 24, 2012, the Planning Commission held a duly-noticed public hearing on the San Rafael Airport Recreational Facility Project FEIR, continued from November 15, 2011. The Planning Commission accepted the written report and supplemental information of the Community Development Department staff addressing the questions and comments raised at the November 15, 2011 meeting. Further, the Planning Commission accepted additional oral and written testimony from the public on the information contained in staff's report. This staff report and supplemental information addressed the following topics:

- 1) Land Use and Airport Property Deed Restriction, including the facts surrounding the original land use restriction, compatibility of ancillary uses including alcohol sales, impacts of future change in uses, the list of proposed recreational uses, compliance of the airport with its existing use permit, and compliance with wetland overlay standards;

- 2) Aesthetics, including clarification that the Design Review Board shall review the entire site landscape plan and field lighting, that the visual impact of a 10' fence was considered, discussion of private view impacts and impacts on boaters use of the waterway;
- 3) Biological Resources, including quantification of the conservation area, minor modification to wording of mitigation measures, ball retrieval and impact on sensitive areas and buffer zones, habituation of Clapper rail to the project, assessment of Salt Marsh harvest mouse and potential bird strikes, consultation made with responsible and trustee agencies such as State Department of Fish and Game (CDFG) and Federal Fish and Wildlife Service (USFWS), and impacts on nocturnal birds;
- 4) Geology and Soils, including analysis of Hayward fault and, adequacy of the levee analysis including peer review conducted by Questa engineering, pile-driving vibration analysis and applicability of US Army Corps of Engineers (USACOE) standards;
- 5) Hazardous Materials, including resolution of State Department of Toxic Substances Control concerns, artificial turf water quality impacts from runoff and cleaning, soils and water quality characteristics, and analysis of lead gas in aviation fuels;
- 6) Air Safety Hazards, including occupancy limits, safety reduction standards, potential crash risk and crash history, required obstruction lights, parking area conflicts, stadium lights, outdoor events, nighttime risks to flights, and size of planes based at the airport;
- 7) Hydrology and Water Quality, including levee system and flood protections, nearby County dredging projects and levee study, flood datum used, cost of levee improvement and runoff from grass fields;
- 8) Noise, including nighttime games, monitoring and enforcement of mitigation measures, interior noise impacts, cumulative noise of operations and pile driving, and clarification of existing ambient noise levels measurements;
- 9) Transportation and Traffic, including impacts of project traffic on existing unsignalized intersections including Yosemite Road, history regarding bridge deck, and status of response to Department of Transportation comments;
- 10) Climate Change, including proposed green building, greenhouse gas reduction modeling, consistency with City Climate Change Action Plan and Sustainability Element;
- 11) Alternatives, including that the alternatives provide sufficient information to allow meaningful review, and
- 12) Discussion of mitigation measure enforcement, security, and that information presented may be further considered as part of the project merits discussion; and

WHEREAS, on January 24, 2012, the Planning Commission voted 6-0 (member Paul Absent, due to a conflict of interest) adopted a Resolution No. 11-16 recommending that the City Council certify the San Rafael Airport Recreational Facility FEIR and the FEIR Errata sheet. The FEIR Errata sheet includes further revisions to augment FEIR mitigation measures and discussion regarding, i) page C&R-534 discussion of lead in aviation gas, and ii) revisions to MM Aesth-1b, MM AQ-2, MM Bio-2d, MM Bio-4b, MM Bio-4c, MM Bio-9, Impact N-1 and MM N-1, addition of new MM Traf-1 to acknowledge the City would continue to monitor US 101 intersections and work with Caltrans, MM Aesth-1b, add MM AQ-2 acknowledging that the applicant has agreed to implement the City Greenhouse Gas Reduction Strategies for the project, MM Bio-2d, MM Bio-4b, MM Bio-4c, MM Bio-5a, and MM Bio-9 Impacts; and

WHEREAS, the San Rafael Airport Recreational Facility Project FEIR shall be used as the environmental document required under CEQA for discretionary actions required for this project; and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines section 15091 requires that the City adopt findings of fact for each of the significant effects of a project that have been identified in the project FEIR; and

WHEREAS, the City has prepared a Mitigation Monitoring and Reporting Program (MMRP) for the project as required by CEQA Guidelines Section 15097 to implement the Mitigation Measures identified in the FEIR as required to mitigate or avoid significant effects of the project on the environment, and to assure compliance during project implementation, and the MMRP has been recommended as draft conditions of project approval; and

WHEREAS, on May 29, 2012, the Planning Commission held a duly-noticed public hearing on the proposed planning applications for the San Rafael Airport Recreation Facility project, accepting all oral and written public testimony and the written report of the Community Development Department staff; and

WHEREAS, the Planning Commission closed the May 29, 2012 public hearing and continued its meeting to June 6, 2012 in order to conclude its deliberations on the San Rafael Airport Recreation Facility project; and

WHEREAS, the custodian of all documents which constitute the record of proceedings for this project and upon which this decision is based, is the Community Development Department.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the City Council approval of CEQA findings of fact for the project impacts identified by the project FEIR, and adoption of the MMRP to support the approval of San Rafael Airport Recreation Facility project proposed at the San Rafael Airport, based on the following findings:

**I. Findings of Fact to Support Action on the San Rafael Airport Recreational Facility Project**

The San Rafael Airport Recreational Facility Project FEIR, prepared in compliance with CEQA Guidelines, evaluates the potentially significant and significant adverse environmental impacts that could result from approval of the project. The FEIR identifies and uses appropriate CEQA thresholds of significance criteria to evaluate all potential environmental effects of the project. The impact categories were established based on an Initial Study and public scoping meetings. The analysis of project impacts using the CEQA Guidelines thresholds of significance were presented for public review, with comments on the DEIR received during the 60 day public review period. Responses to all of the comments received during the public review period are provided in the SRARF FEIR. Written comments have been received from six responsible agencies, 71 individual letters, with public comments made at the Planning Commission hearing. Responses to these comments resulted in 24 master responses to respond to similar comments made on land use, aesthetics, biological resource, hydrology, noise, traffic, growth inducement, climate change, and alternatives impact categories. Revisions in the FEIR have been made to the discussion of traffic and transportation, cumulative impacts, climate change and alternatives impact categories. Modifications have also been made to biological, hydrology, noise and traffic mitigation measures. These revisions to the mitigation measures and impacts categories discussed in the DEIR, and the thresholds of significance used to evaluate these impacts, have not resulted in identification of any new significant impacts or required new mitigation measures.

Because the FEIR concludes that implementation of the project would result in potentially significant environmental effects, the City is required to make certain findings with respect to such impacts (CEQA Guidelines Section 15091). The findings listed below describe the potential impacts based upon the CEQA thresholds used to analyze each environmental topic area discussed in the EIR, and have been categorized as follows: a) no impact or environmental impacts found to be less-than-significant after individual analysis in the EIR; b) environmental impacts found to be significant but that can be avoided or reduced with mitigation; c) project alternatives that were developed and studied as provided in the CEQA Guidelines.

There were no significant impacts identified in the FEIR that cannot be avoided, eliminated or reduced to a less-than-significant level. Thus, additional findings are not required to adopt a Statement of Overriding Considerations in order to approve the project.

These findings are supported by substantial evidence in the record of proceedings before the City. Further explanation of these environmental findings and conclusions can be found in the DEIR and FEIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the FEIR determinations regarding the projects impacts and mitigation measures designed to address those impacts. In making these findings, the City ratifies, adopts and incorporates in these findings the determinations and conclusions of the DEIR and FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

#### **A. INCORPORATED DOCUMENTS AND RECORD OF PROCEEDINGS**

1. The following information is incorporated by reference and made part of the record supporting these findings:

- All project plans and application materials including supportive technical reports;
- The DEIR and Appendices (DEIR, March 2009) and FEIR (FEIR, August 2011), and all documents relied upon or incorporated by reference;
- The mitigation monitoring and reporting program (MMRP) prepared for the project;
- The City of San Rafael *General Plan 2020* and FEIR;
- Zoning Ordinance of the City of San Rafael (SRMC Title 14);
- Planned Development Zoning District for the San Rafael Airport (PD-1764 District);
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the project;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

2. Pursuant to CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from Department of Community Development, Planning Division. The Community Development Department is the custodian of records for all matters before the Planning Commission.

#### **B. NO IMPACT AND IMPACTS DETERMINED TO BE LESS-THAN-SIGNIFICANT**

The following potential environmental effects analyzed in the DEIR were determined to result in no impact or less-than-significant impacts and no mitigation measures are necessary or required. Findings to support the no or less-than-significant impact determinations are provided. Environmental topic areas and/or threshold categories that result in one or more potentially significant effects have been listed and discussed in subsection C, below, accompanied by the findings required pursuant to CEQA Guidelines Section 15091(a) to take an action on the project.

(1) Land Use & Planning – DEIR Chapter 4

a. **Physically divide an established community**

Facts in Support of Finding: As discussed on DEIR pages 4-17 and 4-18, the project is located at the northeasterly edge of the City, adjacent to airport, residential, recreational, and open space lands uses, and would not divide an established community. As further explained in FEIR page C&R-12 Master Response PD-2 and pages 3 through 6 of the January 24, 2012 City of San Rafael Report to Planning Commission, the project has been determined to be consistent with the City General Plan 2020 Airport/Recreation Land Use Designation and the property deed restriction on land uses. No impact would result.

b. **Conflict with Policy Adopted for Mitigating Environmental Effect**

Facts in Support of Finding: As discussed on DEIR pages 4-18 to 4-20 and in FEIR Master Response PD-2, the land uses allowed on the project site are currently limited by a covenant of restriction, General Plan Airport/Recreation land use designation and PD-1764-WO (Planned Development-Wetland Overlay) zoning district. No other environmental plans or policies apply to the site that required further analysis. The project is requesting an amendment to the PD-1764-WO district to allow a private recreational use, which is consistent with the San Rafael General Plan 2020 land use designation and the property covenant of restriction. The zoning amendment would provide zoning standards for the recreational development and operation, and the project includes setbacks from wetlands in compliance with the -WO district standards. For these reasons, project impacts in this category would be less-than-significant.

(2) Aesthetics – DEIR Chapter 5

a. **Scenic Vista and Public View**

Facts in Support of Finding: As discussed on DEIR pages 5-5 through 5-11 and FEIR Master Response AES-1, the project would have a less-than-significant effect on scenic vistas given that development of the proposed 39'6" tall, 350 foot long new recreational building on the site would: a) not break nor silhouette above any significant ridgelines including Mt. Tamalpais to the west and San Pedro Ridge to the south; b) be partially screened from off-site view by the existing 9-foot tall levees and perimeter landscaping; and c) would not affect other protected public views except a small blockage of views to the Civic Center from a 600 foot section of the public trail system along the north side of Gallinas Creek. This view is already partially blocked by existing vegetation and the majority of views to this area remain available from other vantages along the 2.1 mile trail system. Further, when considered in view of other existing planned, approved and potential future projects, this project would not result in a cumulatively considerable impact on scenic vistas in the area. Impacts would be less-than-significant.

b. **Scenic Resources**

Facts in Support of Finding: As discussed on DEIR page 5-23, the project site is not identified as a scenic resource under San Rafael General Plan 2020, Policy CD-5, and neither includes nor is surrounded by any scenic resources such as rock outcroppings, heritage trees, or a state scenic highway. The building would block a small portion of public views of the distant hillsides to the south from pathways along Gallinas Creek. However, this would occur on a relatively small portion of the 2.1 mile trail and would not block more than the bottom 1/3<sup>rd</sup> of the distant views of these hillsides. Impacts would be less-than-significant.



c. **Visual Character**

Facts in Support of Finding: As discussed on DEIR pages 5-23 and 5-24 and Master Response ABS-1, computer-generated visual simulations have been prepared to illustrate the impacts of development on the site and surroundings. The computer-generated visual simulations, building and site plans were reviewed by the Design Review Board, which favorably recommended that the project would be consistent with applicable design review criteria in SRMC Section 14.25.050; that encourage a harmonious relationship between the placement, architecture, colors and materials of structures and the site, and the preservation and enhancement of public views. The Design Review Board has recommended that the building design, materials, colors and landscape treatments would be appropriate for the site and setting. The design of the building has been evaluated and considered appropriate for the proposed use and setting, and would not substantially adversely impact scenic resources or vistas. Thus, the projects potential to degrade the visual quality or character of the area has been determined to be less-than-significant.

(3) **Air Quality – DEIR Chapter 6**

a. **Conflict or Obstruct Air Quality Plan**

Facts in Support of Finding: As discussed on DEIR pages 6-15 and 6-16, while the project is consistent with the General Plan 2020 Airport/Recreation land use designation on which the Bay Area Air Quality Management District (BAAQMD) Clean Air Plan 2000 (CAP) was developed, assumptions used for the CAP were based on the current airport site development without additional development. To address this void, operational emissions associated with the facility were estimated using the BAAQMD's modeling program (URBEMIS 2007 9.2.4). The BAAQMD CEQA Guidelines applicable to this project indicate that air quality impacts would be potentially significant if the project generated more than 2,000 daily vehicle trips. In this case, the project would generate 1,701 daily trips, which is below the BAAQMD significance threshold. Therefore, the proposed Project would not conflict with the applicable CAP and would result in a less-than-significant impact.

b. **Cumulative Construction Impacts**

Facts in Support of Finding: As described on DEIR pages 6-20 to 6-21, and FEIR page R-37, although URBEMIS modeling was conducted and has shown that the project impacts would fall below the significance thresholds identified in the applicable BAAQMD guidelines, development associated with the proposed project and related cumulative projects could result in significant *short-term* cumulative air quality impacts. However, compliance with Mitigation Measures AQ1a through AQ1c mitigate potential impacts because they require incorporation of BAAQMD's comprehensive control measures for construction impacts. BAAQMD's comprehensive control measures will ensure that particulate matter, dust, etc. is controlled and *short term* construction-related impacts of the project would be less-than-significant (as discussed in Section C below). Thus, while there are short-term construction impacts that would be mitigated there would be no cumulative construction impacts from the project.

c. **Exposure of Sensitive Receptors to Pollutant Concentrations**

Facts in Support of Finding: As described on DEIR pages 6-21 to 6-22, the site is located near sensitive receptors within 0.125 to 0.25 mile, including single-family residences and a skilled nursing facility. However, the project would not involve demolition of an existing structure, therefore, would not result in potentially hazardous dust emissions and construction would not use materials that would contain hazardous materials. Short-term

Impacts are addressed through compliance with Mitigation Measures AQ-1a through AQ-1c that provide BAAQMD's comprehensive control measures for construction impacts which will render the construction-related impacts of the project less-than-significant. No significant impact on sensitive receptors would result from the project.

**d. Creation of Odors**

Facts in Support of Finding: As described on DEIR page 6-22, the project would not generate odors. However, project construction could result dust emissions and other temporary odors that may affect nearby residents and park users during grading and construction. Compliance with Mitigation Measures AQ1a through AQ1c, provide BAAQMD's comprehensive control measures for construction impacts which will render the construction-related impacts of the project less-than-significant. No significant odor impacts would result from the project.

**(4) Geology and Soils – DEIR Chapter 9**

**a. Loss of Unique Geologic Feature**

Facts in Support of Finding: As discussed in DEIR Chapter 3 Project Description, the site consists of flat lands that were formerly tidally influenced, reclaimed as farmlands through construction of levees/dikes, and currently developed as a private airport. The DEIR page 8-14 explains that there are no geologic features on this flat, previously graded site. There are no unique geologic features or landforms associated with the site that would be altered. No impacts would result.

**b. Seismic Event Risks**

Facts in Support of Finding: As discussed on DEIR pages 9-27 and 9-28, the site is flat, is not subject to significant threats due to liquefaction, landslide or ground fault rupture. The structure would be constructed on driven piles and in compliance with the California Building Code seismic safety standards. Thus, seismic groundshaking impacts would also be less-than-significant.

**c. Soil Erosion**

Facts in Support of Finding: As discussed on DEIR page 9-28, the project is flat and requires a limited amount of grading to import and place fill on the site. Short term construction impacts would be addressed through project implementation of best management practices that are required during construction. These practices would be enforced through issuance of a grading permit, routine site inspections, and submittal and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to the Department of Public Works. SWPPP measures are imposed as standard requirements by City to address erosion control and water quality impacts during construction, and would ensure that impacts are less-than-significant.

**d. Mineral Resources**

Facts in Support of Finding: As discussed in DEIR page 14-2, according to the City of San Rafael General Plan 2020, mineral resources in the San Rafael Planning Area are limited to non-metallic construction materials (such as gravel and stone). There is only one rock quarry, the San Rafael Rock Quarry, located near Point San Pedro that remains active in San Rafael, although other quarries were formerly operated elsewhere in the City. The Project site is not currently identified as a mineral resource area. Therefore, no impacts to mineral resources would result from the project.

(5) **Hazards – DEIR Chapter 10**

a. **Exposure to Hazardous Materials and Substances**

Facts in Support of Finding: As discussed on DEIR pages 10-14 and 10-15, the airport property is not a listed or documented hazardous materials site and the recreational facility use would not generate nor involve handling, transport, storage or use of hazardous materials. Further, concerns with lead in aviation gas were discussed and assessed (see FEIR page C&R-534, pages 23 and 24 of the January 24, 2012 City of San Rafael Report to Planning Commission and meeting audio and video testimony available online at <http://www.cityofsanrafael.org/meetings/>). The potential for airborne lead to have an adverse affect on the site was found to be insignificant. The region is not a non-attainment area for airborne lead, and there are no undue risks identified based on proximity to a small private airport facility. Therefore, there would be no impacts in this topic area.

b. **Emergency Response Plan**

Facts in Support of Finding: As discussed on DEIR pages 10-15 and 10-16, access to the site is adequate for emergency responders, and would not conflict with designated evacuation routes, such as major arterials and highways. The existing single access bridge is adequate to accommodate emergency access to the site. Therefore, impacts in this topic area would be less-than-significant.

c. **Wildland Hazards**

Facts in Support of Finding: As discussed on DEIR page 10-16, the building would be required to install fire sprinklers and extend a fire hydrant. The majority of the site consists of grasslands that are mowed regularly for aviation safety, and is not located within or adjacent to a high fire hazard severity zone. Therefore, the project would not increase the potential for wildland fires. No impact would result.

(6) **Hydrology and Water Quality – DEIR Chapter 11**

a. **Groundwater recharging**

Facts in Support of Finding: As discussed on DEIR pages 11-25 and 11-26, the project is in a low lying area and does not rely on groundwater resources. The site would continue to drain into nearby channels that flow and pump directly into Gallinas Creek. There would remain ample opportunity for groundwater to recharge the aquifer with implementation of the project. Further, grading and pile driving activities would not require significant excavation or siltation that would impede or impact water supplies or water quality. Impacts would be less-than-significant.

c. **Flood Hazards and Excessive Runoff**

Facts in Support of Finding: As discussed on DEIR page 11-27 and 11-29 the project would add 4.6 acres of new impervious surfaces (building coverage and pavement), a 3.8% increase in impervious surfaces from current site conditions, which would generate runoff into the existing drainage systems on-site. This would increase the maximum depth of the water during a 100 year storm by approximately 1/8<sup>th</sup> of an inch, an increase from 0.12 feet to 0.13 feet, which is insignificant in relation to the 3.5 million square feet of water storage capacity that would remain on the site. Drainage would continue to be pumped from the site into Gallinas Creek, and based on the calculations of the project drainage analysis the existing pump house is capable of handling all additional drainage from this site for conveyance and disposal to the creek.

As discussed on DEIR page 11-29 the site which is located at 0 to 1 foot NGVD elevation is below the +6 foot NGVD FEMA flood elevation and protected from flooding by a 9-foot tall levee. The site is separated from Contempo Marin along the western boundary by the SMART railroad tracks which are raised at least 4 feet above the site. Under project conditions, maximum depth of 100-year stormwaters on site would be 1.13 feet. The project site would be raised 1 foot and the building is required to be flood proofed up to +7 feet NGVD (9.67 NAVD<sup>6</sup>) to meet FEMA requirements. Thus, the project structure would not be impacted by nor impede floodwaters, and floodwaters are not expected to reach the nearby Contempo Marin residential neighborhood. Impacts would be less-than-significant.

d. **Seiche, Tsunami or Mudflow Impacts**

Facts in Support of Finding: As discussed on DEIR page 11-35, potential impacts from water run-up from strong winds (seiche) are less-than-significant given that the site lies along a short east-west axis of the San Francisco inland bay estuary. Likewise, the low lying lands are not subject to mudflows. Lastly, given the location of the site within the bay estuary, there exists a low potential impact from a tsunami generated by a high magnitude earthquake on the nearby faults; which would more likely to occur in the low waters of the Pacific Ocean outside the Golden Gate.

(7) **Noise – DEIR Chapter 12**

a. **On-site Noise Compatibility of Uses**

Facts in Support of Finding: As discussed on DEIR page 12-15, the ambient noise levels at the airport range from 53dBA to 58dBA with occasional loud events from aircraft operations. Noise levels of 60dBA or less are compatible with outdoor recreation. Noise levels up to 80dBA would be conditionally compatible. Aircraft at the site generate noise between 70dBA and 100dBA at the Project site, for relatively short (5 to 18 seconds) and infrequent (2 to 11 events per day) periods. The US EPA found that hearing loss would occur from exposure to noise levels of 100dBA for 15 minutes per day over many years. The duration of loud noise event impacts on outdoor field users would be well below this threshold, and worst case scenario noise levels would be unlikely to occur, thus resulting in less-than-significant impacts.

(8) **Traffic – DEIR Chapter 13**

a. **Level of Service**

Facts in Support of Finding: As discussed on DEIR pages 13-21 and 13-22, and FEIR Revisions of the DEIR Pages R-26 through R-33, the threshold of significance established by the San Rafael General Plan 2020 Policy CD-5 is intersection level of service. Traffic analysis prepared by Fehr and Peers (DEIR Appendix K) indicates that the project would result in 1,701 new daily vehicle trips, with 135 new vehicle trips to the site and 133 departures occurring during the 4-6PM peak hour. The affected intersections include:

- *Smith Ranch Road & Silveira Parkway*
- *Smith Ranch & Redwood Highway*
- *Smith Ranch & US101 Ramps*

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<sup>6</sup> FEIR page C&R-26 Master Response 11 (HYD-1) clarifies the recent change in FEMA flood elevation datum from NGVD to NAVD. This datum corrects the method of measurement, but is not the result of any new hydrology, thus physical flood elevation levels would not be materially changed.

- *Lucas Valley & Las Gallinas*

None of the affected signalized intersections would drop to or below the citywide LOS D standard with the addition of project traffic. Thus, traffic generated by the project can sufficiently be accommodated along the Smith Ranch Road and Lucas Valley Road segments that would be affected by project traffic. Payment of traffic mitigation fees in the amount of \$1.138M is required to fund traffic improvements for buildout under the San Rafael General Plan 2020, which addresses the increase in traffic generated by the project. There are no project related traffic impacts that would trigger the need for immediate roadway, stop control or signal upgrades.

The project would not exceed LOS standards and would provide its fair share of traffic mitigation fees for improvements required to accommodate future growth in the area. However, in response to concerns from Caltrans reflected in their November 18, 2011 letter to staff, Caltrans maintains concern with the potential that exists for traffic to queue at the freeway ramps in the area onto the mainline of US Highway 101. Specifically, Caltrans notes that under existing and future conditions the queues at Smith Ranch Road/US 101 Northbound Ramps study intersection #3 and Lucas Valley Road/US 101 Southbound Ramps study intersection #4 exceed available storage capacity for the turn lanes. The City Engineer has confirmed that these intersections are routinely monitored by the City, and the City will continue to work with Caltrans to assure signal timing adjustments are made to adequately reduce potential queuing impacts at these intersections, until such time as the City and Caltrans implement improvements for these roadway and intersections.

To address the comment from Caltrans on the FEIR, staff has included Mitigation Measure Traf-1 into the project and MMRP (attached), which confirms that the City shall continue to work with Caltrans and assure any potential operational impacts would be addressed through adjustment of signal timing, until Capital Improvement Project (CIP) improvements are made by the City and Caltrans to the US101 onramps. LOS and queuing impacts remain less-than-significant.

**b. Emergency Access / Design Hazards**

Facts in Support of Finding: As discussed on DEIR pages 13-27 and 13-28, and FEIR Chapter 2: Revisions of the DEIR pages R-31 through R-33, the project would provide a new two-lane bridge deck that would accommodate vehicular traffic and eliminate potential queuing impacts on-site. Analysis of the site by the traffic consultant, City Traffic Engineer and Fire Division concludes that the existing single-lane bridge access is adequate for the project and would not result in inadequate emergency access issues. Thus, the proposed widening of the bridge deck to two lanes would not impair but would enhance emergency access. The roadway is proposed to be raised to 3-foot elevation which would assure emergency vehicles could access the site in the event of flooding following a potential levee breach. The project has no impact on air traffic patterns. Further, the condition of the levees and potential hazard as a result of breach of the levees have been analyzed by John Horn & Associates and Lee Oberkamper, which have concluded that the levee system has completed settlement, thus is not subject to failure as a result of ground shaking, and that any breach in the levee would not result in immediate flooding of the site, but would take over three hours to rise to +3 NGVD, at which time the velocity of the flow would significantly diminish.

Furthermore, additional traffic generated by the project has been evaluated to determine whether it would have an adverse impact on any of the existing side streets that intersect

with Smith Ranch Road, including the intersection of Yosemite Road and Smith Ranch Road. The DEIR analysis Appendix K includes a traffic signal warrant study to determine whether traffic controls would be needed at any of the existing side street intersections with Smith Ranch Road. The City Public Works Department continuously monitors City roadways in the area, and agrees with the conclusions of the traffic signal warrant study that the existing side street intersections do not warrant traffic controls, and that the additional project traffic would not increase safety hazards at any of the existing unsignalized intersections with Smith Ranch Road. Thus, the project would not result in any significant impacts as a result of roadway design hazards or access issues, for either existing or proposed project improvements.

**c. Parking Impacts**

Facts in Support of Findings: As explained in the DEIR on page 13-29 through 13-34, a traffic analysis was prepared to analyze peak demand for the facility, which would occur during weekend noon hours when the multi-use courts and fields would be in operation. The uses to evaluate parking demand consisted of youth gymnastics, dance and youth/adult soccer games which generate high recreational traffic, occupancy and parking demands. Parking was calculated for this highest and best mix of uses as follows:

- 1 space per 300sf for gymnastics use
- 1 space per 240sf for dance studio use
- 32.5 parking spaces required per indoor field
- 57 spaces required for the outdoor field use.

The parking study established that 222 parking spaces would be sufficient for the type and mixture of recreational uses, including demand for the ancillary support facilities on the mezzanine level. The project calls for construction of 270 parking spaces (184 paved spaces and 86 unpaved spaces) and a sizable pickup/drop off areas, which have been found by the City Traffic Engineer and EIR consultant to be adequate to serve peak anticipated, highest parking demand. Consequently, parking impacts would be less-than-significant.

**d. Alternative Transportation**

Facts in Support of Findings: As discussed in DEIR page 13-43, with revisions on FEIR page R-26 and R-27, there are no plans for improvements to bring bus service to the area. The project would provide a pedestrian and bicycle walkway to the site from Smith Ranch Road. Thus, the project would not conflict with existing bus, pedestrian or bicycle plans.

**(9) Other Environmental Effects – Chapter 14**

**a. Agricultural Resources**

Facts in Support of Finding: As discussed on DEIR pages 14-1 and 14-2, the property is not being used for agriculture so development of the project would not involve changes that could result in conversion of farmland currently in agricultural uses to a non-agricultural use. Also, the project does not conflict with the zoning for agricultural use or the provisions of a Williamson Act Contract. Therefore, no impacts to agricultural resources would result from the project.

**b. Population & Housing**

Facts in Support of Finding: As discussed on DEIR pages 14-2 and 14-3 and Master Response 21 (GI-1) on FEIR page C&R-42, the recreational facility development would occur within the City Urban Services boundary and does not result in extension of utilities

to an area that previously lacked services, nor require an increase in any existing services. Rather, the project proposes a land use anticipated and encouraged by the General Plan to serve recreational needs of existing residents, and would not increase demand for housing or affect population growth. Further, the project would not require existing housing to be displaced and its location would not separate or divide an existing established community. No impacts would result.

**c. Public Services & Recreation Facilities**

Facts in Support of Finding: As discussed on DEIR pages 14-4 through 14-7, the project would not require any new or altered public facilities in order to serve the site within established response and service levels. The site is presently served by San Rafael Fire Department Civic Center Station #7, 2.5 miles to the south. The site is accessible to emergency vehicles, and is not in an area that has significant unusual levels of calls for service from the Police Department, both routine patrols and traffic. The recreational use is not anticipated to significantly increase calls for service. The project would not increase demand for school, parks or other public facility use. Rather, it would provide supplemental fields for existing sports teams that currently use existing school and park recreational/sports fields.

**e. Wastewater Impacts**

Facts in Support of Finding: As discussed on DEIR page 14-7 and 14-8, the project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board, and will be served by Las Gallinas Valley Sanitary Sewer District which provides wastewater treatment for the area; which is within the City's urban services boundary. LGVSD has an existing agreement with the property owner to provide wastewater service. LGVSD has adequate capacity to serve this site and the project is within the capacity allocated under the current agreement. No significant impacts would result.

**f. Water Supply Impacts**

Facts in Support of Finding: As discussed on DEIR page 14-8 and 14-9, Marin Municipal Water District (MMWD) has sufficient capacity to serve the site, which would require existing pipelines serving the airport to be extended to the new building. Although MMWD is beginning to experience a deficit during dry years, it is seeking new supplies and would not consider the project to be a significant incremental impact to overall supply. The project would also comply with State plumbing requirements, use of recycled water in the area for landscape and facilities not requiring potable water, and undergo a landscape plan review by MMWD. Further, MMWD requires use of reclaimed water where available, and would review the final plans for compliance with their water efficient landscape requirements. No significant impacts would result.

**g. Solid Waste Impacts**

Facts in Support of Finding: As discussed on DEIR page 14-10, the Redwood Sanitary Landfill (and recycling center) that serves the project site has sufficient capacity to accommodate the solid waste generated by the project. No significant impacts would result.

**(10) Cumulative Impacts – Chapter 14**

**a. Air Quality**

Facts in Support of Finding: As discussed in the FEIR page R-37, the project would conform to the General Plan, the Bay Area Clean Air Plan and would not result in incremental considerable cumulative air quality impacts in the project area. The project

would implement construction management methods intended to reduce dust and fumes from vehicle emissions. Additionally, the project would utilize solar and achieve a certified LEED green building rating to reduce energy consumption and comply with Title 24 for energy efficiency standards. Cumulative air quality impacts would be less-than-significant.

**b. Land Use**

Facts in Support of Finding: As discussed in the FEIR page R-37 and R-38, the project would be consistent with the San Rafael General Plan Airport/Recreation land use designation. The project when considered in conjunction with the projects listed in Table 14-1 titled "Cumulative Projects Considered" would not have incremental land use impacts that would be individually or cumulatively considerable. Further, the land use is encouraged under General Plan 2020 Policies PR-4, PR-13, and PR-14 which support establishment of private recreational uses in suitable areas that would serve recreational needs of all residents. No significant land use impacts would result.

**c. Population and Housing**

Facts in Support of Finding: As discussed in the FEIR on page R-38, the project is consistent with the General Plan and is not a housing project. No cumulative population, growth or housing issues would result.

**d. Traffic**

Facts in Support of Finding: FEIR page R-38 and R-39 explains that the traffic analysis in Chapter 13 of the DEIR determined that the project would not have any cumulative traffic impacts under the General Plan + Project conditions. Level of service standards at intersections along the Smith Ranch Road and Lucas Valley road segments would remain within the level of service standard LOS D threshold established by General Plan Policy CD-5. Further, the project must contribute \$1.138 million dollars toward traffic improvements required for buildout under the General Plan 2020, which addresses traffic impacts.

**e. Climate Change**

Facts in Support of Finding: Chapter 15 of the DEIR analyzes the projects climate change impacts. Page R-39 of the FEIR explains that a project's climate change impacts are inherently cumulative. The project contribution would be considered too small to have a measurable impact on global climate change, including its contribution to greenhouse gas emissions and sea level rise impacts. However, a qualitative assessment of the project's impacts on climate change was prepared to determine whether the project would conflict with the goals and strategies of AB32 Global Warming Solutions Act, which is the applicable threshold used for this project as determined by the City and confirmed by SF BAAQMD resolution which stated projects in process would not be subject to the new air district GHG emissions thresholds. As a result, the FEIR concludes that the project will not conflict with the goals and strategies of AB32, and thus its impacts on climate change are not cumulatively considerable. Nevertheless, in November 2010 the City adopted the 2009 Climate Change Action Plan, and in 2011 the City updated its 2009 Climate Change Action Plan (CCAP) and required strategies to meet the plan (i.e., CCAP Appendix B), which the applicant has agreed to meet, and adopted the Sustainability Element amendment to its General Plan 2020. Therefore, the project's required compliance with the City of San Rafael GHG reduction strategy shall also be included as a mitigation measure.



- f. **Aesthetics**  
Facts in Support of Findings: FEIR Page R-39 explains that the analysis of the project provided in the EIR, when considered in conjunction with other projects in the area, would not result in incremental impacts that would be cumulatively considerable. There are no other projects in the area that together with this project would affect the scenic views, vistas or contribute additional light and glare to the area.
- g. **Biological Resources**  
Facts in Support of Finding: FEIR page R-40 explains that "biological impacts in the area are localized to the site, and none of the past, present or foreseeable future projects identified in the area, as listed in Table 14-1, would have incremental impacts on the sensitive environmental resources identified onsite. Thus, the project would not make a cumulative considerable contribution to any significant biological impacts." All impacts associated with the project will be mitigated. Further, a conservation area is proposed that would establish a significant buffer zone of at least 150-feet from the top of creek bank (top of the 9 foot tall levee berm located between the development and outboard face of the Gallinas Creek bank, where Clapper rail species and habitat would potentially occur). There are no other projects in the study area that would result in additional impacts on biological resources. Therefore, no cumulative biological resource impacts would result.
- h. **Cultural Resources**  
Facts in Support of Finding: FEIR page R-40 explains that no cultural resources have been identified on site or in the study area. Therefore, the project would result in cumulative impact on cultural resources.
- i. **Geotechnical (Soils/Geology)**  
Facts in Support of Finding: FEIR page R-40 explains that no significant geotechnical impacts have been identified in the DEIR or in the San Rafael General Plan 2020 Program EIR for the study area. There are no other projects identified that would have contributing geological or geotechnical impacts in the study area and/or affecting the site. Therefore, the projects impacts would not be cumulatively considerable.
- j. **Hazards**  
Facts in Support of Finding: The FEIR page R-40 concludes that neither the project nor or those listed in Draft Table EIR 14-1 (Cumulative Projects Considered) would involve storage or use of hazardous materials, be located near a hazardous waste facility, site or generator, or create any objectionable odors. Airport hazards associated with the project have been identified and mitigated. No cumulative impact related to hazards and hazardous materials would result.
- k. **Hydrology and Water Quality**  
Facts in Support of Finding: FEIR page R-41 concludes that the discussion in DEIR Chapter 11 and in Appendix E identify the drainage enhancements and controls that would be implemented for project construction and operations in compliance with RWQCB mandates implemented by the City and Marin County Stormwater Pollution Prevention Program (MCSTOPPP). Neither the project nor the list of projects in the study area would result in incremental cumulative hydrologic or water quality impacts.
- l. **Noise**  
Facts in Support of Finding: FEIR page R-41 concludes that noise impacts discussed in DEIR Chapter 12 would not be significant, provided that specific mitigation is

implemented. None of the projects listed in DEIR Table 14-1 either would contribute additional noise or sensitive receptors in the area. Noise associated with the SMART train is discussed in FEIR Page C&R 40 and C&R 41, concludes the occasional potential occurrence of train horn soundings or crossing signals would not interfere with activities on-site. The certified SMART FEIR addresses potential noise impacts of the train operations, and noise levels associated with the outdoor field use would not be cumulatively considerable in conjunction with infrequent and occasional SMART train operations.

m. **Other Project Impacts**

Facts in Support of Finding: FEIR page R-41 concludes the environmental impact categories discussed in DEIR Chapter 14, most of which result in a no determination, would not be cumulatively considerable when considered in conjunction with the projects identified in Table 14-1 in the study area. These include *agricultural, mineral, public resources, utilities, schools, parks, infrastructure, and public facilities*. The project and cumulative development are consistent with the General Plan 2020 and within areas receiving urban services. The proposed Project would not result in incrementally cumulative significant impacts in these categories.

(11) **Climate Change – Chapter 15**

a. **Sea Level Rise**

Facts in Support of Finding: The DEIR pages 11-34 through 11-35, pages 15-11 through 15-12 and FEIR Master Response 14, Sea Level Rise, concludes that impacts associated with sea level rise would be less-than-significant through 2050, based on potential and projected increase in sea level rise of six-inches projected by the US EPA (1995). Further, sea level has more recently been predicted to rise 12 to 18 inches before 2050, above the +6NGVD (+8.67 NAVD) flood elevations. In the event this level of increase occurs, the existing flood control features would be expected to remain in place and would be sufficient to protect the site from sea level rise. This includes the 9-foot tall levee (at 8 foot NGVD/10.67 NAVD), and the pump station that pumps flood waters into Gallinas Creek.

b. **Greenhouse Gas Emissions**

Facts in Support of Finding: The DEIR pages 15-1 through 15-16, and FEIR Master Response 22, Climate Change, explain that at the time the DEIR was published the BAAQMD had not yet adopted guidelines or thresholds to implement State AB 32 (The Global Warming Solutions Act). The project on its own would be considered too small to have a measurable impact on global climate change, including its contribution to greenhouse gas emissions and sea level rise.

Qualitative assessment of the projects impacts on climate change was prepared to determine whether the project would conflict with the goals and strategies of AB32 Global Warming Solutions Act; which is the applicable threshold used for this project as determined by the City and confirmed by SF BAAQMD resolution which stated projects in process would not be subject to the new air district GHG emissions thresholds. Staff also prepared a quantitative assessment of the project's climate change impacts, discussed in Master Response 22 of the FEIR. The BAAQMD adopted new modeling software to assess greenhouse gas emissions (GHG) and in June 2010 established new CEQA thresholds to be used for evaluating project impacts on global climate change. However, these changes occurred after publication of the DEIR in March 2009. Updated analysis using the new modeling software was prepared for informational-only purposes and would not trigger

requirements for additional mitigation or adoption of a statement of overriding considerations in order to approve the project.

The DEIR threshold for analysis considered whether the project would impede implementation of AB 32. The DEIR table 6-6 identifies that the project would generate 2,240,95 metric tons (MT of CO<sub>2</sub>e) of GHG emissions per year (using the BAAQMD's URBEMIS modeling software). DEIR page 15-14 identifies features that would be used to reduce emissions during construction and operation; including proposal to achieve LEED certification, including use of solar energy efficient lighting systems. The DEIR concludes that the project would have a less than cumulatively considerable impact on climate change by implementing strategies to reduce GHG emission, consistent with AB 32. FEIR Table 15-1, page R-45 provides a list of the measures available to reduce project related GHG emissions. Project conformance with the applicable Global Climate Change Strategies is discussed in FEIR Table 1. This qualitative analysis concludes that the project would not impede the compliance with GHG emissions reduction mandated by AB 32. While predominantly addressing vehicle emissions standards, there are criteria for improving building efficiencies and reducing waste. The project would incorporate operational strategies in its design approaches to achieve US Green Building LEED certification, and be required to comply with waste reduction standards for construction and post-consumer waste. Therefore, the project's GHG impacts have been identified as less-than-significant using the applicable standard of review.

The updated assessment shows that the proposed facility would produce greenhouse gas emissions (GHG) in the amount of 2,203 metric tons of CO<sub>2</sub>e annually (MT/yr). This would exceed the 1,100 MT/yr threshold established by BAAQMD's newly established thresholds. Even with the project incorporated components (such as solar, energy efficient lighting, green building techniques, water conservation and use of artificial turf) that would reduce the GHG emissions of the project by an estimated 386 metric tons, the geographic location and relative isolation from transit, and inefficient multi-modal transportation network make it infeasible to reduce project related traffic and vehicle miles traveled (VMT) to meet the new BAAQMD thresholds. The constraints applicable to this site are characteristic of the region, thus would affect any similarly sized projects in Marin County. Furthermore, the new analysis does not consider any net change in VMT regionally that might occur as a result of the project. Thus, the analysis assumes that all project-generated traffic would result in new VMT in the region, which may or may not be true.

The FEIR concludes that the project will not conflict with the goals and strategies of AB32, and thus its impacts on climate change are not cumulatively considerable. Nevertheless, in November 2010 the City adopted a qualified Climate Change Action Plan, required creation of strategies to meet the plan and adopted a Sustainability Element amendment to its General Plan 2020. Therefore, the project's required compliance with the City of San Rafael GHG reduction strategy shall also be included as a mitigation measure. Given that the project was in process during the time the City's GHG Reduction Strategy was adopted, the applicant has agreed to incorporate Mitigation Measure AQ-2 into the MMRP (attached), to make this requirement a part of the project, ensure that the project would mitigate operational greenhouse gas emissions to a less-than-significant level through its required compliance with the City of San Rafael November 2012 qualified Climate Change Action Plan, Greenhouse Gas Reduction Checklist, as enacted to satisfy the new BAAQMD air quality thresholds and guidelines.

### C. SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR MITIGATED

The City, as authorized by Public Resources Code Section 21081 and CEQA Guidelines sections 15091 and 15092, identifies the significant impacts that can be eliminated or reduced to a less-than-significant level with the implementation of mitigation measures recommended in the FEIR. These mitigation measures are hereby adopted and incorporated into the description of the project and their implementation will be monitored through the MMRP. Findings required pursuant to CEQA Guidelines Section 15091(a) and 15092 to support action to approve the project which results in one of more significant effects are provided for each of the potentially significant effects identified in the San Rafael Airport Recreational Facility Project EIR, as follows:

#### (f) Aesthetics – DEIR Chapter 5

##### a. Impact Aesth-1 Light and Glare

Significant Impact: Project lighting may exceed the light intensity standards of the surrounding community, particularly the inclusion of exterior field lighting. Unless subject to proper review and approval, the impact of the Project's proposed exterior lighting on the surrounding community is considered to be potentially significant.

The City has determined that lighting levels need to be limited not to exceed a 1.0-foot-candle *average* light intensity established by City policy for this area; given that it is located at the edge of urban development and near open Bay lands and park space. Lighting should also be contained so that it would not spillover onto any adjacent properties, creek or adjacent airport runway improvements. As discussed on DEIR pages 5-24 through 5-34, the project would introduce new lighting into this area, particularly the inclusion of field lighting, which may exceed the light intensity standard identified as compatible for the surrounding community. Lighting would be focused onto the parking lot, adjacent to the building walkways and field areas, with the majority of light intensity focused on the outdoor field and providing some illumination of the overflow parking area south of the field.

DEIR Figure 5-6 demonstrates that lighting levels would range from 0- to 12.2-foot-candles with an average of 1.84-foot-candles for the parking lot and building area. DEIR Figure 5-7 shows that the outdoor soccer field illumination would range from 0- to 71-foot-candles, with an average of 2.0 foot-candles. Spillover of 0.1 foot-candles would encroach onto the creek near the site. The field lighting further has the potential to be an annoyance to nearby residential development; Santa Venetia to the south, and Captains Cove and Contempo Marin to the west. Thus, the 1.84-foot-candle average level of lighting associated with the project is considered potentially significant as it exceeds the established City 1.0 foot-candle standard by 0.84-foot-candle, and potentially create a source of glare, hazard or annoyance to adjacent properties or residential areas. As further discussed in FEIR Master Response 4, there would also be a substantial increase the number of vehicles using the private roadway to the site. This would result in an increase in the frequency of vehicle headlights that would shine toward windows of the residential townhouse unit at 37 Sailmaker Court. This was not identified as a potentially significant impact that warranted analysis in the DEIR. However, the applicant has previously agreed to install a four-foot fence or hedge along the access roadway as a condition of the project, which would block the majority of vehicle headlights entering and exiting the site. Thus, implementation of a four foot tall fence or hedge would effectively block vehicle headlights entering and exiting the site from shining directly into windows at 37 Sailmaker Court.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. The significant impact above would be reduced to a less-than-significant level with the implementation of Mitigation Measures Aesth-1a and Aesth-1b, as presented in the FEIR on pages R-52 and R-53 (as further modified by the FEIR Errata Exhibit A to PC Resolution 11-16, adopted January 24, 2012) and provided in the attached MMRP. These measures require a maximum 1-foot-candle-intensity to be achieved at the edge of the project boundary/property line and conservation area proposed between the building and Gallinas Creek; shielded lighting fixtures to limit casting light and glare off-site; exterior lighting on a master photoelectric cell to control operating during hours of darkness, with outdoor field lighting set to turnoff by 10:00 p.m. and all other exterior facility lighting to turn off by 12:30 a.m.; requiring final review of the lighting, colors and materials details by the Design Review Board prior to issuance of permits and a 90 day post-construction period to ensure finishes would be non-reflective, that landscape screening is implemented, and to allow adjustments to be required in direction and/or intensity of lighting if necessary.

These measures will reduce impacts to a less-than-significant level because the maximum 1-foot-candle intensity is below the limit established by the City for this area, and shielding would eliminate potential view of light sources and resulting glare from off-site, particularly by nearby residential areas and aircraft pilots.

(2) Air Quality – DEIR Chapter 6

a. Impact AQ-1 Construction Impacts

Significant Impact. Construction of the proposed Project would involve substantial grading activities that could affect air quality, particularly regarding emissions of PM<sub>10</sub>. This impact is considered potentially significant.

As described on DEIR pages 6-18 to 6-19, the project would involve temporary grading activities for placement of 35,000 cubic yards of fill and 3,000 cubic yards of cut. This could generate short-term air quality impacts during grading operations, particularly emissions of small particulate matter less than ten microns (PM<sub>10</sub>) for which the Bay Area is considered a non-attainment area.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. The significant impact above would be reduced to a less-than-significant level with the implementation of Mitigation Measures AQ1a, AQ1b and AQ1c, as presented in the EIR on pages 6-19 and 6-20 and provided in the attached MMRP. These measures require the implementation of specific techniques and activities to control dust and emissions during grading and construction phases of the project. MM AQ-1a sets forth dust control measures to be included during construction to reduce PM<sub>10</sub> emissions per the Bay Area Air Quality Management District's (BAAQMD) recommendation. MM AQ-1b requires that final improvement plans and specifications submitted for permits shall stipulate that ozone precursors from construction equipment vehicles shall be controlled per BAAQMD's recommendations. MM AQ-1c requires that the construction contract specifications shall include a written list of instructions specifying measures to minimize heavy equipment emissions to be carried out by the construction manager.

(3) **Biological Resources – Chapter 7**

a. **Impact Bio-1 Listed Anadromous Fish Species – Pile Driving**

Significant Impact. Project construction or operations would not result in any direct impacts to federally listed fish species; however, activities during bridge construction could result in indirect impacts to federally listed anadromous fish species that may occur in the North Fork of Gallinas Creek.

DEIR page 7-34 and DEIR Appendix E (Monk & Associates) note that the professional qualified biologists found no special status plants mapped on or adjacent to the project site. Special status plant species known to occur in the region would not be expected to occur on the project site. However, as described on DEIR pages 7-34, 7-61 through 7-79, and FEIR pages C&R-20 through C&R-26, the construction and operation of the project could result in direct and indirect adverse impacts on sensitive fish and wildlife species including special status fish (Coho salmon and steelhead), raptors, California Clapper Rail, pallid bat, or the federally-listed Salt Marsh Harvest Mouse. The potential adverse impacts include disturbance, loss of habitat, habitat alteration or habitat degradation. DEIR page 7-61 explains that the likely occurrence of anadromous fish species in the area is low. However, a conservative approach has been taken in evaluating potential project biological impacts and therefore mitigation has been included to protect against the low, unlikely occurrence of protected fish species. The potential impact on listed fish species would be potentially significant.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. The significant impact listed above would be reduced to a less-than-significant level through implementation of Mitigation Measures Bio-1a and MM Bio-1b described in FEIR pages R-56 to R-58, and set forth in the MMRP (attached). These measures include requirements limiting pile-driving activities to specific time-periods to avoid protected species breeding periods, prohibit work in the streambed or bank, developing and implementing stormwater management plans for the project work, and

compliance with requirements of the State Department of Fish and Game Streambed Alteration Agreement issued for the bridge replacement work.

- b. **Impact Bio-2 California Clapper Rail and California Black Rail – Perimeter Fence Significant Impact.** The proposed project will not impact marsh habitats or adjacent upland habitats along the North Fork of Gallinas Creek; therefore, there will be no direct impacts to the California clapper rail. However, indirect impacts to California clapper rails, and possibly to California black rails, could result from noise generated during Project construction and as part of Project operation. Unless mitigated, these impacts would be potentially significant.

DEIR pages 7-63 through 7-66 explain that construction and operation of the project could result in indirect adverse impacts on the California clapper rail which has been identified on the site.

**Finding**

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

**Facts in Support of Finding.** The significant impact listed above would be reduced to a less-than-significant level through implementation of Mitigation Measures Bio-2a, Bio-2b, Bio-2c, Bio-2d and Bio-2e as described in DEIR pages 7-66 to 7-69, FEIR pages R-58 to R-63, and set forth in the MMRP (attached). These measures would reduce impacts to less-than-significant by requiring conduct of pre-construction surveys before starting work, establishing pre and post construction barrier fencing to protect wildlife and habitat from construction, limiting pile-driving activities to specific time-periods to avoid breeding and nesting periods, requiring a permanent conservation buffer that would exceed minimum 100-foot creek buffer setbacks and include a permanent barrier fence separating development from habitat and buffer areas, and restricting the duration of outdoor events that would generate nighttime noise and light impacts by establishing a 10:00 p.m. event curfew. These measures would assure that sensitive Clapper rails would not be disturbed by either construction or operations of the facility in a manner that would cause them to flee the area.

The project biologist, Monk & Associates has confirmed that the Clapper rail would become acclimated to additional human activity in the area, and continue to thrive in the habitat along the creek bank, which is located on the outward face of the site perimeter levee. This is further discussed and confirmed on FEIR page C&R 20 through C&R 23 Master Responses Bio-1 and Bio-2, the City of San Rafael January 24, 2012 Report to the Planning Commission discussion commencing on page 11, and hearing testimony found on the audio and video minutes of the meeting available online at: <http://www.cityofsanrafael.org/meetings/>.

c. **Impact Bio-3 Nocturnal Lighting**

**Significant Impact.** Lighting of the outdoor soccer field at the proposed recreational facility at night for evening games could result in potentially significant impacts to wildlife species and habitat in the North Fork of Gallinas Creek.

DEIR pages 7-69 through 7-71 explain nighttime lighting could intrude into wildlife habitats mimicking extended daylight conditions. Disruption of nocturnal wildlife species inhabiting or migrating through the North Fork of Gallinas Creek would be potentially significant.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. The potential significant impact from nighttime lighting would be reduced to less-than-significant levels through implementation of Mitigation Measures MM Bio-3a and Bio-3b, as described on FEIR pages R-63 and R-64. DEIR page 7-69 and 7-70 explain that the project proposes to use state of the art Musco Lighting or equivalent which uses 50 percent less electricity and results in 50 percent less spill and glare than traditional fixtures, and allows for shorter poles to be used. The tallest poles proposed would be 31.5 feet, which is half the height used at neighboring facilities. The mitigation measures would assure impacts would be less-than-significant by requiring all fixtures to have hood cutoffs so that light would not trespass onto sensitive habitat. The City establishes a lighting level review to assure lighting has been installed properly. Further, the facility must turn off the field lights by 10 pm which the project biologist, Monk & Associates, has confirmed would assure sufficient hours of darkness are provided that will not disrupt nocturnal wildlife activity patterns and migration after that time (see FEIR page C&R 23 Master Response Bio-3, City of San Rafael January 24, 2012 Report to the Planning Commission discussion commencing on page 11; and hearing testimony and audio and video minutes of the meeting which can be found at <http://www.cityofsanrafael.org/meetings/>).

d. **Impact Bio-4 Nesting Raptors**

**Significant Impact.** Construction and operation of the proposed Project could result in disturbance of nesting raptors, possibly resulting in death of adults and/or young raptors.

The site contains tall trees on-site and in the area, and open lands that provide for potential nesting and foraging. DEIR pages 7-71 through 7-73 explain that white-tailed kite, northern barrier and red-tailed hawk have been observed and may nest in the area. Other species could conceivably nest in the area. Construction noise establishment of operations during nesting periods could result in significant impacts. After the facility is in operation, any wildlife species that establishes a breeding territory or nest site near the facility would have been subject to elevated levels of disturbance and acclimated to this condition.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California*



*Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. The potential impacts above would be mitigated to less than significant levels through implementation of Mitigation Measures MM Bio-4a, Bio-4b and Bio-4c (as further amended by the FEIR Errata Sheet, Exhibit A to the Planning Commission Resolution 11-16 adopted January 24, 2012). These measures limit bridge construction to occur between August and October 15, pile driving to occur between September and February 1, which are outside the breeding season of raptors and other sensitive species, and facility exterior construction work to occur between July through February 1, when most raptors are expected to have completed nesting cycles. (No limitation is required for interior work). Further, preconstruction surveys are required to be conducted to assure that work would not commence during any active or delayed nesting period. Thus, the project would not have the potential to disturb nesting raptors when limited to these avoidance windows. (see FEIR page C&R 23 and C&R page 25 Master Responses Bio-2 and Bio-4, City of San Rafael January 24, 2012 Report to the Planning Commission discussion commencing on page 11, and hearing testimony and audio and video minutes of the meeting which can be found at <http://www.cityofsanrafael.org/meetings/>).

e. **Impact Bio-5 Western Burrowing Owl**

Significant Impact. Construction and operation of the proposed Project could result in disturbance of the western burrowing owl, possibly resulting in death of adults and/or young owls.

DEIR page 7-73 explains that the burrowing owl is a rare species of special concern, protected under state and federal regulations. Thus, this species is assumed to be present. However, the biological assessments prepared for the site (DEIR Appendix E) conclude a low potential for this owl to nest in the ruderal grasslands on the Project site or immediate vicinity due to frequent mowing of open fields to control vegetation. Further, Monk & Associates did not identify any suitable burrows in the area.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. Due to the fact that the owl must be assumed to be present, Mitigation Measures MM Bio-5a, Bio-5b and Bio-5c have been identified (FEIR page R-66 through R-70). These measures require that a "qualified biologist" shall conduct pre-construction nesting surveys to determine if owls are present on-site, prior to commencement of any work. If evidence of nesting is discovered, measures shall be implemented to protect active nests during breeding season, conduct passive relocation

during non-breeding season in consultation with the State Department of Fish and Game (DFG), and provide habitat mitigation as recommended by DFG. The specified measures conform to wildlife biologist protocols and DFG requirements, to reduce potential impacts in this category to a less-than-significant level.

- f. **Impact Bio-6 Impacts to Common and Special-Status Nesting Birds**  
**Significant Impact.** Construction and operation of the proposed Project could adversely impact common and special-status nesting passerine birds, their eggs, and/or young. Common and special-status nesting passerine birds are protected under the California Fish and Game Code (Sections 3503, 3503.5), and the Migratory Bird Treaty Act.

DEIR page 7-76 explains that passerine (perching) birds and special status birds that may be nesting on site, such as the San Pablo song sparrow and saltmarsh common yellowthroat, could be affected by the project. Impacts to unoccupied nesting habitats would not be significant as there are other local and regional nesting habitats.

**Finding**

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

**Facts in Support of Finding.** FEIR pages R-70 and R-71 identify Mitigation Measures MM Bio-6a, Bio-6b and Bio 6c, which would reduce potential project impacts from construction to a less-than-significant level. This would be achieved through restrictions placed on bridge construction and requiring preconstruction nesting surveys conducted by a qualified biologist, to avoid work during nesting periods, if active nests are found to be on-site. With these measures implemented, the project would preclude work during nesting periods thus would not adversely impact these species during nesting periods.

- g. **Impact Bio-7 Salt Marsh Harvest Mouse, Suisun Shrew and San Pablo Vole**  
**Significant Impact.** Indirect impacts to Suisun shrew, the Salt Marsh Harvest Mouse and the San Pablo vole could result from implementation of the proposed Project.

DEIR pages 7-77 and 7-78 explain that these native rodents reside in and along marsh vegetation, located on the outward face of the 9-foot tall perimeter levee. Further, a 100 to 150 foot buffer zone would be established in the uplands areas, from the top of levee/creek bank to the proposed developed site area. Thus, the project would not have direct impacts on these species. However, indirect impacts from construction and operation of the project could result in indirect adverse impacts on these species,

**Finding**

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose*

*the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. FEIR pages R-71 and R-72 identify Mitigation Measure MM Bio-7, which would reduce potential project impacts to a less-than-significant level. This shall be achieved through placement of a perimeter fence to prohibit human intrusion or access into the uplands buffer area, located between the developed lands and Gallinas Creek bank. This will preserve and protect the marsh habitats and uplands and reduce potential impacts to special status rodents and other wildlife species to a less-than-significant level.

**h. Impact Bio-8 Pallid Bat (and other Bat species)**

Significant Impact. Construction and operation of the proposed Project could result in adverse impacts to the Pallid bat (California species of special concern) and other bat species.

DEIR page 7-79 explains that, while this species is unlikely to roost on the site, the trees on site could be used for roosting by bats in general (although extremely unlikely, according to the biological assessment contained in the DEIR Chapter 7, and DEIR Appendix B).

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval, is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. FEIR page R-72 identifies Mitigation Measure MM Bio-8, which would reduce potential project impacts to a less-than-significant level. This would be achieved by conducting pre-construction surveys performed by a qualified biologist prior to any tree removal and following specified appropriate procedures and protocols in the event roosting bats are found.

**i. Impact Bio-9 Impacts to CDFG Jurisdiction – Banks of the North Fork of Gallinas Creek**

Significant Impact. Construction activities at the top of the bank of the North Fork of Gallinas Creek associated with the proposed improvements to the bridge crossing may result in potentially significant impacts to CDFG jurisdictional areas.

As discussed on DEIR page 7-80, the project would potentially impact the banks of the North Fork of the Gallinas Creek waterway as a result of improvements proposed to the existing bridge crossing. Specifically, the bridge improvements would include removing the existing bridge decking and rail, driving new piers into paved areas at the top of bank in order to support the new clear span bridge deck and pouring an 8 inch concrete driving surface across the bridge deck. A crane would be used to lower the new deck in place. No work in the creek channel is proposed. Existing wood piers would remain in place, and support existing utility lines crossing under the bridge. Without proper prior authorization,

these activities at the top of bank would be regarded as a significant impact to CDFG jurisdictional areas, which would be considered a significant impact under CEQA.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. The significant impact listed above would be reduced to a less-than-significant level through implementation of Mitigation Measure Bio-9 as described in FEIR pages R-72 and R-73 (as further amended by the FEIR Errata Sheet, Exhibit A to the Planning Commission Resolution 11-16, adopted January 24, 2012), and set forth in the MMRP (attached). These measures include requirements to limit work on the bridge to occur during summer and early fall periods of low stream flow and dry weather, that no work be allowed below the creek high water mark, and compliance with the conditions of the California Department of Fish and Game Streambed Alteration Agreement (SBAA). The SBAA Notification Number 1600-2006-0266-3 is valid until December 31, 2013 with construction period limited to occur between July 15 and October 15. Implementation of the terms and conditions of the SBAA as required by MM Bio-9 will reduce the impacts to CDFG jurisdictional areas to a level considered less than significant under the SBAA, and therefore, CEQA.

(4) **Cultural Resources – Chapter 8**

a. **Impact CR-1 Discovery of Resources**

Significant Impact. The proposed Project has the potential to disturb unidentified Prehistoric, Archaeological or Historic resources on the Project site.

As described on DEIR pages 8-14, although the potential to find culturally or archaeologically significant resources on this site is low (considering its former tidally influenced baylands condition and fill) accidental discovery of cultural resources during development must be anticipated to occur pursuant to the CEQA Guidelines.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible*

Facts in Support of Less-Than-Significant Finding. The significant impact listed above would be reduced to a less-than-significant level through implementation of Mitigation Measure CR-1 as described in FEIR page R-73, and set forth in the MMRP (attached). This measure includes requirements to have a qualified archaeologist monitor the site during pre-construction and construction activities, and evaluate any potential discovery of

archaeological features. This is a standard mitigation measure found in the CEQA Guidelines.

(5) **Geology and Soils – Chapter 9**

a. **Impact Geo 1. Unstable Geologic Unit or Soil**

**Significant Impact.** Soils on the project site are composed of highly compressible Bay Mud, which is not suitable for at-grade foundation support. Additionally, the geotechnical report concludes additional fill is not appropriate for the foundation support because of the potential for additional fill to induce settlement. Construction of the proposed Project without proper engineered foundation design is considered a potentially significant impact.

As described on DEIR pages 9-28 through 9-30, the soil underlying the project is composed of highly compressible Bay Mud, to a depth of 28-feet, which is not suitable for at-grade foundation support. Further, additional fill is not appropriate for the foundation support because of the potential for new fill to induce further settlement. Fill is proposed for parking lot, driveway and site improvements around the new building. This fill would be subject to six inches of long-term differential settlement for each foot of new fill. Construction of the project without proper engineered foundation design is a potentially significant impact. As described on DEIR pages 9-32 through 9-33, the on-site Clay soils are considered to be expansive soils. However, the depth of the soils would not pose a significant impact. Fills placed on-site would not support proposed slab parking lot, field and walkways due to the potential for differential settlement to occur.

**Finding**

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

**Facts in Support of Finding.** The significant impact listed above would be reduced to a less-than-significant level through implementation of Mitigation Measure Geo-1, as described on FEIR pages R-73 through R-77, and set forth in the MMRP (attached). This measure requires support of the structure on driven piles. It also requires certain pavement quality criteria to be designed to accommodate the potential long-term differential settlement that is projected to occur. Mitigation Measure Geo-1 requires the submittal of a grading plan and design plans to incorporate hinge joints reinforced to structurally span the settlement and flexible utility lines with sufficient slack to accommodate settlement, which reduces this impact to less-than-significant.

Mitigation Measure Geo-1 specifies the design requirements necessary to address differential settlement for poured slab walkways and utility lines, as further discussed in Section I.C(5)a finding above, which would reduce this impact to less-than-significant.

(6) Hazards – Chapter 10

a. **Impact Haz-1a Exceedance of Single-Acre Criterion**

**Significant Impact.** The highest estimated concentration of people in a single-acre area of the project site would be 216, which slightly exceeds the single-acre criterion of 200 people for Airport Safety Zone 5-Sideline Zone (Table 10-1). Although the actual occupancy level is likely to be lower than the estimate, this is considered a potentially significant impact and risk reduction design features should be incorporated into the design of the facility.

As described on DEIR page 10-17 through 10-20 the project site is located near an active private airport which poses potential risk to occupants using the facility. Analysis of airport hazard impacts prepared by Mead & Hunt DEIR Appendix H, identifies that 216 users would be on-site during peak usage of the recreational facility which would slightly exceed the single-acre criterion of 200 people for Airport Safety Zone 5-Sideline Zone (DEIR Table 10-1). Further, the facility would attract youth and elderly users and spectators that may find it difficult to move out of harms way if an aircraft accident should occur. This would be potentially significant if risk-reduction design features were not incorporated into the building design. These measures would satisfactorily reduce potential impacts to a less than significant level.

**Finding**

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

**Facts in Support of Finding.** The significant impact listed above would be reduced to a less-than-significant level through implementation of Mitigation Measure Haz-1, described in FBIR page R-77, and set forth in the MMRP (attached). This measure requires that the project incorporate risk reduction design features for the building and warm-up field, such as requiring enhanced fire sprinkler systems and increased exits for the building, ensuring structures and landscape improvements would not violate the 7:1 Transitional Surface (ascending clear zone) for aircraft in flight, installing safety lighting on tall points of structures, and limiting occupancy within the warm up field to 50 persons. These measures would satisfactorily reduce potential impacts to a less-than-significant level.

b. **Impact Haz-1b Expose People to Hazards**

**Significant Impact.** The proposed Project will likely attract users and spectators that will include young children and the elderly. These groups of people may find it difficult to move out of harm's way if an aircraft accident should occur. Therefore, this is considered a potentially significant impact and risk-reduction design features should be incorporated into the design of the facility.

**Finding**

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project*

*approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. The significant impact listed above would be reduced to a less-than-significant level through implementation of Mitigation Measure Haz-1, described in FEIR page R-77, and set forth in the MMRP (attached). This measure requires that the project incorporate risk reduction design features for the building and warm-up field, such as requiring enhanced fire sprinkler systems and increased exits for the building, ensuring structures and landscape improvements would not violate the 7:1 Transitional Surface (ascending clear zone) for aircraft in flight, installing safety lighting on tall points of structures, and limiting occupancy within the warm up field to 50 persons. These measures would satisfactorily reduce potential impacts to a less-than-significant level. This has been further documented in the January 24, 2012 Report to Planning Commission commencing at page 24.

Further, a letter was received from Caltrans Division of Aeronautics dated March 9, 2012 that recommended that the City should consider recent changes made to the Caltrans Division of Aeronautics, California Airport Land Use Planning Handbook, revised April 2011, and published for the purpose of evaluating development near public use airports for safety and noise compatibility. Specifically, Caltrans noted that the project is in airport safety zones 2 and 5 and that the 2011 Handbook recommends prohibiting group recreational uses in the subject safety zones. Caltrans asked that the City of San Rafael consider this information in its decisions regarding this project. In response, staff had its airport safety consultant Mead & Hunt review and address the Caltrans letter. Mead & Hunt was the consultant that prepared the 2002 Handbook and advised on the 2011 Handbook.

Mead & Hunt had considered these changes prior to its supporting the recommendation made by the City of San Rafael Planning Commission to certify the FEIR on January 24, 2012, and concluded that this change to the Handbook did not alter Mead & Hunt's conclusions with regard to safety impacts for users of the facility. In its letter of May 16, 2012, Mead & Hunt concluded that the principal concerns with group recreation are spectator-oriented facilities that draw large groups of people within confined spaces and the presence of young children who may not respond appropriately to get out of harm's way. The primary factor used to evaluate safety is whether the project would exceed the occupancy standards contained in the Handbook, and create confined spaces that would restrict ability of occupants to get out of harm's way.

The project maintains a low to moderate risk level based on the Handbook guidelines, and there have been no physical changes to the site or manner in which the airport operates that would materially alter the original airport safety assessment. Thus, the project would remain conditionally compatible with the airport; i.e., physical and operational constraints associated with the airport result in a low risk level to occupants on the site and to aircraft in flight. Nevertheless, augmented airport safety measures have been recommended and would be incorporated into the project to address the heightened concern expressed by Caltrans, including posting of occupancy signage, clearly marking exit paths of travel, installing FAA compliant barrier fencing, prohibiting fixed seating and special events that would create confined spaces or draw larger than anticipated crowds.

c. **Impact Haz-2 Hazards to Flight**

Significant Impact. Based on a review of the site plan, elements of the Project have heights that would extend into the navigable air-space above the San Rafael Airport, as defined by Part 77 of the Federal Aviation Regulations. Any object which penetrates this volume of airspace is considered to be an obstruction.

As described on DEIR page 10-21 through 10-25 the project could encroach slightly within navigable air-space, creating an obstruction to flight which would be potentially significant.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. Mitigation Measure Haz-2 as described on FEIR page R-77 and R-78, and incorporated into the MMRP (attached) would eliminate flight hazards by ensuring the height of structures and landscaping would remain clear of the 7:1 Transitional Surface (ascending clear zone) for aircraft in flight, add obstruction lights to specific points on the building and fencing and field lighting, shield light sources, restrict parking to compact spaces along the parking row nearest the airstrip, lower construction cranes at the end of each day, file a Notice of Proposed Construction or Alteration to the FAA and obtain a determination of No Hazard to Air Navigation. These measures would reduce impacts to a less-than-significant level.

(7) **Hydrology and Water Quality – Chapter 11**

a. **Impact Hyd-1 Water Quality and Waste Discharge**

Significant Impact. Project construction and operational activities may result in increased pollution of receiving waters, including the North Fork of Gallinas Creek and San Rafael Bay. This impact is considered potentially significant.

As described on DEIR pages 11-21 through 11-22, and page 11-28, project grading, construction and operational activities may result in increased pollution entering North Fork of Gallinas Creek and San Rafael Bay. As described on DEIR page 11-26, the grading activities could increase potential for siltation and erosion. Site runoff is carried into drainage ditches on-site to a holding pond that pumps drainage to the Gallinas Creek. Any reduction in water quality would have potential adverse impacts on the waterway, and would be considered potentially significant if not properly treated in compliance with local and state regulations.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The*



*City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

**Facts in Support of Finding.** The significant impact listed above would be reduced to a less-than-significant level through implementation of Mitigation Measures Hyd-1a, Hyd-1b, Hyd-1c, Hyd-1d, Hyd-1e and Hyd-1f, as described on FEIR pages R-78 through R-83 and incorporated in the MMRP (attached). These measures require the following plans and documents to be prepared and submitted to the City for review and approval prior to issuance of a grading permit: an Erosion Control Plan, NPDES Permit, Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Management Plan. In addition, plans shall include construction of grassed drainage swales to filter runoff, and maintenance of paved road shall be required for the duration the facility operations. Implementation of these measures would reduce construction-related water quality impacts to less than significant levels by preventing construction-related erosion and reducing pollutants in stormwater discharges to the maximum extent practicable. Further, operation-related water quality impacts on the Bay from non-point source pollutants would be reduced to less-than-significant because construction and structural and non-structural devices that filter or treat pollutants in stormwater would be implemented, including implementation of best management practices pre and post construction, bioswales and drain inlet filters.

FEIR Master Response Hyd-5 further discusses the water quality impacts of the project. The January 24, 2012 Report to Planning Commission, page 21 through 23 explains that field turf and grass fields would not create additional, unanticipated impacts. The mitigation measures in the FEIR adequately address all potential water quality impacts, including runoff from paved surfaces, grass fields and artificial field turf.

**b. Impact Hyd-2 Flooding as a result of Levee Failure**

**Significant Impact.** The Project site is located within a 100-year flood zone. The Project site is protected by nine foot levees on the north, south and east; however, the site itself would be graded to a finished ground elevation of +1.0 feet above mean sea level (MSL). Unless FEMA-established flood-proofing standards are implemented to protect the buildings in the event of flooding, this impact is considered potentially significant.

As described on DEIR page 11-30 through 11-32, the project is located within a 100-year flood zone, below the +6 foot NGVD flood level, and is protected from flood waters by nine-foot high levees that surround the site. The project site area would be raised to +1 foot NGVD elevation. However, failure to implement FEMA-established flood proofing standards to protect the building in the event of flooding would be potentially significant.

**Finding**

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

**Facts in Support of Finding.** The potential significant impact listed above would be reduced to a less-than-significant level through implementation of Mitigation Measures

Hyd-2a and Hyd-2b, as listed on FEIR pages R-83 through R-86 and incorporated in the MMRP (attached). These measures require implementation of the FEMA approved flood proofing for the building, and preparation of finalized hydrology report and grading and drainage plans. This would reduce projects impact associated with risk of loss, injury or death as a result of levee failure to a level of less than significant. Further, as discussed in FEIR Master Response Hyd-2 and Hyd-3, the condition of the levee has been assessed and confirmed the earthen levee compaction has completed, thus the levee would respond as anticipated during an earthquake and is not considered to be susceptible to ground failure.

(8) Noise – Chapter 12

a. **Impact N-1 Long-term (Operational) Noise Impacts**

**Significant Impact.** Operation of the proposed recreational facility would have the potential to increase noise levels on the Project site, which could adversely affect nearby residential uses.

As described on DEIR pages 12-15 through 12-21, FEIR pages C&R-37 through C&R-39, and FEIR Errata page 4, operation of the facility would have the potential to increase noise levels on the project site, which could adversely affect nearby residential uses.

**Finding**

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

**Facts in Support of Less-Than-Significant Finding.** The significant impact described above would be mitigated to a less-than-significant level by implementing Mitigation Measure N-1, described in FEIR page R-86 and R-87 (as revised by the FEIR Errata Sheet Exhibit A to the Planning Commission Resolution 11-16 adopted January 24, 2012), and incorporated in the MMRP (attached). This measure would mitigate evening noise by requiring outdoor fields to close at 9pm weekday nights and 10pm weekend nights (Friday and Saturday) if noise levels at the closest residential boundary are increased by 1 decibel above the 40dBA nighttime noise threshold as a result of field usage.

b. **Impact N-2 Short-term (Construction) Noise Impacts**

**Significant Impact.** Construction activities could disrupt softball practices or games on the closest field, a potentially significant impact.

As described on DEIR pages 12-22 through 12-26, noise and vibration associated with construction activities could disrupt recreational use, practices or games on the closest fields in McInnis Park, which is considered potentially significant. Annoyance from vibration may also occur, but would not be significant.

**Finding**

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project*

*approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Less-Than-Significant Finding. Mitigation Measures N-2 and N-3 as discussed in FEIR pages R-87 through R-89 and incorporated in the MMRP (attached) mitigate construction related noise impacts to a less-than-significant level. These measures require that construction be limited to the hours specified in the City Noise Ordinance, equipment use best available noise controls, work scheduled to avoid set practice and game times on the closest field, predrilling of holes for piles to minimize the duration of pile driving, use of available technologies to minimize power equipment noise and identification of a site noise disturbance coordinator to respond to any local complaints about construction noise.

**c. Impact N-3 Pile Driving**

Significant Impact. Pile driving-related noise levels could result in speech interference effects at recreational uses in McInnis Park. Speech interference effects could disrupt soccer or softball practices or games, a potentially significant impact.

Finding

*As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.*

Facts in Support of Finding. Mitigation Measure N-3 as discussed in FEIR page R-89 would require use of predrilled holes to reduce pounding required for pile driving. This would eliminate duration of noise (as well as vibration, which would not be significant). Restriction on pile driving to daytime hours would reduce potential impacts from noise and vibration. This is further mitigated by pre-drilling holes which will substantially lessen the amount of time required to drive piles.

**D. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED**

As authorized by Public Resources Code section 21081(a)(1) and CEQA Guidelines Section's 15091 and 15092, the FEIR is required to identify the significant impacts that cannot be reduced to a less-than-significant level through mitigation measures. The FEIR has concluded that the project will not result in any significant impacts that are unavoidable and/or cannot be mitigated. Thus, there are no significant and unavoidable impacts of the project that would require adoption of a Statement of Overriding Considerations pursuant to Section 15093(a) of the CEQA Guidelines in order to approve the project.

**E. REVIEW AND REJECTION OF PROJECT ALTERNATIVES**

CEQA Guidelines Section 15126.6 mandates that every EIR evaluate alternatives including a no-project alternative, plus a feasible and reasonable range of alternatives to the project or its location.

The alternatives in the FEIR were formulated considering the objectives of the City of San Rafael and the Project Sponsor Objectives outlined on DEIR Chapter 16 pages 16-1 through 16-28 and FEIR pages R-46 through R-51. Alternatives provide a basis of comparison to the project in terms of beneficial and significant impacts. However, since the FEIR has concluded that the proposed project would not result in significant, unavoidable environmental impacts, the alternatives analysis focuses on project alternatives that would have the potential to further decrease or eliminate significant project impacts that can be mitigated. This comparative analysis is used to consider reasonable, feasible options for minimizing environmental consequences of a project.

These findings describe and reject, for reasons documented in the FEIR and summarized below, each of the project alternatives, and the City finds that approval and implementation of the initial project design as described and assessed in the FEIR is appropriate. The evidence supporting these findings is presented in Chapter 16 of the DEIR, FEIR Master Responses 23 and 24 (Alt-1 and Alt-2), and pages R-46 through R-51 of the FEIR.

**(1) Alternative 1A: No Project/Recreation use that conforms to existing PD District and Master Use Permit**

This alternative examined impacts resulting from development of an outdoor soccer field and warm-up area (no building) that would conform to the existing San Rafael Airport Master Plan (PD1764 District) and Master Use Permit and the existing airport access bridge would remain (single-lane width). Under this alternative, the proposed recreation building would be replaced by an additional, full-sized outdoor sport field, and the area proposed for the building's dance and gymnastics area would be replaced by a playground. Under this alternative, field lighting would still be allowed; however, only where it is currently proposed. The facility would close at 10:00pm, similar to the neighboring McInnis Park facilities.

Finding

*Specific economic, social and environmental considerations make this alternative a less desirable alternative for the project sponsor and the City of San Rafael.*

Facts in Support of Finding

1. This alternative would not meet the basic project objectives to provide a needed multi-sport athletic facility for the City of San Rafael and Marin County consistent with San Rafael General Plan 2020 Park and Recreation Element Policies PR-13 and PR-14.
2. This alternative and the proposed project would have comparable similar or less intense potentially significant impacts to land use, aesthetics, air quality, biological resources, cultural resources, geology and soils, exposure to hazards, hydrology and water quality, noise, traffic and circulation, agricultural resources, mineral resources, population and housing, public services, recreation, utilities and services, cumulative and growth inducing impacts.
3. The elimination of the building would reduce the number of site users and be a lower intensity use of the site. However, it would not avoid or significantly reduce a potentially significant unavoidable impact as the project would result in none. This alternative would lessen aesthetic impacts from partial view blockage of hills to the south, reduce biological impacts from construction noise, eliminate construction noise and geological issues from pile driving activities, reduce potential flooding impacts and energy consumption that would be associated with the building, reduce number of occupants that could potentially be exposed to aircraft hazards, than under the proposed project.

(2) **Alternative 1B: No Project/No Build (Status Quo)**

This alternative would result in no physical or operational changes to the project site. Existing conditions at the project site would remain unchanged with the implementation of this alternative. Additionally, amendments San Rafael Airport Master Plan would not occur.

Finding

*Specific economic, social and other considerations make Alternative 1, identified in the EIR and described above, an infeasible alternative.*

Facts in Support of Finding

1. The No Project Alternative would not provide a needed multi-sport athletic facility for the City of San Rafael and Marin County consistent with San Rafael General Plan 2020 Park and Recreation Element Policies PR-13 and PR-14.
2. This alternative would not fulfill the objective to provide equal recreational opportunities for all family members, as called for in policy PR-4 of the San Rafael General Plan.
3. While all of the potential impacts associated with the project would be avoided under this alternative, the recreation needs would not be met.
4. The No Project Alternative would not meet the project sponsor's objectives in that no development would occur on the project site.

(3) **Alternative 2: Reduced Intensity Recreation Facility**

This alternative examined impacts resulting from development of a reduced-intensity recreation facility. Under this alternative, a smaller indoor sports facility would be developed (elimination of the 26,000-square-foot dance and gymnastics area). Under this alternative, no field lighting would be proposed and evening lighting would be limited to road, parking lot and security lights. The facility would close at 10:00pm similar to the neighboring McInnis Park facilities.

Finding

*Specific economic, social and environmental considerations make this alternative a less desirable alternative for the project sponsor and the City of San Rafael.*

Facts in Support of Finding

1. This alternative would partially fulfill the objective to provide a multi-sport athletic facility for the City of San Rafael and Marin County consistent with San Rafael General Plan 2020 Park and Recreation Element Policies PR-13 and PR-14. The reduced facility would not meet the further objective to serve a broad cross section of the community and minimize chances for failure of the facility use should any single operator cease business.
2. This alternative would not fulfill the objective to provide equal recreational opportunities for all family members, as called for in policy PR-4 of the San Rafael General Plan. Adult teams could not be accommodated on the outdoor field for nighttime use, which would limit availability for adult and/or youth play.
3. This alternative and the proposed project would have comparable similar or less intense potentially significant impacts to land use, aesthetics, air quality, biological resources, cultural resources, geology and soils, exposure to hazards, hydrology and water quality, noise, traffic and circulation, agricultural resources, mineral resources, population and housing, public services, recreation, utilities and services, cumulative and growth inducing impacts.
4. The elimination of indoor court uses in the building and nighttime field use would reduce the number of site users and provide a lower intensity use of the site. However, it would not

avoid or significantly reduce a potentially significant unavoidable impact because the project would result in none. It would lessen aesthetic impacts from partial view blockage of hills to the south and nighttime light and glare, reduce biological impacts from nighttime noise and lighting, lessen construction noise and geological issues from pile driving activities, reduce potential flooding impacts and energy consumption that would be associated with the building, and reduce number of occupants that could potentially be exposed to aircraft hazards, than under the proposed project.

(4) **Alternative 3: Alternative Location**

CEQA Guidelines Section 15126.6(f)(2)(A) requires that alternative locations for the project be considered if potential impacts can be avoided or substantially lessened. The DEIR included a review of the San Rafael General Plan 2020 Land Use Map finding that there are few, if any, areas or sites within San Rafael that could accommodate the project. The DEIR also considered a list of 14 alternative sites in Marin County that were compiled by the project sponsor which were considered and rejected by the sponsor prior to filing planning applications for the proposed project. The alternative site list is provided in DEIR Appendix B. None of the alternative sites proved to be suitable in meeting the basic objectives of the project sponsor. Further, the project sponsor does not possess development rights on other sites within the City, which would make it feasible to consider another location.

Finding

*Specific economic, social and environmental considerations make this alternative a less desirable alternative for the project sponsor and the City of San Rafael.*

Facts in Support of Finding

1. This alternative would not meet basic project objective to provide a multi-sport athletic facility for the City of San Rafael and Marin County consistent with San Rafael General Plan 2020 Park and Recreation Element Policies PR-13 and PR-14. None of the other sites identified proved suitable to attain the projects basic objectives for providing a multi-use recreational facility. Additionally, the site is located near other complementary recreational facility uses located at McInnis Park.
2. Impacts associated with another site would likely result in a similar level of environmental review, and all impacts associated with this site can be reduced to a less-than-significant level.

Consistent with CEQA Guidelines 15126.6(e), an environmentally superior alternative must be identified among the alternatives that were studied. The FEIR concluded that Alternative 1A (No Project/Recreation use that conforms to the PD and Master Use Permit) and Alternative 1B (No Project/No Build (Status Quo) are the environmentally superior alternatives, followed by Alternative 2 (Reduced Intensity Recreation Facility). However, alternatives 1A and 1B would not meet the basic project objective of constructing a full-service recreation facility. Alternative 2 would meet some of the basic project objectives, but it would preclude evening use by adults, which is necessary in order to make the facility commercially viable, as the children-only soccer use would not generate sufficient revenue to economically support the facility.

**BE IT FURTHER RESOLVED**, that the Planning Commission recommends to the City Council approval of the MMRP presented in attached Exhibit A in order to facilitate monitoring of the project mitigation measures consistent with the provisions of CEQA, finding that the MMRP has been prepared in accordance with the CEQA Guidelines. Furthermore, following certification, the Planning Commission recommends that the City Council direct staff to file a Notice of Determination with the Marin County

Clerk within five working days after deciding to approve the project, accompanied by all required filing fees which shall be paid by the Project applicant, and effect disposition of the FEIR in compliance with the CEQA Guidelines.

The foregoing resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 6<sup>th</sup> day of June 2012.

Moved by Commissioner Pick and seconded by Commissioner Lang.

AYES: COMMISSIONERS Colin, Lang, Pick, Robertson and Chair Wise,

NOES: COMMISSIONERS Sonnet

ABSENT: COMMISSIONERS Paul

ATTEST:

  
Paul A. Jensen, Secretary

  
Viktoriya Wise, Chair

Exhibit A: Mitigation Monitoring and Reporting Program (MMRP)





EXHIBIT A

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**  
**San Rafael Airport Recreational Facility FEIR (SCH 2006-012-125)**  
 Reviewed: 06.06.2012

MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING / REPORTING ACTION & SCHEDULE	NON-COMPLIANCE SANCTION / ACTIVITY	MONITORING COMPLIANCE RECORD
<i>(NAME &amp; DATE)</i>					
<b>AESTHETICS</b>					
<p><b>MM Aesth-1a: Design Review Board Lighting Approval.</b> Prior to issuance of building permits, the Project Proponent shall prepare a final exterior lighting plan and photometric analysis for all areas of the Project site, subject to review and approval by the Design Review Board. The plan shall meet the following performance standards, and include the following information:</p> <ul style="list-style-type: none"> <li>• Sufficient exterior lighting to establish a sense of well-being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance. Type (lighting standard) and placement of lighting shall be to the satisfaction of the Police Department and Department of Public Works;</li> <li>• A minimum of one foot-candle at ground level overlap provided in all exterior doorways and vehicle parking areas, and on outdoor pedestrian walkways presented on a photometric plan;</li> <li>• A maximum of one (1) foot-candle intensity at the property line and edge of conservation area;</li> <li>• Vandal-resistant garden and exterior lighting;</li> <li>• A lighting standard that is shielded to direct illumination downward and to limit casting light and glare on adjacent properties;</li> <li>• Exterior lighting on a master photoelectric cell, which is set to operate during hours of darkness;</li> <li>• The plan shall include a note requiring a site inspection 90 days following installation and operation of the lighting. The post construction inspection by the City shall allow adjustments in the direction and/or intensity of the lighting, if necessary;</li> <li>• Outdoor field lighting shall be set to turn off 15 minutes after the last scheduled game, or by 10 p.m. at the latest;</li> <li>• Security level lighting shall be set to turn off in parking areas and pedestrian walkways one-half hour after close of the facility, e.g. by 12:30 a.m.</li> </ul>	<p>Project sponsor obtains final approvals of details from Design Review Board prior to issuance of building permits.</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval.</p>	<p>Deny issuance of building permit until approvals have been obtained.</p>	
	<p>Conduct site inspection to confirm installation pursuant to plans</p>	<p>Planning Division</p>	<p>Planning Division confirms appropriate approvals have been obtained prior to issuance of building permit</p>	<p>Deny final inspection for occupancy</p>	
	<p>Monitor site for duration of use for ongoing compliance</p>	<p>Code Enforcement Division</p>	<p>Planning Division confirms details have been implemented per approved plans prior to building occupancy</p>	<p>Issue citation(s) and pursue Code enforcement, as appropriate</p>	
			<p>Verify compliance in response to complaints or reports of noncompliance</p>		

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

San Rafael Airport Recreational Facility FEIR (SCH 2006-012-125)

Reviewed: 06.06.2012

MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING / REPORTING ACTION & SCHEDULE	NON-COMPLIANCE SANCTION / ACTIVITY	MONITORING COMPLIANCE RECORD
<p><b>MM Aesth-1b: Design Review Board Materials and Colors and Landscape Plan Approval.</b> Consistent with the recommendations of the Design Review Board subsequent to an earlier review, the DRB shall also review and approve the proposed building materials to ensure that the proposed Project is designed with non-reflective and/or tinted glass to minimize potential daytime glare impacts pursuant to the Design Review Permit criteria established in the San Rafael Municipal Code Title 14 (zoning), Chapter 25 (Design Review). Additionally, the DRB shall review and approve the Project final landscape plans for the entire site. The plan shall show the area where the DRB requested the gap in the Eucalyptus row to be filled in. Replacement species shall be consistent with City tree guidelines.</p>	<p>Project sponsor obtains approvals from Design Review Board prior to issuance of building permits</p> <p>Planning Division conducts final inspection</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p> <p>Planning and Building Division's verify appropriate approvals obtained prior to issuance of building permit and prior to occupancy</p>	<p>Deny issuance of building permit and/or occupancy</p>	<p>(NAME &amp; DATE)</p>

**AIR QUALITY**

<p><b>MM AQ-1a: Construction Impacts.</b> The Project Contractor shall implement the following control measures during construction activities to reduce PM<sub>10</sub> emissions per the BAAQMD's recommendation.</p> <ul style="list-style-type: none"> <li>• All active construction areas shall be watered at least twice daily. A water truck or equivalent method shall be in place prior to commencing grading operations.</li> <li>• All trucks hauling soil, sand, and other loose materials shall be covered and maintain at least one foot of freeboard.</li> <li>• All unpaved access roads, parking areas and staging areas at construction sites shall be paved, watered three times daily, or applied with non-toxic soil stabilizers.</li> <li>• All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers and adjacent public streets shall be swept if visible soil material is carried onto them. This shall also include Smith Ranch Road (from the entrance to the site west ¼ mile daily (with water sweepers) if visible soil material is carried onto adjacent public streets. All inactive construction areas (previously graded areas inactive for ten days or more) shall be treated with hydroseed or non-toxic soil stabilizers.</li> <li>• Any exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered and</li> </ul>	<p>Project sponsor incorporates requirements on grading plans prior to issuance of grading/building permits</p> <p>Project sponsor provides contact information prior to issuance of building permits and installs signage prior to construction</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of Grading/building permit.</p>	<p>Deny issuance of building permit</p> <p>Issue stop work notice for violations during construction</p>
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MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING / REPORTING ACTION & SCHEDULE	NON-COMPLIANCE SANCTION / ACTIVITY	MONITORING COMPLIANCE RECORD
<p>watered twice daily or non-toxic soil binders shall be applied to any exposed stockpiles</p> <ul style="list-style-type: none"> <li>• All construction traffic on unpaved roads shall be limited to speeds of 15 mph. Prior to the commencement of any grading, appropriate signs shall be placed on site to identify the maximum speed.</li> <li>• Excavation and grading activity shall be suspended when wind gusts exceed 25 miles per hour.</li> <li>• Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.</li> <li>• The Project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.</li> <li>• A dust control coordinator shall be designated for the Project. The name, address and telephone number of the dust coordinator shall be prominently posted on site, and shall be kept on file at the Planning Division. The coordinator shall respond to dust complaints promptly (within 24 hours) and shall have the authority to take corrective action.</li> <li>• The above requirements shall be noted on the grading plans or building permit plans prepared for the Project prior to issuance of any permit.</li> </ul>	Project sponsor incorporates on plans prior to issuance of building permits	Planning Division  Building Division	Incorporate as condition of project approval  Planning Division verifies prior to issuance of building permit	Deny issuance of building permit  Issue stop work order	<i>(NAME &amp; DATE)</i>
<p><b>MM AQ-1b: Plan Notations.</b> Prior to approval of the final improvement plans and specifications, the City of San Rafael shall confirm that the plans and specifications stipulate that, ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City. The City inspector shall be responsible for ensuring that contractors comply with this measure during construction.</p>	Planning Division verifies prior to	Planning Division	Incorporate as condition of project	Deny issuance of building permit	
<p><b>MM AQ-1c: Construction Contract Specifications.</b> Prior to issuance of grading permits or approval of grading plans, the Applicant shall include in the</p>					

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<p>construction contract standard specifications a written list of instructions to be carried out by the construction manager specifying measures to minimize emissions by heavy equipment. Measures shall include provisions for proper maintenance of equipment engines, measures to avoid equipment idling more than two minutes and avoidance of unnecessary delay of traffic on off-site access roads by heavy equipment blocking traffic.</p>	<p>prior to issuance of building permits</p>	<p>Building Division</p>	<p>approval, and verify prior to issuance of building permit.</p>		<p>(NAME &amp; DATE)</p>
<p><b>MM AQ-2 Greenhouse Gas Reduction Strategies Compliance.</b> The applicant shall implement all of the City of San Rafael November 2010 BAAQMD Qualified Greenhouse Gas Reduction Strategy checklist's <i>Required Elements</i>, as indicated in the checklist prepared and submitted by the project applicant. Additionally, the applicant shall implement the GHG Reduction Strategy checklist's <i>Recommended Elements</i>, as proposed by the project applicant and required as a condition of approval to comply with City Municipal Code Requirements. Additional strategies shall be implemented, to the extent feasible, as determined by City of San Rafael Building, Planning and Public Works in order to further reduce the project generated GHG emission.</p>					

**BIOLOGICAL RESOURCES**

<p><b>MM Bio-1a: Listed Anadromous Fish Species – Pile Driving.</b> Bridge construction shall proceed according to the following:</p> <ul style="list-style-type: none"> <li>All work associated with the new bridge, including the demolition of existing bridge deck, installation of the new deck, and other bridge improvements, shall be restricted to August 1 to October 15;</li> <li>Pile-driving work shall be further restricted to between the dates of September 1 and October 15, when migrating anadromous fish would not be expected to be in Gallinas Creek. This "avoidance window" was selected to avoid the breeding season of several other special-status species as well, as detailed below.</li> <li>As required by CDFG in the Streambed Alteration Agreement (SBAA), work activities associated with the pile-driving shall not begin unless there is no rain in the forecast, and all erosion control measures are in place pursuant to a detailed Storm Water Pollution Prevention Plan (SWPPP) prepared for the project.</li> </ul>	<p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division  Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p> <p>Planning and Building require compliance as condition and verify prior to issuance of building/grading</p>	<p>Deny issuance of building permit</p>	
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<ul style="list-style-type: none"> <li>Any conditions of the SBAA imposed by the CDFG shall also become conditions of the Project approval.</li> <li>Compliance with Best Management Practices for sediment and erosion control as detailed in the SWPPP and ECP prepared for the project shall be taken to prevent silt-laden or contaminated runoff from entering the stream. Measures to control runoff from entering the stream could include the placement of fiber rolls and silt fences, containing wastes, dry sweeping instead of washing down impervious surfaces, and providing proper washout areas for the construction contractor.</li> <li>Sandbags shall be installed at the top of bank to prevent fluids, sediment, or construction related debris from entering Gallinas Creek.</li> <li>A hammock, or similar material, shall be deployed over the creek during reconstruction of the bridge to capture any construction debris that could fall into the creek during the proposed bridge work.</li> <li>All construction debris shall be removed from the work area following completion of the bridge improvements.</li> </ul>			<p>permits.</p> <p><u>Post Permit Issuance</u> Building Division monitors during site inspections.</p>	<p><u>Post Permit</u> Issue stop work order for violations.</p>	
<p><b>MM Bio-1b: Listed Anadromous Fish Species – SWPPP &amp; SWMP.</b> The SWPPP and SWMP required under MM Hyd-1 in Chapter 10 of this EIR shall ensure the following specifications are met:</p> <ul style="list-style-type: none"> <li>The SWPPP and SWMP will be designed to ensure that there are no significant impacts to water quality in the North Fork of Gallinas Creek resulting from Project construction or post-construction storm water discharges.</li> <li>Prior to being discharged, storm water generated on the Project site, including the parking lots, shall be treated via a comprehensive set of onsite treatments BMPs to remove urban contaminants from the runoff.</li> </ul>	<p>Project sponsor submits plans and obtains approvals from prior to issuance of building permits</p>	<p>Planning Division</p> <p>Building Division</p> <p>Public Works</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p> <p><u>Post Permit Issuance</u> Building Division monitors during site inspections</p>	<p>Deny issuance of building permit</p> <p><u>Post Permit</u> Issue stop work order for violations</p>	
<p>Since the proposed Project will increase the amount of impervious surface on the Project site, the SWMP shall also address storm water detention and shall ensure that the volumetric flow rate of water discharged into the North Fork of Gallinas Creek does not exceed the pre-project rate. Treated storm water will continue to be discharged at constant rates up to the existing pump station capacity of</p>					

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500,000 gallons per hour/18.5 cubic feet per second.					<i>(NAME &amp; DATE)</i>
<p><b>MM Bio-2a: California Clapper Rail and California Black Rail – Perimeter Fence.</b> To ensure that the marsh habitat and the upland buffer along the North Fork of Gallinas Creek is protected, a fence shall be installed around the perimeter of the proposed Project area, and human access into this buffer area will be prohibited except as required by maintenance/operation personnel for continued levee maintenance and other required airport operational tasks that are routinely practiced today (see following paragraphs). The exact location and size of the fence shall be determined by a qualified biologist. The fence will be a minimum of ten-foot tall (which may consist of a standard 6-foot tall cyclone fence with a 4-foot netting extension) for the purpose of preventing balls from the soccer fields from entering the marsh. Retrieval of items from the fenced area shall be done by authorized recreation facility personnel only. In addition, signs will be posted stating that public access into the buffer area is strictly prohibited owing to the sensitivity of the marsh habitat and to ensure the continued use of this habitat by special-status wildlife species. Without a fence, there is no realistic expectation that the marsh habitat along the North Fork of Gallinas Creek and the adjacent upland areas will remain protected.</p>	<p>Planning Division requires as condition of approval</p> <p>Project sponsor indicates improvements on plans submitted for building permit</p>	<p>Planning Division</p>	<p>Incorporate as condition of approval</p> <p><i>Post Permit Issuance</i> Building Division monitors during site inspections</p> <p>Planning Division confirms details are shown on plans prior to issuance of building permit and verifies construction in field prior to occupancy</p> <p><i>Post-Permit Issuance:</i> Building Division monitors during site inspections.</p>	<p>Deny issuance of building permits</p> <p>Deny issuance of occupancy</p> <p><i>Post-Permit issuance:</i> Issue stop work order for violations</p>	
<p><b>MM Bio-2b: Permanent Conservation Area.</b> The Project Applicant shall designate the 100-foot upland buffer area on the Project site adjacent to the North Fork of Gallinas Creek as a permanent “conservation area” that will be protected through recordation of a declaration of covenants, conditions and restrictions on the property. A deed restriction shall be recorded that specifies the prohibited and allowed uses of the buffer areas. The allowed uses would include the continued maintenance of the fields and levees, while the prohibited uses would prohibit any future development or land disturbance (outside of that required for routine maintenance and levee repairs) within the 100+ foot creek protection buffer that</p>	<p>Project sponsor submits deed restriction for recordation prior to issuance of building permit.</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Planning Division confirms deed restriction has been recorded prior to issuance of building permit</p>	<p>Deny issuance of building permit</p>	

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<p>is designated as a conservation area. The deed restriction will become a condition of Project approval.</p>					
<p><b>MM Bio-2c: California Clapper Rail and California Black Rail – Levee Maintenance.</b> Maintenance of the levees along Gallinas Creek must be allowed to continue for airport safety purposes (i.e., aviation safety and flood control). Any scheduled maintenance by the airport operator along the North Fork of Gallinas Creek, other than vegetation control, should occur in August through January when rails are not expected to be nesting. Mowing of vegetation along levees has occurred for many years pursuant to FAA guidelines, and should continue. To ensure that clapper rails in the area have necessary vegetative cover to escape predators during high tide events, no mowing should be allowed on the slopes of the levees that face the creek.</p>	<p>Require as a condition of approval</p> <p>Project sponsor adheres to maintenance schedule</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p> <p><i>Post-Construction</i> Verify compliance in response to complaints or reports of noncompliance</p>	<p>Issue stop work notice for violations during work</p> <p><i>Post-Construction</i> Issue citation(s) and pursue Code enforcement, as appropriate</p>	
<p><b>MM Bio-2d: California Clapper Rail and California Black Rail – Avoidance Measures.</b> Disturbances to clapper rails and black rails can be minimized during the construction of the proposed recreational facility by implementing the following avoidance measures:</p>	<p>Project sponsor specifies work limitations on project plans</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p>	<p>Deny issuance of building permit</p>	
<p>Pile driving associated with the recreational facility building shall not commence until September 1<sup>st</sup> and shall be completed by February 1<sup>st</sup>. Outside of pile driving, exterior construction of the recreational facility shall be allowed between July 1<sup>st</sup> and February 1<sup>st</sup>. Interior work shall be allowed without timing limitations. Construction shall not commence on the recreational facility Project on July 1<sup>st</sup> until a qualified biologist determines that there are no nesting California Clapper Rails or California Black Rails within 200 feet of the Project construction envelope. In the event nesting rails are found within 200 feet of the Project site on or after July 1<sup>st</sup>, construction shall be delayed until the nesting attempt is completed and the nest is abandoned or a qualified biologist determines that the nesting would not be adversely affected by commencement of the project. If California Clapper Rails or California Black Rails are determined to be nesting between 200 feet and 500 feet from the Project construction</p>	<p>Project sponsor obtains nesting surveys prior to issuance of building permits</p>		<p>Planning/Building Division verifies compliance prior to issuance of building permit &amp; monitors during site construction.</p>	<p><i>Post-Permit Issuance:</i> Issue stop work order for violations</p>	

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<p>envelope on July 1<sup>st</sup>, the Project may proceed if a qualified biologist determines that the nesting rails would not be affected by the proposed construction activities. Under all circumstances any nest identified within 500 feet of the Project construction envelope would be monitored by a qualified biologist while construction activities were in progress. The monitoring biologist would have the right to shut down any and all construction activities immediately in the event that such activities were determined to be disturbing the nesting attempt. Nests greater than 500 feet away would not require biologist monitoring.</p>					<i>(NAME &amp; DATE)</i>
<p>To account for California clapper rails or black rails, and other special-status birds, that occur and nest in the marsh habitats along the creek in the immediate area of the bridge, all work associated with the new bridge, including the demolition of existing bridge deck, installation of the new deck, and other bridge improvements, shall be restricted to August 1 to October 15. The bridge pile-driving dates shall be further restricted to September 1 and October 15 when potentially occurring anadromous fish would not be expected to occur in the channel. This "avoidance window" is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction activities would disrupt breeding attempts. This mitigation measure provides conservation measures that are consistent with the ISP Best Management Practices."</p>					
<p>Noise abatement measures shall include restricting construction to the daylight hours and limiting the use of high decibel construction equipment (70-90 dBA) to areas at least 200 feet from the North Fork of Gallinas Creek. This restriction does not apply to bridge pile-driving activities, provided these activities occur during the "avoidance window" provided above. Consequently, noise from the Project site construction will not disrupt nocturnal wildlife species' activity patterns, and daytime high decibel construction noise will be buffered by the established noise abatement zone along the North Fork of Gallinas Creek.</p>					
<p>Finally, four-foot black mesh exclusion fencing shall be installed along the</p>					



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<p>outside edge of the creek buffer zone (100 feet from the North Fork of Gallinas Creek) to prevent sensitive species, such as clapper rails and black rails, from entering the work areas. The exact location of this fence shall be determined by a qualified biologist. The fence shall be installed prior to the time any site grading or other construction-related activities are implemented. The fence shall remain in place during site grading or other construction-related activities.</p>					
<p><b>MM Bio-2e: California Clapper Rail and California Black Rail – Event Curfew.</b> In order to ensure that Project operational noise does not significantly disrupt normal nocturnal wildlife species activity patterns, outdoor evening events, including soccer games and any other outdoor events that attract large numbers of spectators, shall end by 10:00 p.m. When there are evening soccer events, the 10:00 p.m. end time will ensure that noise generated from the recreational facility will not disrupt normal nocturnal wildlife species' activity patterns, allowing nocturnal movements through the project area over the duration of most of the night on the nights of the year affected by events.</p>	Require as a condition of approval	Planning Division  Code Enforcement  Police Department	Incorporate as condition of project approval  Respond to reports of noise violations	Deny issuance of building permit  Issue citations for violation and obtain compliance	
<p><b>MM Bio-3a: Nocturnal Lighting.</b> Lighting of the outdoor soccer field located near the North Fork of Gallinas Creek will be designed to have focused illumination areas that will ensure that there is no direct lighting of off-site areas, such as the North Fork of Gallinas Creek. All lighting fixtures on the perimeter of the Project shall be outfitted with hoods and cut-off lenses so that the light source itself is not visible to the naked eye from neighboring properties, thereby avoiding indirect light "trespassing" into adjacent habitat areas. This shall be verified by the Design Review Board when it reviews the final lighting plans prior to the issuance of building permits, and verified again at the Project site during the inspection occurring 90 days following lighting installation, as required by MM Aesth-1a.</p>	Require as a condition of approval	Planning Division  Code Enforcement  Police Department	Incorporate as condition of project approval  Respond to reports of noise violations	Deny issuance of building permit or site occupancy permit  <u>Post-Construction</u> Issue citations for violation and obtain compliance.	
<p><b>MM Bio-3b: Lighting Curfew.</b> The recreational facility shall set a 10:00 p.m. outdoor event lighting restriction. While safety lighting allowing visitors to safely leave the site may be illuminated as late as 12:30 p.m., all outdoor field lighting shall be terminated no later than 10:00 p.m. When there are evening outdoor soccer events, the 10:00 p.m. end time will ensure that light generated from the</p>	Require as a condition of approval	Planning Division   Code	Incorporate as condition of project approval	Issue citations for violation and obtain compliance	

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use of the recreational facility's outdoor fields will not disrupt nocturnal wildlife species' activity patterns, allowing nocturnal migration movements through the project area after that time.		Enforcement	Respond to reports of lighting violations		<i>(NAME &amp; DATE)</i>
<b>MM Bio-4a: Nesting Raptors – Bridge Construction.</b> The bridge reconstruction component of the project shall occur between the dates of August 1 and October 15, and the pile-driving activities shall be restricted to September 1 to October 15, as otherwise specified above. This “avoidance window” is outside of the raptor breeding season, thereby eliminating the potential that bridge reconstruction activities would disrupt nesting raptors in the area.	Require as a condition of approval	Police Department Planning Division	Incorporate as condition of project approval	Issue stop work order	
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Monitor during construction	Issue citations for violation and obtain compliance	
			Respond to reports of violations		
<b>MM Bio-4b: Nesting Raptors – Recreation Facility Construction.</b> Exterior construction of the recreational facility shall be allowed between July 1 and February 1 <sup>st</sup> , when most raptors are not expected to be nesting. In cases where a nest fails during egg-laying or early incubation, adults may recycle, laying a second set of eggs. In such cases the completion of the nesting season may be delayed until August. While this is rare, it can occur and thus out of an abundance of caution, a mitigation measure is provided to account for late nesting raptors.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Issue stop work order	
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Monitor during construction	Issue citations for violation and obtain compliance	
			Respond to reports of violations		
<b>MM Bio-4c: Nesting Raptors – Pre-construction Nesting Surveys.</b> Pre-construction nesting surveys shall be conducted by a “qualified biologist” as follows:	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny issuance of building permits	
<ul style="list-style-type: none"> <li>A pre-construction nesting survey shall be conducted during the breeding season (February through July) of the year construction of the project will commence. The nesting survey shall be conducted within 30 days prior to commencing of construction work. The raptor nesting surveys shall include examination of all habitats and trees within 500 feet of the entire Project site, including near the bridge, not just eucalyptus trees on the northern.</li> </ul>	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Monitor during construction	Issue stop work order	
			Respond to reports of violations	Issue citations for violation and obtain compliance	

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<p>boundary of the Project site.</p> <ul style="list-style-type: none"> <li>If a nesting raptor species is identified, a 300-foot radius buffer around any active nest site that is located on or within 300 feet of the Project site shall be fenced with orange construction fencing. If the nest is off the Project site, the Project site shall be fenced where this buffer intersects the project area. This 300-foot buffer may be reduced in size if a qualified raptor biologist determines that the nesting raptors are acclimated to people and disturbance, and/or otherwise would not be adversely affected by construction activities. At a minimum, however, the non-disturbance buffer shall be a radius of 100 feet around the nest site. When construction buffers are reduced from the 300 foot radius, a qualified raptor biologist shall monitor distress levels of the nesting birds until the young fledge from the nest. If at any time the nesting raptors show levels of distress that could cause nest failure or abandonment, the raptor biologist shall have the right to re-implement the full 300-foot buffer. Instances when the buffer could be reduced in size would be if the raptors were well acclimated to disturbance and/or if there were physical barriers between the nest site and the construction project that would reduce disturbance to the nesting raptors.</li> </ul> <p>No construction or earth-moving activity shall occur within the non-disturbance buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1. Regardless, the resource agencies consider September 1 the end of the nesting period unless otherwise determined by a qualified raptor biologist. Once the raptors have completed the nesting cycle, that is the young have reached independence of the nest, no further regard for the nest site shall be required and no other compensatory mitigation is required.</p> <p>MM Bio-5a: Western Burrowing Owl – Nesting Surveys. Pre-construction nesting surveys for Western burrowing owl shall be conducted by a “qualified biologist” as follows:</p> <ul style="list-style-type: none"> <li>Pre-construction Survey. A preconstruction survey of the Project site shall be conducted by a qualified biologist within 30 days prior to any ground</li> </ul>	Require as a condition of approval	Planning Division  Building Division	Incorporate as condition of project approval  Monitor during	Deny issuance of building permits  Issue stop work order  Issue citations for	

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<p>disturbing activities to confirm the absence or presence of burrowing owls. If more than 30 days lapse between the time of the preconstruction survey and the start of ground-disturbing activities, another preconstruction survey must be completed. This process should be repeated until the Project site habitat is converted to non-habitat (e.g., developed for recreational uses). If western burrowing owls are not present, no further mitigation is required.</p>			<p>construction  Respond to reports of violations</p>	<p>violation and obtain compliance</p>	<p>(NAME &amp; DATE)</p>
<ul style="list-style-type: none"> <li>• If burrowing owls are found on the Project site during the non-breeding season (September 1 through January 31), impacts to burrowing owls shall be avoided by establishing a fenced 160-foot buffer (50 meters) between the nest site (i.e., the active burrow) and any earth-moving activity or other construction-related disturbance on the Project site.</li> </ul>					
<ul style="list-style-type: none"> <li>• If burrowing owls are detected on the site during the breeding season and appear to be engaged in nesting behavior, a fenced 250-foot buffer (75 meters) shall be installed between the nest site (i.e. the active burrows or ground nests) and any earth-moving activity or other disturbance on the Project site. This 250-foot buffer may be removed once it is determined by a qualified raptor biologist that that young have fledged (that is, left the nest). Typically, the young fledge by August 31st. This fence removal date may be earlier than August 31st, or later, and would have to be determined by a qualified raptor biologist. Once the qualified raptor biologist confirms that there are no owls inside any active burrows, these burrows may be collapsed.</li> </ul>					

**MM Bio-5b: Western Burrowing Owl – Passive Relocation.** If occupied western burrowing owl burrows are found within 160 feet of the proposed Project work area during the non-breeding season, and may be impacted, passive relocation measures shall be implemented according to the Burrowing Owl Consortium Guidelines (BOC 1993) and as recommended by a qualified biologist. Rather than capturing and transporting burrowing owls to a new location (which may be stressful and prone to failure), passive relocation is a

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Reviewed: 06.06.2012

MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING / REPORTING ACTION & SCHEDULE	NON-COMPLIANCE SANCTION / ACTIVITY	MONITORING COMPLIANCE RECORD <i>(NAME &amp; DATE)</i>
<p>method where the owls are enticed to move on their own accord. The biologist shall consult with CDFG prior to initiating passive relocation measures. Passive relocation shall not commence before September 30th and shall be completed prior to February 1st of any given year. After passive relocation, the Project site and vicinity will be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document where the relocated owls move. A report detailing the results of the monitoring will be submitted to CDFG within two months of the relocation.</p>					
<p><b>MM Bio-5g: Western Burrowing Owl – Habitat Delineation.</b> If burrowing owls are found occupying burrows on the Project site, a qualified raptor biologist shall delineate the extent of burrowing owl habitat on the site. To mitigate for impacts to burrowing owls, the applicant shall implement mitigation measures recommended by the CDFG which state that six and a half acres (6.5 acres) of replacement habitat must be set-aside (i.e., protected in perpetuity) for every occupied burrow, pair of burrowing owls, or unpaired resident bird. Protecting burrowing owl habitat in perpetuity will off-set permanent impacts to burrowing owl and their habitat. For example, if two pairs of burrowing owls are found occupying burrows on the Project site, 13 acres of mitigation land must be acquired. Similarly, if one pair and one resident bird are identified, 13 acres of mitigation land must be acquired. The protected lands shall be adjacent to occupied burrowing owl habitat and determined to be suitable in consultation with CDFG. Land identified to off-set impacts to burrowing owls must be protected in perpetuity either by a conservation easement or via fee title acquisition. A detailed mitigation and monitoring plan shall be developed for the burrowing owl mitigation area. This plan shall be prepared by the project biologist in consultation with CDFG. The applicant will provide an endowment fund to the Grantee of the Conservation Easement for the long-term management of the burrowing owl mitigation lands.</p>					
<p><b>MM Bio-6a: Common and Special-Status Nesting Birds – Bridge Construction.</b> The bridge reconstruction component of the project shall occur between the dates of August 1 and October 15, and the pile-driving activities will be restricted to September 1 to October 15, as otherwise specified above. This</p>	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny issuance of building permit	Issue stop work order

CC Exhibit 9a

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

San Rafael Airport Recreational Facility FEIR (SCH 2006-012-125)

Reviewed: 05.06.2012

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<p>"avoidance window" is outside of the breeding season, thereby eliminating the potential that bridge reconstruction activities would disrupt nesting birds.</p>	<p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Building Division</p>	<p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>		(NAME & DATE)
<p><b>MM Bio-6b: Special-Status Nesting Birds – Nesting Surveys.</b> A nesting survey shall be conducted within 15 days prior to commencing construction work. If special-status birds, such as saltmarsh common yellowthroat and San Pablo song sparrow, are identified nesting near the bridge reconstruction component of the Project, a 50-foot radius buffer must be established around the nest site by installing bright orange construction fencing. Similarly, if great blue herons, great egrets, snowy egrets, or black-crowned night herons are found nesting near the bridge or near the Project site area, a 200-foot radius around the nest site(s) must be fenced with bright orange construction fencing. If nests are found off the Project site but within the appropriate buffer, the portion of the buffer on the Project site shall be fenced with bright orange construction fencing. No construction or earth-moving activity shall occur within a buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1. This date may be earlier than August 1, or later, and would have to be determined by a qualified ornithologist.</p>					
<p><b>MM Bio-6c: Common Nesting Birds – Nesting Surveys.</b> If common (that is, not special-status) passerine birds (that is, perching birds such as western scrub jays and northern mockingbird) are identified nesting within the project area or immediately adjacent to the Project site, a 50-foot buffer demarcated by orange lath staking installed every 20 feet around the buffer shall be established. No grading/construction activities shall occur in the established buffer until it is determined by a qualified biologist that the young have fledged and have attained sufficient flight skills to leave the area. Typically, most passerine birds can be expected to complete nesting by July 1, with young attaining sufficient flight skills by early July. Swallows species are the exception typically fledging and attaining sufficient flight skills in mid-July.</p>					
<p><b>MM Bio-7: Salt Marsh Harvest Mouse, Suisun Shrew and San Pablo Vole—</b></p>	<p>Require as a</p>	<p>Planning</p>	<p>Incorporate as</p>	<p>Deny issuance of</p>	

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<p><b>Perimeter Fence.</b> To ensure that the buffer along the North Fork of Gallinas Creek is protected, a fence will be installed around the perimeter of the proposed recreational facility to prohibit human access to this area except as otherwise allowed for maintenance activities associated with the airport. A four-foot black mesh exclusion fencing shall be installed along the outside edge of the creek buffer zone (100 feet from the North Fork of Gallinas Creek) to prevent the Suisun shrew, the salt marsh harvest mouse and the San Pablo vole from entering the work areas. The exact placement of the fence shall be determined by a qualified biologist. In addition, signs will be posted stating that public access into the marsh and adjacent uplands is strictly prohibited to ensure the continued use of the protected area by sensitive wildlife species.</p>	<p>condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Division</p> <p>Building Division</p>	<p>condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit &amp; monitors during construction</p>	<p>building permit</p> <p>Issue stop work order for non-compliance</p>	(NAME & DATE)
<p><b>MM Bio-8: Pallid Bat (and Other Bat Species).</b> In order to avoid impacts to roosting bat habitat, preconstruction surveys shall be conducted prior to any tree removal on the Project site to ensure that direct take of this species would not occur. A biologist with experience conducting bat surveys shall conduct this survey. If no bats are found during the survey, tree removal shall be conducted within one month of the survey. If a maternity colony is found during the surveys, no eviction/exclusion shall be allowed during the breeding season (typically between April 15 and July 30). If a non-reproductive group of bats are found, they shall be passively evicted by a qualified biologist and excluded from the roost site prior to work activities during the suitable time frame for bat eviction/exclusion (i.e., February 20 to April 14 and July 30 to October 15). CDFG shall approve any and all bat eviction activities prior to implementation of such activities. Any conditions for the project imposed by CDFG as a condition for removal of bats would become a condition of project approval.</p>	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit &amp; monitors during construction</p>	<p>Deny issuance of building permit</p> <p>Issue stop work order for non-compliance</p>	
<p><b>Revised MM Bio-9 Impacts to CDFG Jurisdiction – Banks of the North Fork of Gallinas Creek:</b> Construction of the proposed bridge shall be restricted to the terms and activities consistent with the approved CDFG 1602 Lake and Streambed Alteration Agreement (Notification Number: 1600-2006-0266-3), including but not limited to the following:</p> <ul style="list-style-type: none"> <li>All work associated with the new bridge, including the demolition of existing bridge deck, installation of the new deck, and other bridge improvements, shall be restricted to August 1 through October 15 to account</li> </ul>	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of</p>	<p>Deny issuance of building permit</p> <p>Issue stop work order for non-compliance</p>	

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<p>for California clapper rails or black rails, and other special-status birds, that could nest in the marsh habitats along the creek in the immediate area of the bridge. This "avoidance window" is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction activities would disrupt breeding attempts. The work on the bridge deck may be extended beyond the October 15<sup>th</sup> date allowed in the SBAA to February 1<sup>st</sup> under the condition that CDFG and the City provide approval for this extension and appropriated weather related BMPs are implemented. Work up until February 1<sup>st</sup> is likewise outside of the Clapper rail, California black rail, and other special-status bird breeding seasons.</p> <ul style="list-style-type: none"> <li>The bridge pile-driving dates shall occur from September 1 through October 15<sup>th</sup> when potentially occurring anadromous fish are not expected to occur in the channel. While as permitted by CDFG, bridge decking work may continue after October 15<sup>th</sup> until February 1<sup>st</sup>, no work shall be allowed including pile driving, constructing abutments, or any other construction related activities that could otherwise negatively affect fish habitats between October 15<sup>th</sup> and September 1<sup>st</sup>.</li> <li>No work shall occur below the top-of-bank or the normal high-water mark (i.e., the mean higher high tideline) of the stream.</li> <li>All conditions in the authorized SBAA shall also be made a condition of the project.</li> </ul>	<p>issuance of building permits</p>		<p>building permit &amp; monitors during construction</p>		<p>(NAME &amp; DATE)</p>

**CULTURAL RESOURCES**

<p>MM CR-1a: Monitoring. A qualified archaeological monitor shall be present during pre-construction and construction activities that involve earth disturbance, such as land clearing, excavation for foundations, footings, and utilities. Land clearance and soil excavation shall occur only under the direction of the project archaeologist, and soil shall not be removed from the site without the approval of the project archaeologist.</p>	<p>Require as a condition of approval</p>	<p>Planning Division  Building Division</p>	<p>Incorporate as condition of project approval  Building Division monitors during construction</p>	<p>Issue stop work order for non-compliance</p>
<p>MM CR-1b: Discovery. In the event that archaeological features, such as concentrations of artifacts or culturally modified soil deposits including trash pits</p>				



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<p>older than fifty years of age, are discovered at any time during grading, scraping, or excavation within the property, all work shall be halted in the vicinity of the find, the Planning Division shall be notified, and a qualified archaeologist shall be contacted immediately to make an evaluation. If warranted by the concentration of artifacts or soils deposits, further work in the discovery area shall be monitored by an archaeologist.</p>					
<b>GEOLOGY and SOILS</b>					
<p><b>MM Geo-1: Geotechnical Engineering Recommendations.</b> Prior to the issuance of the building permit or grading permit, the following recommendations contained in the Geotechnical Report prepared by John C. Horn &amp; Associates, dated May 9, 2005 and November 23, 2005, shall be incorporated into the Project design. Prior to issuance of a grading or building permit, written verification of conformance with these recommendations shall be submitted by the Project geotechnical engineer to the City of San Rafael:</p> <ul style="list-style-type: none"> <li>a) A soil profile, Type Se in accordance with the 2006 International Building Code shall be used in the design of the proposed Project.</li> <li>b) All areas to be graded should be stripped of any debris and organic materials. The organic material should be removed off-site and disposed of. Excavation should then be performed to achieve any finished grades.</li> <li>c) Where fill is required, the exposed surface should be scarified to at least 6 inches, moisture-conditioned and compacted to at least 90-percent relative compaction per ASTM D-1557 test procedure. Where soft soils are encountered, treatment of the soft soils with lime may be required. The fill should be placed in lifts of 8 inches or less in loose thickness, moisture conditions and compacted to at least 90 percent compaction. The fills materials should be should have a plastic index of 15, or less, and be no larger than 6 inches.</li> <li>d) Finished slopes are to be no steeper than 2-horizontal to 1-vertical (2:1). If steeper slopes are necessary, they should be retained. The finished slopes should be planted with deep-rooted ground cover.</li> <li>e) The proposed structure should be supported by 10-12 inch square driven piles which are pre-cut and pre-stressed concrete or steel piles. These piles should be driven continuously through the Bay Mud, the stiff soils and to</li> </ul>	Require as a condition of approval	Planning Division  Building Division	Incorporate as condition of project approval  Building Division verifies prior to issuance of building permit & during inspections	Deny issuance of building permit  Withhold further inspections and permits until engineering review is satisfied during construction.	

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<p>refusal in bedrock (penetrate into bedrock no more than 10 feet). Ten and 12-inch piles should be driven with a hammer and maintained in good operating condition with a minimum rated energy of 20,000 and 30,000-foot pounds per blow, respectively. The piles should not deviate from vertical by more than ¼ inch per foot. Indicator piles should be driven near the corners of the building and interior of the building to determine pile depths and production piles should be ordered based on the indicator piles. The refusal blow count would depend on the hammer that is utilized and the structural capacity of the pile. The piles should be driven at least 5 feet into bedrock. The pile driving subcontractor should submit to the Soils Engineer specification of the pile hammer and equipment to be used.</p>					
<p>f) Down draft would occur on the piles due to consolidation of Bay Mud. The down drag forces should be deducted from the structural capacity of the piles. For 10 and 12-inch concrete piles, drag loads should be 22 and 28 tons respectively. For different sized piles, the down draft should be proportionate with the cross-sectional perimeter of the pile.</p>					
<p>g) To resist lateral loads, a passive pressure of 250 pcf should be used.</p>					
<p>h) Slab on grade should not be used for the mezzanine structure. Instead, supported slabs should be used. The slab subgrade should be firm and non-yielding. In areas where slab on grade is used, such as exterior walkways, the slab on grade should be tied to foundations and reinforced to span from grade beam and/or pile to grade beam and/or pile. The upper 6 inches of slab subgrade should be compacted to at least 90 percent relative compaction. Slabs should be underlain by at least 4 inches of clean, free-draining crushed rock or gravel. If migration of moisture through the slabs would be objectionable, a vapor barrier should be installed between the slab and the rock. Two inches of sand may be provided above the vapor barrier. Expansive soils shall be maintained at an elevated moisture content of at least two (2) percent above optimum until the slab is poured. Exterior slabs should be separated from foundations because of potential differential settlement.</p>					
<p>i) Areas outside the structural envelope that receive fill will experience differential settlement and utilities from the structure to the street shall be designed to accommodate this. Sewer lines shall be provided with swing points. Gas, water and electrical lines shall be provided with flexible lines</p>					

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<p>with sufficient slack to accommodate anticipated settlement.</p> <p>j) Driveway and ramp approaches from the street to the building will also experience settlement. Driveway slabs shall be provided with hinge joints and reinforced to structurally span the settlement.</p> <p>k) Surface water drainage should be diverted away from slopes and foundations. Gutters should be provided on the roofs and downspout should be connected to closed conduits discharging into the landscaped area where possible, per City standards.</p> <p>l) Roof downspouts and surface drains must be maintained entirely separate from sub-drains and foundation drains. The outlets should discharge onto erosion resistant areas of the landscaping where possible, per City standards.</p>					<i>(NAME &amp; DATE)</i>
<p>The Project geotechnical engineer shall conduct inspections during construction of the Project to confirm that the recommendations are properly incorporated. Prior to final occupancy of the building, the Project geotechnical engineer shall submit written verification that the Project was constructed in accordance with the recommendations identified in the geotechnical reports.</p>					

**HAZARDS**

**MM Haz-1: Risk-reduction design features.** In order to ensure that the proposed Project does not expose users to hazards associated with the operations at the San Rafael Airport, the Project Applicant shall:

- Limit the intensity of use to a maximum of 200 people per single acre or, at a minimum, incorporate the following risk-reduction building design features into the design of the recreational building:
- Add one additional emergency exit beyond the number required by the California Building Code.
- Provide enhanced fire sprinkler system (e.g., designed in a manner that the entire system would not be disabled by an accident affecting one area.

Add a sign at the entrance of the warm-up field indicating the maximum

Require as a condition of approval

Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits

Planning Division

Building Division

Incorporate as condition of project approval

Building Division verifies prior to issuance of building permit

Deny issuance of building permit

Confirm during site inspections and prior to occupancy

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occupancy of the field is 50 people.					
MM Haz-2: Elimination of Flight Hazards. In order to ensure that the proposed Project does not expose aircraft to hazards associated with the operations of the proposed Project, the Project Applicant shall:	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny issuance of building permit	
<ul style="list-style-type: none"> <li>• Limit height of proposed structures to assure clearance of the 7:1 Transitional Surface</li> </ul>	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies prior to issuance of building permit	Confirm during site inspections and prior to occupancy	
<ul style="list-style-type: none"> <li>• Design the row of parking stalls nearest to airfield for compact vehicles and/or add signs along the fence-line notifying drivers not to back-in their vehicles</li> </ul>					
<ul style="list-style-type: none"> <li>• Add obstruction lights to the following features to make them more conspicuous to pilots:</li> </ul>					
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>o Southwesterly and southeasterly corners of building</li> </ul> </li> </ul>					
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>o Southwesterly and southeasterly ends of the fence fronting the airfield</li> </ul> </li> </ul>					
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>o Most easterly field light along the southeastern edge of the outdoor soccer field</li> </ul> </li> </ul>					
<ul style="list-style-type: none"> <li>• Tall trees should be trimmed to ensure that they do not constitute an airspace obstruction (or, alternatively, shorter species can be planted).</li> </ul>					
<ul style="list-style-type: none"> <li>• Outdoor parking lot lights and outdoor soccer field lights, in particular, should be shielded so that they do not aim above the horizon. Additionally, outdoor lights should be flight checked at night to ensure that they do not create glare during landings and takeoffs.</li> </ul>					
<ul style="list-style-type: none"> <li>• Construction cranes and other tall construction equipment should be lowered at the end of each day</li> </ul>					
Prior to issuance of building permits or authorization to construct, the applicant					

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should submit a *Notice of Proposed Construction or Alteration* (Form 7460-1) to the Federal Aviation Administration (FAA) and obtain from the FAA a determination of "No Hazard to Air Navigation." Construction cranes and other tall construction equipment should be noted on the form.

**HYDROLOGY and WATER QUALITY**

**MM Hyd-1a: Erosion Control Plan.** Prior to issuance of a grading permit, a California Registered Civil Engineer retained by the Project Applicant shall prepare and submit a detailed erosion control plan (ECP) and narrative to the Stormwater Program Manager of the City of San Rafael for review and approval. The ECP shall be designed to control and manage erosion and sediment, control and treat runoff, and promote infiltration of runoff from new impervious surfaces resulting from construction activities in order to minimize erosion and runoff to the maximum extent feasible. At a minimum, the ECP and written narrative shall include the following:

- A proposed schedule of grading activities, monitoring, and infrastructure milestones in chronological format;
- Identification of critical areas of high erodibility potential and/or unstable slopes; contour and spot elevations indicating runoff patterns before and after grading;
- Identification and description of erosion control measures on slopes, lots, and streets, based on recommendations contained in the *Erosion and Sediment Control Field Manual* published by the San Francisco Regional Water Quality Control Board (RWQCB), the Association of Bay Area Governments' *Manual of Standards for Erosion and Sediment Control*, or equivalent document, as required by the City of San Rafael *General Plan 2020 Policy S-22 (Erosion)*. Measures could include, but are not limited to stabilizing the entrances, using straw wattles, installing silt fences, using erosion control blankets, and covering all exposed soil with straw mulch or a trackifier;
- The location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, including measures to control dust;
- Identification and description of soil stabilization techniques (such as short-term biodegradable erosion control blankets and hydroseeding) to be

Require as a condition of approval

Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits

Planning Division

Building Division

Public Works

Code Enforcement

Incorporate as condition of project approval

Building Division verifies appropriate approvals obtained prior to issuance of building permit & verifies compliance during construction

Public Works verifies during construction

Establish pertinent requirements as ongoing condition of approval

Deny issuance of building permit

Issue stop work for non-compliance

Deny permit final inspections / withhold further permits until compliance is achieved

Verify pertinent requirements in recorded in CC&R's prior to occupancy

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*(NAME & DATE)*

- utilized;
- A description of the location and methods of storage and disposal of construction materials;
- The post-construction inspection of all drainage facilities for accumulated sediment, and the cleaning of these drainage structures of debris and sediment;
- The first 3/4 -inch of runoff from the first 1-inch of rainfall must be treated; and
- A copy of the City's Best Management Practices sheet included within project plans.

The ECP shall limit the areas of disturbance, designate restricted-entry zones, and provide for revegetation or mulching. The Project Applicant shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials. The construction contractor employed by the Project Applicant shall retain a copy of the ECP on-site and shall implement the ECP during all earth-moving activities.

MM Hyd-1b: NPDES Permit. Prior to issuance of a grading or building permit, whichever occurs first, and following the preparation of Project site grading plan, the Applicant shall comply with NPDES General Construction Activities Storm Water Permit Requirements established by the Clean Water Act (CWA), including the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall identify specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. In addition to complying with the standards established by the CWA for preparation of a SWPPP, the SWPPP shall also comply with the directions for preparing a SWPPP contained in the latest edition of the *Guidelines for Construction Projects*, published by the San Francisco Regional Water Quality Board (RWQCB). Furthermore, in conjunction with the Marin County Stormwater Pollution Prevention Program (MCSTOPPP).

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and as required by the City's *General Plan 2020* Policy S-21 (RWQCB Requirements), the Project Applicant shall consult with City staff and implement recommended measures that would reduce pollutants in stormwater discharges from the site to the maximum extent practicable.

**MM Hyd-1c: Storm Water Pollution Prevention Plan (SWPPP).** Prior to issuance of a grading or building permit, whichever occurs first, and following the preparation of the Project site grading plan, the Project Applicant shall submit to the City Engineer for review a draft copy of the Notice of Intent (NOI) and SWPPP. After approval by the City, the NOI and SWPPP shall be sent to the State Water Resources Control Board. (The SWPPP follows the preparation of the Project site grading plan because Best Management Practices (BMPs) for erosion control are selected to meet the specific site requirements.)

**MM Hyd-1d: Storm Water Management Plan (SWMP).** Consistent with the requirements of the City of San Rafael NPDES Permit, prior to issuance of a grading or building permit, whichever comes first, the Project engineer shall prepare a post-construction Storm Water Management Plan (SWMP) and incorporate into the final site plan features that would clean site waters in accordance to RWQCB and MCSTOPPP standards before they enter San Rafael Bay, to the maximum extent feasible. Features that could be used to clean site waters include, but are not limited to, bioswales, filters inserted into the site drainage inlets to filter runoff, and landscaped and unimproved areas that would act as bio-swales to allow microorganisms in the soil to clean and filter site waters before release into Gallinas Creek. In addition, prior to preparation of the SWPPP, the Marin/Sonoma Mosquito & Vector Control District shall be consulted to ensure that the measures do not have the potential to promote mosquito breeding.

**MM Hyd-1e: Drainage Swales.** Where grassed swales are to be used to filter pollutants from runoff, they shall consist of a dense, uniform growth of fine-stemmed herbaceous plants best suited for filtering pollutants and tolerant to the

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MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING / REPORTING ACTION & SCHEDULE	NON-COMPLIANCE SANCTION / ACTIVITY	MONITORING COMPLIANCE RECORD
<p>water, climatological, and soil conditions of the development area. In addition, the swale design shall include, but not be limited, to the following:</p> <ul style="list-style-type: none"> <li>* Design methods for increasing detention, infiltration, and uptake by wetland-typed plants.</li> <li>* A flow path adequate to provide for efficient pollutant removal in accordance with the standards of the RWQCB and MCSTOPPP.</li> </ul> <p>The Project Applicant shall submit a final site plan, design, construction details, and maintenance program for the proposed grassed swale(s) to the City's Engineering Services Manager for review and approval prior to issuance of a grading or building permit, whichever occurs first.</p>					<i>(NAME &amp; DATE)</i>
<p><b>MM Hyd-1f: Maintenance of Paved Areas.</b> After Project completion, the Project Applicant or successor shall properly maintain parking lots and other common paved areas, by sweeping or other appropriate means, to prevent the majority of litter from washing into storm drains. Parking lots and paved areas shall be swept once per week. Should the Project Applicant or successor fail to maintain this schedule, the City shall sweep the parking lots and paved areas at the expense of the Project Applicant or successor. This mitigation measure shall also be included in the Owner's Association CC&amp;R's.</p>					
<p><b>MM Hyd-2a: Flood-proofing.</b> In order to provide for one foot of freeboard elevation above the base 100-year flood elevation of +6.0 NGVD (+8.67 NAVD), the portions of the building below +7.0 NGVD (+9.67 NAVD) shall be flood proofed according to the following specifications per FEMA <i>Technical Bulletin 3-93</i> (see Appendix I):</p> <ul style="list-style-type: none"> <li>* The building must be watertight to the floodproof design elevation of +7 NGVD (9.67 NAVD). Floodproofing to any elevation less than 1 foot above the BFE will have a serious negative impact on the flood insurance rating for the building. Generally a minimum of 1 foot of freeboard is recommended. Additional freeboard is warranted for sites where predicted flood depths may be inaccurate, such as sites within large drainage areas and rapidly urbanizing areas.</li> <li>* The building's walls must be "substantially impermeable to the passage of water." FEMA has adopted the U.S. Army Corps of Engineers (ACOE)</li> </ul>	<p>Require as a condition of approval</p>	<p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division  Building Division  Public Works</p>	<p>Incorporate as condition of project approval  Building Division and Public Works verify compliance prior to issuance of building permit &amp; prior to occupancy</p>	<p>Deny issuance of building permit(s)</p>



**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**  
**San Rafael Airport Recreational Facility FEIR (SCH 2006-012-125)**  
 Reviewed: 06.06.2012

MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING / REPORTING ACTION & SCHEDULE	NON-COMPLIANCE SANCTION / ACTIVITY	MONITORING COMPLIANCE RECORD <i>(NAME &amp; DATE)</i>
<p>definition of substantially impermeable from the ACOE publication "Flood Proofing Regulations." This document states that a substantially impermeable wall "shall not permit the accumulation of more than 4 inches of water depth during a 24-hour period if there were no devices provided for its removal. However, sump pumps shall be required to control this seepage." Flood resistant materials, described in Technical Bulletin 2, "Flood-Resistant Materials Requirements," must be used in all areas where such seepage is likely to occur.</p> <ul style="list-style-type: none"> <li>• The building's utilities and sanitary facilities, including heating, air conditioning, electrical, water supply, and sanitary sewage services, must be located above the BFE, completely enclosed within the building's watertight walls, or made watertight and capable of resisting damage during flood conditions.</li> <li>• All of the building's structural components must be capable of resisting specific flood-related forces. These are the forces that would be exerted upon the building as a result of floodwaters reaching the BFE (at a minimum) or floodproofing design level.</li> <li>• The construction plans must be signed and stamped by either a registered engineer or architect, certifying that the building and materials are designed to comply with the requirements and guidelines of the flood proofing methods established by FEMA.</li> </ul> <p><b>MM Hyd-2b: Finalize Hydrology Report and Grading and Drainage Plans.</b>                      A final hydrologic report and final grading and drainage plans shall be prepared by the Applicant and submitted for review and approval by the Building Division and Department of Public Works prior to issuance of permits authorizing grading, construction and installation of on-site improvements. The final construction plans shall be prepared based on the preliminary hydrologic report, grading plan and drainage plans that have been submitted for the project zoning entitlements and which have been reviewed by Building and Public Works for the purpose of identifying their respective requirements that would apply to this project, and confirm that their respective requirements could be satisfied based on the preliminary plans and reports submitted for zoning review. The final plans shall incorporate responses required to address requirements of the Building and</p>					

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**  
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MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING / REPORTING ACTION & SCHEDULE	NON-COMPLIANCE SANCTION / ACTIVITY	MONITORING COMPLIANCE RECORD <i>(NAME &amp; DATE)</i>
<p>Public Works Department; as necessary to assure construction plans and details shall comply with all codes, standards, and requirements currently imposed and enforced by the Building Division and Department of Public Works. This shall include submittal of the following:</p>					
<ul style="list-style-type: none"> <li>Preliminary drainage calculations shall be verified and confirmed by the project Civil Engineer with plans submitted for final construction documents. The final hydrology report shall contain updated pre- and post-construction runoff calculations to support the final improvement plan details shown on the final construction documents.</li> <li>Final grading and drainage plans shall be prepared by a registered engineer and the final building pad/finished floor grade shall be verified and certified by a licensed surveyor to assure the required finish grade and building flood proofing elevations are achieved.</li> </ul>					

**NOISE**

<p><b>MM N-1: Evening Noise.</b> To address the potential that noise from late-evening games becomes an annoyance to neighbors to the south due to the potential of a 11 decibel increase over maximum allowable nighttime noise levels, the following measures shall be implemented:</p>	<p>Require as a condition of approval</p>	<p>Planning Division Building Division Police Department Code enforcement</p>	<p>Incorporate as condition of project approval Planning Division reviews noise study</p>	<p>Deny extended hours of operation. Enforce hours of operation.</p>	
<ul style="list-style-type: none"> <li>During the first full year of operations, the project sponsor shall monitor noise levels during a minimum of five games to determine whether the use of outdoor fields and warm-up areas would result in exceedance of the 40 dBA exterior residential nighttime noise threshold at the closest residential property boundary. The City shall approve the monitoring schedule, to ensure monitoring occurs during times when outdoor fields are in full usage. A copy of the noise consultant's analysis shall be submitted to the City. If the analysis demonstrates that the Noise Ordinance nighttime threshold would be exceeded, the outdoor facilities shall remain closed by 9 p.m., Sundays through Thursdays, and 10 p.m. on Fridays and Saturdays. If the noise analysis demonstrates that the Noise Ordinance nighttime noise threshold would not be exceeded, the outdoor facilities may extend the hours of operation to 10 p.m., Sundays through Thursdays.</li> </ul>	<p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>				

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**  
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MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING/ REPORTING ACTION & SCHEDULE	NON-COMPLIANCE SANCTION/ ACTIVITY	MONITORING COMPLIANCE RECORD <i>(NAME &amp; DATE)</i>
<p><b>MM N-2: Construction Time Restrictions and Engine Controls.</b> The Project sponsor shall implement the following engine controls to minimize disturbance at McInnis Park recreational facilities during Project construction:</p> <ul style="list-style-type: none"> <li>• Construction activities on the site shall be limited to the hours specified in the San Rafael Noise Ordinance.</li> <li>• Construction equipment shall utilize the best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) in order to minimize construction noise impacts. These controls shall be used as necessary to reduce heavy equipment noise to 72 dBA (Leq) at 100 feet to ensure acceptable noise levels are maintained at the closest (southernmost) softball field. If such equipment noise levels cannot be achieved, the Project sponsor shall coordinate operation of heavy equipment to avoid hours when the closest (southernmost) softball field is being used for practices or games to the maximum extent feasible.</li> <li>• The applicant shall contact the County Parks and Open Space Director and General Manager to obtain game and practice field schedules and schedule work to avoid games and practices on the closest field, to the maximum extent feasible. In addition, the applicant shall contact the program manager for McInnis Park to advise them of the pending construction project in order to help facilitate a schedule that would avoid most game and practice times.</li> <li>• If impact equipment such as jack hammers, pavement breakers, and rock drills is used during construction, hydraulically or electric-powered equipment shall be used to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools themselves shall also be used, where feasible.</li> </ul>	<p>Require as a condition of approval</p> <p>Applicant incorporates on plans and submits contact information</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies during construction.</p>	<p>Deny issuance of building permit</p> <p>Issue stop work order</p>	
<p>A Noise Disturbance Coordinator shall be designated to respond to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. The construction schedule and telephone number for the Noise</p>					

**MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**  
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MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING / REPORTING ACTION & SCHEDULE	NON-COMPLIANCE SANCTION / ACTIVITY	MONITORING COMPLIANCE RECORD <i>(NAME &amp; DATE)</i>
Disturbance Coordinator shall be conspicuously posted at the Project construction site.					
<p><b>MM-N-3: Pile Driving Noise.</b> For proposed pile driving, quieter procedures shall be used such as pre-drilling holes to the maximum depth feasible and using more than one pile driver to shorten the total pile driving duration. To minimize disruption of recreational activities on the closest (southernmost) field at McInnis Park, the applicant shall contact the County Parks and Open Space Director and General Manager to obtain game and practice field schedules and schedule work to avoid games and practices on the closest field, to the maximum extent feasible. In addition, the applicant shall contact the program manager for McInnis Park to advise them of the pending construction project in order to help facilitate a schedule that would avoid most game and practice times. The applicant shall also provide the County with contact information for noise complaints.</p>	Require as a condition of approval	Planning Division  Building Division	Incorporate as condition of project approval  Building Division verifies during construction	Deny issuance of building permits  Issue stop work order	

**TRAFFIC**

**MM:Traf-1:** The City shall monitor the signal timing at study intersections #3 (Smith Ranch Road/US 101 Northbound Ramps) and #4 (Lucas Valley Road/US 101 Southbound Ramps) to ensure traffic flow is optimized and that there are no significant impacts to traveler safety as a result of queuing impacts, and that the City will continue to work with Caltrans in these efforts."

RESOLUTION NO. 12-09

RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE REZONING CERTAIN REAL PROPERTY FROM PLANNED DEVELOPMENT (PD) - WETLAND OVERLAY (-WO) DISTRICT (PD1764-WO) TO A REVISED PD - WO DISTRICT (ZC05-01) TO ALLOW THE ADDITION OF A NEW 85,700-SQUARE-FOOT RECREATIONAL BUILDING, TWO OUTDOOR FIELDS, AND ASSOCIATED SITE IMPROVEMENTS, LANDSCAPING AND PARKING TO THE EXISTING PRIVATE AIRPORT AND ANCILLARY LIGHT-INDUSTRIAL USES CURRENTLY ALLOWED BY PD 1764-WO, ON A VACANT PORTION OF THE 119.5-ACRE SAN RAFAEL AIRPORT PROPERTY LOCATED AT 397-400 SMITH RANCH ROAD (SAN RAFAEL AIRPORT) (APN'S: 155-230-10, 11, 12, 13,14, 15 AND 16)

WHEREAS, on March 1, 2005, San Rafael Airport, LLC submitted planning application ZC05-01 to the City of San Rafael requesting an amendment to the properties existing Planned Development Zoning District (PD1764-WO) to allow approval of a new indoor and outdoor recreational facility on a portion of the 119.5-acre San Rafael Airport property, aka 155-230-12; and

WHEREAS, the current Planned Development (PD1764-WO) District, Wetland Overlay zoning ordinance adopted for this site (March 19, 2001) established land use regulations for a private airport use limited to 100-based aircraft and limited non-aviation uses consistent with those permitted in the Use Permit (UP99-9) at the San Rafael Airport. The current PD zoning ordinance does not contain appropriate land use limitations and development standards, as required by Section 14.07.060 of the Zoning Ordinance. Rezoning has been initiated to establish the required development standards for the proposed addition of a indoor and outdoor recreational facility as well as to incorporate the existing and previously approved standards for San Rafael Airport, as outlined in Attachment "B" - (*San Rafael Airport - Planned Development District*); and

WHEREAS, accompanying applications for an Environmental and Design Review Permit (ED05-16) and an amendment to the Master Use Permit (UP05-08) have been submitted and are being processed concurrent with the Rezoning application, as required by the Zoning Ordinance; and

WHEREAS, on January 24, 2012, the Planning Commission by separate resolution has recommended to the City Council the certification of a Final Environmental Impact Report/Response to Comments (FEIR) (SCH#2006012125) for the San Rafael Airport Recreational Facility Project; and

WHEREAS, on June 6, 2012, the Planning Commission by separate resolution has recommended to the City Council adoption of CEQA Findings of Fact for the San Rafael Airport Recreational Facility Project; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared for the project in compliance with California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department of the City of San Rafael; and

WHEREAS, on May 29, 2012, the San Rafael Planning Commission held a duly-noticed public hearing on the proposed Rezoning, as required by State law, accepting all oral and written public testimony and the written report of the Community Development Department staff reports relevant to the proposal; and

WHEREAS, the Planning Commission closed the May 29, 2012 public hearing and continued its meeting to June 6, 2012 in order to conclude its deliberations on the San Rafael Airport Recreation Facility project.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission recommends to the City Council adoption of the Planned Development (PD) District Rezoning to rescind the existing PD District (PD 1764-WO) for these properties and establish a new PD District – WO as outlined in Attachment “C” (*San Rafael Airport – Planned Development District*) based on the following findings, as required under Zoning Ordinance Sections 14.27.060 and 14.07.090:

1. The Development Plan is consistent in principle with the San Rafael General Plan 2020 and other applicable City plans or policies in that the *San Rafael Airport - Planned Development District* document includes appropriate development standards, and is subject to an Environmental and Design Review Permit and a Master Use Permit, implementing the intent of Chapters 22 (Use Permit) and 25 (Environmental and Design Review Permit) of the San Rafael Zoning Ordinance, the applicable General Plan land use policies, including:
  - a) The proposed project as designed and conditioned would be consistent with Land Use Element Policies LU-2 (*Development Timing*), LU-9 (*Intensity of Nonresidential Development*), LU-10 (*Planned Development Zoning*), LU-12 (*Building Heights*), LU-14 (*Land Use Compatibility*), LU-22 (*Odor Impacts*) and LU-23 (*Land Use Map and Categories*) given that the project: 1) would be approved at a time when there is adequate infrastructure to serve the proposed development; 2) would not exceed the maximum floor area ratio intensity of 0.30 allowed in the North San Rafael area; 3) is part of a Planned District and includes a request for Rezoning to allow the addition of a recreational facility; 4) would not exceed the maximum building height of 36 feet allowed for this part of San Rafael (which is measured using the 1997 Uniform Building Code method); 5) has been designed to minimize potential nuisance effects on adjacent residential and recreational properties; 6) would not be susceptible to odor impacts from the wastewater treatment plant; and 7) would be consistent with the Airport/Recreation land use designation in that the use is a private recreational use open to the general public and is therefore consistent with the covenant for this property.
  - b) The proposed project as designed and conditioned would be consistent with Housing Element Policies H-18 (*Adequate Sites*) and H-24 (*Contributions Towards Employee Housing*) in that: 1) the site is not identified as a housing opportunity site since residential development is not allowed as a result of the covenant and the General Plan land use designation; and 2) the project would be required to contribute towards affordable housing through payment of an in-lieu housing fee due to the housing needs created by the additional employment generated by this facility.
  - c) The project is consistent with the applicable Neighborhoods Element Policy NH-149 (*San Rafael Airport*) in that the proposed private recreational use recognizes the sites valuable recreational. Further, the project recognizes the sites valuable environmental characteristics by providing adequate setbacks in excess of 50-feet from wetlands and 100-feet from the North Fork of Gallinas Creek bank.

- d) The project as proposed and as conditioned would be consistent with Community Design Element Policies CD-5 (*Views*), CD-6 (*Hillsides and Bay*), CD-7 (*Downtown and Marin Civic Center*), CD-10 (*Non-Residential Design Guidelines*), CD-18 (*Landscaping*), CD-19 (*Lighting*) CD-21 (*Parking Lot Landscaping*) in that the project design: 1) preserves, to the greatest extent possible, views of the Bay, Mt. Tamalpais, Civic Center and the hills and ridgelines from surrounding public areas; 2) would neither break nor silhouette any hillsides or ridgelines nor block more than the bottom 1/3 of any hillsides of views from surrounding public places; 3) would not result in a significant loss of views of Marin Civic Center since it would only block views of the Civic Center from a public trail next to McInnis Park for approximately 600 feet of the 2.1 mile long trail between the McInnis Park parking lot and the Bay; 4) is generally in keeping with the mass and scale of other commercial, office and recreational developments that surround the Civic Center and Smith Ranch Road and would introduce a higher quality architectural design than currently present on the site; 5) provides landscaping to screen and enhance the project and site; 6) creates adequate lighting without spillover onto adjacent properties or natural areas; and 7) has been reviewed by the Design Review Board and found to be consistent the applicable design policies of the General Plan and the City's Non-Residential Design Guidelines.
- e) The project as proposed and as conditioned would be consistent with Circulation Policies C-1 (*Regional Transportation Planning*), C-5 (*Traffic Level of Service Standards - LOS D for Arterials and Intersections*), C-7 (*Circulation Improvements Funding*), C-8 (*Eliminating and Shifting Peak Hour Trips*), C-9 (*Access for Emergency Services*), C-26 (*Bicycle Plan Implementation*) and C-27 (*Pedestrian Plan Implementation*) in that the project: 1) would be consistent with the land use assumptions of the Congestion Management Plan; 2) would not exceed the acceptable level of service standards (LOS), LOS D, established for intersections along the Smith Ranch Road/Lucas Valley Road arterial segment impacted by project generated traffic; 3) would be required to pay its fair share towards traffic impacts to fund circulation impacts in order to maintain acceptable LOS standards for the General Plan; 4) would not generate new trips during the A.M. peak hour; 5) would maintain adequate access for emergency services as determined by the City's Public Safety Departments; and 6) would create a new bicycle and pedestrian pathway for access to the new use.
- f) The project as proposed and as conditioned would be consistent with Infrastructure Element Policies I-2 (*Adequacy of City Infrastructure and Services*), I-7 (*Landscape Maintenance*), I-10 (*Sewer Facilities*) and I-13 (*Wastewater Treatment and Reuse*) in that the appropriate utility agencies have reviewed the project and determined that there is adequate water, sewer drainage and utility capacity to serve the new use and the project has been conditioned to require that in the future if reclaimed water is made available in this area, it be used for site landscaping.
- g) The project as proposed and as conditioned would be consistent with Parks and Recreation Element Policies PR-4 (*City Recreational Needs*), PR-4a (*All-Weather Fields*), PR-13 (*Commercial Recreation*) PR-13a (*Commercial Recreation*) and PR-14 (*Amateur Multi-sport Athletic Fields*) given that: 1) the project would be a privately developed recreational facility in the North San Rafael area; 2) the recreational facility would provide additional outdoor sports opportunities, including outdoor sports fields; 3) the facility would provide all-weather outdoor fields for year-round use; and 4) the City's Parks and Recreation Commission reviewed the project on July 21, 2005 and found it to be consistent with these policies.
- h) The project as proposed and as conditioned would be consistent with Safety Element Policies: S-3 (*Use of Hazard Maps in Development Review*), S-4 (*Geotechnical Review*), S-5 (*Minimize Potential Effects of Geological Hazards*), S-6 (*Seismic Safety of New Buildings*), S-13 (*Potential Hazardous Soils Conditions*), S-14 (*Hazardous Materials Storage, Use and Disposal*), S-17

(*Flood Protection of New Development*), S-18 (*Storm Drainage Improvements*), S-20 (*Levee Upgrading*), S-22 (*Erosion*) S-25 (*Regional Water Quality Control Board (RWQCB) Requirements*), S-26 (*Fire and Police Services*) and S-32 (*Safety Review of Development Projects*) in that: 1) the project has been reviewed using the hazard maps and Geotechnical Review Matrix; 2) the geotechnical review and peer review concluded that the development on this site, with conditions, is feasible and appropriate from a geotechnical engineering standpoint; 3) the project would not include any hazardous materials or uses in its operations; 4) the development would be built to conform to current building and seismic safety codes; 5) the structure would be built in accordance with the Federal Emergency Management Agency (FEMA) regulations for this type of structure and use in a 100-year flood zone; 6) storm drain systems on the site are adequate to accommodate a 100-year storm; 7) conditions have been included requiring that the property owner maintain the integrity of the levees that surround the site and maintain the required height for the levees; 8) an erosion control plan would be required during construction of the project; 9) the drainage plan would direct all new run-off from the site into vegetated swale before being released into the storm drain system and creek; and 10) the project has been reviewed by the Police and Fire Department and found to be in conformance with their fire and crime prevention standards and would not pose a risk to public safety or impact their levels of service.

- i) The project as proposed and as conditioned would be consistent with Noise Element Policies N-1 (*Noise Impacts on New Development*), N-3 (*Planning and Design of New Development*), N-4 (*Noise from New Nonresidential Development*), N-5 (*Traffic Noise from New Development*) and N-7 (*Airport/Heliport*) in that the project: 1) has undergone acoustical studies to evaluate compatibility of the siting of the new recreational use and the evaluate and analyze the impacts on adjacent properties; 2) acoustical analysis has found that the operation of this new use would not increase noise levels or traffic noise more than that prescribed by the City policy; 3) conditions and mitigations have been incorporated to reduce any temporary impacts due to construction; and 4) would not result in any changes to the previously approved private airport and its operation and the conditions that have previously been applied to that use.
- j) The project as proposed and as conditioned would be consistent with Conservation Element Policies CON-1 (*Protection of Environmental Resources*), CON-2 (*Wetlands Preservation*), CON-3 (*Unavoidable Filling of Wetlands*), CON-4 (*Wetland Setbacks*), CON-6 (*Creek and Drainageway Setbacks*), CON-7 (*Public Access to Creeks*), CON-8 (*Enhancement of Creeks and Drainageways*), CON-9 (*Native and/or Sensitive Habitats*), CON-10 (*Impacts to Sensitive Habitats*), CON-11 (*Wildlife Corridors*), CON-12 (*Preservation of Hillsides*), CON-13 (*Threatened and Endangered Species*), CON-14 (*Special Status Species*), CON-15 (*Invasive Non-Native Plant Species*), CON-16 (*Landscape with Native Plant Species*) and CON-22 (*Resource Efficiency in Site Development*) in that the proposed project: 1) would not fill or impact any of the potential wetlands that are present on the site to the north of the proposed building and these potential wetlands have been determined to be of low quality; 2) would maintain setbacks from the creek and potential wetland areas in excess of those required by the applicable policies and standards; 3) is not located on a site where it is feasible to create public access to the creek since the site is privately owned, operated as an airport and not connected with surrounding public trails; 4) would not impact a wildlife corridor since the site is currently developed with an airport and biological assessments have found no such corridors; 5) with the distance of the site from surrounding properties, only views of the lower third of the hills to the south and west would be impacted and views of surrounding hills and ridgelines would neither be broken nor silhouetted; 6) would not impact any sensitive or threatened/endangered species or habitats; 7) would avoid sensitive portions of the site or the surrounding areas; 8) has been conditioned to ensure that disturbance to any potential nesting birds be avoided during



construction; 9) has been conditioned to use native tree species for all new perimeter screening trees; and 10) would provide shade trees in a majority of the parking lot and there are not large expanses of windows proposed on the structure.

- k) The project as proposed and as conditioned would be consistent with Air and Water Quality Element Policies: AW-1 (*State and Federal Standards*) AW-2 (*Land Use Compatibility*) AW-3 (*Air Quality Planning with Other Processes*) AW-4 (*Particulate Matter Pollution Reduction*), AW-7 (*Local, State and Federal Standards*), AW-8 (*Reduce Pollution from Urban Runoff*) and AW-9 (*Erosion and Sediment Control*) since the project: 1) would comply with local, state and federal air quality standards; 2) mitigation measures have been incorporated to address temporary air quality impacts during construction; 3) drainage systems have been designed to utilize vegetated swales before discharging drainage into storm drain systems or the creek; 4) methods consistent with the Storm Water Pollution Prevention Standards of the Regional Water Quality Board have been incorporated into the design and conditions have been included to require compliance with these standards.
- l) The project as proposed and as conditioned would be substantially in compliance with the applicable policies in the Sustainability Element of the General Plan: SU-5a. (*Green Building Regulations*) *Require new construction to comply with adopted green building regulations*; SU-5c. (*Water Efficiency Programs*) *Develop and implement water efficient conservation programs..., including water efficient landscape regulations*; SU-5d. (*Reflective Surfaces*) *Encourage use of high albedo (reflectivity) materials for future outdoor surfaces such as parking lots, roadways*; and SU-6. (*New and Existing Trees*) *Plant new and retain existing trees to maximize energy conservation and carbon sequestration benefits*. The development would achieve minimum LEED certification, comply with current building code (CBC) Title-24 energy efficiency requirements and Water Efficient Landscape mandates of MMWD, and will plant in excess of 100 new trees on-site. Achieving LEED green building certification would be consistent with the Sustainability policies and the City's Climate Change Action Plan, In order to assure substantial compliance, the project could be required to implement clean air vehicle parking per San Rafael Municipal Code Section 14.18.045, install bicycle parking per SRMC 14.18.090 and implement construction demolition debris recycling as part of LEED certification, and building permit issuance. The project would also meet CCAP objectives through its required payment of affordable housing fee's, use of reclaimed water if available, proposed installation of solar and green roofing materials, and proposed provision of a bicycle and pedestrian path from Smith Ranch Road. The bicycle parking requirement and policy SU-5d would be included as conditions of approval Based on this discussion, staff concludes that the project would be in substantial compliance with the new Sustainability Element and CCAP.
2. The project presents a recreational development of sustained desirability and stability in harmony with the character of the surrounding residential, recreational and commercial/industrial developments and has provided adequate open space in that: a) the Development Plan as proposed would cluster the new development and maintain over 84% of the site without structures, impervious materials or paving; b) the remaining open areas of the site have been set aside for the purpose of preserving and enhancing site resources, including the wetlands and creek surrounding the site; c) the site does not have frontage on a public street and is landlocked, but includes appropriate access rights to provide adequate and safe access to the site; and d) the project design considers the surrounding hillside setting, bordering open space, and the surrounding residential, recreational, and commercial/industrial developments and minimizes to the greatest extent possible impacts to views of hillsides and ridgelines, Mt Tamalpais and the Marin Civic Center from public places.

3. The applicant has demonstrated that the proposed recreational facility could be served by public facilities such as sewer, water, refuse services and other infrastructure resources that currently serve the existing development and are available to serve the proposed addition. Furthermore, the new recreational use would not induce population growth necessitating additional public facilities.
4. The new indoor and outdoor recreational facility project would be improved by deviations from typical Zoning Ordinance property development and parking standards in that such deviations are necessary in order to construct a recreational facility in this location near the private airport use and to protect site resources, provide sufficient parking for the highest anticipated demand of the multi-purpose recreational facility, and establish highly desired additional recreational facilities to meet needs and increase recreational use opportunities for residents of San Rafael and Marin County.
5. The auto, bicycle and pedestrian traffic systems presented on the Development Plan are adequately designed for circulation needs and public safety in that: a) Development Plan proposes a pedestrian and bicycle pathways through the development from the public street to the location of the recreational facility; b) the emergency vehicle ingress and egress from the development would be provided through the existing roadway and an extension to this roadway and this has been found to be adequate by the City of San Rafael Fire and Police Departments; c) the access and site layout has been reviewed by the appropriate City Departments and has been determined to meet City standards; and d) ample parking facilities would be provided on the site through the main paved parking lot and an overflow parking lot.
6. The public health, safety and welfare are served by the adoption of the proposed PD District, in that the project as proposed and conditioned: a) would implement recreational and environmental goals and policies adopted for this site in the San Rafael General Plan 2020; b) would conform to City standards for safety; c) as proposed, and conditioned, it would be consistent with the recommended mitigation measures presented in the Final Environmental Impact Report prepared for this project; and d) would address project impacts to noise, public safety, security, hours of operation through the inclusion of condition of approval on the Master Use Permit and Environmental and Design Review Permit.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 6th day of June 2012.

Moved by Commissioner Colin and seconded by Commissioner Robertson.

AYES: COMMISSIONERS Colin, Lang, Pick, Robertson and Chair Wise,

NOES: COMMISSIONERS Sonnet.

ABSENT: COMMISSIONERS Paul

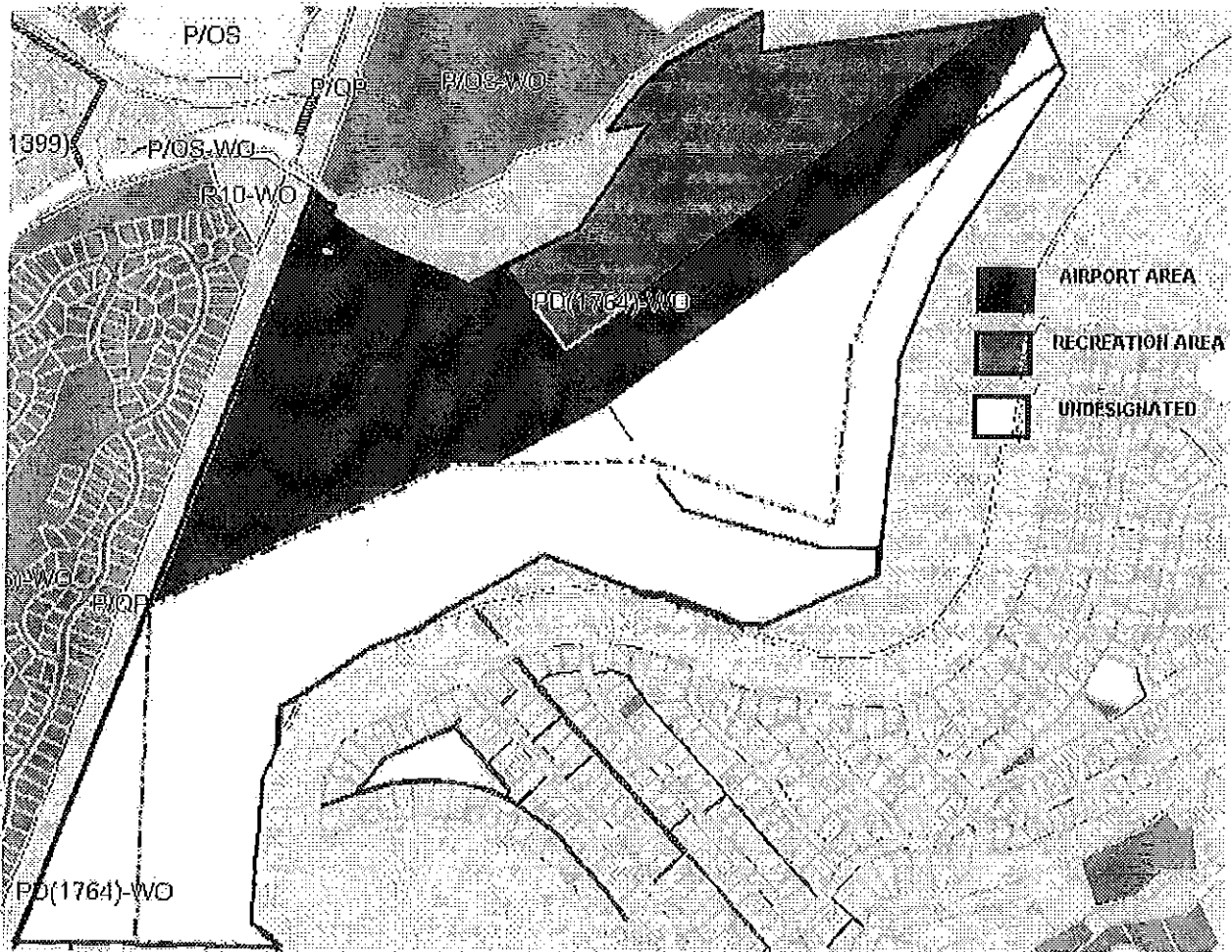
SAN RAFAEL PLANNING COMMISSION

ATTEST: Paul A. Jensen  
Paul A. Jensen, Secretary

BY: V. Wise  
Viktoriya Wise, Chair

Attachment B: Planned Development District Standards  
Attachment C: Legal Property Description

Attachment A  
**REZONING MAP**



**Attachment B**

**SAN RAFAEL AIRPORT – PLANNED DEVELOPMENT DISTRICT**

**I. PURPOSE OF PLANNED DEVELOPMENT DISTRICT**

The purpose of the Planned Development (PD) –Wetland Overlay (-WO) District is to establish standards for development of the 119.5-acre San Rafael Airport property located off Smith Ranch Road, to accomplish the following:

- A. Accommodate development in compliance with the General Plan 2020 Airport/Recreation land use designation.
- B. Establish flexible development and design standards that will result in an integral development approach on this large and unique property in accord with an approved *Development Plan*.
- C. Locate development in areas to maintain open space buffers, preserve public views to the greatest extent feasible, and avoid sensitive areas on this property and in the surrounding area.
- D. Establish procedures for amendment to the PD District and approved *Development Plan*.
- E. Promote continued property maintenance for airport property use and safety.
- F. Maintain and implement the Wetland Overlay (-WO) classification for the entire site.

The PD-WO zoning classification will ensure the development of the site in accordance with the provisions of these property development regulations. The property development regulations may be modified through the PD amendment process.

**II. LAND USES**

Permitted uses consist of the following primary and ancillary land uses within areas designated on the PD-WO rezoning map exhibit, and subject to approved *Development Plans*.

**A. Permitted Land Uses**

None

**B. Conditionally Permitted Primary Uses:**

- 1. Private airport. Use limited to 100-based aircraft; non-aviation uses consistent with those described in Attachment D and permitted by use permit; 100 airplane hangars; two residential units for a caretaker and security guard; 2,450 square foot non-aviation building; and landscaping and parking area improvements.
- 2. Private recreational facility. Indoor multi-purpose gymnasium and outdoor field recreational areas for exercise, training, recreation, and instruction for individuals or groups. Examples include but are not limited to gymnasiums, sports/court facilities, dance, gymnastics, swimming, etc. This facility may include accessory uses such as community

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meeting rooms, administrative offices, café, sports shop and similar support services that are subordinate and related to the primary recreational use.

#### C. Ancillary Land Uses

Animal grazing in confined, fenced space for vegetation management purposes.

#### D. Undeveloped Areas

Areas of the property which are not designated for development with approved land uses, as indicated on the zoning map exhibit and approved *Development Plans*, including perimeter levees, wetland and creek buffers, and designated conservations areas, shall be maintained as required for preservation, protection and airport safety.

#### E. Zoning Entitlements Required

1. All land uses shall be implemented through approval of a *Master Use Permit*.
2. All development shall implemented in accordance with an approved *Development Plan*.
3. All building and site improvements shall require approval of an Environmental and Design Review permit.

## II. DEVELOPMENT STANDARDS

The Planned Development-WO overlay district shall only be developed with the conditionally permitted private airport and private recreational facility uses in conformance with the PD-WO zoning map exhibit and approved *Development Plans*, which consists of the associated drawings and reports submitted with the Planned Development as listed in the Exhibit section below (i.e., *Exhibit "A"*; approved Site Plan and Master Plan – San Rafael Airport, approved March 19, 2001 and *Exhibit "B"*; site plan titled *Recreation Facility at the San Rafael Airport, Sheet A-1*), and in the development standards set forth below.

#### A. Minimum Lot Area

The airport property shall be maintained as a single parcel of land, as described in the attached Legal Description (Attachment C). Minimum areas dedicated for approved land uses as shown on the approved Zoning Map Exhibit (Attachment A) shall remain subject to the standards and restrictions contained in this PD zoning district and indicated on approved *Development Plans*.

#### B. Allowable Lot Coverage

1. Private airport and private recreation facility improvements shall be limited within the areas approved for development consistent with the approved *Development Plan*.

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2. Minor additions and modifications, including small, ancillary accessory structures located within areas approved for development may be permitted subject to approval of a minor Environmental and Design Review permit. Major modifications or expansion to structures or improvements shall be subject to a major Environmental and Design Review permit.
3. Undesignated property area shall not contain any permanent structures.

Areas that are not designated for development, with land uses, i.e., undesignated property areas, include APN: 155-230-13 located south of the runway and in the City corporate boundary, APN: 155-230-10 located at the southwest terminus of the site and in the City corporate boundary, and APN's: 155-230-14, 15 and 11 that run along the South Fork of Gallinas Creek outside of the City corporate boundary.

#### **C. Gross Building Areas**

The conditionally permitted land uses shall be limited to the following building areas:

1. 210,000 square feet for the aircraft hangers/ancillary airport administrative office on the land area designated Private Airport use (e.g., approx. 38 acres of land identified as APN: 155-230-11)
2. 22,500 square feet for commercial/light-industrial buildings in a segregated area on the land area designated Private Airport use
3. 85,700 square feet for an indoor recreational building on the area designated for Private Recreational Facility use (e.g., approx. 16 acres of land identified as APN: 155-230-12)

Minor increases in gross building areas may be permitted for minor additions and ancillary accessory structures for land uses within the developable areas on the approved *Development Plans*, subject to approval of a minor amendment through grant of Environmental and Design Review permit. Major modifications or expansion to structures or improvements shall be subject to a major Environmental and Design Review permit.

#### **D. Setbacks**

1. Setbacks for the airport facility and associated light-industrial/commercial uses and the two residential uses are as established by the approved Site Plan and Master Plan – San Rafael Airport, approved March 19, 2001 (*Exhibit "A"*).
2. Setbacks for the indoor and outdoor recreational facility and associated improvements are as established by the approved site plan titled *Recreation Facility at the San Rafael Airport, Sheet A-1 (Exhibit "B")*. This includes the following minimum setbacks established for the development footprint:
  - a. 100-foot setback measured from top of North Fork of Gallinas Creek to the recreational facility structures and improvements.

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- b. 135-foot setback from the edge of the runway to the south perimeter of the recreational facility site improvements.
- c. 50-foot setback from designated wetlands to the nearest wall of the recreational facility building.

#### E. Building Height

- 1. Height limits for the airport and light industrial buildings shall not exceed 36 feet, as illustrated on the Site Plan and Master Plan – San Rafael Airport, dated March 19, 2001 (*Exhibit "A"*).
- 2. Height limits for the recreational facility shall be as follows:
  - a. Building heights shall not exceed 36-feet, as measured in accordance with the San Rafael Zoning Ordinance method for measurement (UBC 1997). The recreational building shall not exceed 39-foot-6-inch *overall* height as measured from finished grade to peak of roof.
  - b. Vegetation, structures, or improvements shall not intersect the 7:1 'ascending clear zone' established from the airport runway for aircraft safety.

Exclusions to the maximum height limits shall be as prescribed by Section 14.16.120 of the Zoning Ordinance, as amended.

#### F. Parking Standards

- 1. Private airport and non-aviation uses shall maintain the following parking spaces, as shown on the Site Plan and Master Plan – San Rafael Airport, dated March 19, 2001 (*Exhibit "A"*)
  - a. 24 visitor and employee parking spaces in front of the main entry gate to the airport facility.
  - b. 2 parking spaces for each residential unit.
- 2. Private recreational uses shall provide sufficient parking spaces for all permitted multi-purpose gymnasium and sports field recreational uses in compliance with the City of San Rafael Parking Regulations (Chapter 14.18). Parking for the recreational facility shall include the following parking rates based on the mix of uses evaluated by the parking study prepared for the facility:
  - a. Gymnastics Studio: 1 space per 300 sq. ft. of gross floor area
  - b. Dance Studio: 1 space per 240 sq. ft. of gross floor area



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- c. Indoor Sports Field: 32.5 spaces per field
- d. Outdoor Sports Field: 65 spaces

Ancillary support services shall provide parking as determined by facility parking study, or default to San Rafael Municipal Code Chapter 14.18 parking ordinance requirement.

Parking shall be provided for change in occupancy or expansion based on the standards above. Any proposed new occupancies that do not have a specific parking rate assigned shall be parked at the rate established for the use in the City Parking Regulations Chapter 14.18, and/or subject to review by the City Traffic Engineer to determine the appropriate parking rate. An updated parking study may be required.

G. Conservation Area

A conservation area shall be established between the recreational facility and north fork of Gallinas Creek. The purpose of the conservation area shall be to permanently preclude development with structures and improvements between the recreational facility improvements and the North Fork of Gallinas Creek.

The conservation area shall include the jurisdictional wetland areas and 50-foot minimum wetland setbacks and the 100-foot buffer zone setback established from the North Fork of Gallinas Creek top of bank.

Maintenance practices and activities including disking, mowing, sheep grazing and levee maintenance may continue to occur within the conservation area.

H. Levee Protection

The perimeter levee system located on the property that protects the developed portions of the site shall be maintained by the property owner (currently at minimum elevation of 9-feet MSL) to provide adequate protection from flooding. The site shall be subject to any future zoning ordinance standards or adaptive strategies adopted by the City to assure that ongoing levee maintenance and flood protection is provided for the site and community.

Modifications to the height or design of the levee system shall be subject to additional City review and permits, including Environmental and Design Review permits.

I. Undesignated Land Area

The undesignated and undeveloped lands within the City of San Rafael jurisdiction are primarily located south of the airport runway and South Fork of Gallinas Creek, inboard of the levee system. Additional lands are located within the County of Marin jurisdiction and may include some lands outboard of the levee. Undeveloped land areas are not approved for development with structures or additional land uses, and shall remain as low-lying undeveloped

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lands that may be maintained for airport safety purposes (including grazing and maintenance of grasses and aviation aids).

#### J. Definition of Terms

Land uses shall be established in compliance with the provisions of the PD district through issuance of a use permit. The Community Development Director shall be responsible for implementing this PD district and all conditions of approval, and making any determinations necessary regarding land uses. An administrative decision of the Planning Director may be appealed to the Planning Commission.

### III. EXHIBITS

This PD shall be implemented in accordance with the following approved *Development Plan* exhibits:

- A. The "San Rafael Airport Master Plan" approved plans for the private airport use area include exhibits prepared by L.A. Paul & Associates, March 19, 2001, Sheets A-0, A-1, A-2, A-3, A-4 and A-5.
- B. The "San Rafael Airport Recreational Facility" plans for the private recreational use area include:
  - Architectural Plans prepared by L.A. Paul & Associates - Sheets A.0, A.1, A.2, A.3, A.4, A.5, A.6 and A.7.
  - Civil Engineering Plans prepared by Oberkamper & Associates consisting of Sheet C-1, C-2, C-3, C-4 and C-5.
  - Landscape Plan prepared by Baronian & Whisler Landscape Architecture and Land Planning, consisting of Sheet L-1.
  - Photometric Study prepared by Associated Lighting Representatives consisting of Sheet 1.

### IV. AMENDMENTS

- A. Modifications that exceed the standards prescribed by this PD, or propose uses that are not consistent with the land use regulations of the approved *Development Plan*, shall require an amendment to the PD District and associated *Development Plan*.
- B. Changes to the land uses permitted in this Planned Development (PD) District shall be administered through an amendment to the Use Permit as prescribed by the Master Use Permit.

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- C. Revisions to the design of structures or construction of new accessory building(s) associated with permitted or conditionally permitted uses shall be administered through an Environmental and Design Review Permit.

Attachment C

*Legal Property Description*

ALL THAT CERTAIN real property situate Partly in the City of San Rafael, County of Marin, State of California, described below as follows:

PARCEL ONE:

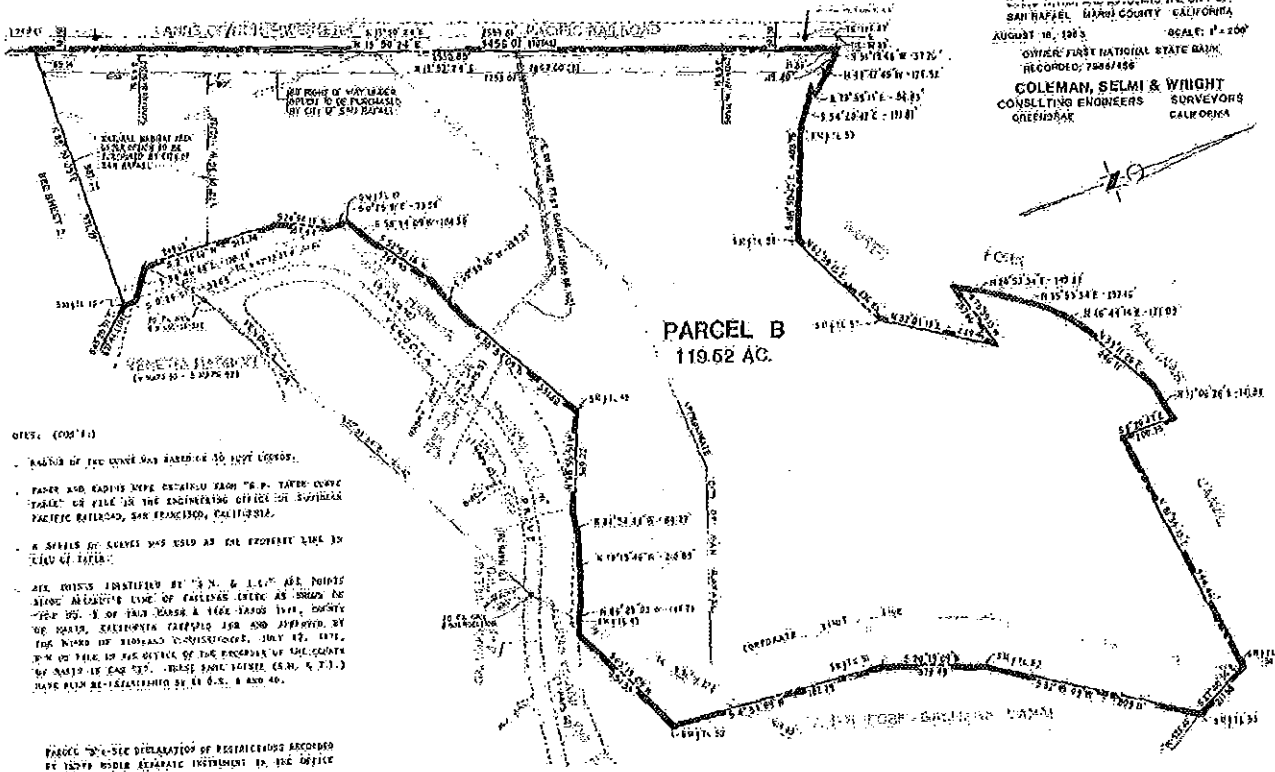
Parcel B, as shown upon that certain Parcel Map entitled "Parcel Map Civic Center North, lying within and adjoining the City of San Rafael, Marin County, California", filed for record December 15, 1983 in Book 21 of Parcel Maps, at Page 70, Marin County Records.

EXCEPTING THEREFROM any portion of the above described property lying within the bed of the Gallinas Canal (North or South Forks) below the line of natural ordinary high tide and also excepting any artificial accretions to said land waterward of said line of Natural ordinary high tide, as said canal is shown upon that certain map entitled, "Map No. 3 of Salt Marsh and Tide Lands, situate in the County of Marin, State of California", filed for record July 25, 1960 in Can "F", Marin County Records.

Attachment C

*Legal Property Description*

**Plat - Parcel Map**



SAN RAFAEL, MARIN COUNTY, CALIFORNIA  
AUGUST 10, 1965 SCALE: 1" = 200'  
OWNER: FIRST NATIONAL STATE BANK  
RECORDED: 7866156  
**GOLEMAN, SELMI & WRIGHT**  
CONSULTING ENGINEERS SURVEYORS  
GREENSBAR, CALIFORNIA

- NOTES: (CONT'D.)
- 1. BOUNDARIES OF THIS TRACT WAS BASED ON 1957 RECORDS.
  - 2. PAPER AND COPIES WERE OBTAINED FROM "R. P. TAYLOR CIVIL ENGINEER" ON FILE IN THE ENGINEERING OFFICE OF THE PACIFIC PACIFIC RAILROAD, SAN FRANCISCO, CALIFORNIA.
  - 3. A SERIES OF COPIES WAS USED AS THE PROPERTY MAP IN LIEU OF TITLE.
  - 4. ALL POINTS IDENTIFIED BY "S.M. & L.C." ARE POINTS FROM ALBERT'S LINE OF CANTONAS CREEK AS SHOWN ON THE 1957 S. OF THIS TRACT & 1962 TRACT 1111, COUNTY OF MARIN, CALIFORNIA CANTONAS JOB AND APPROVED BY THE BOARD OF SUPERVISORS, JULY 27, 1957. P.M. ON FILE IN THE OFFICE OF THE RECORDER OF THE COUNTY OF MARIN IS CASE 137. THESE POINTS (S.M. & L.C.) HAVE BEEN RE-IDENTIFIED BY S.M. & L.C. & ARE AS SHOWN.

PARCELS TO BE DECLARATIONS OF RESTRICTIONS ENCLOSED BY THIS INSTRUMENT SEPARATE INSTRUMENT IN THE OFFICE

