

RESOLUTION NO. 12-10

RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED05-15) FOR THE CONSTRUCTION OF A NEW 85,700-SQUARE-FOOT RECREATIONAL BUILDING, TWO OUTDOOR FIELDS, AND ASSOCIATED SITE IMPROVEMENTS, LANDSCAPING AND PARKING AND AN AMENDMENT TO THE MASTER USE PERMIT (UP05-08) TO ALLOW THE ADDITION OF RECREATIONAL USES ON A VACANT PORTION OF THE 119.5-ACRE SAN RAFAEL AIRPORT PROPERTY LOCATED AT 397-400 SMITH RANCH ROAD (SAN RAFAEL AIRPORT RECREATIONAL FACILITY PROJECT)

(APN'S: 155-230-10, 11, 12, 13, 14, 15 AND 16)  
ZC05-01, UP05-08, ED05-15

WHEREAS, on March 1, 2005, San Rafael Airport, LLC submitted planning applications to the City of San Rafael requesting approval of a new indoor and outdoor recreational facility on a 4.4-acre portion of the 119.5-acre San Rafael Airport property consisting of an 85,700-square-foot recreational building for indoor recreational uses, two outdoor fields, and associated site improvements including lighting, landscaping and parking; and

WHEREAS, the applications include concurrent requests for a Rezoning to a revised Planned Development (PD) (ZC05-01), an amendment to the Master Use Permit (UP05-08) and an Environmental and Design Review Permit (ED05-15) and these applications were deemed to be complete for processing on November 3, 2005; and

WHEREAS, on July 19 and November 8, 2005, the City of San Rafael Design Review Board reviewed and recommended approval of the project site and building design; and

WHEREAS, on January 24, 2012, the Planning Commission by adoption of a separate resolution 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, consisting of construction of a new recreational facility with a two-story building, two outdoor fields and associated parking, landscaping and related site improvements on an undeveloped portion of the 119.5-acre San Rafael Airport property located at 397-400 Smith Ranch Road; and

WHEREAS, on June 6, 2012, the Planning Commission by adoption of a separate resolution recommended to the City Council adoption of CEQA Findings of Fact for approval of the project; and

WHEREAS, Certification of the FEIR was considered prior to review of the application requests for a Rezoning (ZC05-01) amendment from Planned Development (PD1764)-WO to Planned Development (PD)-WO to establish zoning standards for the recreational facility development, amendment to the Master Use Permit (UP05-08) to establish uses and conditions for the recreational facility use, and Environmental and Design Review Permit (ED05-15) for construction of the building and related site improvements; and

WHEREAS, consistent with the requirements of CEQA, a mitigation monitoring and reporting program has been prepared, which outlines the procedures, steps and requirements for implementing all

mitigation measures identified in the FEIR. The mitigation measures contained in the MMRP have been incorporated into the draft conditions of approval; 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, by adoption of a separate resolution, the Planning Commission has recommended adoption of the Planned Development (PD) Rezoning request (ZC05-01) to the City Council, which would establish the appropriate development regulations and land use limitations for the new indoor and outdoor recreational facility; and

WHEREAS, on March 27, 2012, a duly noticed public hearing was scheduled with staff reports and draft resolutions published and made available to the public. However, the meeting was cancelled to allow staff to evaluate a March 9, 2012 letter received from the State of California Caltrans, Division of Aeronautics that pointed out a recent change to its California Land Use Planning Handbook which was referenced in the airport safety analysis prepared for the project; and

WHEREAS, on May 29, 2012, the City of San Rafael Planning Commission held a duly-noticed public hearing on the proposed Rezoning, Environmental and Design Review Permit and Master Use Permit requests, 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.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the City Council approve the Environmental and Design Review Permit and Master Use Permit for the Recreational Facility at the San Rafael Airport based on the following findings and conditions of approval:

**Findings for Approval - Master Use Permit  
(UP05-08)**

- A. The proposed indoor and outdoor recreational facility use, as conditioned, is in accord and consistent with the San Rafael General Plan 2020, the objectives of the Zoning Ordinance and the purposes of the Planned Development District in that: a) the addition of an indoor and outdoor recreational facility to this site is consistent with the types of uses allowed by the Airport/Recreation General Plan land use designation assigned to this site; b) the project and the use would be consistent with the General Plan 2020, as identified in the General Plan consistency table Exhibit 4a of the staff report prepared for the project and also detailed in Environmental and Design Review Permit Finding A below; c) the new indoor recreational facility use, in conjunction with the existing airport and limited light-industrial structures on site, would total a 0.06 floor area ratio (FAR), which would be within the permitted FAR limits of the San Rafael General Plan 2020 for the North San Rafael area; d) the Planned Development District regulations, as amended, would permit the proposed recreational use at the designated intensity in a manner consistent with the goals and policies of the San Rafael General Plan 2020; and e) would introduce a new use that is compatible and comparable with the regional recreational facility located immediately to the north of the site.

- B. The proposed indoor and outdoor recreational use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvement in the vicinity, or to the general welfare of the City in that: a) a Final Environmental Impact Report has been prepared and recommended for adoption by separate resolution pursuant with the provisions of the California Environmental Quality Act (CEQA); b) the project has been reviewed by appropriate City Department's and other permitting agencies; c) conditions of approval have been included to avoid such detriment; d) the type and intensity of the use would complement and be similar to the adjacent recreational facility; and e) the structure has been reviewed for compliance with airport safety regulations and found to be acceptable in its siting and location near the existing private airport.
- C. The proposed indoor and outdoor recreational use would comply with each of the applicable provisions of the PD District, as amended, and other applicable provisions in the Zoning Ordinance in that the project:
- 1) Would be consistent with the Planned Development District, as revised. Findings to grant an amendment to the Planning Development District have been made through the adoption of a separate resolution.
  - 2) Has been designed to preserve and protect the potential wetlands found on the site and the project does not propose to fill any of these potential wetlands. Furthermore, the proposed structures and site improvements would provide a setback exceeding the minimum 50-foot setback required by Chapter 13 (*Wetland Overlay*) of the Zoning Ordinance.
  - 3) Would provide a building setback and development free buffer from the creek to the north exceeding the maximum 100-foot setback required by the Creeks and Other Watercourse section of Chapter 16 (*Site and Use Regulations*) of the Zoning Ordinance.
  - 4) Has been evaluated for noise impacts and would not exceed the standards prescribed in the Noise Standards section of Chapter 16 (*Site and Use Regulations*) of the Zoning Ordinance.
  - 5) Has been reviewed for conformance with the City's Review Matrix as prescribed by the Geotechnical Review section of Chapter 16 (*Site and Use Regulations*) to assess hazards, determine optimum location for structures, and present any special structural requirements and been found to be feasible from a geotechnical engineering standpoint with the inclusion of recommendations, and these design recommendations have been incorporated into the project through project conditions of approval.
  - 6) Would provide off-street parking in excess of that found to be minimally required for the recreational use, pursuant to Chapter 18 (*Parking*) of the Zoning Ordinance, through a parking analysis prepared for the proposed facility which has been reviewed and accepted as adequate by the City traffic engineer. Further, the parking facilities have been designed to closely meet all parking standards of this chapter, including landscaping, size and bicycle parking requirements.

**Findings for Approval - Environmental and Design Review Permit  
(ED05-15)**

- A. The project design, as proposed and as conditioned, is in accord with the San Rafael General Plan 2020 in that:
- 1) The proposed project as designed and conditioned would be consistent with Land Use Element Policies LU-2 (*Development Timing*), LU-3 (*Project Selection Process*), 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 (measured pursuant to the 1997 UBC method, as defined under the Zoning Code); 5) has been designed and conditioned to minimize potential nuisance effects from construction and operational noise, lighting and traffic 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 land use designation and restrictive covenant for this property.

- 2) 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.
- 3) The project is consistent with the applicable sections of the Neighborhoods Element Policy NH-149 (*San Rafael Airport*). The proposed recreational use is consistent with the policy directive to recognize the valuable recreational characteristics of the site and further identifying private and public recreational use as an allowed use. The project does not propose open space uses, such as public viewing areas and enhanced riparian areas, which would be allowed and potentially further implement that portion of the policy to recognize the sites environmental characteristics. However, the project would not preclude such uses of the property in the future and adequately respects wetland areas on-site and the nearby Gallinas Creek with appropriate setbacks and buffers provided. Further enhancement has not been found to be feasible nor warranted given that the site lacks any direct connection with the surrounding public trail system.
- 4) 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 with the applicable design policies of the General Plan and the City's Non-Residential Design Guidelines.
- 5) 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, required for impacted intersections along the Smith Ranch Road/Lucas Valley Road arterial segment in the project area; 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 trips in 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.

- 6) 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.
- 7) 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.
- 8) 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 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.

- 9) 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 to 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.
- 10) 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.
- 11) 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.
- 12) 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 LEED Gold 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 would provide for 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.

- B. The project design, as proposed and as conditioned, is consistent with the objectives and criteria of the Zoning Ordinance, and the purposes of Chapter 25 (*Environmental and Design Review Permit*) in that:
- 1) The development presents a competent design that has been thoughtfully studied and presented.
  - 2) The site plan respects site features and constraints by maintaining adequate buffers from sensitive areas on the site and its surrounding, preserving the existing trees to the north of the building for screening, siting the building so as to minimize and preserve to the greatest extent possible views of Mt. Tamalpais, Civic Center and hills and ridgelines.
  - 3) The site plan provides good vehicular, bicycle and pedestrian circulation on site and in relation to the surrounding area in that a new pedestrian and bicycle path would be provided to provide access from Smith Ranch Road, the airport property does not have direct frontage to a public street and therefore would utilize the existing access road to serve the new recreational facility. Furthermore, the site plan proposes adequate on-site parking for the existing airport and light-industrial uses as well as provides more than adequate on-site parking for the proposed new recreational facility.
  - 4) The proposed site plan would utilize the existing drainage facilities and would not alter the drainage patterns of the site. Furthermore, the plan would direct all new run-off to vegetated swales to filter any pollutants from the run-off consistent with storm water pollution prevention standards.
  - 5) The subject site is in a 100-year flood zone and the new recreational building as designed and used is exempted from being built above +6 feet as long as the building below that portion is flood proofed consistent with Federal Emergency Management Agency (FEMA) guidelines and a condition of approval has been included requiring this compliance.
  - 6) The project architecture has been designed to be harmonious to the surrounding building and improvements, in terms of building design and scale. The height and mass of the proposed building is in character with other buildings in the area, including some of the hangers at the airport, commercial buildings along Smith Ranch Road and the golf course driving range and its fencing.

- 7) The materials and colors that have been included in the proposed architecture are consistent with the context of the surrounding area. Specifically, building materials are flush, textured and vertical metal panels and roofing and building colors would be a combination of green, tan and brown colors. The proposed colors and materials would effectively blend the proposed building with the predominant colors of the surrounding natural setting.
  - 8) The project design has been reviewed by the Design Review Board on July 18, 2005 and November 8, 2005 and ultimately recommended for approval. Recommendations made by the Design Review Board relating to additional landscaping and final review of colors, landscaping, architectural details, colors and lighting have been incorporated as conditions of approval.
- C. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the District in which the site is located in that: a) the siting of the building and site improvements would be respective to the greatest extent possible of the surrounding properties and property improvements; b) landscaping is thoughtfully sited to complement the architecture of the building and screen the building from off-site view; c) the project proposes the use of high quality materials; d) the design has been reviewed by the Design Review Board (DRB) on two occasions for conformance with the design policies contained in Chapter 25 (*Environmental and Design Review Permit*) and has been recommended for approval finding that the project design is consistent with the applicable policies; e) building colors, materials and finishes would be non-reflective, high quality and consistent with the predominant colors of the natural setting in the surrounding area; and e) the DRB's review and approval of the project design included recommendations for more native trees along the perimeter of the site and a requirement that the final landscaping, lighting and architectural details return for their review.
- D. The project design with conditions minimizes adverse environmental impacts in that:
- 1) The building and site improvement are sited to provide adequate setbacks from the creek to the north.
  - 2) No filling or work is proposed to the wetlands or within 50 feet of the three potential wetlands on site.
  - 3) Existing non-native trees on the site or close to property lines would be preserved and new native trees would be added to fill in gaps.
  - 4) The project would not cause the level of service at nearby intersections to exceed the standards of the General Plan. Furthermore, the project would be required to pay its fair share of traffic mitigation fees to contribute to a planned, area-wide traffic improvements in the North San Rafael area.
  - 5) Environmental impacts have been addressed through the preparation of an Environmental Impact Report prepared for the project consistent with the requirements of the California Environmental Quality Act (CEQA). Any potential environmental impacts to air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, noise, and transportation/traffic have been assessed pursuant to the provisions of the CEQA and mitigated through the project redesign and mitigation measures that have been incorporated as conditions of approval.
- E. The project design, as proposed and as conditioned, will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity in that:
- 1) The environmental impacts associated with the development of the project have been assessed and the project impacts can be mitigated to less-than-significant levels with the implementation

of specific mitigation measures as discussed in Environmental and Design Review Permit Finding D above.

- 2) The project design would blend with the surrounding natural environment and would preserve to the greatest extent possible views of Mt. Tamalpais, Civic Center, and surrounding hills and ridgelines. Furthermore, the project's siting, scale and mass would not impact natural light on adjacent properties and the project lighting would not spillover or create glare onto adjacent properties.
- 3) Project-related impacts to hours of operation, noise, traffic and security have been addressed as part of the Use Permit findings below and conditions of approval have been incorporated to address these issues.
- 4) The indoor and outdoor recreational facility would be a use similar to the regional recreational facility that is located just north of the subject site and this proposed facility would include uses, activities and intensities that are generally similar to or less intense than the regional park.

### Conditions of Approval - Master Use Permit (UP05-08)

#### *General Conditions of Approval*

1. This Master Use Permit (UP05-08) amends and supersedes prior Master Use Permit (UP 99-009), and establishes all conditions for the establishment and ongoing operations of all uses allowed on the 119.5-acre property, aka, 'the San Rafael Airport site' in accordance with the Planned Development approval (ZC05-001), the PD Zoning District Standards of the San Rafael Municipal Code and the recorded Declaration of Restrictions, which limits the land uses allowed on the property.
2. Conditional uses permitted under this Master Use Permit amendment shall be limited to the Private Airport and Non-Aviation Uses and Private Recreational Facility Uses as described and conditioned herein.
3. Any future land use permit requests on the property shall be referred to Marin County Counsel in order to allow review of the proposal for consistency with the land use deed restriction agreement, of which the County is a party.
4. The entire 119.52-acre airport property on which the recreational facility use is contained shall continue to be maintained by one owner. No portion of the property may be separately transferred to separate owners unless applications are filed and approved by the City for a subdivision of the site, in conformance with the California Subdivision Map Act. Further, any subsequent subdivision of the property shall include amendments to all applicable land use entitlements, as necessary, to separate the property into multiple parcels and/or establish any additional land uses on newly created parcels.
5. This Master Use Permit establishes distinctly separate land uses on the property, i.e. Private Airport Use and Private Recreational Facility Use, which shall be subject to the specific conditions contained herein. In the event there is a violation of a condition of approval granted for a specific land use, then only the land use that is in purported violation of its respective condition(s) of the Master Use Permit shall be subject to review, enforcement and revocation proceedings.
6. This Master Use Permit shall be subject to compliance with the approved PD (ZC05-01) and conditions of Environmental and Design Review Permit (ED05-15). Any changes shall be subject to prior review and approval and may require amendments to related zoning entitlements.

7. The project sponsor shall be responsible for implementing all Mitigation Measures presented in the San Rafael Airport Recreational Facility Project Final Environmental Impact Report, on file with the Community Development Department, which are incorporated within the project conditions of approval. A minimum deposit of \$5,000 dollars shall be submitted prior to issuance of permits to start work. All costs for monitoring compliance with mitigation measures shall be borne by the applicant.
8. The property owner shall be responsible for ongoing annual repair and maintenance of the existing levee system on the property, and shall work with Marin County Department of Public Works and Flood Control District to ensure joint monitoring and maintenance of the entire levee system occurs. An annual maintenance schedule and a report of maintenance work completed shall be provided to the City of San Rafael Community Development Department, Department of Public Works and Marin County Flood Control.
9. Currently, the levee system is required to be maintained by the airport owner at a minimum consistent elevation of 9 feet MSL to provide protection from floodwaters. Any modifications and upgrades to the property levees that require a grading permit shall be subject to prior review and approval by the City of San Rafael and/or County of Marin.
10. All required local, state and/or federal permits shall be obtained for levee maintenance, repair or upgrades.
11. This Master Use Permit (UP05-08) amendment to the March 19, 2001 Master Plan for San Rafael Airport shall be valid for an initial period of four (4) years from date of City Council approval, during which time the property owner shall have to obtain financing, apply for permits and establish the additional recreational facility uses approved by this use permit amendment. The approvals granted for the indoor/outdoor recreational facility use shall be null and void if a building permit is not obtained and the recreational facility pursued diligently to completion, occupancy and operation, or an extension is not granted before the initial period of time provided to establish the use and exercise the use permit approval.
12. Upon establishment of the indoor/outdoor recreational use within the initial four-year period provided to inaugurate the use, the Use Permit as amended herein shall become valid and run with the land and shall not expire unless the use is abandoned. On-going compliance with all conditions of approval shall be required.
13. If the indoor/outdoor recreational use is not established in compliance with the Master Use Permit amendment, then the applicable Master Use Permit Conditions (i.e., Conditions 53 through 62) and related Environmental and Design Review permit conditions shall become null and void. All other conditions of approval relating to the site and existing airport use shall remain in full force and effect for ongoing operations of the private airport use and site.
14. The proposed recreational facility may be constructed in phases. However, occupancy of the building with a primary sports facility tenant shall occur to inaugurate the use during the initial four year period from date of approval, or an extension of time filed prior to the initial project approval expiration period of from date of final approval.

***Permitted Land Use Conditions – Private Airport and Non-Aviation Uses***

*(Note: Specific changes made to update conditions of MUP 99-1 are noted with ~~strikeout~~ and underline)*

15. Except as modified herein, the Master Use Permit authorizes continued airport use and operations on the 119.52 acre site in accordance with the Planned Development approval and associated Development Plan.
16. The private airport use is limited to 100-based aircraft.
17. The non-aviation uses are limited to those uses described in Attachment "A" (the airport use inventory titled, "Existing Permitted Non Aviation Uses at San Rafael Airport," dated February, 2001). There shall be no increase in the amount of square footage dedicated to non-aviation uses as described in Attachment "A." An Administrative Use Permit shall be required for the following reasons: when there is a change in non-aviation tenants; or when a tenant changes the nature of their business (including but not limited to the addition of employees or equipment, modified hours of operation, or an increase in noise or traffic). As part of the Administrative Use Permit review process, the City shall analyze the potential for any intensification to the uses, including the addition of employees, new equipment, modification of hours of operation, and noise associated with the new business. If deemed necessary by Planning staff, project conditions shall address noise mitigation measures. In addition, the Administrative Use Permit review process shall also include analysis and review of traffic impacts associated with any new non-aviation tenant to assure consistency with applicable City traffic regulations subject to the review and approval of the City Traffic Engineer. At the discretion of the Community Development Director, a Master Use Permit amendment may be required.
18. The following airport uses or activities are specifically prohibited:
  - a. Flight training and the use of the landing strip for practice purposes by flight instructors
  - b. Helicopters
  - c. Charter Flights
  - d. Uses or activities of a public or semi-public nature, including but not limited to "fly-ins" even though such use or activity is usually considered accessory to any other use or activity allowed by this permit and any commercial use, including but not limited to sales or servicing of airplanes not based at the airport
  - e. Commercial flight activity or student pilot training
  - f. Non-based aircraft performing landings or departures
19. The contractors' storage yard uses on the site are limited to the areas ~~currently occupied by Linseott Engineering, Roots Construction, Superior Roofing, Walt Jewell Trucking and Bartlett Tree Experts~~shown on the approved *Development Plan "Master Plan San Rafael Airport"* and described in Attachment "A".
20. Maintenance or servicing of aircraft shall be limited to aircraft based at San Rafael Airport.
21. The non-aviation hours of business are limited to the hours of 7:00 A.M. to 6:00 P.M., Monday through Saturday, excluding holidays. Operation of these businesses, other than routine office work or other non-noise generating interior work, is not permitted outside the prescribed hours.

22. The airport shall be operated in full conformance with all requirements of the State of California Department of Transportation, Aeronautics Program, including the state-approved flight path. Any changes to the flight path shall require an amendment to the Master Use Permit. No airplanes shall fly over the Santa Venetia and Contempo Marin neighborhoods during takeoff or landing.
23. The applicant (e.g. airport property owner, or operator) shall ~~provide~~ maintain a list of all based aircraft serial numbers and shall ~~install~~ maintain a video camera on the taxiway to monitor landings and takeoffs on a 24-hour basis. Flights shall be monitored from the airport business office or other approved location subject to review and approval of the Community Development Director. The applicant shall ~~develop a~~ maintain a method to record all flights on video (daytime, nighttime and during inclement weather) in order to provide the identity of each plane during take-off and landing. Subject to review and approval of the Planning Division, the applicant shall ~~develop a~~ maintain a method of quickly and easily retrieving the recorded information when the City or the property owner received complaints about pilots flying over residential neighborhoods. Videotape archives shall be preserved for a minimum of 60 days. The identity of pilots violating approved flight path shall be provided to the Planning Division within two workdays following complaint. The airport property owner shall notify all pilots with based aircraft that pilots violating the flight path restrictions on more than two occasions shall have their leases terminated within 30 days and shall not be permitted to have their plane based at the airport. ~~The effectiveness of the monitoring process shall be analyzed during the recommended one and two year reviews of the Use Permit.~~ If video monitoring is not effective, other controls can be required by an amendment of the Master Use Permit.

The property owner shall maintain a record of all flights that do not comply with the conditions of this master use permit. For example, the record shall include a log of aircraft owner's names and airplane identification for planes that do not comply with the approved flight path. In addition, the owner shall also maintain a log of airplane serial numbers for non-based aircraft that illegally lands at the airport. The log shall be maintained on an on-going basis, and shall be provided to the Community Development Department on an annual basis as determined by the Community Development Director.

24. The two new modular residences shall be used exclusively as on-site residences for the airport security guard and caretaker. If the units are no longer utilized for the caretaker and security guard, the residences shall be removed from the site within 120 days of notification by the Community Development Department, and this requirement shall be documented by the recordation of a deed restriction prior to issuance of a building permit for the construction of the first residence. Documentation of employment and residency at the airport for both the caretaker and security guard shall be provided to the Community Development Director upon demand.
25. All airplane run-ups shall occur at the east end of the runway, or in a designated run-up area in the vicinity of the intersection of the taxiway and runway. The designated run-up area is subject to the review and approval of the Community Development Director. Run-ups associated with operations of a fixed base operator at ACE Aviation's mechanical hangars shall only occur inside or in the vicinity of the ACE Aviation mechanical hangars during the hours of 8 A.M. and 6 P.M.
26. The airport runway shall be identified with a symbol to indicate to non-based airborne pilots that the airport is private. The identification shall be consistent with the requirements of the State of California Division of Aeronautics and shall be maintained on a permanent basis.

***Permitted Land Use Conditions – Access, Maintenance and Passive Uses***

27. The bridge crossing providing access to the site at the North Fork of Gallinas Creek shall be replaced with a new 25-foot wide two-lane bridge deck span prior to issuance of building permits for construction of the recreational building, as allowed under the approved *Development Plan* and Master Use Permit.
28. Areas designated as protected “conservation” areas shall be maintained as passive open space areas; with the exception that vegetation management and levee maintenance practices are allowed to continue within these areas.
29. Grazing of the site with animals may be continued for vegetation management within undeveloped areas (e.g., along interior slopes of levees, within conservation areas and areas not designated for use by the *Development Plan*) in order to reduce the need for discing and mowing conducted for wildlife management as part of the airport safety management practices. This activity shall be subject to the following restrictions:
  - a. Fencing for grazing purposes shall be installed and maintained to provide necessary protection adjacent to habitat on the levees and in tidal marshes.
  - b. The type of fencing should be suitable for the type of livestock used for grazing. The location and design of fencing shall be determined by a qualified biologist and based on the wetland boundaries with ample setback for wetland protection.
  - c. The location and design of fencing installed for grazing areas shall be subject to final review and approval by the Community Development Director.
  - d. Fencing shall be installed prior to animals being transferred to the site, and shall be maintained in good repair and condition.
30. Commercial storage in containers and uncovered storage of vehicles, boats and miscellaneous materials are specifically prohibited (excluding construction-related equipment and supplies stored within a permitted contractor’s storage yard, as determined by the Community Development Director).
31. Maintenance of existing levees on the property shall continue to be the responsibility of the property owner; i.e., to maintain levees at minimum +9 feet elevation above mean sea level to provide sufficient freeboard and protection from flood waters. The owner shall be responsible for advising the City Building and Public Works division when maintenance activities are scheduled and for ensuring that grading permits for levee work are obtained when required pursuant to applicable codes enforced by the building and/or public works divisions.
32. On or before July 1 of each year, the property owner shall provide the Community Development Department and Public Works Department a schedule of completed and planned maintenance activities, and indicate whether work identified based on preliminary inspections of the levee is anticipated to trigger a grading permit. Typically, cumulative grading in excess of 50 cubic yards of material would require a grading permit.

***Permitted Land Use Conditions – Indoor & Outdoor Recreational Facility***

33. The recreational facility use shall permit indoor and outdoor recreational uses on that portion of the site located between the runway and North Fork of Gallinas Creek, east of the airport use support facilities. The recreational use project area shall include approximately 16-acres of the entire airport property (which includes designated "conservation area" containing wetlands, creek and wetland setback buffers, and a portion of the levee system that surrounds the site) as indicated on the approved project plans; described further under Environmental and Design Review Permit (ED05-15) Condition No. 1.
34. Indoor uses consist of an 85,700 gross square foot indoor multi-use recreational facility building for recreational uses. The mix of recreational facility uses shall be subject to review and approval by the Community Development Department and City Traffic Engineer prior to issuance of building permits or occupancy permits in order to ensure that the maximum traffic and parking capacities specified in these conditions of approval shall not be exceeded. The building may include the following components:
- a. Multi-purpose indoor sports area for recreational activities; e.g., two (2) indoor sports fields and similar activities.
  - b. Gymnasium area(s) for multi-use recreational activities; e.g., baseball, basketball, lacrosse, dance, gymnastics and similar recreational activities.
  - c. Ancillary support uses operated concurrently with the indoor recreational uses, which includes a 14,400 square foot mezzanine level with administrative offices, meeting room, pro-shop/retail sales, arcade and a café/dining area with ancillary sale of alcoholic beverages for on-site consumption with food service.
35. Permitted outdoor recreational uses are limited to one (1) lighted, all-weather surface outdoor sports field (e.g., 250' by 350' soccer field) and one (1) un-lighted warm-up area adjacent for use by teams prior to games on the outdoor sports field. Outdoor fields shall be fenced to provide restricted access which shall be controlled through the main building, to assure occupancy limits are not exceeded.
36. The standard hours of operation for indoor recreational uses and ancillary uses shall be as follows:
- a. 9:00 A.M. to 11:00 P.M., Sunday to Thursday and Federally designated holidays (weekdays).
  - b. 9:00 A.M. to 12:00 am, Friday and Saturday (weekends).
37. The standard hours of operation for the outdoor sports and warm-up fields shall be as follows:
- a. 9:00 A.M. to 9:00 P.M., Sunday to Thursday and Federally designated holidays (weekdays).
  - b. 9:00 A.M. to 10:00 A.M., Friday and Saturday (weekends).

Standard weekday hours of operation for the outdoor sports field use may be extended by up to one-hour during weekday evenings, until to 10:00 P.M. at the latest, subject to compliance with mitigation measure MM N-1 (Evening Noise), which is required 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. 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.

38. All recreational activities and ancillary uses shall end by the designated hours of operation and all patrons shall be directed to leave the facility by the designated allowable hours of operation (e.g. event curfew) and/or premises parking areas promptly after close of facility. Congregating in parking areas shall be discouraged during non-business hours. Maintenance and cleaning crews, employees and security personnel may be allowed to conduct their routine tasks and shall enter the site no earlier than one hour before the beginning and leave no later than one hour past the allowable hours of operation.
39. Use of the indoor and outdoor sports fields may include sports leagues and games (such as soccer, lacrosse, flag football or similar multi-use sports uses and activities), individual and group training, and drop-in games, as determined appropriate by the Community Development Department and City Traffic Engineer.
40. No noise amplification devices including indoor or outdoor speaker systems, loudspeakers or bullhorns shall be allowed as this would create potential nuisance noise impacts on nearby residents.
41. No fixed or temporary bleachers for spectator seating shall be permitted in conjunction with use of the outdoor recreational fields.
42. The indoor meeting facility/room may be used for team and birthday parties, staff meetings, meetings of soccer or sports organizations and referees, community groups, and other similar uses.
43. No sale or consumption of alcoholic beverages or food vendors are permitted to operate outside of the recreational facility building.
44. Any proposed change in the hours of operation (to operate during the AM peak) and/or intensity of usage (to more intense sports field or other unanticipated recreational activities) shall require an amendment to the Master Use Permit.
45. Parking shall be provided in compliance with adopted PD zoning standards to meet the demand of the use and requirements of the City parking ordinance, Chapter 14.18. The project proposes 184 paved parking spaces and 86 overflow spaces for the multi-use recreational building. Final parking calculations shall be provided with plans submitted for building permit and/or final design review.
46. Any changes to the components of the use involving a substantial remodel that would intensify uses shall be subject to prior review and approval by the Planning Division and Department of Public works to determine whether the changes would result in an intensification of parking requirements or traffic impacts.
47. Any competitive tournament events held on the site shall be planned that would exceed on-site parking demand or maximum occupancy limits established for the recreational facility use. Any special events that would generate off-site or remote parking demands shall require the prior review and approval of the Planning Division and Public Works Departments.

48. Alcoholic beer and wine beverage service and consumption shall only be allowed as an ancillary incidental use to the café/dining area food service use, as further regulated by the California Department of Alcoholic Beverage Control. The applicant shall maintain suitable kitchen facilities, and alcoholic beverages may only be served when food service is provided. It is intended that food and beverage service be contained within building areas designated for "café and "viewing area," "field viewing area" and "meeting room",
49. The facility and site shall be maintained in good repair and condition and free of trash, litter and debris. Trash and recycling canisters shall be provided on and around the recreational building and outdoor fields and be regularly maintained. Regular trash and garbage cleanup should be conducted on and around the building and outdoor areas. The property owner shall institute a regular trash pick-up program to clean up trash on the site and dispose of it in appropriate trash and recycling receptacles.
50. The private roadway extension from the airport access and leading to the recreational facility shall be gated to prevent access after the allowable hours of operation. The gate shall remain closed outside of the allowable hours of operation.
51. Prior to occupancy of the building, the applicant and all operator(s) of the recreational facility shall establish a "code of conduct" plan for review and approval of the Police Department and Community Development Director.
- a. This code of conduct shall be distributed and required to be signed by all users of the facility. The owner/operators shall submit evidence of compliance with this requirement to the Community Development Department and City Officials upon request
  - b. Repeated violation of the "code of conduct" shall require that the operators(s) remove and revoke the patron's use of the facility.
  - c. The code of conduct shall address the following:
    - i. Prohibit rowdy and/or noisy behavior
    - ii. Prohibit screeching of tires, "blasting" music from vehicles or honking of horns (except for emergency purposes) in the parking lot or along the entire length of the private driveway leading to the recreational facility
    - iii. Prohibit Maintain posted speed limits along airport roadway
    - iv. Prohibit loitering in or around the building, parking areas, outdoor fields, and entire length of the airport roadway. No loitering shall occur in the parking lot or outside the building
    - v. Prohibit consumption of alcohol outside of the designated areas within the building
    - vi. Prohibit public intoxication
52. The operator shall regularly patrol the site between 9P.M. and closing, 7 days per week. Personnel shall be made aware of the code of conduct and the conditions of approval and shall enforce them.
- a. Prior to the occupancy of the building, the applicant shall submit a plan for security patrol for review and approval of the Police Department and Planning Division.
  - b. This requirement for security patrol may be suspended after two years of full operation with the recommendation of the Police Department, that there have been no significant amount of criminal or security issues.
  - c. If this requirement for a security patrol is suspended, it may be reinstated anytime at the recommendation of the Police Department.

53. Prior to occupancy of the recreational facility, two signs shall be installed, one before the northern approach to the bridge and one at the western end of the parking lot to inform patrons of the applicable portions of the "code of conduct" relating to good neighbor practices.
- a. The design, placement and content of signs shall be subject to review and approval of the Planning Division. Once installed, the signs shall be maintained in a good and legible condition at all times.
  - b. Required signs shall address the following items:
    - i. Obey posted speed limits.
    - ii. Respect the neighbors - No loud noise, music, honking while driving into or out of the site
    - iii. No loitering
    - iv. No public intoxication
    - v. Abide by code of conduct
    - vi. Abide by on-site parking restrictions
    - vii. Driveway must be kept clear of vehicles at all times for emergency ingress and egress - No standing and stopping allowed.
54. Prior to occupancy of the facility, the property owner shall offer to construct a four-foot minimum solid wall, fence or hedge or combination thereof along the edge of the private access road that runs along the street edge (adjacent to the grassy area) to minimize headlight glare from vehicle headlights shining into windows of residences at Captains Cove. The screen shall extend from the furthest point of the border with Captains Cove property and across the bridge crossing. If installation of the fence screen is accepted by Captains Cove along the access road boundary, it shall be installed prior to grant of occupancy allowing operation of the recreational facility. Design and final placement of fence shall be subject to review and approval by the Community Development Director. If the screen wall, fence or hedge is not accepted by Captains Cove, it shall not be required. The Airport property owner shall be responsible for the maintenance of the solid wall/fence or hedge or combination thereof in perpetuity or until the recreational use ceases.
55. Mitigation measure **MM Hyd-1f (Maintenance of Paved Areas)** shall be implemented for the duration of the use. The recreational facility parking lots and other common paved areas shall be properly maintained 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, and included in CC&R's recorded for the property.
56. Exterior lighting at the recreational facility use shall be designed and maintained to implement mitigation measures **MM Bio-2e (Event Curfew)**, **MM Bio-3a (Nocturnal Lighting)**, **MM Bio-3b (Lighting Curfew)**, and **MM Aesth-1a** as outlined in the MMRP incorporated by reference herein, and included under Environmental and Design Review Permit No. ED05-15 conditions of approval. This includes the following lighting limitations related to use of the facility:
- a. Exterior lighting provided on a master photoelectric cell;
  - b. Provisions of sufficient security level lighting;

- c. Outdoor field lighting shall be set to turn off 15 minutes after the last game; 9:00 P.M. at the latest on weekdays and City holidays and 10:00 P.M. at the latest on weekends (if extended hours on weekends are authorized pursuant to Condition 37);
  - d. 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.
  - e. Lighting of the outdoor soccer field designed to have focused illumination that will ensure no direct lighting of off-site areas, such as the North Fork of Gallinas Creek.
  - f. 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.
  - g. The recreational facility shall set a 10:00 P.M. outdoor event lighting restriction (e.g. event curfew) by which time all outdoor field lighting shall be turned off. This curfew shall be earlier on weekdays, by 9:00 P.M. unless a noise study is prepared that determines outdoor field use would not violate the City noise ordinance; pursuant to Use Permit Condition 37; in which case lighting shall be turned off by 10:00 P.M. at the latest. 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 maximum 10:00 P.M. end time will ensure that light generated from the 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. If no games are scheduled, the lighting shall be turned off.
57. Incidental site lighting in the parking areas and around the buildings is allowed in order to foster a safe environment, but not to allow activity on the outdoor fields past permitted hours of operation.
58. The building and site design shall implement the requirements of **MM Haz-1 (Risk Reduction Design Features)**, **MM Haz-2 (Elimination of Flight Hazards)**, **MM Hyd-2 Flood proofing** as outlined in the Mitigation Monitoring and Reporting Plan (MMRP), and included in the ED05-15 conditions of approval. This shall include enhanced fire sprinkler and exiting building safety features, design of all site improvements including parking areas, drive aisles, vegetation and structures to avoid intersection of the 7:1 'ascending clear zone', installation of safety lighting at specific locations on the site building, fencing and light standard, and building dry floodproofing to +7 NGVD elevation in conformance with FEMA-standards, signage identifying maximum occupancy limits for the outdoor soccer and warmup field areas, and prohibiting access outside of fenced areas except by facility personnel.
59. The parking row along the south boundary fence line that borders the airport runway shall be removed, modified or relocated in accordance with federal and state requirements so that no penetration into the ascending clear zone would result; e.g., maintaining a minimum clearance of 10' above parking areas and driveways.
60. Changes to indoor/outdoor uses shall be subject to prior review and approval of the Planning Division and Public Works Department to whether there would be an increase in parking or traffic impacts, beyond that assumed for the multi-use adult and youth recreational facility. Traffic studies may be required by the City Traffic Engineer to determine total trip generation. If deemed necessary by Community Development Director, a minor use permit amendment and additional project conditions may be required to address impacts from change in tenancy or recreational use.

**Conditions of Approval - Environmental and Design Review Permit (ED05-15)**

***General Conditions – San Rafael Airport Property AND Recreational Facility Project (Ongoing)***

**Community Development Department - Planning Division**

1. The revised Development Plan prepared for the San Rafael Airport and San Rafael Airport Recreational Facility Project approves the layout and development of the recreational facility, in addition to the existing private airport use improvements, as presented on the following plans:
  - a. 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.
  - b. Civil Engineering Plans prepared by Oberkamper & Associates consisting of Sheet C-1, C-2, C-3, C-4 and C-5.
  - c. Landscape Plan prepared by Baronian & Whisler Landscape Architecture and Land Planning, consisting of Sheet L-1.
  - d. Photometric Study prepared by Associated Lighting Representatives consisting of Sheet 1.
2. This Environmental and Design Review Permit amending the March, 19, 2001 Master Plan for the San Rafael Airport shall be valid for four (4) years from the date of City Council approval, in order to provide sufficient time for implementation of the additional San Rafael Recreational Facility project development. All conditions related to the recreational facility development shall become null and void if a building permit has not been issued or a time extension granted within the initial approval period established for the additional development project. In the event that the additional recreational facility development is not implemented, all remaining conditions applicable to the site and existing San Rafael Airport use shall remain in full force and effect.
3. The applicant shall remit payment of the State Fish and Game fees in order for staff to file a Notice of Determination with the County Clerk within 5 days of project approval. The current fee amounts are \$2,839.25 payable to the State Fish and Game and \$50.00 payable to the Marin County Clerk, and are subject to increase.
4. The project sponsor shall be responsible for implementing all mitigation measures presented in the San Rafael Airport Recreational Facility Final Environmental Impact Report, on file with the Community Development Department, including any mitigation measures that may not have been incorporated into the project conditions of approval. A deposit for Mitigation Monitoring shall be paid as required by ED Condition 45, herein.
5. The applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnities"), the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of any environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the indemnities, arising out of or in connection with

the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.

6. In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event the applicant is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to: 1) approve the counsel to so defend the City; 2) approve all significant decisions concerning the manner in which the defense is conducted; and 3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.
7. As a condition of this application, applicant agrees to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, process and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse City for City Attorney expenses and costs within 30 days following billing or same by the City.
8. This Environmental and Design Review Permit (ED05-15), amending the March 19, 2001 Master Plan for San Rafael Airport, and approving additional site development of an 85,700-square-foot indoor recreational facility, two outdoor sports fields, and associated parking, landscaping and site improvements shall run concurrently with the approved Use Permit (UP05-08). If either entitlement expires, this Environmental and Design Review Permit approving the additional San Rafael Airport Recreational Facility development for the property, as depicted on project plans shall also expire and become invalid.
9. Any future modification to colors shall be subject to review and approval of the Planning Division and major modifications shall be referred to the Design Review Board.
10. All landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris. Any dying or dead landscaping shall be replaced in a timely fashion.
11. All site improvements, including but not limited to, site lighting, fencing, landscape islands and paving striping shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.
12. Fencing including the mesh covering along the southern edge of the recreational facility site and parking lot shall be installed and maintained in a good, undamaged condition. Any damaged portions shall be replaced in a timely manner.
13. The project site shall be kept free of litter and garbage. Any trash, junk or damaged materials that are accumulated on the site shall be removed and disposed of in a timely manner. The applicant shall

institute a program to provide regular cleanup of the parking lot, outdoor fields, roadway leading to the facility, as well as all other areas immediately around the new structure.

14. Approved colors are as shown on the approved color and material board that is on file with the Community Development Department, Planning Division, except as modified by the follow-up review by the Design Review Board. Generally, the approved color palette consists of a dark green, light green, beige and brown.
15. Pursuant to General Plan Policy SU-5d, high albedo (reflectivity) materials shall be used for future outdoor surfaces such as parking lots.
16. A minimum of 222 parking spaces are required for the facility, as proposed, pursuant to the parking study prepared for the project. The facility, as proposed, shall provide 184 paved parking spaces, 86 overflow spaces. Any change in uses, square footage, and/or intensity shall be subject to further review by City Public Works and Planning to assure adequate parking is provided and maintained in compliance with the PD zoning standards and San Rafael Municipal Code Chapter 1418.
17. Bicycle parking shall be provided in compliance with San Rafael Municipal Code Section 14.18.090. This would require a minimum of 9 to 14 bicycle parking spaces using the commercial standards that requires bicycle parking to be provided at the rate of 5% of vehicle parking, and a minimum of one two bike capacity rack. Final plans shall include a design detail for proposed bicycle parking spaces, proposed number and location subject to final review and approval by the Community Development Department and Traffic Engineer.
18. Parking spaces for clean air vehicles shall be provided in compliance with SRMC Section 14.18.045.
19. In the future, if the recreational facility gravel overflow parking lot is found to be necessary to accommodate routine parking needs of the recreational facility, the applicant shall pave, stripe and landscape the overflow parking lot consistent with current standards. The applicant shall apply for and receive approval of an Administrative Environmental and Design Review Permit for this action.
20. If reclaimed water for landscaping purposes is made available, the applicant shall upgrade their water system and install any and all required facilities to use reclaimed water for all site landscaping purposes.
21. All work associated with San Rafael Airport renovation project approved in March 19, 2001 and the required mitigation associated with the development of the project has been confirmed and completed. The design, improvement and maintenance of all existing approved buildings and site improvements associated with that work shall comply with approved plans and details as reviewed by the Design Review Board. Any future additions or modifications to the structures and improvements made for the San Rafael Airport facility shall be subject to prior review and approval by the Planning Division, to determine consistency with all project approvals and level of review required. This shall include ongoing compliance with the following requirements:
  - a. Buildings shall have/maintain non-glare finishes.
  - b. Landscape screening shall be maintained along the easterly portion of the subject airport facility site area.

- c. Landscape screening shall be maintained along the westerly portion of the airport development from the existing Contempo Marin residential neighborhood. This screening is required to soften the appearance of the buildings visible along the western edge of the site.
  - d. All trees and landscape screening required for development of the Master Plan for the Airport shall be maintained in good repair and condition.
  - e. All mechanical equipment and appurtenances not entirely enclosed within the structure shall be screened from public view, as indicated on approved plans and subject to approval by the Community Development Director.
  - f. Trash enclosures shall be screened with landscaping and integrated into site design, as indicated on approved plans.
  - g. Parking lot light sources shall be shielded to ensure that there is no light spillover onto adjacent residential properties.
  - h. Foundation designs shall comply with detailed geotechnical investigation recommendations.
  - i. Noise mitigation shall be installed and maintained for fixed base operator mechanical commercial hangar(s) located along the western portion of the site adjacent to Contempo Marin to assure noise increases (above established baseline conditions) generated from the additional buildings and site activities complies with the City Noise Ordinance limits.
  - j. Construction activities (including noises associated with arrivals or startup of equipment, employees or deliveries) shall be subject to compliance with the City Noise Ordinance Chapter 8.13, and project mitigation measures referenced herein. No work is allowed on Sundays or City observed Holidays.
22. Pursuant to **MM Bio-2c: California Clapper Rail and California Black Rail -- Levee Maintenance**, 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.
23. Pursuant to **MM Bio-3b: Lighting Curfew**, the recreational facility lighting controls shall be set to comply with the 9:00 P.M./10:00 P.M. outdoor event lighting restriction. While safety lighting allowing visitors to safely leave the site may be set to remain illuminated as late as 12:30 P.M., all outdoor field lighting shall be programmed to terminate after the last scheduled game, no later than 10:00 P.M. on weekends (if hours past 9:00 P.M. are allowed pursuant to Use Permit Condition 37) and 9:00 P.M. on weekdays. When there are evening outdoor soccer events, the 10:00 P.M. latest permissible end time will ensure that light generated from the 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. If no games are scheduled, the lighting shall be turned off.

24. Decals shall be applied to window surfaces in order to minimize potential of bird strikes.

#### Public Works Department

25. The owners shall be responsible for the integrity of the property levee and to maintain the top of the levee at minimum  $\pm 9.0'$  datum.

#### Fire Department

26. When a tenant who utilizes hazardous materials vacates the site, they shall file a closure plan with the San Rafael Fire Department. All tenants using, handling or storing hazardous materials, shall apply for and receive a Hazardous Materials Consolidated Unified Permit from the San Rafael Fire Department.
27. All security gates, electronic gates, chains, etc., across driveways shall have installed an approved Knox Box keyway conforming to Fire Prevention Standard 202.
28. Knox Box entry systems shall be provided to or within a structure or an area unduly difficult to access because of secured openings or where immediate access is necessary for life saving or firefighting purposes, as determined by the Fire Department.
29. All facilities that are required to submit a Hazardous Materials Business Plan shall have a Knox box key-entry system subject to review and approval by the Fire Department.
30. A directory illustrating business locations shall be provided and maintained at the entrance to the airport facility. All buildings shall have approved identification located on the structures.
31. In accordance with Fire Code requirements, automatic fire sprinkler systems shall be installed on all new and existing buildings constructed after January 7, 1993, in conformance with NFPA standards.
32. Alarms or fire detection systems and commercial fire sprinkler systems shall be monitored by a UL Central Station Company and shall be issued a UL serially numbered certificate for Central Station Fire Alarms.
33. Permits shall be obtained from the Fire Department prior to installation of automatic and fixed fire extinguishing and detection systems.
34. Fire hydrants capable of supplying the required fire flow and spaced at a minimum of 300 foot intervals and an adequate water supply provided at the Airport for fire fighting purposes shall be maintained.
35. New roofs shall be a minimum Class A covering that complies with building code standards.
36. All leases for the airport hangars shall include a requirement that the tenant shall furnish a list and total quantity of all hazardous materials stored in the subject business/hangar. The list shall include a contact name, phone number and building location identification.

37. The Fire Department may inspect, and access shall be provided upon reasonable notice, any on-site building (including hangars) for the presence of hazardous materials. All new leases for on-site tenants shall include a notice that the Fire Department shall be provided access to buildings for hazardous materials inspections, if applicable. When there is a change in tenants that store hazardous materials that require reporting to the Fire Department, a new, updated list of stored hazardous materials shall be submitted to the Fire Department within 30 days of occupancy.

#### Police Department

38. The recreational facility parking lot shall be steam cleaned annually.

39. Landscaping shall not block or obstruct the view of any door, window or lighting fixture.

40. Trash canisters shall be provided on the recreational facility site, both around the building and outdoor areas, to accommodate all trash generated by the use. The trash canisters shall be routinely maintained and serviced to ensure that they do not overflow.

41. All exterior lighting shall be vandal resistant and sufficient to establish a sense of well being to the pedestrian and facilitate recognition of persons at a reasonable distance in parking lots.

42. Minimum security level exterior lighting in the airport facility parking and walkway areas shall be maintained on a master photocell set to operate during hours of darkness.

43. All new outswinging exterior doors shall have non-removable pines. All new inswinging exterior doors shall have rabbeted jambs.

#### *Conditions Required Prior to Issuance of Building Permits – San Rafael Airport Recreational Facility*

##### Community Development Department - Planning Division

44. The applicant shall seek and receive all necessary permits to install a new, 25-foot wide clear span bridge over existing bridge crossing the North Fork of Gallinas Creek as illustrated in the project plans, including the State Department of Fish and Game Streambed Alteration Agreement (SBAA Notification Number 1600-2006-0266-3).

45. The new clear span bridge may be installed prior to construction of the building, but shall be completed prior to commencing construction of the main building structure.

46. The applicant shall be responsible for all costs associated with mitigation monitoring and shall remit an initial deposit in the amount of \$5,000.00 for mitigation monitoring and condition compliance. Staff shall bill time against this deposit amount during project review and implementation of the project and monitoring of project conditions, to assure compliance with conditions and mitigation measures has been achieved.

47. Any outstanding Planning Division application processing fees shall be paid prior to issuance of construction permits.

48. Prior to issuance of a building permit for the recreational facility building, the finished grade of the building pad and setbacks from wetlands and creeks shall be certified by a Licensed Surveyor to confirm height and setback limitations shown on construction plans will be met.
49. Pursuant to **MM AQ-2 Greenhouse Gas Reduction Strategies Compliance**, the project as proposed by the applicant shall comply with the City of San Rafael Green Building Ordinance and ordinances and regulations adopted to implement the City Sustainability Element and City qualified 2009 Climate Change Action Plan, Appendix E (i.e., required strategies). 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.
50. The project shall be implemented as proposed to qualify for US Green Building Council's LEED program (Leadership in Energy and Environmental Design). The project shall include the following:
- a. Use state-of-the-art high efficiency field lighting combined with ample natural lighting to reduce electrical usage.
  - b. Install photovoltaic solar panels to produce clean electricity.
  - c. Use ET Water or equivalent smart irrigation controllers to minimize water use and eliminate irrigation runoff into Gallinas Creek.
  - d. Use MUSCO Green Generation Lighting or equivalent, which uses 50-percent less lighting than traditional systems, for illumination of the outdoor sports field. The light poles shall use adjustable lamps and shield cutoffs to conceal light sources from view off-site and direct all lighting downward and away from adjacent wetlands.
  - e. The outdoor synthetic all-weather field turf shall utilize state-of-the-art technologies and materials to minimize runoff and ensure the most environmentally friendly and stable in-fill products are used (e.g., cryogenic crumb rubber) that meet CPSC, EPA, CDC, HUD and other state and national requirements.
51. Porous or pervious pavement, porous asphalt or pavers, shall be used to the maximum extent feasible. Ensure material is ADA compliance and durable for weight of emergency vehicles and appropriate for site soils conditions and intended use areas.
52. The parking lot design shall include landscaping with shade tree cover, tree wells and tree spacing in compliance with the landscape requirements of SRMC Chapter 14.18.130.
53. Except as conditioned herein, building techniques, materials, elevations, landscaping, infrastructure and appearance of this project, as presented for approval, shall be the same as required for the issuance of a building permit. Any future additions, expansions, remodeling, etc. shall be subject to the review and approval of the Planning Division. Modifications that are deemed minor shall be reviewed and approved by the Community Development Director as part of the building permit.

application. All other modifications may be referred to the Design Review Board and/ or Planning Commission for review and action.

54. The applicant shall implement mitigation measure **MM Bio-2b: Permanent Conservation Area**. 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 draft deed restriction shall be submitted for review and approval, and recorded prior to occupancy, 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 is designated as a conservation area. Access to the area shall be restricted to facility personnel, and the area shall be protected with permanent barrier fencing and signage.
55. The Design Review Board shall review and approve the proposed final building materials, color scheme, lighting and landscape plans for the entire project to ensure that the Design Review Permit criteria established in the San Rafael Municipal Code Title 14 (zoning), Chapter 25 (Design Review) are satisfied, including provision of appropriate materials and non-reflective and/or tinted glass to minimize potential daytime glare impacts; pursuant to Mitigation Measure **MM Aesth-1b**.
- a. Construction plans shall be submitted for review and approval showing building architectural details and final construction details to confirm the quality of the building finishes, heights, and appearance of the project as indicated in the approved plans.
  - b. Final landscaping, irrigation and site plan details shall be submitted as approved by the City Council with the following modifications/additional details:
    - i. Actual location of all perimeter-screening trees shall be shown on the landscape plan.
    - ii. Replacement trees to fill in any gaps in perimeter screening with a native or compatible species suitable for site conditions and exhibiting fast growing screening characteristics. This requirement only applies for new trees proposed to fill in the gaps of the existing Eucalyptus trees along the inside of the northern and southern levees on the perimeter of the Airport site.
    - iii. Show the area where gaps in the Eucalyptus row shall be filled in to screen views of the building with native or compatible species. Replacement species shall be consistent with City tree guidelines.
    - iv. Provide details on all new fencing.
  - c. The landscape plan submitted for issuance of building permit shall include the MCSTOPPP measures required for treating storm water quality. Plans shall incorporate details and specifications for storm water collection design and filtration features, and shall be subject to final approval by the City of San Rafael Public Works Department. Storm water filtration features shall include:

- i. Stormwater inlets shall be placed in landscape areas rather than at the edge or low point in paved parking lot areas.
  - ii. Landscape areas surrounding inlets shall be graded in a swale and landscaped to promote filtration.
  - iii. Direct parking lot runoff into landscape swales and inlets. Raised concrete curbs shall be designed with frequent cuts to allow free-flow from paved areas to swales.
- d. Final design, details, colors and materials of the clear-span bridge shall be provided. Mesh, or another appropriate material, shall be included on the bridge railing along the western side of the bridge to minimize headlights from shining on adjacent properties to the west.
- e. Design Review Board Lighting Approval shall be required Pursuant to Mitigation Measure **MM Aesth-1a**. Prior to issuance of building permits, the Project Proponent shall prepare an exterior lighting plan for all areas of the Project site subject to compliance with the photometric analysis prepared for the site, for the review and approval of the Design Review Board. The plan shall meet the following performance standards and include the following information:
  - i. 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;
  - ii. 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;
  - iii. A maximum of one (1) foot-candle intensity at the property line and edge of designated "conservation area";
  - iv. Vandal-resistant garden and exterior lighting;
  - v. A lighting standard that is shielded to direct illumination downward and to limit casting light and glare on adjacent properties;
  - vi. Exterior lighting on a master photoelectric cell, which is set to operate during hours of darkness;
  - vii. 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;

- viii. Outdoor field lighting shall be set to turn off 15 minutes after the last scheduled game, and by 10 P.M. at the latest;
  - ix. 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.
- f. Final exterior lighting for the facility shall meet the following or equivalent specifications, as determined by the Design Review Board and Community Development Department:
- i. Access road and parking lot perimeter:  
Guardco BR-8 Round Bollards @ 40' O.C., 42" high with 70 watt metal halide lamps. Qty: 31
  - ii. Main building:  
Guardco BE-14 wall-mounted luminaires @ 50' O.C., 14' above finished floor with 150 watt metal halide lamps. Qty: 23
  - iii. Building entrances:  
Guardco Designer Canopy Luminaires @ 20' O.C., with 42 watt compact fluorescent lamps. Qty: 8
  - iv. Paved parking lot and unpaved overflow lot:  
Guardco Square Form 10, A14, 2-way side pole mounted @ 40' O.C., 14' average finished floor with 150 watt metal halide lamps. Qty: 19
  - v. Outdoor Soccer Field:  
Musco Green Generation 1500 WMZ Luminaires, 3/Pole, 40' high, @ 30' O.C., with 1500 watt metal halide lamps. Qty. 4 AND  
Musco Green Generation 1500 WMZ Luminaires, 2/Pole, 23' high, @ 30' O.C., with 1500 watt metal halide lamps. Qty. 4

56. A current traffic mitigation fee (\$4,246.00 dollars) shall be paid for each A.M. and P.M. peak hour trip generated by the proposed recreational facility development project. Fees shall be paid at time of issuance of building permits for the development project. The total fee determined for this project is \$1,137,928, (which shall be subject to adjustment according to the Lee Saylor Construction Index to take into account changes in construction costs); based on a fee of \$4,246.00 times 268 total P.M. peak hour trips identified for construction of the 85,700 square foot multi-use recreational facility building and outdoor soccer field. The fee may be paid prior to issuance of permit(s) for the tenant improvements required to occupy the building, subject to separate written agreement by the Director of Public Works.

57. Until sufficient fees have been collected to implement the traffic improvements identified for build-out under General Plan 2020, the City Public Works Department will continue to monitor signal timing in the area, specifically 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 (Mitigation Measure MM:Traf-1). Further, the Department of Public Works should continue to monitor the intersection of Yosemite Road with Smith Ranch Road in order to determine whether any traffic controls or improvements would be warranted in the future, particularly for left turns onto Smith Ranch Road.

58. Affordable housing in-lieu fee shall be paid prior to the issuance of a building permit consistent with the requirements established by Section 14.020.I of the Zoning Ordinance. The in-lieu fee shall be \$17,822 and is based on 0.07 (average number of affordable units required for an 85,700 square foot recreational facility) times \$254,600 (in-lieu fee per full affordable unit). This fee amount is subject to adjustment and shall be calculated based on the current fee amount at time of building permit submittal.
59. A construction logistics plan shall be submitted demonstrating how construction conditions shall be met. The plan must be approved by the Community Development Director and shall include the conditions of approval and mitigation measures that are applicable to the construction of the project.
60. Protective barrier fencing shall be installed during construction to protect wetland areas. Plans showing the fencing, signage and barrier details shall be included on project plans. The fencing shall be a minimum four-foot orange mesh protected by hay bales and signage designed to avoid intrusion by construction workers and equipment.
61. Pursuant to Mitigation Measure MM AQ-1a, 1b, and 1c, the following requirements shall be noted on the final building permit plans prepared for the project and implemented during all phases of construction activities to reduce PM<sub>10</sub> emissions per the BAAQMD's recommendation.
  - a. 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.
  - b. All trucks hauling soil, sand, and other loose materials shall be covered and maintain at least one foot of freeboard.
  - c. 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
  - d. 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 hydro-seed or non-toxic soil stabilizers
  - e. Any exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered and watered twice daily or non-toxic soil binders shall be applied to any exposed stockpiles
  - f. 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
  - g. Excavation and grading activity shall be suspended when wind gusts exceed 25 miles per hour
  - h. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

- i. 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
  - j. 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.
  - k. The above requirements shall be noted on the grading plans or building permit plans prepared for the Project prior to issuance of any permit
62. Mitigation Measure **MM AQ-1b: Plan Notations** shall be implemented. 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
63. Mitigation measure **MM AQ-1c: Construction Contract Specifications** shall be implemented. Prior to issuance of grading permits or approval of grading plans, the Applicant shall include in the 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.
64. Provide plan details to implement mitigation measure **MM Bio-2a: California Clapper Rail and California Black Rail – Perimeter Fence**. 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 practices currently established. The exact location and size of the fence shall be determined by a qualified biologist. The fence will be a minimum of ten-feet 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.
65. Provide plan details and information to satisfy mitigation measure **MM Bio-2d**, requiring installation of protective fencing during construction.
66. Provide plan details and information to implement mitigation measure **MM Bio-3a: Nocturnal Lighting**. 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.

67. Provide plan details and information to implement mitigation measure **MM Bio-7: Salt Marsh Harvest Mouse, Suisun Shrew and San Pablo Vole – Perimeter Fence**. 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.
68. Implement mitigation measure **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 demonstrate compliance with the following on detailed construction plans:
  - a. Limit height of proposed structures to assure clearance of the 7:1 Transitional Surface (aka, 'ascending clear zone')
  - b. Redesign, modify or relocate the row of parking stalls nearest to the airfield in accordance with federal and state requirements so that no penetration into the ascending clear zone would result; e.g., maintaining a minimum clearance of 10' above parking areas and driveways.
  - c. Add obstruction lights to the following features to make them more conspicuous to pilots:
    - i. Southwesterly and southeasterly corners of building
    - ii. Southwesterly and southeasterly ends of the fence fronting the airfield
    - iii. Most easterly field light along the southeastern edge of the outdoor soccer field
  - d. Tall trees shall be trimmed and maintained to ensure that they do not constitute an airspace obstruction (or, alternatively, shorter species can be planted).
  - e. Outdoor parking lot lights and outdoor soccer field lights, in particular, shall 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.
  - f. Construction cranes and other tall construction equipment shall be lowered at the end of each day.
  - g. Incorporate the two mitigation measures for enhanced exiting and fire sprinkler systems (as currently required in the FEIR).

- h. Post maximum occupancy signage at 480 people inside the building (note: this occupancy level accommodates the maximum occupancy level of 345 people anticipated to be inside the recreational building during peak usage).
  - i. Post maximum occupancy signage at 336 people for the outdoor soccer field area (note: this occupancy level accommodates the maximum occupancy anticipated for the soccer field and is set at the low end of the 2011 Handbook's acceptable intensity range).
  - j. Post maximum occupancy signage for 104 people in the outdoor warm-up area (note: this occupancy level exceeds the range anticipated for use of the warm-up field and is set at the low end of the 2011 Handbook's acceptable intensity range).
  - k. Post clearly marked exit gates and fencing around the outdoor field areas to further enhance safety in outdoor field areas.
  - l. Install and maintain fencing (chain link or equivalent) between the recreation and airport facilities to prevent trespass by children onto the airfield and protect the site from any potential accident from planes that could veer off the runway; with a barrier that complies with FAA Advisory Circular 150/5370-10B, Standards for Specifying Construction of Airports, Item F-162, Chain Link Fences.
  - m. Prohibit installation of fixed-seating, including temporary bleachers, around the outdoor field areas to avoid creating confined spaces and higher than anticipated per-acre intensity occupancy levels.
  - n. Prohibit conduct of any special events that would draw a large number of people to the site that would exceed the above-noted occupancy limits established for the recreation facility use.
69. The plan shall be modified to provide at least 60-feet of additional setback from the airport runway to the southern edge of the outdoor warm-up field. Therefore, the total setback from the centerline of the 50-foot wide runway to the edge of the southern line of the warm-up field shall be at least 220-feet.
70. The walkway proposed along the new access roadway shall provide an 8 foot to 10 foot walkway in order to accommodate a multi-use bicycle/pedestrian path. The access road, which shall include two minimum 10-foot travel lanes and the multi-use path, shall not exceed 30 feet in width.
71. Provide details showing decals that must be applied to window surfaces in order to minimize potential of bird strikes.
72. Pursuant to Mitigation Measure **MMHaz-2**, prior to issuance of building permits or authorization to construct, the applicant 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.

73. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structure (on side of building or roof) shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division.

Community Development Department – Building Division

74. The design and construction of all site alterations shall comply with all applicable codes and regulations in effect at the time of plan submittal and building permit issuance. Currently the applicable codes are the 2010 California Building Code, 2010 Plumbing Code, 2010 Electrical Code and 2010 California Mechanical Code.
75. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include: architectural plans, structural plans, electrical plans, plumbing plans, mechanical plans, fire sprinkler plans, landscape/irrigation plans, site/civil plans, structural calculations, truss calculations, soils reports and Title-24 energy documentation.
76. A Plumbing Permit is required for landscape irrigation valves and anti siphon devices.
77. An Electrical Permit is required for the site lighting.
78. The occupancy classification, construction type and square footage of each building shall be specified on the plans in addition to justification calculations for the allowable area of each building.
79. Each building shall have address numbers posted in a conspicuous place, clearly visible from the street. Numbers should be minimum 4" in height, contrasting in color to their background, and either internally or externally illuminated.
80. Fire sprinklers will be required throughout the building. Separate application by a C-16 contractor is required.
81. Knox box keyed entry system is required at designated access doors.
82. If any proposed fencing exceeds 6' in height, a building permit is required.
83. School fees shall be required for the project. Commercial space is computed at \$0.33 per square foot of new building area. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
84. If on-site streets/roads are privately owned, certain on-site improvements such as retaining walls, street light standards and private sewer system will require plan review and permits from the Building Division.
85. A portion of the subject property appears to be located in an AO flood zone, which is identified as an area of special flood hazard. Municipal Code Title 18 requires that all new construction and in some cases, existing improvements, are to be designed to ensure that the potential for flooding is minimized. This may involve grading to elevate the building pad or raising of existing building components to a level above the highest flood level.

86. No new construction, or substantial improvements of a structure which would require a building permit, pursuant to the applicable provisions of the California Building Code as adopted, shall take place in an area of special flood hazard without full compliance with the terms of this code and other applicable flood control requirements.
87. Prior to submittal of plans to the Building Division for plan review, the applicant shall determine where the actual flood fringe boundary lines occur on the property. The lines shall be incorporated onto a site/ topographical plan which shall be included as part of the required plan information noted above.
88. With regard to any grading or site remediation, soils export, import and placement; provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building and Engineering Division for review and comments prior to any such activities taking place.
89. A grading permit shall be obtained for the above-mentioned site grading work.
90. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted.
91. Because of the elevation of nearby public sewer lines, a sewage ejector may be necessary to serve these buildings. Design for the ejectors must be reviewed and approved by the Engineering Division and Water Quality Control. A double pump alarmed system is required on all commercial buildings.
92. All site signage as well as wall signs require a separate permit and application (excluding address numbering).
93. Prior to application for building permits, applicant shall submit a request for addressing for the new building along with 5 copies of the site plan to the Building Division. The building will be assigned an individual address by the City. Subsequently, applicant, and other appropriate departments will receive copies of the addressing plan. If applicant has a preferred addressing scheme, that should be included with the original request.
94. Any monument sign(s) located at the driveway entrance(s) shall have address numbers posted prominently on the monument sign.
95. In accordance with California Building Code, the men's and women's restrooms must contain a minimum number of fixtures based on occupant load. Fixture count must meet minimums shown in CBC appendix chapter 29.
96. The site development of such items as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility standards contained in Title-24, California Code of Regulations. The civil, grading and landscape plans shall address these requirements to the extent possible.

97. All areas within the site must be accessible for persons with disabilities. All newly constructed buildings on a site shall have, but are not limited to, the following accessible features:

- a. Path of travel from public transportation point of arrival
- b. Routes of travel between buildings
- c. Accessible parking
- d. Ramps
- e. Primary entrances
- f. Sanitary facilities (restrooms)
- g. Drinking fountains & Public telephones (when provided)
- h. Accessible features per specific occupancy requirements
- i. Accessible special features, ie., ATM's point of sale machines, vending machines, etc.

98. Pedestrian access provisions should provide a minimum 48" wide unobstructed paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed published minimums per California Title 24, Part 2.

99. Note that minimum elevator car size (interior dimension) is 68" wide and 51" deep, with a clear door width of 36".

100. Review and approval by the Marin County Health Department may be required prior to issuance of the building permit.

101. Maximum travel distance from any point within the building to an exit shall be 250' unless rated corridors are used.

102. Based on the number of parking spaces, disabled parking spaces shall be provided and distributed throughout the site to serve all facilities in compliance with Title 24.

103. At least one disabled parking space must be van accessible; 9 feet wide parking space and 8 feet wide off-load area. Additionally, one in every eight required handicap spaces must be van accessible.

104. On site fire hydrants will be required.

105. Fire lanes must be designated; painted and signed.

Public Works Department - Land Development Division

106. A grading and encroachment permit is required from the City of San Rafael, Department of Public Works, 111 Morpew Street, San Rafael.

107. Standard sized plans, or electronic version of plans are required for future review.

108. Include and make part of project plans, the sheet: "Pollution Prevention – It's part of the plan".

109. Plans for installation of the 25-foot replacement bridge deck across Gallinas Creek shall provide a cross section of the bridge showing the travel lanes for vehicles and pedestrian walkway.

110. If there are any existing bridge piles within the creek that are no longer needed for the bridge crossing, these should be removed to promote better flow characteristics of Gallinas Creek.
111. Provide a 20-scale engineered site plan and template of vehicles utilized to design the turning movements within the facility, as shown on sheet A-2. Modification to the geometry of the parking lot, turn around and access road may be necessary to accommodate adequate vehicle movements for large vehicles such as garbage trucks, delivery trucks and fire equipment.
112. Mitigation measure **MM Geo-1 (Geotechnical Engineering Recommendations)** shall be implemented. Prior to the issuance of the building permit or grading permit, the following recommendations contained in the Geotechnical Report prepared by John C. Hom & 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:
- a. A soil profile Type Se in accordance with the 2006 International Building Code shall be used in the design of the proposed Project.
  - 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
  - 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 maybe 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
  - 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 slops should be planted with deep-rooted ground cover.
  - 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 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

- 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.
  - g. To resist lateral loads, a passive pressure of 250 pcf should be used
  - 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.
  - 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 with sufficient slack to accommodate anticipated settlement.
  - 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.
  - 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
  - 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.
113. 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.
114. Mitigation measure **MM Hyd-1a (Erosion Control Plan)** shall be implemented. 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. A proposed schedule of grading activities, monitoring, and infrastructure milestones in chronological format
- b. Identification of critical areas of high erodibility potential and/or unstable slopes; contour and spot elevations indicating runoff patterns before and after grading
- c. 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-4922 (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
- d. The location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, including measures to control dust
- e. Identification and description of soil stabilization techniques (such as short-term biodegradable erosion control blankets and hydroseeding) to be utilized;
- f. A description of the location and methods of storage and disposal of construction materials
- g. The post-construction inspection of all drainage facilities for accumulated sediment, and the cleaning of these drainage structures of debris and sediment
- h. The first 3/4 -inch of runoff from the first 1-inch of rainfall must be treated; and
- i. 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

- 11.5. Mitigation measure **MM Hyd-1b (NPDES Permit)** shall be implemented. 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), 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.

116. Mitigation measure **MM Hyd-1c: Storm Water Pollution Prevention Plan (SWPPP)** shall be implemented. 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.)

117. Mitigation measure **MM Hyd-1d: Storm Water Management Plan (SWMP)** shall be implemented. 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.

118. Mitigation measure **MM Hyd-1e: Drainage Swales** shall be implemented. 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 water, climatological, and soil conditions of the development area. In addition, the swale design shall include, but not be limited, to the following:

- a. Design methods for increasing detention, infiltration, and uptake by wetland-typed plants
- b. A flow path adequate to provide for efficient pollutant removal in accordance with the standards of the RWQCB and MCSTOPPP

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.

119. Mitigation measure **MM Hyd-2a: Flood-proofing** shall be implemented. 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 *Technical Bulletin 3-93* (see Appendix I):

- a. 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.
- b. The building's walls must be "substantially impermeable to the passage of water." FEMA has adopted the U.S. Army Corps of Engineers (ACOE) 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.
- c. 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.
- d. 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.
- e. 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.

120. **MM Hyd-2b: Finalize Hydrology Report and Grading and Drainage Plans.** 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 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:

- a. 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.

- b. 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.
121. All portions of the building that are below the +7' NGVD 1929 as indicated on the proposed plan shall be flood-proofed in accordance with the flood-proofing requirements established by FEMA to prevent water intrusion into the building. Where flood-proofing is required, the building materials must be of the type resistant to floodwater.
122. The construction plans must be signed and stamped by either a registered engineer or architect certifying that the building(s) and materials are designed to comply with the requirements and guidelines of the flood-proofing methods established by FEMA.
123. An engineered site plan showing all existing and proposed site conditions shall be submitted with the application for a building permit.
124. An engineered grading plan shall be submitted with grading permit application.
125. Any work in the public right-of-way shall require an encroachment permit.
126. If Path of Travel (POT) is required from the Smith Ranch Road to the new recreation facilities, the POT must comply with the Americans with Disabilities Act (ADA) requirements, including grades, elevations, landscape, lighting, signing and striping.
127. An erosion control plan in compliance with "Best Management Practices" is required.
128. All utilities shall be underground, water-tight and designed to allow for any future settlement.

Public Works Department – Storm Water Pollution Prevention Division

129. Notice of Intent is required from the State.
130. Attach "Best Management Practices" sheet to building permit plans.
131. The first 3/4" of the first 1" of rainfall must be treated prior to discharge into public drainage system. Show the method for compliance.
132. Roof leaders must be directed to landscaping for treatment. The first 3/4" inch of rainfall must be treated prior to going to the storm drain system
133. The refuse area shall be provided for trash, recycling and landscape recycling containers to serve the needs of the site. Refuse enclosure areas and details shall be prepared in consultation with the waste service provider, indicated on project plans and shall be covered, bermed and plumbed to the sanitary sewer.

Fire Department

134. The plans submitted for building permit issuance for the recreational facility shall be revised to address the following:

- a) Include the following notes on the building plans:
  - i. Fire Sprinkler/Standpipe system places (Deferred Submittal to the Fire Prevention Bureau)
  - ii. Fire Alarm system plans (Deferred Submittal to the Fire Prevention Bureau)
  - iii. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
  
- b) As the building is over 30 feet in height, an aerial fire apparatus clear access roadway with minimum unobstructed width of 26-feet is required parallel to one entire side of the building. The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building. Minimum width of fire apparatus access road is 20-feet and minimum inside turning radius of fire apparatus road is 28-feet. A fire apparatus access plan shall be prepared for review, showing the location of the following:
  - i. Designated aerial fire apparatus road
  - ii. Red curbs and no parking fire lane signs
  - iii. New fire hydrants
  - iv. Fire Department Connection (FDC)
  - v. Double detector check valves
  - vi. Street address sign
  - vii. Recessed Knox Box
  - viii. Fire Alarm annunciator panel
  
- c) Required fire apparatus turn-around shall be approved by the Fire Department.
  
- d) No overhead utility or power lines are allowed on-site, particularly within the fire apparatus access roadway or between the roadway and building.
  
- e) Alternate means and methods to address these current Fire Department standards shall be subject to review and approval of the Fire Prevention Bureau.
  
- f) On-site hydrants are required for this project; wet barrel Clow model 960. Location of hydrants shall be determined by the plan reviewer, Fire Inspector David Heida. Please contact David Heida to arrange a plan review meeting, at (415) 458-5004.

135. Based on California Building Code (CBC) and Fire Code requirements, an automatic fire sprinkler system shall be installed throughout conforming to NFPA Standard 13. A permit

application shall be submitted to the Fire Prevention Bureau with two sets of plans for review prior to installation of all automatic and fixed fire extinguishing and detection systems. Specification sheets for each type of device shall also be submitted for review.

- a. All portions of a fully sprinklered building must be located within 250-feet of approved fire apparatus access road.
- b. A fire alarm system will be required for this building. Separate application by the fire alarm contractor is required.
- c. A combined fire sprinkler/standpipe system will be required throughout the building. Separate application by a C-16 contractor is required.
- d. A recessed Knox Box model 3200 series keyed entry system is required at the main entrance door.

136. A Fire Department approved Knox Keyway System is required to be installed conforming to Fire Prevention Standard 202.

137. An approved hammerhead or cul-de-sac turnaround shall be installed and capable of accommodating Fire Department apparatus.

138. No Parking - Fire Lane signs and curb marking shall be installed for all access roadways, parking lots and driveways as specified by the Fire Marshall conforming to Fire Prevention Standard 204.

#### Police Department

139. The plans submitted for building permit issuance shall incorporate the following door and opening security requirements and specifications:

- a. Exterior jambs for doors shall be so constructed or protected so as to prevent violation of the function of the strike plate from the outside. The strike plate shall be secured to the jamb by a minimum of two screws which must penetrate at least two inches into the solid backing beyond the jamb.
- b. Exterior doors that swing outward shall have non-removable hinge pins.
- c. Glass on exterior doors or within 40 inches of an exterior door shall be break resistant glass or glasslike material to the satisfaction of the Police Department.
- d. Metal-framed glass doors shall be set in metal doorjamb.
- e. Exterior man doors shall have a dead locking latch device with a minimum throw of 1/2 inch. A secondary lock is required and shall be a dead bolt lock with a cylinder guard and a hardened steel throw that is a minimum of 1 inch long. Both locking mechanisms shall be keyed the same.
- f. Metal-framed glass doors shall have a dead bolt lock with a cylinder guard and a hardened steel throw that is a minimum of one inch long.

- g. Delivery doors shall have a door viewer that provides a minimum of 180 degrees peripheral vision.
- h. All windows within 12 feet of the ground level shall have a secondary lock mounted to the frame of the window. The secondary lock shall be a bolt lock and shall be no less than 1/8 inch in thickness. The lock shall have a hardened steel throw of 1/2-inch minimum length.
- i. Exposed roof vents and ducts shall be grated or constructed of an impact resistant material to the satisfaction of the police department. Skylights shall be secured and hatch openings shall be burglary resistant. Glazing shall be of a burglary resistant glass or glass-like material.
- j. Perimeter walls, fences, trash storage areas etc., shall be built to prevent access to the roof or balconies.
- k. Building shall be wired so that emergency radio system will work in large concrete areas. It is strongly recommended that new construction be pre-wired for an intrusion alarm system.

Marin Municipal Water District

- 140. The applicant must enter into a pipeline extension agreement with the Marin Municipal Water District for the installation of the necessary facilities and said agreement must be approved by the District's Board of Directors. All costs associated with a pipeline extension are borne by the applicant.
- 141. The applicant shall comply with all requirements of the Marin Municipal Water District to establish water service for new buildings.
- 142. All landscaping shall meet the requirements of the Marin Municipal Water District Water Conservation and Landscape Requirements (Ordinance 421). Prior to providing water service for the new landscape areas, or improved/ modified landscape areas, the District must review and approve the project's working drawings for planting and irrigation systems.
- 143. Use of recycled water is required, where available. Contact Dewey Sorensen at (415) 945-1558 to identify availability.
- 144. Contact staff at (415) 945-1497 for questions regarding the landscape/water conservation ordinance, and (415) 945-1559 regarding backflow prevention requirements.

Las Gallinas Valley Sanitary District

- 145. The Airport Sanitary Facilities include a pumping station and a discharge force main which can only serve one owner per the District ordinances. If the property is subdivided, an engineered public pump system and sewer system shall be required constructed to District standards.
- 146. The property is outside of the LGVSD boundaries and is served by an outside sewer agreement dated 24 Sep 1998. This Agreement is based on 100 fixture units, of which the airport reports that it is using 53 of these fixture units and holding the remainder in reserve for the recreational facility project. An engineering study shall be submitted to the district to determine the existing and proposed usage and determine capacity for the project. Fees shall be recomputed if usage changes, and the Agreement shall be recorded as required by the district.

147. Plans shall identify location of existing and replacement (if proposed) of private sanitary sewage force mains suspended from the existing bridge deck.
148. Any sewage ejector must be approved by LGVSD.
149. The developer may be required to install an odor treatment system at the Districts Smith Ranch Pump Station to treat odors resulting from their facilities.
150. Rainfall shall not be discharged into sanitary sewer systems of LGVSD.

### *Conditions Required During Construction and Grading*

#### Community Development Department – Planning Division

151. The Project Contractor shall implement the following control measures pursuant to mitigation measure MM AQ-1a (Construction Impacts) during construction activities to reduce PM<sub>10</sub> emissions per the BAAQMD's recommendation:

- 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.
- All trucks hauling soil, sand, and other loose materials shall be covered and maintain at least one foot of freeboard.
- 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.
- 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.
- Any exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered and watered twice daily or non-toxic soil binders shall be applied to any exposed stockpiles
- 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.
- Excavation and grading activity shall be suspended when wind gusts exceed 25 miles per hour.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

- 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.
- 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.
- The above requirements shall be noted on the grading plans or building permit plans prepared for the Project prior to issuance of any permit.

152. Construction of the facility is limited to occur between July 1 and February 1, subject to conduct of nesting surveys prior to construction and limitations on specific elements of the project, as outlined in the project Mitigation Measures. The general construction timeframe limitations established for the project are summarized as follows:

- |  |   |                           |
|--|---|---------------------------|
| ○ Bridge Deck Demolition and Replacement | - | August 1 to October 15    |
| ○ Pile Driving for Bridge                | - | September 1 to October 15 |
| ○ Grading and Exterior Building Work     | - | July 1 to February 1      |
| ○ Pile Driving for Building              | - | September 1 to February 1 |
| ○ Interior work                          | - | No restrictions           |

153. Bridge construction shall proceed according to the following measures to implement **MM Bio-1a (Listed Anadromous Fish Species – Pile Driving)**:

- a. Except for pile-driving, 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;
- b. 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.
- c. 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.
- d. Any conditions of the SBAA imposed by the CDFG shall also become conditions of the Project approval.

- e. 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.
- f. Sandbags shall be installed at the top of bank to prevent fluids, sediment, or construction related debris from entering Gallinas Creek.
- g. 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.
- h. All construction debris shall be removed from the work area following completion of the bridge improvements.

154. Implement mitigation measure **MM Bio-1b: Listed Anadromous Fish Species – SWPPP & SWMP**. The SWPPP and SWMP required under Mitigation Measure MM Hyd-1 shall ensure the following specifications are met:

- 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.
- 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.
- 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 500,000 gallons per hour/18.5 cubic feet per second.

155. Implement mitigation measure **MM Bio-2d: California Clapper Rail and California Black Rail – Avoidance Measures**. Disturbances to clapper rails and black rails can be minimized during the construction of the proposed recreational facility by implementing the following avoidance measures:

- a. 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 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.

- b. 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.
- c. 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 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.
- d. Finally, 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 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.

156. Implement mitigation measure **MM Bio-4a: Nesting Raptors – Bridge Construction**. 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.

157. Implement mitigation measure **MM Bio-4b: Nesting Raptors – Recreation Facility Construction**. Exterior construction of the recreational facility shall be allowed between July 1 and February 1<sup>st</sup>, when most raptors are expected to have completed their nesting cycles. 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.

158. Implement mitigation measure **MM Bio-4c: Nesting Raptors – Pre-construction Nesting Surveys**. Pre-construction nesting surveys shall be conducted as follows:

- A pre-construction nesting survey shall be conducted by a qualified biologist 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.
- 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.

159. 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.

160. Implement mitigation measure **MM Bio-5a: Western Burrowing Owl – Nesting Surveys**. Pre-construction-nesting surveys for Western burrowing owl shall be conducted as follows:

- a. **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 shall 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.

- b. 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.
- c. 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.

161. Implement mitigation measure **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 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.

162. Implement mitigation measure **MM Bio-5c: Western Burrowing Owl – Habitat Delineation**. 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 area restriction 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 Area Restriction for the long-term management of the burrowing owl mitigation lands.

163. Implement mitigation measure **MM Bio-6a: Common and Special-Status Nesting Birds – Bridge Construction**. 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 “avoidance window” is outside of the breeding season, thereby eliminating the potential that bridge reconstruction activities would disrupt nesting birds.
164. Implement mitigation measure **MM Bio-6b: Special-Status Nesting Birds – Nesting Surveys**. 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.
165. Implement mitigation measure **MM Bio-6c: Common Nesting Birds – Nesting Surveys**. 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.
166. Implement mitigation measure **MM Bio-8: Pallid Bat (and Other Bat Species)**. 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/elusion (*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.

167. Implement mitigation measure **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:

- a. 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 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.
- b. 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>.
- c. 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.
- d. All conditions in the authorized SBAA shall also be made a condition of the project.

168. Implement mitigation measure **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.

169. Implement mitigation measure **MM CR-1b: Discovery**. In the event that archaeological features, such as concentrations of artifacts or culturally modified soil deposits including trash pits 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.

170. Implement mitigation measure **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 be designed, constructed and/or operated in compliance with the following requirements:

- a. Limit height of proposed structures to assure clearance of the 7:1 Transitional Surface
- b. Redesign, modify or relocate the row of parking stalls nearest to the airfield in accordance with federal and state requirements so that no penetration into the ascending clear zone would result; e.g., maintaining a minimum clearance of 10' above parking areas and driveways.
- c. Add obstruction lights to the following features to make them more conspicuous to pilots:
  - i. Southwesterly and southeasterly corners of building
  - ii. Southwesterly and southeasterly ends of the fence fronting the airfield
  - iii. Most easterly field light along the southeastern edge of the outdoor soccer field
- d. Tall trees shall be trimmed and maintained to ensure that they do not constitute an airspace obstruction (or, alternatively, shorter species can be planted).
- e. Outdoor parking lot lights and outdoor soccer field lights, in particular, shall 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.
- f. Construction cranes and other tall construction equipment should be lowered at the end of each day.
- g. Incorporate the two mitigation measures for enhanced exiting and fire sprinkler systems (as currently required in the FEIR).
- h. Post maximum occupancy signage at 480 people inside the building (note: this occupancy level accommodates the maximum occupancy level of 345 people anticipated to be inside the recreational building during peak usage).
- i. Post maximum occupancy signage at 336 people for the outdoor soccer field area (note: this occupancy level accommodates the maximum occupancy anticipated for the soccer field and is set at the low end of the 2011 Handbook's acceptable intensity range).
- j. Post maximum occupancy signage for 104 people in the outdoor warm-up area (note: this occupancy level exceeds the range anticipated for use of the warm-up field and is set at the low end of the 2011 Handbook's acceptable intensity range).
- k. Post clearly marked exit gates and fencing around the outdoor field areas to further enhance safety in outdoor field areas.
- l. Install and maintain fencing (chain link or equivalent) between the recreation and airport facilities to prevent trespass by children onto the airfield and protect the site from any potential accident from planes that could veer off the runway; with a barrier that complies with FAA Advisory Circular 150/5370-10B, Standards for Specifying Construction of Airports, Item F-162, Chain Link Fences.

- m. Prohibit installation of fixed-seating, including temporary bleachers, around the outdoor field areas' to avoid creating confined spaces and higher than anticipated per-acre intensity occupancy levels.
- n. Prohibit conduct of any special events that would draw a large number of people to the site that would exceed the above-noted occupancy limits established for the recreation facility use.

171. Implement mitigation measure **MM N-2: Construction Time Restrictions and Engine Controls**. The Project sponsor shall implement the following engine controls to minimize disturbance at McInnis Park recreational facilities during Project construction:

- a. Construction activities on the site shall be limited to the hours specified in the San Rafael Noise Ordinance.
- b. 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
- c. 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
- d. 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.
- e. 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 Disturbance Coordinator shall be conspicuously posted at the Project construction site.

172. Implement mitigation measure **MM N-3: Pile Driving Noise**. 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.

***Conditions Required Prior to Occupancy***

**Community Development Department – Planning Division**

173. All plan details shall be implemented as indicated plans approved for building permit, in compliance with all conditions of approval and applicable City zoning code requirements, to the satisfaction of the Community Development Director. Any outstanding fees including planning review fees, inspection fees, etc. shall be paid.
174. All new and required landscaping and irrigation shall be installed prior to the occupancy of the building or the property owner shall post a bond in the amount of the estimated landscaping/irrigation cost with the City of San Rafael. In the event that a bond is posted, all areas proposed for landscaping must be covered with bark or a substitute material approved by the Planning Division prior to occupancy and the approved landscaping must be installed within three months of the Marin Municipal Water District lifting their drought restrictions limiting water use for landscaping. Deferred landscaping through a bond shall not exceed 3 months past occupancy.
175. The landscape architect shall certify in writing and submit to the Planning Division, and call for inspection, that the landscaping has been installed in accordance with all aspects of the approved landscape plans, that the irrigation has been installed and been tested for timing and function, and all plants including street trees are healthy. Any dying or dead landscaping shall be replaced.
176. Prior to final occupancy, the applicants shall submit evidence of a two-year maintenance contract for landscaping or alternately post a two-year maintenance bond.
177. All exterior lighting shall be shielded down. Following the issuance of a certificate of occupancy, all exterior lighting shall be subject to a 90 day lighting level review by the Police Department and Planning Division to ensure compatibility with the surrounding area and conformance with the identified in Condition # 26 above.
178. Prior to occupancy a directory illustrating business locations shall be provided and updated with new tenant information from this recreational facility at the entrance to the airport. All buildings shall have identification located on structures subject to the review and approval of the Fire Department prior to occupancy of the new structures.
179. Confirm that all fencing, lighting and signage requirements of MM Bio-2, MMBio-3 and MMBio-7 have been satisfactorily implemented.
180. Verify construction design and safety requirements of MM Haz-2 have been satisfactorily implemented.

Fire Department

181. The alarms from fire detection systems and commercial fire sprinklers shall be monitored by a UL Central Station Company approved by the San Rafael Fire Department and be issued a UL serially numbered certificate for Central Station fire Alarms.

Police Department

182. Permanently fixed ladders leading to roofs shall be fully enclosed with sheet metal to a height of 10 feet. This covering shall be locked against the ladder with a case hardened hasp secured with non-removable screws or bolts. If a padlock is used, it shall have a hardened steel shackle, locking at both heel and toe, and have a minimum of 5-pin tumbler operation.

183. The street numbers shall be displayed in a prominent location on the building in such a position that the number is easily visible to approaching emergency vehicles as per San Rafael Municipal Code 12.24.040. The numbers shall be no less than 6 inches in height and shall be of contrasting color to the background to which they are attached. The address numbers shall be illuminated during darkness. Any additional unit/units shall have the letter A, B and C to follow the address number.

184. The parking lot in front of the recreational facility shall be posted to prohibit overnight or unauthorized parking.

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 Robertson and seconded by Commissioner Pick.

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

NOES: COMMISSIONERS Sonnet

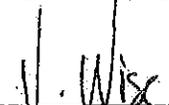
ABSENT: COMMISSIONERS Paul

SAN RAFAEL PLANNING COMMISSION

ATTEST:

  
Paul A. Jensen, Secretary

BY:

  
Viktoriya Wise, Chair

Attachment A

Existing Permitted Non Aviation Uses at San Rafael Airport.

KEY	TENANT	TYPE OF USE	DESCRIPTION	EMPLOYEES	UPDATE
1	Linscott Engineering	Contractor	Office, storage of equipment, materials and supplies, repair of equipment and vehicles.	20	No change from previous use permit; no change under new plan proposed.
2	Steve Coscy	Auto Repair	Warehouse w/small office Outside storage	3	Building formerly occupied by Underground Construction fenced yard approx. 900 sf
3	Pat Phillips	Boat repair and storage	Shop	3	No change. Use is same under new plan.
4	Bartlett Tree Experts Remote Yard	Contractor	Outside storage	0	Relocated, next to Linscott's yard approx. 3500 S.F., formerly Roots yard
5	H&H Management	Grazing	Livestock, hay and grain storage structures, fences, staging areas	0	H&H will reintroduce in future.
6	Lulu Metal	Metal Sculpture Artist	Workshop. Storage of materials	1	Formerly Community Playgrounds.

7	Superior Roofing	Contractor	Small office, shop and fenced storage of roofing supplies and equipment.	4	Building formerly occupied by Caron plumbing, Storage yard Formerly used by Lyle Reed Striping and Newton trucking, The yard shape is adjusted under the new plan; otherwise there are no changes.
8	demolished	Warehouse	Shop and storage within building.	2	Demolished as part of current Master Plan improvements.
9	Tom Muirhead	Warehouse	Cabinet shop and storage within building	1	Replaced Bartlett Tree Experts
10	Vacant	Office	Contractor's office.	2 (assumed)	Formerly Rich Nave Building Contractor office.
11	Walt Jewell Trucking	Truck storage		1	No change. Under new plan remains in approximately same place.
12	3 Containers (southwest of Linscott)	Misc. Storage	8' X 20' sea containers	0	Current use is as permitted under condition #8 of previous use permit Under new plan these are eliminated.
13	Bartlett Tree Experts	Contractor	Office shop and fenced storage yard.	14	Building and fenced yard Previously occupied by Bauman then Four Seasons.

ORDINANCE NO. 1764

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING THE ZONING MAP OF THE CITY OF SAN RAFAEL, ADOPTED BY REFERENCE BY SECTION 14.01.020 OF THE MUNICIPAL CODE, SO AS TO RECLASSIFY CERTAIN REAL PROPERTY FROM PLANNED DEVELOPMENT – WETLAND OVERLAY TO PLANNED DEVELOPMENT – WETLAND OVERLAY (PD-WO) DISTRICT (ZC00-15) FOR THE SAN RAFAEL AIRPORT LOCATED AT 397-400 SMITH RANCH ROAD (APN: 155-230-10, 11, 12, 13, 14, & 15)

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

**DIVISION 1.** The Zoning Map of the City of San Rafael, California, adopted by reference by Section 14.01.020 of the Municipal Code is amended by reclassifying the following real property from PD-WO to PD-WO (Planned Development – Wetland Overlay to Planned Development – Wetland Overlay) District (Planned Development – Ordinance 1764) for the San Rafael Airport, as identified as County Assessor’s Parcel Number Nos. 155-230-10, 11, 12, 13, 14, & 15.

**DIVISION 2.** Any development of this property shall be subject to the following conditions:

**PD-WO Development Plan**

- 1. This PD-WO District is approved for the following:

**Land Uses:** private airport use limited to 100-based aircraft; non-aviation uses consistent with those described and permitted in the Use Permit (UP99-9); 40 new airplane hangars; two residential units (for a caretaker and security guard); a new 2,450 square foot non-aviation building; a new entry/parking lot; and new landscaping as specified on the Site Plan, Attachment “A.”

**Building Heights and Setbacks:** As specified on the Site Plan and Master Plan – San Rafael Airport, Smith Ranch Road, Attachment “A.”

- 1. All conditions of UP99-9 and ED98-15 shall apply.

**DIVISION 3.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

**DIVISION 4.** A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

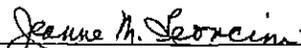
Exhibit 10

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for or against the Ordinance.

  
ALBERT J. BORO, Mayor

Attest:

  
JEANNE M. LEONCINI, City Clerk

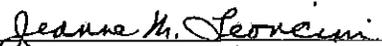
The foregoing Charter Ordinance Number 1764 was read and introduced at a Regular Meeting of the City Council of the City of San Rafael on the 19th day of March, 2001, and ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Cohen, Heller, Miller, Phillips & Mayor Boro

NOES: Councilmembers: None

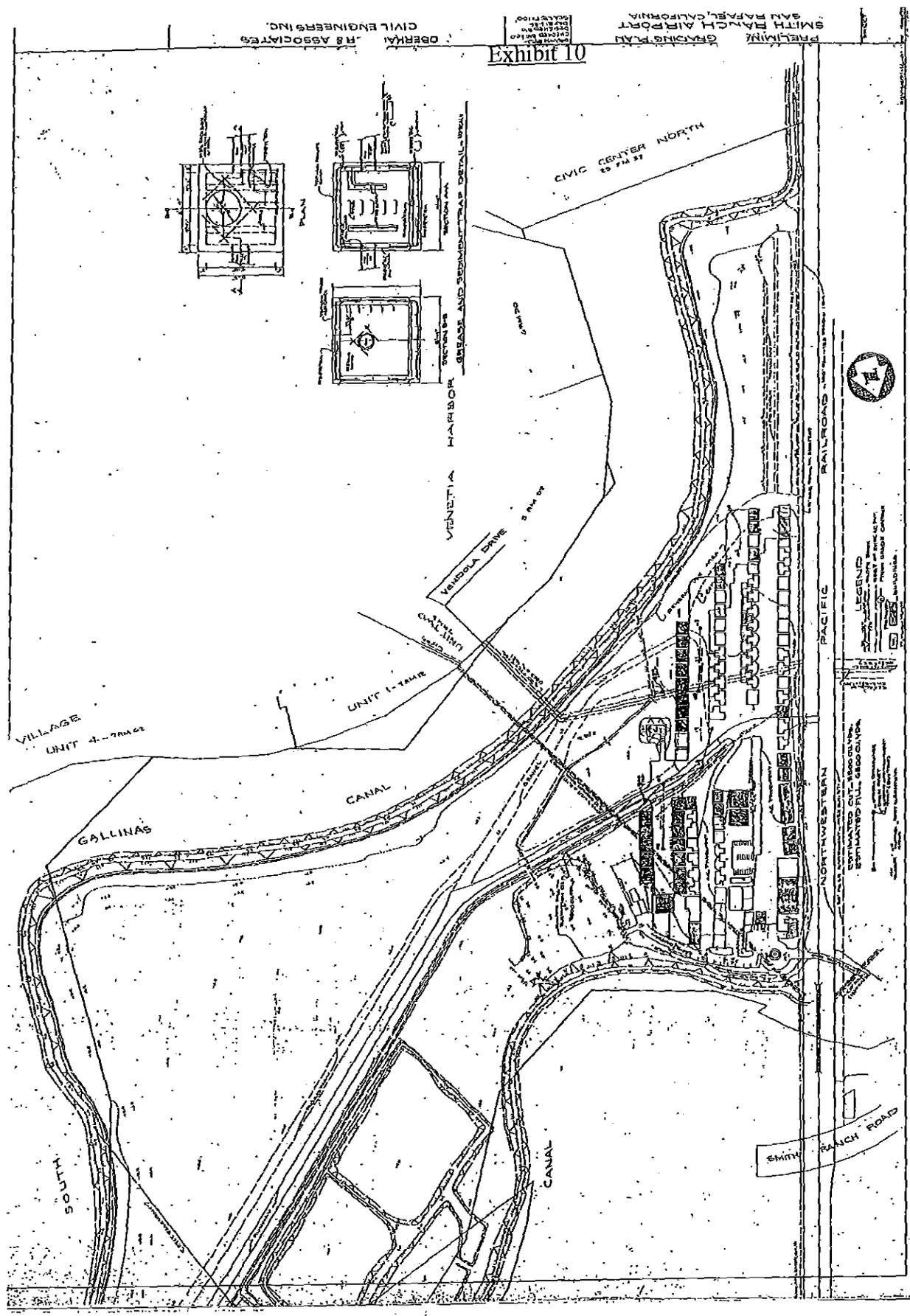
ABSENT: Councilmembers: None

And will come up for adoption as an ordinance of the City of San Rafael at a regular meeting of the Council to be held on the second day of April, 2001.

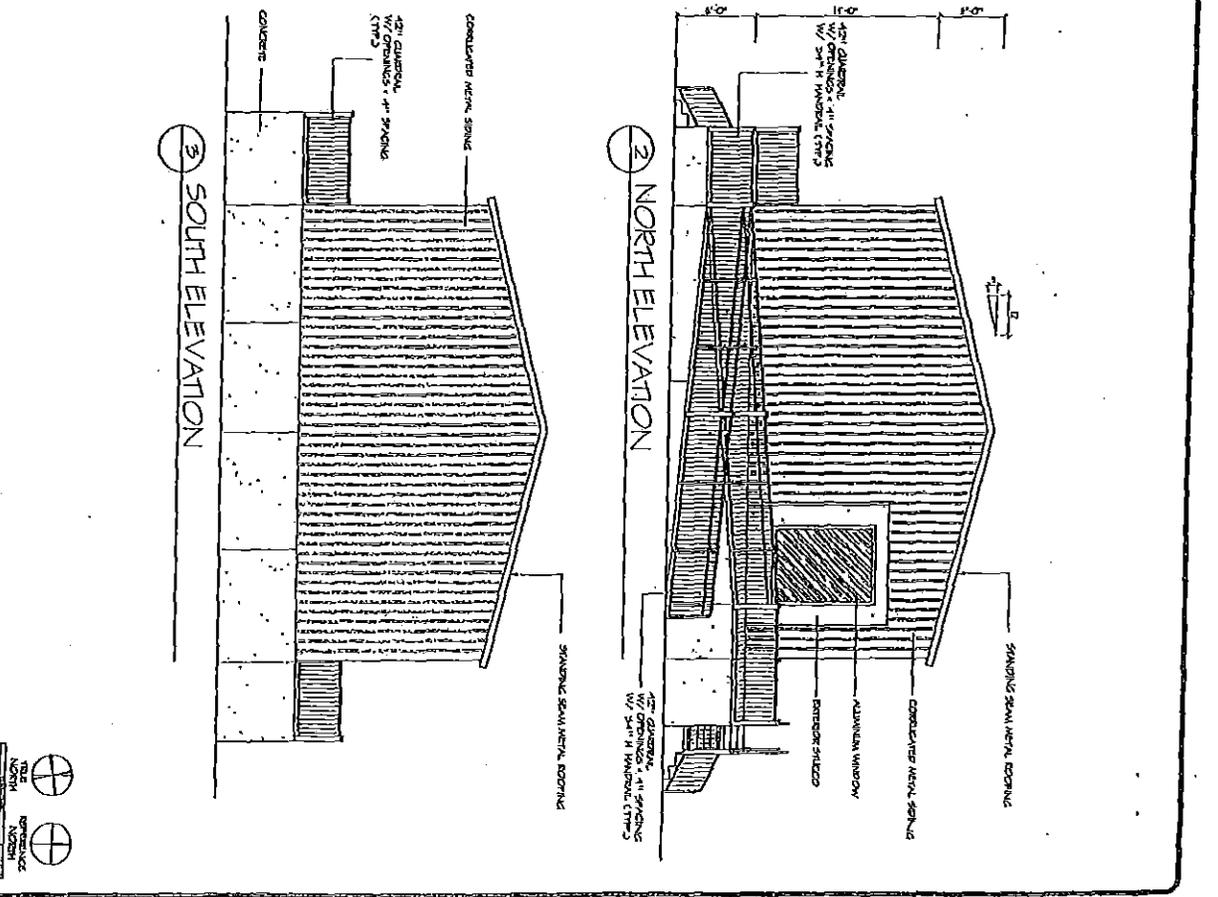
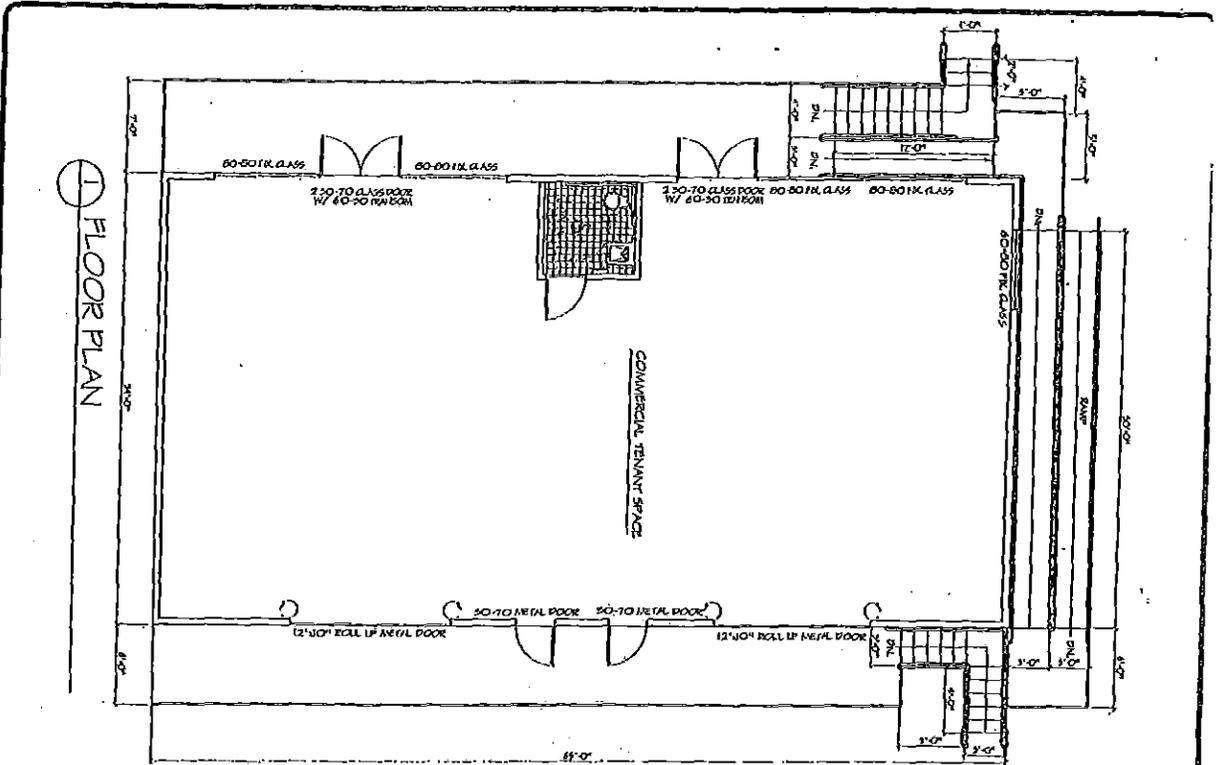
  
JEANNE M. LEONCINI, City Clerk

Attachment "A"- Site Plan and Master Plan for San Rafael Airport

deanplair\ordinanceair3501rezone







DATE	BY	REVISION
10/10/00	MM	1
10/10/00	MM	2
10/10/00	MM	3
10/10/00	MM	4
10/10/00	MM	5
10/10/00	MM	6
10/10/00	MM	7
10/10/00	MM	8
10/10/00	MM	9
10/10/00	MM	10

PROJECT: FLOOR PLAN ELEVATIONS

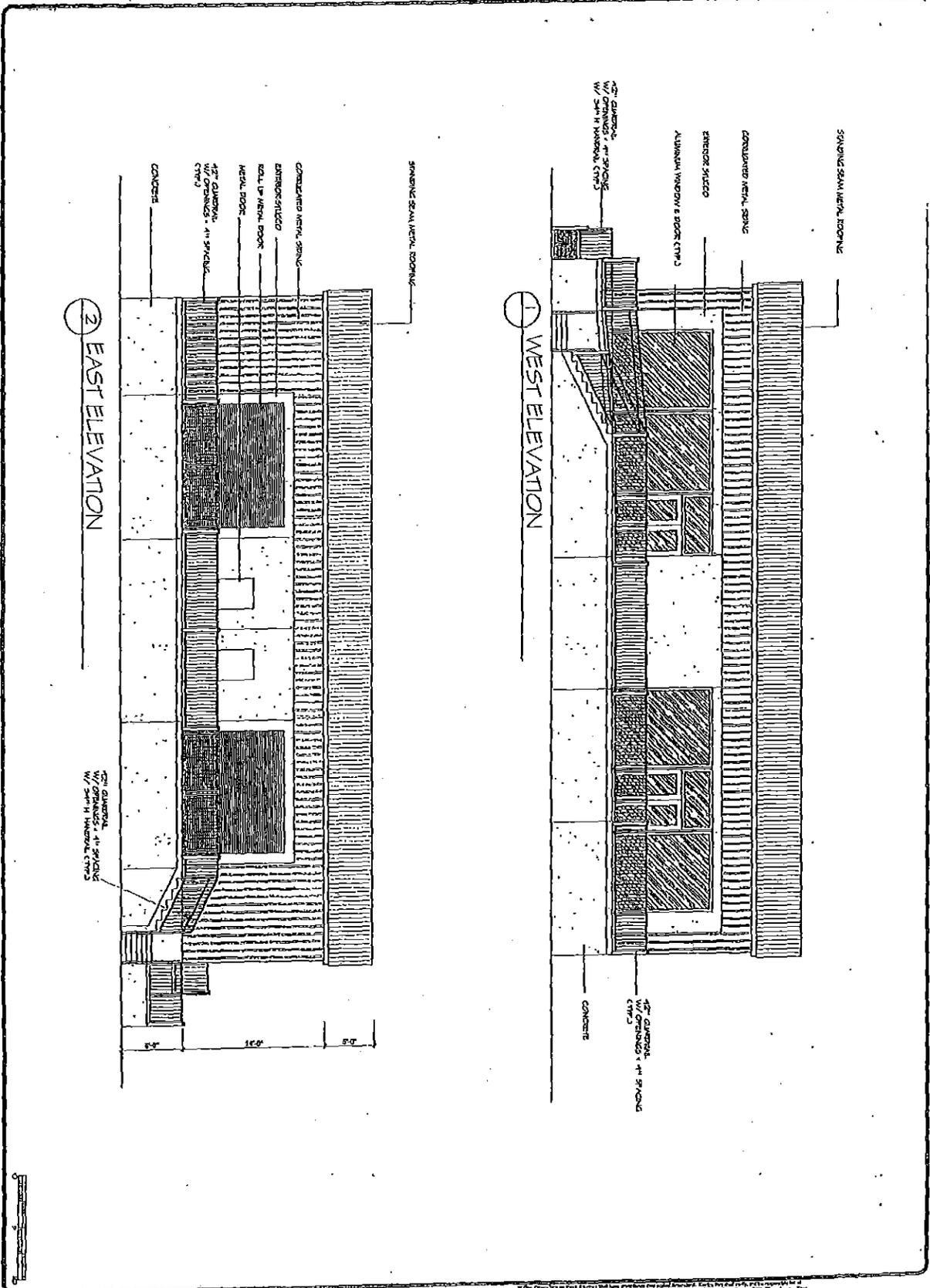
NEW COMMERCIAL BUILDING AT SAN RAFAEL AIRPORT, SAN RAFAEL, CA.

H&H MANAGEMENT  
21730 FRANCISCO BLVD.  
SAN RAFAEL, CALIFORNIA, 94901

L.A. PAUL & ASSOCIATES ARCHITECTS

1000 S. MAIN STREET  
SANTA ANA, CALIFORNIA 92701  
LARRY A. PAUL, AIA

DATE	BY	REVISION
10/10/00	MM	1
10/10/00	MM	2
10/10/00	MM	3
10/10/00	MM	4
10/10/00	MM	5
10/10/00	MM	6
10/10/00	MM	7
10/10/00	MM	8
10/10/00	MM	9
10/10/00	MM	10



DATE	1/11/81
BY	J.M.
CHECKED	J.M.
SCALE	AS SHOWN
PROJECT	NEW COMMERCIAL BUILDING AT SAN RAFAEL AIRPORT
NO.	A-2

DISBYNE  
ELEVATIONS

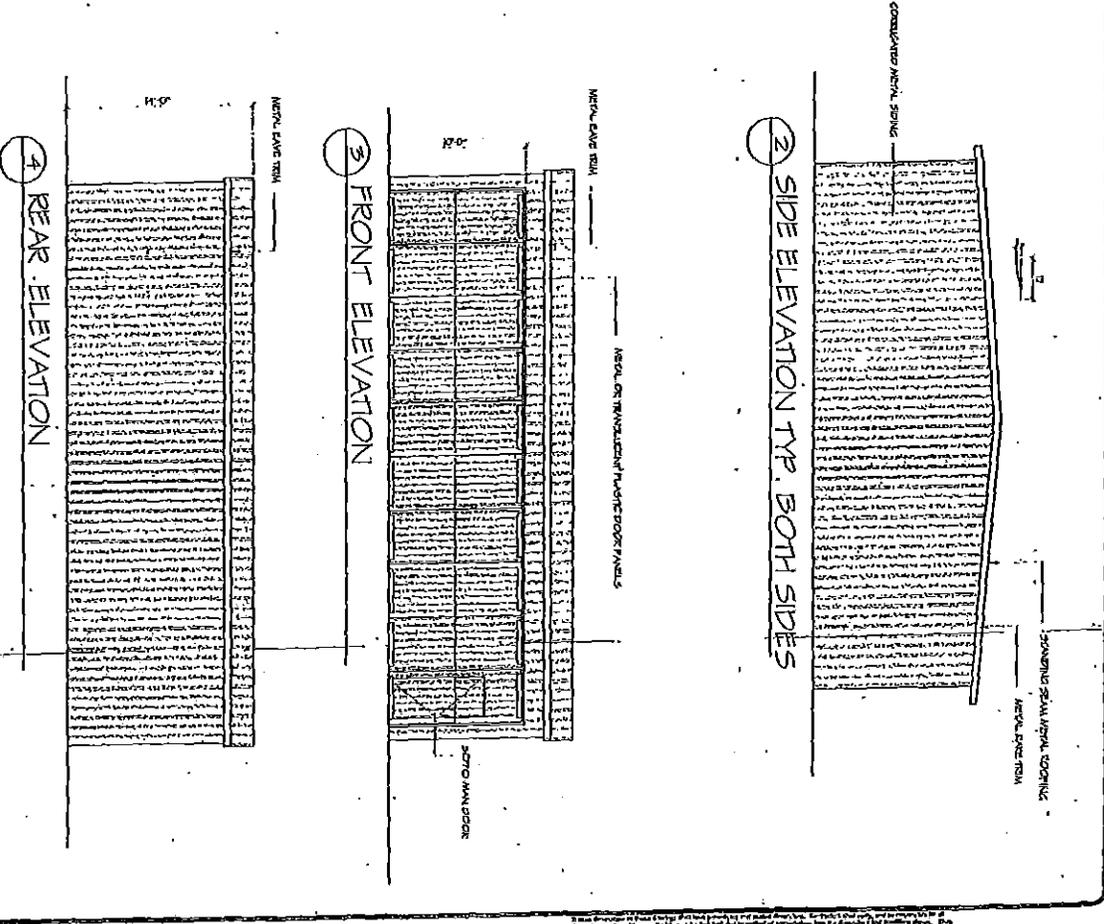
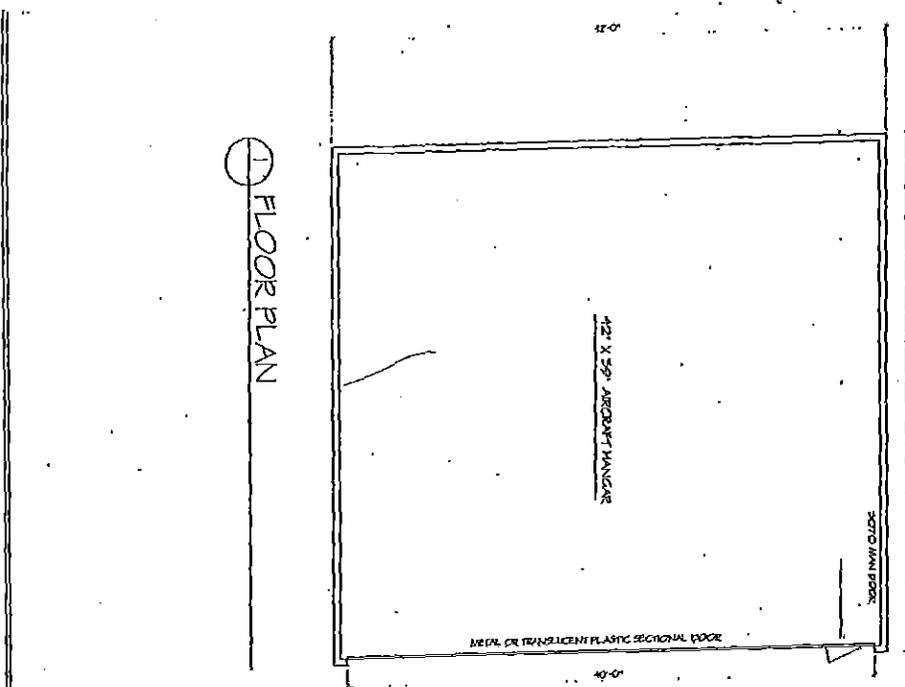
**NEW COMMERCIAL BUILDING AT  
SAN RAFAEL AIRPORT  
SMITH RANCH ROAD, SAN RAFAEL, CA.**

H&H MANAGEMENT  
21730 FRANCISCO BLVD.  
SAN RAFAEL, CALIFORNIA, 94901

**L.A. PAUL & ASSOCIATES**  
ARCHITECTS

1000 CALIFORNIA STREET  
SAN RAFAEL, CALIFORNIA 94901

NO.	DATE	DESCRIPTION



DATE	11/17
DESIGNED BY	L.A. PAUL & ASSOCIATES
CHECKED BY	L.A. PAUL & ASSOCIATES
DATE	11/17
PROJECT	NEW MANUFACTURED HANGAR AT SAN RAFAEL AIRPORT
NO.	A-3

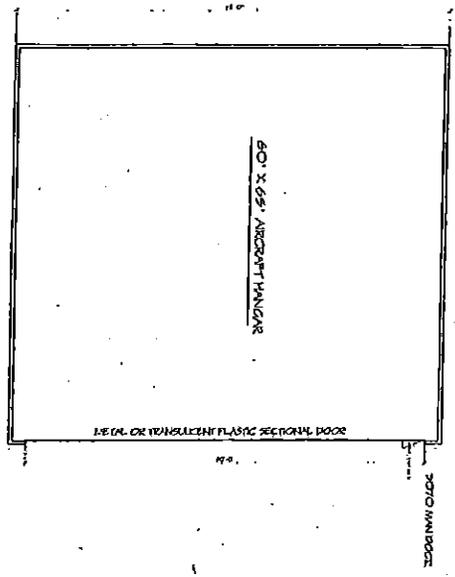
PROJECT  
**FLOOR PLAN ELEVATIONS**  
**NEW MANUFACTURED HANGAR AT  
 SAN RAFAEL AIRPORT  
 SMITH RANCH ROAD, SAN RAFAEL, CA.**  
 HSH MANAGEMENT  
 21730 FRANCISCO BLVD.  
 SAN RAFAEL, CALIFORNIA, 94901

L.A. PAUL & ASSOCIATES  
 ARCHITECTS  
 1111 CALIFORNIA STREET  
 SAN RAFAEL, CALIFORNIA 94901  
 TEL: (415) 452-1111  
 FAX: (415) 452-1112  
 WWW.LAPAU.COM

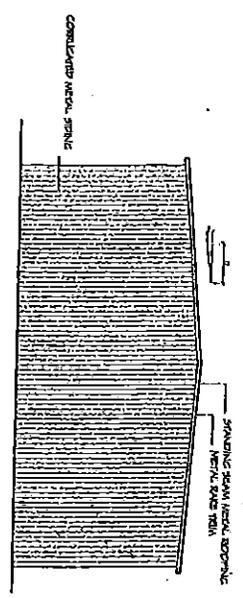
NO.	1
DATE	11/17
PROJECT	NEW MANUFACTURED HANGAR AT SAN RAFAEL AIRPORT
NO.	A-3



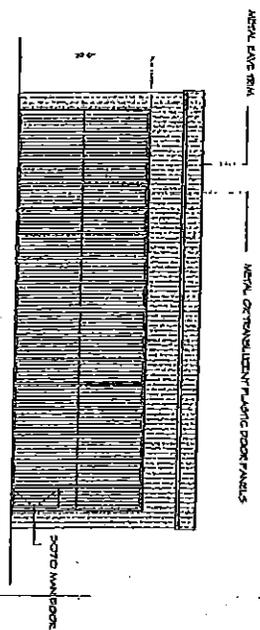
① FLOOR PLAN



② SIDE ELEVATION TR. BOTH SIDES



③ FRONT ELEVATION



④ REAR ELEVATION



DATE	1/15/77
DRAWING	PLAN
DESIGNED BY	LANE
PLOTTED	LANE
CHECKED	LANE
SCALE	AS SHOWN
SHEET	1 OF 1
PROJECT	A-5

PROJECT: FLOOR PLAN ELEVATIONS

NEW MANUFACTURED HANGAR AT  
SAN RAFAEL AIRPORT  
SMITH RANCH ROAD, SAN RAFAEL, CA.

MANAGEMENT  
21750 FRANCISCO BLVD.  
SAN RAFAEL, CALIFORNIA, 94901

L.A. PAUL & ASSOCIATES  
ARCHITECTS  
1000 CALIFORNIA STREET  
SAN RAFAEL, CALIFORNIA 94901  
LANE, A. PAUL, AIA

REVISION	NO.	DATE

## Exhibit 10

### **Condition of Approval for Master Use Permit (UP99-9)**

#### Community Development Department – Planning Division

1. Except as modified herein, the Master Use Permit (UP99-009) authorizes continued airport use and development of the 120-acre site in accordance with the Planned Development approval (ZC00-15) and associated Development Plan.
2. The private airport use is limited to 100-based aircraft.
3. The non-aviation uses are limited to those uses described in Attachment "A" (the airport use inventory titled, "Existing Permitted Non Aviation Uses at San Rafael Airport," dated February, 2001). There shall be no increase in the amount of square footage dedicated to non-aviation uses as described in Attachment "A." An Administrative Use Permit shall be required for the following reasons: when there is a change in non-aviation tenants; or when a tenant changes the nature of their business (including but not limited to the addition of employees or equipment, modified hours of operation, or an increase in noise or traffic). As part of the Administrative Use Permit review process, the City shall analyze the potential for any intensification to the uses, including the addition of employees, new equipment, modification of hours of operation, and noise associated with the new business. If deemed necessary by Planning staff, project conditions shall address noise mitigation measures. In addition, the Administrative Use Permit review process shall also include analysis and review of traffic impacts associated with any new non-aviation tenant to assure consistency with applicable City traffic regulations subject to the review and approval of the City Traffic Engineer. At the discretion of the Community Development Director, a Master Use Permit amendment may be required.
4. This Master Use Permit does not have an expiration date. However, the Master Use Permit shall be reviewed by the Planning Commission for compliance with project conditions of approval one and two years after the Master Use Permit is approved. As a part of these compliance reviews, the Planning Commission may modify the Master Use Permit and Environmental and Design Review Permit conditions of approval. If there are any violations to these conditions of approval or the Municipal Code in the future, the Planning Commission has the ability to consider an amendment or revocation to the Master Use Permit.
5. The following airport uses or activities are specifically prohibited:
  - a. Flight training and the use of the landing strip for practice purposes by flight instructors.
  - b. Helicopters
  - c. Charter Flights
  - d. Uses or activities of a public or semi-public nature, including but not limited to "fly-ins" even though such use or activity is usually considered accessory to any other use or activity allowed by this permit and any commercial use, including but not limited to sales or servicing of airplanes not based at the airport.
  - e. Commercial flight activity or student pilot training.
  - f. Non-based aircraft performing landings or departures.

Exhibit 10

6. The contractors' storage yard uses on the site are limited to the areas currently occupied by Linscott Engineering, Roots Construction, Superior Roofing, Walt Jewell Trucking and Bartlett Tree Experts.
7. Maintenance or servicing of aircraft shall be limited to aircraft based at San Rafael Airport
8. The non-aviation hours of business are limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday, excluding holidays. Operation of these businesses, other than routine office work or other non-noise generating interior work, is not permitted outside the prescribed hours.
9. The airport shall be operated in full conformance with all requirements of the State of California Department of Transportation, Aeronautics Program, including the state-approved flight path. Any changes to the flight path shall require an amendment to the Master Use Permit. No airplanes shall fly over the Santa Venitia and Contempo Marin neighborhoods during takeoff or landing.
10. Prior to the occupancy of the first new airplane hangar, the applicant shall provide a list of all based aircraft serial numbers and shall install a video camera on the taxiway to monitor landings and takeoffs on a 24-hour basis. Flights shall be monitored from the airport business office or other approved location subject to review and approval of the Community Development Director. The applicant shall develop a method to record all flights on video (daytime, nighttime and during inclement weather) to provide the identity of each plane during take-off and landing. Subject to the review and approval of the Planning Division, the applicant shall develop a method of quickly and easily retrieving the recorded information when the City or the property owner receives complaints about pilots flying over residential neighborhoods. Videotape archives shall be preserved for a minimum of 60 days. The identity of pilots violating the approved flight path, shall be provided to the Planning Division within two workdays upon request following complaint. The airport property owner shall notify all pilots with based aircraft that pilots violating the flight path restrictions on more than two occasions shall have their leases terminated within 30 days and shall not be permitted to have their plane based at the airport. The effectiveness of the monitoring process shall be analyzed during the recommended one and two-year reviews of the Use Permit (see Condition #12 below). If video monitoring is not effective, other controls can be required by an amendment of the Master Use Permit.

The property owner shall maintain a record of all flights that do not comply with the conditions of this master use permit. For example, the record shall include a log of aircraft owner's names and airplane identification for planes that do not comply with the approved flight path. In addition, the owner shall also maintain a log of airplane serial numbers for non-based aircraft that illegally lands at the airport. The log shall be maintained on an on-going basis, and shall be provided to the Community Development Department on an annual basis as determined by the Community Development Director.

11. The two new modular residences shall be used exclusively as on-site residences for the airport security guard and caretaker. If the units are no longer utilized for the caretaker and security guard, the residences shall be removed from the site within 120 days of notification by the Community Development Department, and this requirement shall be documented by the recordation of a deed restriction prior to issuance of a building permit for the construction of the first residence.

## Exhibit 10

Documentation of employment and residency at the airport for both the caretaker and security guard shall be provided to the Community Development Director upon demand and prior to the one and two year Planning Commission review of the Master Use Permit and Environmental and Design Review Permit.

12. All run-ups shall occur at the east end of the runway, or in a designated run-up area in the vicinity of the intersection of the taxiway and runway. The designated run-up area is subject to the review and approval of the Community Development Director. Run-ups associated with operations at ACE Aviation's mechanical hangars shall only occur inside or in the vicinity of the ACE Aviation mechanical hangars during the hours of 8 a.m. and 6 p.m.
13. The airport runway shall be identified with a symbol to indicate to airborne pilots that the airport is private. The identification shall be consistent with the requirements of the State of California Division of Aeronautics and shall be maintained on a permanent basis.

Exhibit 10

RESOLUTION NO. 05-02

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION ACCEPTING THE ANNUAL REVIEW OF THE SAN RAFAEL AIRPORT MASTER USE PERMIT (UP99-009) AND FINDING THAT THE PROJECT IS IN SUBSTANTIAL COMPLIANCE WITH THE CONDITIONS OF APPROVAL (APNs 155-230-10, -11, -12, -13, -14 AND -15)

WHEREAS, on March 19, 2001, the San Rafael City Council approved a Master Use Permit (UP99-009) for the San Rafael Airport subject to conditions of approval; and

WHEREAS, City Council Resolution No. 10795, which approves the Master Use Permit, includes a condition of approval requiring the Planning Commission's review of the San Rafael Airport's compliance with the conditions of approval one and two years after Master Use Permit approval; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the potential impacts of the project were analyzed in an Initial Study/Mitigated Negative Declaration adopted by the City Council on March 19, 2001, and no further environmental review is required; and

WHEREAS, on October 28, 2003, the San Rafael Planning Commission held a duly-noticed public hearing on the first annual review of the San Rafael Airport Master Use Permit (UP99-009) accepting all public testimony and the written report of the Community Development Department; and

WHEREAS, on October 28, 2003, the San Rafael Planning Commission, on a vote of 6-0 (Commissioner Lang Absent), adopted Resolution No.: 03-37 to accept the first annual review of the San Rafael Airport Master Use Permit (UP99-009) and find that the project is in substantial compliance with the conditions of approval. As part of this resolution, the Commission also amended conditions of approval #20 and #27 to allow the single-wide trailer to remain on site until the completion of construction and require additional measures to soften the visual impact of the rear elevation of the new 28-foot tall hanger at the southern portion of the entry to the airport; and

WHEREAS, on January 11, 2005, the San Rafael Planning Commission held a duly-noticed public hearing on the second and final annual review of the San Rafael Airport Master Use Permit (UP99-009) accepting all public testimony and the written report of the Community Development Department.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of San Rafael does hereby accept the second annual review of the San Rafael Airport Master Use Permit finding the project in substantial compliance with the conditions of approval.

Exhibit 10

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 11<sup>th</sup> day of January, 2005.

Moved by Commissioner Scott and seconded by Commissioner Lang.

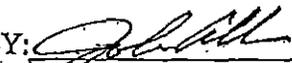
AYES: COMMISSIONERS Alden, Atchison, Kirchmann, Lang, Paul, Scott and Whipple

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST:   
Robert M. Brown, Secretary

BY:   
John Alden, Chair

RESOLUTION NO. 10795

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL APPROVING A MASTER USE PERMIT (UP99-9) AND ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED98-59) FOR THE SAN RAFAEL AIRPORT LOCATED AT 397-400 SMITH RANCH ROAD (APN: 155-230-10, 11, 12, 13, 14 & 15)

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

**WHEREAS**, on January 3, 2001, Rezoning (ZC00-15), Master Use Permit (UP99-9), and Environmental and Design Review Permit (ED98-59) applications filed to allow the continued operation of San Rafael Airport with aviation and non-aviation uses; the construction of 40 new single airplane hangars, two modular homes for a caretaker and security guard, a modified entry/parking lot, new site landscaping and a new 2,450 square foot non-aviation building were deemed complete for processing by the Community Development Department; and

**WHEREAS**, upon review of the subject applications, an Initial Study was prepared consistent with the requirements of the California Environmental Quality Act; and

**WHEREAS**, consistent with the provisions of California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration was prepared finding that the proposed project would not result in significant environmental effects in that revisions to the project have been made or agreed to by the project proponent to mitigate potential adverse impacts; and was adopted by separate resolution of the City Council; and

**WHEREAS**, on February 13, 2001, at a duly-noticed public hearing on the proposal, the Planning Commission accepted the written report of the Community Development Department staff and received public testimony; and, by a 6-0-1 vote (O'Brien absent), the Planning Commission adopted Resolutions 01-09; 01-10 and 01-11, recommending to the City Council the approval of the applications; and

**WHEREAS**, on March 19, 2001, at a duly-noticed public hearing on the proposed applications, the City Council accepted the written report of the Community Development Department staff and received public testimony;

**NOW, THEREFORE, BE IT RESOLVED**, that the San Rafael City Council hereby conditionally approves the Master Use Permit and Environmental and Design Review Permit for the San Rafael Airport based on the following findings and conditions of approval:

**Findings for Master Use Permit (UP 99-9)**

1. The Master Use Permit is consistent with the goals and policies of the San Rafael General Plan 2000 that are pertinent to the site and the proposed project, including the requirement for a Master Plan for properties over five acres in size (Policy LU-12). Specifically, the proposed project would not conflict with the Neighborhood Commercial, Low Density

## Exhibit 10

Residential (2.0-6.5 units/acre), Medium Density Residential (6.5-15.0 units/acre), and Park/Open Space/Conservation land use designations of the San Rafael General Plan 2000 (Policies LU-9, LU-12, LU-13 & LU-18), which are adopted for this site, in that General Plan Policy NG-7 (Marin Ranch Airport Site Land Use) specifically acknowledges this airport, as presently sized, to be an acceptable existing land use for this property.

2. The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City given that the San Rafael Airport has been reviewed by the appropriate City Departments and local agencies which would serve the use, their conditions have been incorporated into the project design or conditions of project approval, and the project proposes development that is consistent with the City's design standards.
3. The proposed use and associated improvements complies with each of the applicable provisions of the San Rafael Zoning Ordinance (Title 22). Specifically, the proposed project includes a Master Use Permit and development regulations as part of a Planned District - Wetland Overlay (PD-WO) rezoning which implements compliance with Chapter 2 - Applicability, Chapter 7 - Planned Development District standards, Chapter 14 - Wetland Overlay (WO), Chapter 25 - Design Review Permits, and the use permit would be consistent with the purpose of the Planned Development (PD) District Zoning District in which the site is located. A use permit is required for all "non-residential" and "phased" development (Section 14.07.020).
4. The proposed improvements would comply with all applicable Wetland Overlay (WO) District regulations as identified in Chapter 14 of the Zoning Ordinance in that all new development is located a minimum of 100 feet from existing wetland areas.
5. The project is consistent with the Declaration of Restrictions (covenant) on the property which includes the following allowable uses: an airport and related uses; future utility uses (as approved by government agencies); roadways; open space; and private and recreational uses.
6. The proposed use and associated improvements are consistent with the *Vision North San Rafael in the Year 2010* steering committee's determination that the existing airport and its related uses are consistent with the Declaration of Restrictions (covenant).

### **Findings for Environmental and Design Review Permit (ED 98-59)**

1. The project design and Development Plan prepared for the Planned Development, as conditioned, are in accord with the General Plan and the objectives of Chapter 25 - Design Criteria of the Zoning Ordinance in that: a) the project is in compliance with the Design Policies of the General Plan, and the Landscape, Parking, Building and Site Design Criteria in the Zoning Ordinance, and as recommended, the project meets the established criteria by

Exhibit 10

providing a high quality design and materials that are appropriate for the site and neighborhood.

2. The project design and Development Plan are consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located in that said criteria have been established under a Planned Development District which is in compliance with the General Plan, the Planned Development zoning regulations and the surrounding development.
3. As proposed and modified by conditions of approval, the project has been designed to minimize adverse environmental impacts. Specifically, the proposed design and modifications recommended by conditions of approval address and/or incorporate mitigation measures required by the revised Initial Study/Mitigated Negative Declaration, as adopted by the City Council by separate resolution, which reduce environmental impacts.
4. The project is consistent with the Declaration of Restrictions (covenant) on the property which includes the following allowable uses: an airport and related uses; future utility uses (as approved by government agencies); roadways; open space; and private and recreational uses.
5. The proposed use and associated improvements are consistent with the *Vision North San Rafael in the Year 2010* steering committee's determination that the existing airport and its related uses are consistent with the Declaration of Restrictions (covenant).

**Conditions of Approval for the Master Use Permit (UP99-9)**

Community Development Department – Planning Division

1. Except as modified herein, the Master Use Permit (UP99-9) authorizes continued airport use and development of the 120 acre site in accordance with the Planned Development approval (ZC00-15) and associated Development Plan.
2. The private airport use is limited to 100-based aircraft.
3. The non-aviation uses are limited to those uses described in Attachment "A" (the airport use inventory titled, "Existing Permitted Non Aviation Uses at San Rafael Airport," dated February, 2001). There shall be no increase in the amount of square footage dedicated to non-aviation uses as described in Attachment "A." An Administrative Use Permit shall be required for the following reasons: when there is a change in non-aviation tenants; or when a tenant changes the nature of their business (including but not limited to the addition of employees or equipment, modified hours of operation, or an increase in noise or traffic). As part of the Administrative Use Permit review process, the City shall analyze the potential for any intensification to the uses, including the addition of employees, new equipment, modification of hours of operation, and noise associated with the new business. If deemed necessary by Planning staff, project conditions shall address noise mitigation measures. In

Exhibit 10

addition, the Administrative Use Permit review process shall also include analysis and review of traffic impacts associated with any new non-aviation tenant to assure consistency with applicable City traffic regulations subject to the review and approval of the City Traffic Engineer. At the discretion of the Community Development Director, a Master Use Permit amendment may be required.

4. This Master Use Permit does not have an expiration date. However, the Master Use Permit shall be reviewed by the Planning Commission for compliance with project conditions of approval one and two years after the Master Use Permit is approved. As a part of these compliance reviews, the Planning Commission may modify the Master Use Permit and Environmental and Design Review Permit conditions of approval. If there are any violations to these conditions of approval or the Municipal Code in the future, the Planning Commission has the ability to consider an amendment or revocation to the Master Use Permit.
5. The following airport uses or activities are specifically prohibited:
  - a. Flight training and the use of the landing strip for practice purposes by flight instructors.
  - b. Helicopters
  - c. Charter Flights
  - d. Uses or activities of a public or semi-public nature, including but not limited to "fly-ins" even though such use or activity is usually considered accessory to any other use or activity allowed by this permit and any commercial use, including but not limited to sales or servicing of airplanes not based at the airport.
  - e. Commercial flight activity or student pilot training.
  - f. Non-based aircraft performing landings or departures.
6. The contractors' storage yard uses on the site are limited to the areas currently occupied by Linscott Engineering, Roots Construction, Superior Roofing, Walt Jewell Trucking and Bartlett Tree Experts.
7. Maintenance or servicing of aircraft shall be limited to aircraft based at San Rafael Airport.
8. The non-aviation hours of business are limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday, excluding holidays. Operation of these businesses, other than routine office work or other non-noise generating interior work, is not permitted outside the prescribed hours.
9. The airport shall be operated in full conformance with all requirements of the State of California Department of Transportation, Aeronautics Program, including the state-approved flight path. Any changes to the flight path shall require an amendment to the Master Use Permit. No airplanes shall fly over the Santa Venetia and Contempo Marin neighborhoods during takeoff or landing.

Exhibit 10

10. Prior to the occupancy of the first new airplane hangar, the applicant shall provide a list of all based aircraft serial numbers and shall install a video camera on the taxiway to monitor landings and takeoffs on a 24-hour basis. Flights shall be monitored from the airport business office or other approved location subject to review and approval of the Community Development Director. The applicant shall develop a method to record all flights on video (daytime, nighttime and during inclement weather) to provide the identity of each plane during take-off and landing. Subject to the review and approval of the Planning Division, the applicant shall develop a method of quickly and easily retrieving the recorded information when the City or the property owner receives complaints about pilots flying over residential neighborhoods. Videotape archives shall be preserved for a minimum of 60 days. The identity of pilots violating the approved flight path, shall be provided to the Planning Division within two workdays upon request following complaint. The airport property owner shall notify all pilots with based aircraft that pilots violating the flight path restrictions on more than two occasions shall have their leases terminated within 30 days and shall not be permitted to have their plane based at the airport. The effectiveness of the monitoring process shall be analyzed during the recommended one and two-year reviews of the Use Permit (see condition #12 below). If video monitoring is not effective, other controls can be required by an amendment of the Master Use Permit.

The property owner shall maintain a record of all flights that do not comply with the conditions of this master use permit. For example, the record shall include a log of aircraft owner's names and airplane identification for planes that do not comply with the approved flight path. In addition, the owner shall also maintain a log of airplane serial numbers for non-based aircraft that illegally lands at the airport. The log shall be maintained on an on-going basis, and shall be provided to the Community Development Department on an annual basis as determined by the Community Development Director.

11. The two new modular residences shall be used exclusively as on-site residences for the airport security guard and caretaker. If the units are no longer utilized for the caretaker and security guard, the residences shall be removed from the site within 120 days of notification by the Community Development Department, and this requirement shall be documented by the recordation of a deed restriction prior to issuance of a building permit for the construction of the first residence. Documentation of employment and residency at the airport for both the caretaker and security guard shall be provided to the Community Development Director upon demand and prior to the one and two year Planning Commission review of the Master Use Permit and Environmental and Design Review Permit.
12. All run-ups shall occur at the east end of the runway, or in a designated run-up area in the vicinity of the intersection of the taxiway and runway. The designated run-up area is subject to the review and approval of the Community Development Director. Run-ups associated with operations at ACE Aviation's mechanical hangars shall only occur inside or in the vicinity of the ACE Aviation mechanical hangars during the hours of 8 a.m. and 6 p.m.
13. The airport runway shall be identified with a symbol to indicate to airborne pilots that the airport is private. The identification shall be consistent with the requirements of the State of California Division of Aeronautics and shall be maintained on a permanent basis.

**Conditions of Approval for Environmental and Design Review Permit (ED 00-39)**

14. Pursuant to Mitigation Measure VII.a.1, the applicant shall determine the extent of contamination to soils and/or groundwater due to unauthorized releases from improper hazardous waste storage and a leaking aviation fuel dispenser, owned by Smith Ranch Gasoline, in the area north of the Main Repair Hangar (ACE Aviation). Within 30 days of approval of this Environmental and Design Review Permit, a work and remediation plan shall be prepared to address the removal of contamination and to confirm cleanup measures to the satisfaction of the California State Regional Water Quality Control Board and the San Rafael Fire Department. A permit shall be secured from the San Rafael Fire Department to complete the remediation work. All remediation shall be completed, inspected and approved within 60 days of approval of the remediation plan and prior to issuance of a grading or building permit. If the property owner does not comply with this condition of approval, then the Master Use Permit and Environmental and Design Review Permit shall be scheduled for revocation by the Planning Commission.
15. There may be on-site soils contaminated with Alodine, a stripper/cleaner utilized by ACE Aviation. Pursuant to Mitigation Measure VII.a.2, within 30 days of approval of the Environmental and Design Review Permit, a waste determination shall be required by U.S. EPA and the San Rafael Fire Department that will determine any necessary cleanup of the site. Removal of all soil contaminated with Alodine shall be subject to the review and approval by the San Rafael Fire Department and shall occur within 60 days of approval of the waste determination and prior to issuance of a grading or building permit. A permit shall be secured from the San Rafael Fire Department to complete the remediation work.
16. Pursuant to Mitigation Measure IV.a.1, fencing for grazing purposes shall be installed and maintained so it provides necessary protection to adjacent habitat on the levees and in tidal marshes. The type of fencing should be consistent with the type of livestock expected to be grazing. The location and design of the fencing shall be determined by a qualified biologist and based on the wetland boundaries with ample setback for wetland protection. The location and design of the fencing shall be subject to the final review and approval by the Community Development Director. All fencing shall be installed prior to animals being transferred to the site subject to the review and approval of the Community Development Director. All fencing shall be maintained in good condition subject to the review and approval of the Community Development Director.
17. Commercial storage in containers and the uncovered storage of vehicles, boat and miscellaneous materials are specifically prohibited and cannot be placed on the site (excluding construction-related equipment and supplies stored within contractors' storage yards as determined by the Community Development Director). Any of the above-described items (not including construction related equipment and supplies stored within a construction yard) currently stored on-site shall be removed from the site prior to issuance of grading and building permits for the new structures and the modified project entry.

## Exhibit 10

### **Prior to Issuance of a Grading Permit for Site Grading and Improvements**

18. The bridge providing access to the subject site (at the North Fork of Gallinas Creek) shall be modified by constructing a concrete bridge surface (or other acceptable material) to reduce noise associated with bridge traffic subject to the review and approval of the Community Development Department. The bridge improvements shall be constructed prior to issuance of a building permit for construction of the new airplane hangars, non-aviation building, new entry improvements or new residences. To provide protection to the Clapper Rail, the bridge repairs shall not occur during the Clapper Rail nesting season, as determined by the Planning Division. As a part of the bridge modifications, the existing chain link gate shall be removed from the bridge and a new gate (if desired by the property owner) shall be installed on-site in the vicinity of the airport entry.
19. The existing mobile home currently located west of the western-most row of airplane hangars shall be removed from the site prior to issuance of a grading permit.
20. The existing office/construction trailer located north of double wide mobile home office currently utilized by ACE Aviation shall be removed from the site prior to issuance of a grading permit.
21. Prior to issuance of a grading permit, the floor plans and square footage for existing on-site building shall be submitted to the Planning Division.

### **Prior to issuance of a Building Permit**

22. Prior to issuance of building permits, the final design details for the project architecture, building materials, colors, landscaping lighting, signage and grading shall be reviewed and approved by the Design Review Board.
23. The exterior building materials for all new structures shall have a non-glare surface that is subject to the review and approval of the Design Review Board.
24. Pursuant to Mitigation Measure I.c.1, the project applicant shall screen the easterly portion of the subject site with landscaping. The plant/tree species and container size should be subject to review and approval by the Design Review Board prior to issuance of building permits for the airplane hangars, two modular residences and the 2,450 square foot non-aviation building.
25. Pursuant to Mitigation Measure I.c.2, prior to issuance of building permits, a landscape screening plan shall be submitted for review and approval by the Design Review Board to screen the westerly portion of the airport development from the existing Contempo Marin Mobile Home Park. The screening is not required to entirely block all visibility of the structures, but to soften the appearance of the existing and proposed buildings along the western edge of the subject site. All landscaping shall be installed prior to issuance of an occupancy permit for the subject structures.

## Exhibit 10

26. All of the "Bauman" fill shall be removed and the site returned to the contours shown on the airport topographic data prepared in 1986, with minor adjustments subject to the approval of the Community Development Director as necessary to protect the existing levee and maintain adequate drainage of the site. The "Bauman" fill shall be removed and/or relocated to City-approved building sites prior to issuance of building permits. Prior to removal of the "Bauman Fill" and prior to issuance of a grading permit, the fill shall be tested for hazardous materials subject to the review and approval of the Fire Department. If it is determined that any hazardous material exist in the fill, the fill shall be removed from the site subject to review and approval of the Fire Department. If all of the "Bauman" fill cannot be utilized for the construction of new building pads for approved new structures, the remaining fill shall be removed from the site.

### Community Development Department – Planning Division

27. Development of the site (i.e., the approved building design and locations, scale, architecture, landscaping and similar improvements) shall be completed in accordance with a valid (i.e. not expired) Environmental and Design Review Permit approval. The Design Review Permit shall expire two years after approval unless a time extension is submitted and approved by the Zoning Administrator. The Use Permit shall be subject to all conditions of approval of ED98-59 and any amendments thereof.
28. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structure (on side of building or roof) shall be screened from public view as indicated on project plans.
29. All trash enclosures within the parking lot area shall be screened with landscaping and integrated into the site design, as indicated on the project plan.
30. Shields shall be installed on all parking lot light sources to ensure that there is no light spillage onto adjacent residential properties. After the issuance of a certificate of occupancy, all exterior lighting shall be subject to a 30 day lighting level review by the Planning Division staff to insure compatibility with the surrounding area.
31. Pursuant to Mitigation Measure V.b.1, if, during the course of construction, cultural, archaeological or paleontological resources are uncovered at the site (surface or subsurface resources), work shall be halted immediately within 50 meters (150 feet) of the find until it is evaluated by a qualified, professional archaeologist. The City of San Rafael Department of Community Development and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, City staff and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.
32. Security gates shall be installed at the entry to the westerly driveway located adjacent to the security guard's residence and the Northwestern Railroad Right of Way.

Exhibit 10

33. Noise mitigation shall be installed in new and existing ACE Aviation airplane hangars along the western portion of the site to reduce noise impacts to the adjacent Contempo Marin Mobile Home Park subject to the review and approval of the Community Development Director.
34. Prior to issuance of grading or building permits, noise monitoring shall be required from nearby residential receptors at the direction of the Community Development Department to establish baseline conditions for input into development of the City's noise ordinance. Monitoring shall occur and a report shall be submitted to the Community Development Department prior to issuance of grading and/or building permits. The City of San Rafael shall select a noise consultant to complete the noise monitoring, and the applicant shall fund all costs associated with the noise monitoring.

Community Development Department - Building Division

35. Pursuant to Mitigation Measure III.e.1, the project contractor shall implement the following dust control measures: water areas of exposed earth surfaces during the construction and grading process (early morning and early evening); avoid overfilling of trucks so that any potential spillage in the public right-of-way is minimized; the contractor shall be required to clean all spillage in the public right-of-way; the project sponsor shall submit a construction logistics plan that identifies the routing of all transported earth material.
36. Pursuant to Mitigation Measure VI.a.1, a detailed geotechnical investigation shall be conducted prior to the structural design of the new on-site structures. The investigation shall include test borings, laboratory testing and engineering analysis, subject to the review and approval by the City of San Rafael's Geotechnical Consultant and the Building Division, prior to issuance of a grading and/or building permit. The investigation shall include recommendations for placement and compaction of engineered fill material, as well as recommendations to account for settlement.
37. Pursuant to Mitigation Measure VIII.g.1, the two proposed modular residences and the new non-aviation building shall be located on fill and designed to achieve a minimum finished elevation of +7MSL. The fill and finished floor elevations for the buildings shall be subject to the review and approval of the Building Division.
38. Pursuant to Mitigation Measure XI.a.1, to reduce construction impacts on the adjacent residential properties, all construction activities at the site shall be limited to the hours between 7:00 AM and 5:00 PM Monday through Friday. Construction is not permitted on Saturday, Sunday or City-observed holidays. Construction activities shall include delivery of materials, start up of construction equipment engines, arrival of construction workers, playing of radios and other noises caused by equipment and/or construction workers arriving at or on the site.
39. The existing mobile home currently utilized as an office by ACE Aviation shall be modified to meet all requirements of the Building Division and the Fire Department, including but not limited to proper handicap accessibility.

Exhibit 10

40. The improvement plans shall show all existing and proposed drainage facilities.
41. The improvement plans shall show all existing and proposed sanitary sewer facilities.
42. The improvement plans shall show all existing and proposed site utilities.
43. All new utilities shall be underground.

Fire Department

44. Pursuant to Mitigation Measure VII.a.3, when a tenant who utilizes hazardous materials vacates the site, they shall file a closure plan with the San Rafael Fire Department. All tenants using, handling or storing hazardous materials, shall apply for and receive a Hazardous Materials Consolidated Unified Permit from the San Rafael Fire Department.
45. Security gates, electronic gates or chains across driveways shall have installed an approved Knox Box keyway conforming to Fire Prevention Standard 202. In addition, Knox Box entry systems shall be provided to or within a structure or an area unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes subject to the review and approval of the Fire Department. All facilities that are required to submit Hazardous Materials Business Plans shall have a Knox Box key entry system subject to the review and approval of the Fire Department.
46. A directory illustrating business locations shall be provided at the entrance to the airport. All buildings shall have identification located on structures subject to the review and approval of the Fire Department prior to occupancy of the new structures.
47. Based on Uniform Building Code or Fire Code requirements, an automatic fire sprinkler system shall be installed on all newly constructed buildings and existing buildings constructed since January 7, 1993 in conformance with NFPA Standard 13.
48. The alarms for fire detection systems and commercial fire sprinkler systems shall be monitored by a UL Central Station Company and shall be issued a UL serially numbered certificate for Central Station Fire Alarms subject to the review and approval of the San Rafael Fire Department.
49. A permit application shall be submitted to the Fire Prevention Bureau with two sets of plans for review prior to installation of all automatic and fixed fire extinguishing and detection systems. Specification sheets for each type of device shall also be submitted for review.
50. Fire hydrants capable of supplying the required fire flow spaced at a minimum of 300 foot intervals and an adequate water supply must be provided to the Airport site for fire fighting purposes prior to issuance of building permits. The fire hydrant locations shall be subject to the review and approval of the Fire Marshal.

Exhibit 10

51. All new roofs shall be a minimum Class A roof covering system that complies with Uniform Building Code Standard 15-2.
52. The property owner shall provide a list of all existing on-site businesses and all airplane hangar tenants with an inventory of hazardous materials stored at the respective business and/or airplane hangar prior to issuance of a grading or building permit. All future building leases shall include a requirement that the tenant shall furnish a list and total quantity of all hazardous materials stored in the subject business/hangar. The list shall include a contact name, phone number and building location identification.
53. The Fire Department may inspect, and access shall be provided upon reasonable notice, any on-site building (including airplane hangars) for the presence of hazardous materials. All new leases for on-site tenants shall include a notice that the Fire Department shall be provided access to buildings for hazardous materials inspections. When there is a change in tenants, a new, updated list of stored hazardous materials shall be submitted to the Fire Department within 30 days of occupancy.

Public Works

54. The contractor shall implement Best Management Practices measures for grading and construction activities. A standard BMP sheet shall be attached to construction plans submitted for a grading and building permit. An erosion control plan addressing erosion during and after construction shall be submitted with the application for a building permit. The erosion control plan shall be based on "Best Management Practices."
55. Given the site is in excess of five-acres, a notice of intent (NOI) shall be filed with the California Regional Water Quality Control Board (RWQCB) prior to issuance of a site grading permit.
56. Stormwater pollution prevention program permit (SWPPP) shall be obtained for site development, as required by the RWQCB.
57. The new grease and sediment traps shall be cleaned on a regular basis as recommended by the manufacturer, subject to the review and approval of the Public Works Department.

Police Department

58. All exterior lighting shall be sufficient to establish a sense of well being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance in the parking lot. Type and placement of lighting shall be to the satisfaction of the Police Department.
59. All garden and exterior lighting shall be vandal resistant.
60. All exterior lighting shall be on a master photoelectric cell set to operate during hours of darkness.

Exhibit 10

61. Exterior doors for new structures that swing outward shall have non-removable pins.

62. In-swinging exterior doors for new structures shall have rabbeted jambs.

I, JEANNE M. LEONCINI, Clerk of the City of San Rafael hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council held on Monday, the nineteenth day of March, 2001 by the following vote to wit:

AYES: COUNCIL MEMBERS: Cohen, Heller, Miller, Phillips & Mayor Boro

NOES: COUNCIL MEMBERS: None

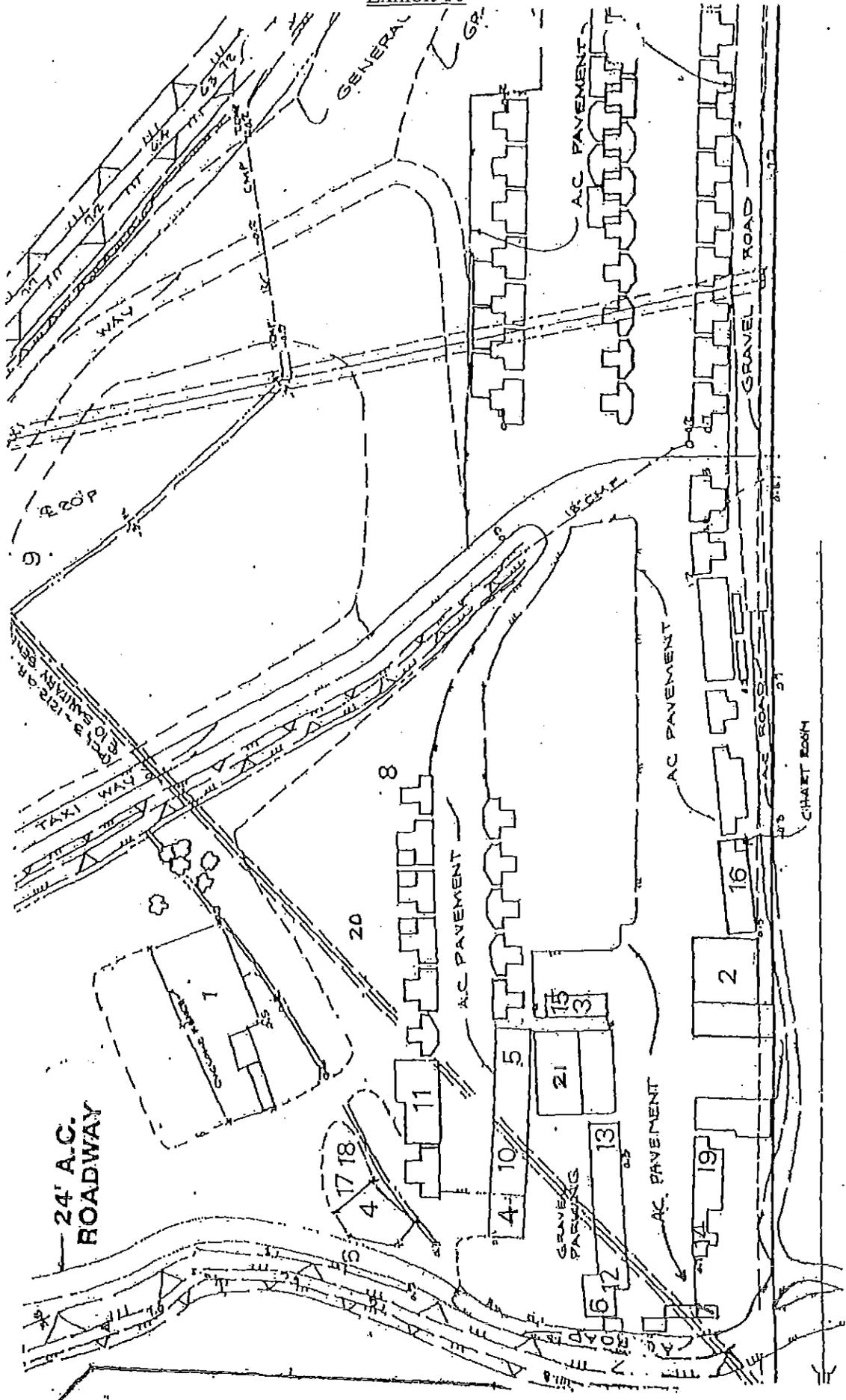
ABSENT: COUNCIL MEMBERS: None

  
\_\_\_\_\_  
JEANNE M. LEONCINI, City Clerk

Attachment A: "Existing Permitted Non-Aviation Uses – San Rafael Airport dated February, 2001

dean\resol\muped\citycouncilmarch1901

Exhibit 10



EXISTING PERMITTED NON-AVIATION USES  
SAN RAFAEL AIRPORT 2/2001

Exhibit 10

4,11,18	Superior Roofing	Contractor	Small office, shop, and outside fenced storage of roofing roofing supplies and equipment.	4	2 dump trucks 4 pickup trucks tractor tar kettle misc equipment	Building formerly occupied by Caron Plumbing. Storage yard formerly used by Lyle Reed Striping and Newton Trucking. The yard shape is adjusted under the new plan; otherwise there are no changes.
6,12	K. Afoto	Warehouse	Shop and storage within building.	2	Na	Replaced Loops and Roots warehouse uses. This building will be demolished under new plan.
13	J. Hildebrand	Warehouse	Shop and storage within building.	1	Na	Replaced Mega Construction. Remains under new plan.
15	Vacant	Office	Contractor's office.	2 (assumed)		Formerly Rich Nave, Building Contractor office.
17	Wait Jewell Trucking	Truck storage		1	1 three axle truck.	No change. Under new plan remains in approximately same place.
20 10-29	3 containers. (southwest of Linscott)	Misc. storage	8' X 20' sea containers	0	Na	Current use is as permitted under condition #8 of previous use permit. Under new plan these are eliminated.
21	Bartlett Tree Experts	Contractor	Office, shop, and fenced storage yard.	13	3 pick up trucks 5 1 ton trucks 2 water trucks 3 chippers, 1 trailer, misc	Building and fenced yard. Previously occupied by Batman, then Four Seasons.

1. The "key" numbers above are spaces shown on Exhibits A and B of the 1992 use permit, also referenced under condition 7 of that permit. Aviation and two ancillary residential uses are not included in the chart above because the use permit condition regulates non aviation uses.  
 2. The space presently occupied by Bartlett Tree Experts and the three storage containers were permitted uses in the 1992 use permit but were not listed on the 1992 chart and are identified as items 20 and 21.

EXISTING PERMITTED  
NON AVIATION USES  
SAN RAFAEL AIRPORT.  
2/2001

KEY	TENANT	TYPE OF USE	DESCRIPTION	EMPLOYEES	COMPANY VEHICLES & EQUIPMENT	UPDATE
1	Linscott Engineering	Contractor	Office, storage of equipment, materials and supplies, repair of equipment and vehicles.	.20	4 ¾ ton trucks 2 ½ ton trucks 2 ½ ton trucks 1 Suburban 2 dump trucks 1 flatbed 2 loaders 2 bulldozers 4 backhoes 1 compactor	No change from previous use permit; no change under new plan proposed.
4	Four Seasons Greenhouses	Contractor	Small office and storage	3	4 misc. trucks	Building formerly occupied by Lyle Reed; no change with new plan
5	Pat Phillips	Boat repair and storage	Shop	3	1 pick up	No change. Use is same under new plan (UP map wrong).
10-36	Roots Construction	Contractor	Outside storage	0	1 pick up	No change. Under new plan relocated to area next to Linscott.
9	H & H Management	Grazing	Livestock, hay and grain, storage structures, fences, staging areas	0	No equipment on site at present.	H & H will reintroduce after revegetation.
10	Community Playgrounds	Contractor	Storage of equipment and materials	0	1 Bobcat w/trailer, 2 trucks	Formerly "WJB and Luckman" space. Same under new plan.

Exhibit 10

ATTACHMENT A

CC Exhibit 10

Exhibit 11

**MEMO**

**To:** Raffi Boloyon  
**From:** Carlene McCart  
**Date:** July 25, 2005  
**Re:** Smith Ranch Airport Development Proposal

---



The San Rafael Park and Recreation Commission reviewed the proposal for indoor recreation facilities at Smith Ranch Airport at their meeting of July 21, 2005, as per your request.

The Commission limited consideration of the proposal to the value of such facilities to the community, the appropriateness of the location for service to the public and its positive contribution to the recreation facility inventory in San Rafael. There was no one in the audience to speak to the issue.

Comments made by Commissioners were:

- The addition of indoor soccer and baseball facilities has received a very positive reaction from high school and adult players, some of whom travel to Vallejo and Santa Rosa to patronize such facilities.
- If the use is not commercially viable other recreation facilities can be accommodated in the building proposed.
- Indoor soccer is a very fast game, active and attractive to all age groups, and will be successful in San Rafael.
- The addition of these facilities will be a community benefit.
- Note that the proposed outdoor baseball field is not adult proportioned, and therefore will be utilized by youth organizations, which will be welcome considering the shortage of fields in Marin County.
- The proposed facilities are in line with the General Plan 2020 and meets the goals of PR4.
- Location is central and accessible to the public. The public heavily uses McInnis Park adjacent to the proposed site and hours of use of the fields, restaurant, and driving range are similar to those proposed for the indoor soccer facility.

The Commission concluded the item with the following motion:

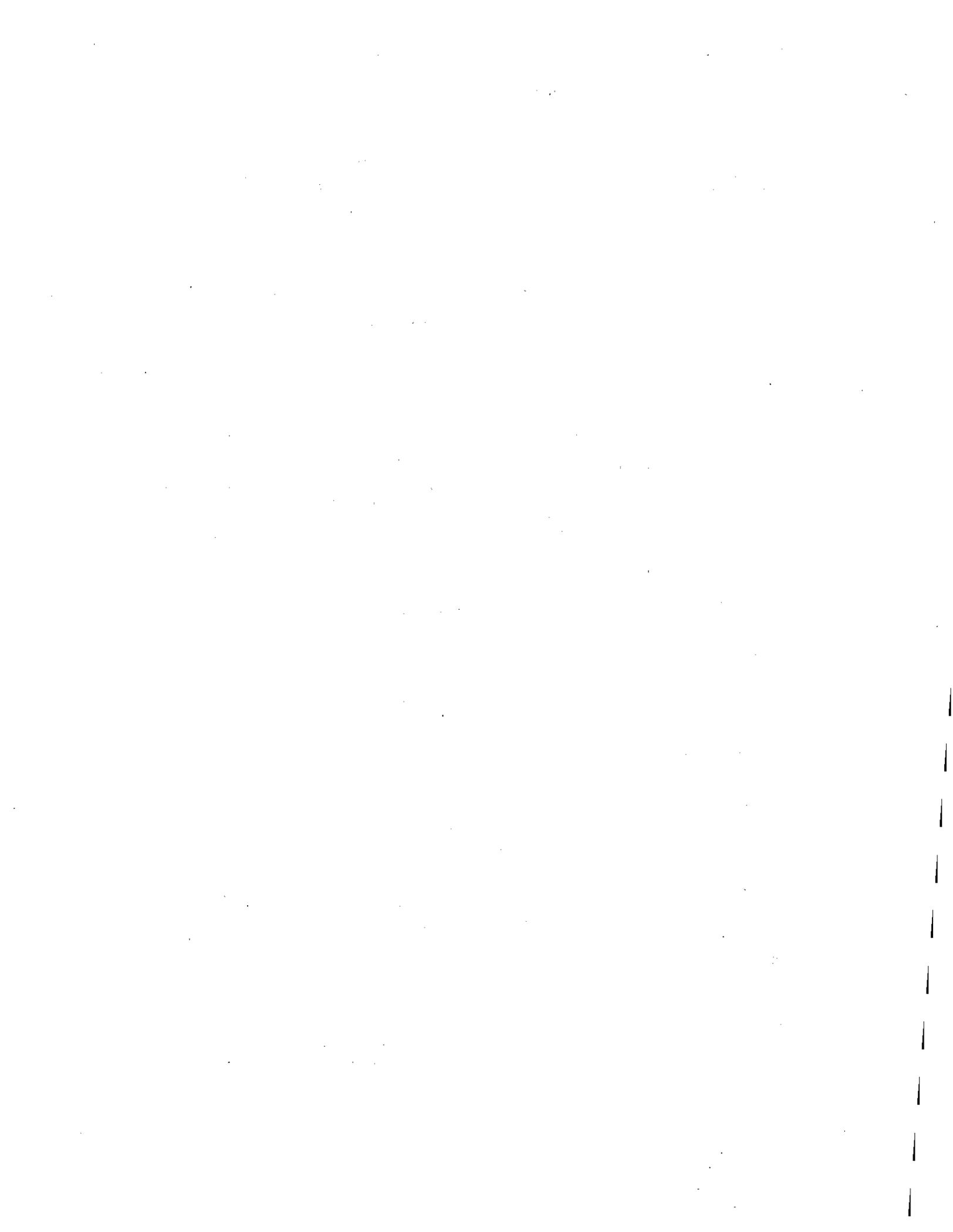
M/s Kreissmann/Warnecke to recommend indoor soccer, baseball and gymnastic facilities are appropriate, and needed in San Rafael, and will be well used in the proposed location.

AYES: Kreissmann, Lubamersky, Quintero, Yates, Warnecke

NOES: none

ABSENT: Mihan, Murphy.

Raffi, if I or the Commission can be helpful in this matter please call on us.



Huntsberry commented that each time it is reviewed by the Board. Given the response from staff regarding the elevations, he imagined that the Planning Department would take care of the easement situation. He recommended approval of the design of the project as presented with the exception that a flagpole or some design element in the center of the sitting area be installed.

Laird-Blanton commented that it is definitely an improvement from what she had seen a year ago. She did not have any problems with the project as presented although she was not so sure if she was in favor of the flagpole element. The seating and lower signage is probably more appropriate than something tall. She had no problems with the project as presented.

Chair Dickens commented that the project has greatly improved and he could generally support it. The colors are potentially kinky and he would like to see a paintout before final approval is given. There are some odd colors in that neighborhood anyway and it may fit in but he was not quite convinced. He supported the idea of a vertical element and the bench area. The signage is a great idea and he hoped that all of the proponents would get involved with the City to make sure it would come out the way they wanted it.

Boloyan summed up the consensus items:

- 1) The project is definitely vastly improved over previous versions.
- 2) Some vertical element should be included at the bench element.
- 3) A final review of paintout would need to be done before the final building colors are selected.

Huntsberry moved and Laird-Blanton seconded that the project be approved as summarized by staff.

AYES: MEMBERS: Chair Dickens, Huntsberry, Laird-Blanton  
 NOES: MEMBERS: None  
 ABSENT: MEMBERS: Crew, Kent  
 ABSTAIN: MEMBERS: None

- 4) ED05-015 **Request for: a) a Rezoning from Planned Development (PD1764) District to a revised PD District with adopted zoning regulations that permit a new indoor and outdoor recreational facility; 2) an amendment to the Master Use Permit for the property to allow the addition of recreational uses; and c) Environmental and Design Review Permit for the construction of new, 35 ½-foot tall, 85,700-square-foot recreational building, two outdoor fields, and associated site improvements, landscaping and parking.**  
 397-400 Smith Ranch Road (San Rafael Airport) (Raffi Boloyan)

Boloyan gave a presentation of the project.

Laird-Blanton asked for clarification that the Board would not be addressing the bridge and all the related concerns expressed in correspondence. Boloyan indicated that the majority of the comments and concerns that the City has heard to this point are not design-related issues. The Board's review would only give advice on design issues.

Andrew Rowley, applicant, gave a background of the project. They have been looking for 15 years in Marin for a facility like this. The facility is needed in Marin due to a lack of playing fields. There is also a lack of quality fields which are dangerous. He mentioned a quote from the City's General Plan that amount of parks and recreation facilities in San Rafael are limited and in deteriorated conditions. One major concern about expanding recreation facilities is the cost of maintenance. The surfaces of many playing fields in San Rafael have been overused for years without proper maintenance and it would be a benefit for all that the use of the fields in San Rafael be rebuilt with proper turf combinations and drainage systems to create year-round surfaces. Policy recommendations is an amateur private multi-sport athletic campus in the City of San Rafael limits striving for the development of a privately owned, publicly used large multi-sport campus to address the needs of the community. This is what the goal is to provide with this project. Indoor soccer basically needs more ceiling height than a normal warehouse building at around 35 feet because the balls are kicked indoors. There will be two indoor soccer fields that are like an indoor hockey rink, but with synthetic grass turf. Many of the campuses in the area have the same type of surface and have been proven to reduce injuries even against natural grass which provides a consistent playing surface. The field turf that would be used has just had a five-year injury study that has been published in the American Journal of Medicine that shows it is safer than natural grass which is a huge benefit to the community and nice consistent year-round surface for the children to play on. Basically the interior of the facility design is that the players would enter on the ground floor and the spectators for family and friends then go upstairs overlooking the playing fields below, with a concession area and viewing area that overlooks both the outdoor playing field and the indoor fields. There is a huge demand for this. After the games, players can shower in the shower facilities, there will be an area to socialize in and a concession area. It has been great from the perspective of Santa Rosa where there are hundreds of children and adults playing where it has been a year-round environment to play in but also a social environment for many families. There are high school co-ed leagues and it helps for parents to know where their kids are instead of wondering if they are out getting into trouble. Countless parents have thanked him personally for the weekend high school co-ed league for those reasons. It has been a positive thing for the community and there have been no problems in the 10 years they have been doing that. They have a zero-tolerance policy and do not allow any bad things to happen, running a top of the line, quality business up there. There will be scholarships for kids in the area who cannot afford to play. It is generally cost-effective for them to play.

Huntsberry was glad to hear that the artificial turf would be used for the indoor facilities and was pleased that it would also be used in the outdoor facility.

Huntsberry asked about the north/south section through the project where it mentioned an ascending clear zone which is perpendicular to the runway. He also asked about the fenestration at the upper levels around the walls of the perimeter of the building for natural light and asked if any of them were operable and openable for ventilation. Rowley explained that there is ventilation but was not sure if the windows actually open. The facility would not be air conditioned but would have fans and would use swamp coolers or other means. Certain areas would be air conditioned such as the meeting room and the areas where the spectators would be which are enclosed. Huntsberry asked if they had a concern about the one-lane bridge serving the site. Rowley explained that they have tracked in the last 3 years every single car by the hour that has come into the parking lot for studies. Their experience is that there is very minimal flow of traffic coming through there. It does not create a traffic hazard or a parking situation. The games are every 50 minutes so there is a quick flow of the games. The adults that play don't really bring anyone except for maybe one other person. On the weekends, the kids bring more and the smaller the kids bring more too since the parents come. It does balance out to where the traffic flow is not bad at all. It has one control point in and out of the parking lot on the main road.

Larry Paul brought a colored elevation and passed it around to the Board to look at while he spoke. Paul explained that the various shades of green were chosen partly because of the scale of the building and at the site they wanted to try to blend in with the landscape as much as possible. It is a large building but relatively as far as scale goes, 350 feet long and 200 feet wide is a 10-1 ratio. If looked at from most vantage points around the area, it would blend into the landscape quite nicely. There is the existing natural landscape with the Eucalyptus trees and the plan is to augment that with new landscaping as well to marry the building with the site. It is a relatively simple building and the goal is to keep the water off of the participants and to bring light into a natural building, and the windows would be openable allowing natural ventilation. There would also be mechanical ventilation, since ventilation would also be needed in the cold weather and that sometimes when it is windy it may not be conducive to have opened windows. There would be air conditioning in the occupied parts of the gallery spaces. The idea was to try to treat the building as a simple, straightforward, functional building, yet articulated so that it does not become a big blob. Because they are metal building panels, care was taken about using the different colors that are readily available. Many of the issues brought up by the neighbors will have to be dealt with one at a time. The airport property has very restrictive covenants that only allow certain uses and the recreational use is just one of them. Paul remembered from the community meetings for St. Vincent's/Silveira the recreational enthusiasts were always looking for opportunities for more recreation in the county. This is an opportunity where something can be done for the good of the community. It fits well because McInnis Park is a big recreational opportunity right at the end of Smith Ranch Road.

Exhibit 12

Huntsberry reminded Paul that he had asked earlier about the ascending clear zone that runs perpendicular to the runway. Paul stated that the FAA wants it clear on both sides and no obstructions for private planes coming in. The cone is very restrictive, going up from the runway itself. Everything from the parking lot and entry drive is coming up with very low lights limited to 5-foot bollards and 5-foot fencing. The plan is to provide a low level of lighting throughout the complex because it is a sensitive site.

Huntsberry asked what Paul's take was on the one-way bridge. Paul stated that he had not really finished analyzing what the need is and thought that it was something the traffic engineer would need to take a good look at. The possibility for that may be necessary and much of it depends on the overall usage of the site and how successful it really could be.

Bob Herbst, airport manager, finished up the presentation. He gave a brief project history. The design was started about a year ago involving the architect, landscape architect, traffic engineers, wetlands consultants, cultural consultants, geotechnical and lighting consultants. He stressed that there is nothing haphazard about this project design. Two different locations were considered on the airport property. Three different building and field configurations and sizes were drawn up. They looked at multiple users including baseball and gymnastics, a climbing gym, basketball, a fitness center, tennis, and martial arts. Each of those users has specific site plan requirements that were considered to fit into the project to have the least possible impact on the property and the surrounding neighborhood. Two big issues that have driven this project are economics and the recreational use. The difficulty has been that recreation is not a big money maker which is why it is provided in public parks and funded by taxpayers. Unfortunately the taxpayers have not been able to keep up with the demand. A lot of flat land is needed for these types of fields and the property and buildings in Marin County is very expensive. An indoor sports facility is a big building needing tall, clear heights as explained by the architects. He showed pictures to the Board showing examples of clear span metal buildings which are not very attractive. Herbst noted that Paul did a very good job of taking a building product that has many limitations and adding through the use of colors, materials and fenestrations making it an attractive building and something that really blends in well with the natural colors in the area. Fortunately, the airport property is 120 acres and is large enough that there are built in setbacks. The closest residence to this facility is actually about one quarter mile away in Santa Venetia which is a large distance.

Herbst noted that the photos show that a lot of care was taken to site and design the building and put the colors and materials together so that it really blends in with the natural environment out there so that it has a minimal impact. The residences are far away but if people have to look at anything at all, it is a concern. They have tried their best to really make it fit in. He showed some final pictures from McInnis Park. The county expressed some concerns about view from their hiking path and from their future picnic areas. The pictures also show the story poles. One in particular from the hiking path does a good job of addressing the ridgeline views. The General Plan talks about protecting bay, wetlands and ridgeline views from public streets and obviously the hiking path is not a public street. The project is pretty much invisible from the public streets but

even from the hiking trail, which it is the most visible, it is seen that the ridgeline views are still prevalent above the height of the building.

Regarding the landscaping, Herbst stated that there is a row of existing Eucalyptus trees that are now in the neighborhood of 15 – 25 feet and some are already as tall as the story poles. The building fits inside of those two rows so from Santa Venetia, one would have to look through the trees to see the building and the same thing for McInnis Park. There is actually a second row of screening trees at McInnis Park that they planted when they built their park. So there is really very good screening of the building from the surrounding area.

Chair Dickens asked how many people were present at the meeting due to the application which turned out to be almost everyone. He took another poll and found that almost the same amount had questions about traffic and environmental and endangered species. Dickens acknowledged on the record that all of the objections of the two items would be listed in the minutes and would not need to be repeated.

Chair Dickens opened the discussion to the public.

Robert Dobrin, 215 Vendola Drive, encouraged the Board members to go and look at the story poles. He stated that the developers have talked a lot about how the existing trees will shield the views from both the Santa Venetia side and from the McInnis Park side. From what he could see, there are no trees shielding it from the Santa Venetia side and those that are on the McInnis side, the story poles are almost directly parallel with the trunks so he did not know how it would be possible to put up buildings with a wall and not take down these trees. He would like to see additional landscaping in the proposal to shield the views of this building from Santa Venetia as well as from the McInnis side because there are a lot of people that use that creek for kayaking and canoeing that would be going right by it and looking at it all the time. The lighting on the proposed outdoor fields is a very big concern to me. They are proposing that the indoor facility be operated from 8:30 a.m. until close to midnight. The plan is not to light the outdoor fields. However the outdoor fields will see some use no matter what and there are also noise considerations. They can already hear the soccer fields in McInnis Park and this is even closer.

Alan Cowan, Vendola Drive, asked what it would look like when the park sinks and the pilings aren't deep enough to hold the building up. What would it look like when people jump over the 5-foot fence? The fence stops well before the creek and the hangars so he suggested that the fence be 6 foot high at least and go all the way to the creek. He was curious about how it would look when he walked around the levy as a result of that whether the fence is there or not. What would it look like when the legislation stops installing lighting in the future. What would it look like when people go there to enjoy the party rooms only but it becomes even more populated with people for that reason? He also asked what it would look like when people do not go to McInnis Park because they are going to have batting cages there along with a baseball park. He noted that there is more of a demand for outdoor soccer fields in Marin than indoor. He went on to say

Exhibit 12

that the history of this property was allowed for regulation of dense development of the marshlands in exchange for development of the Embassy Suites and surrounding developments. The intent was for the land to be open for recreational uses and he suggested that it stay that way. He was glad to see people from Marin Conservation League and the County commissioners but would like to see opinions from the Sierra Club and the Audubon Society.

John Hale, Vendola Drive, stated that he looks out over the property. They get a lot of noise from the playing fields already. He presented them with photographs because they are getting a lot more reflective sound off the airport than ever before because of this unbroken line of buildings that borders the creek. The airplanes are warming up in a place that is inappropriate and are not using the runway all the time. There is a lot of noise coming off of the airport. This is just another big building to reflect the sound. The building can be dealt with and his major concern is the outdoor playing fields. One of the project spokesman said that they are a quarter of a mile away, which is true, but there is nothing between the neighbors and the project site. With the wind blowing in that direction, people can be heard calling to each other on the field. Two more playing fields at the hours planned would make a tremendous amount of noise, when that is combined with the reflective buildings. Another item in the photographs is the hangars. They were previously promised to get vegetation to break the sound and to make them look pretty. He pointed out that there is no vegetation except for a couple of lollipop trees. He is distrustful of this project and is wondering if it is appropriate to this site. In driving around the site, there are endless flat-sided buildings with four residence houses. There are brand new buildings for the four different companies that are there. He wondered if this is really recreational use and if it is appropriate for that site.

Tom Davis, 22 Yosemite Road, commented on Community Design Standard #5. Recently he heard that the story poles for this project were up so he took a walk along Gallinas Creek past the golf course and out onto the marsh to look for the poles. His experience with poles is that they are generally raw 2 x 4's and that they define corners and rooflines. He was surprised that these story poles for this project were so hard to see. That is possibly because they had been painted a dull green/grey to blend in with the background so there is more to this project than meets the eye. When he finally located the poles by the ribbons on the top, he began to realize how huge this building would be. From the path he was on which was public access, which he hoped that it be considered a public right-of-way as much as a street that is paved since it is used by the public and that the views be considered from that public vantage point as being important to preserve,  $\frac{3}{4}$  of the sides of the China Camp hills are used and there are places where the top of Mt. Tamalpais cannot be seen. This was known as an open valley but would not be that anymore. It would be something very different and he wondered if it was worth the change. It would never be again what it is now and the experience that people have now would never be repeated. This is regardless of the use of the 36-foot high building. It may well be that indoor soccer at midnight with a beer and wine bar would be popular. He did not wish the applicants ill in their desire to make money but he thought it was more likely that it would be popular and they would be stuck with a huge building without a use. He is afraid that this project will be a Trojan horse, that whether or not the

intention right now is to change the use. In the future, they would be faced with the fact of an enormous building. Later, subsequent owners might ask to change an application because they have the building in place. He agreed with Huntsberry that the one-way bridge is a major lynch pin to this project and he would hope that any discussion of it was put aside until that issue was resolved, for public safety if nothing else. In conclusion, he added that the Gallinas Park Marsh is not a place to put a building that is larger than the Sears store at Northgate. It is a huge volume and he recommended that they walk the route as well and see whether it is worth giving up the feeling that is there now.

Jerry Frate, 193 Isle Royale Court, would like the size of the proposed building to be limited as designed since it is two and a half times the size of the local multi-screen theater, The Regency, on Smith Ranch Road. Based on the fact that this is a speculation building, it should go slowly before creating this large facility. He suggested building the complex in two phases. Phase I would be a building housing an indoor soccer field and an indoor baseball instruction area. Phase II would be dependent upon market demand and a good track record free of problems with the community. Besides limiting the size, also limit the mass of the building. One of the reasons the building is so high is that all of the functions are condensed into one large mass. The functions of the building could be spread out over more area thereby lowering the height and creating a smaller profile. With respect to the architecture, he would like to change the look of the building from an industrial airplane hangar to a comfortable old lodge with heavy timber and wide covered porches, using materials such as wood, stucco, tile or stone. The building sits next to a creek in a unique natural setting. Make the building look like it belongs there. Porches would allow kids to wait for their rides and to talk with other players while having to wait in a windless interior lobby. He suggested a different access over the creek to the sports complex and suggested using an access from McInnis Park. It makes sense considering the park and sports complex for recreational and other uses which could share parking, fields and facility. The airport owner could help the park with expanding and paving the existing parking area at the access point in exchange for the right to park there and walk across the new bridge to the new sports building. The children are too exposed to the airport runway by using the outdoor field proposed by this complex. If there were an access from McInnis Park to the complex, the children could then use the function of McInnis Park instead of being right next to the airport.

Frances Nunez, 209 Vendola Drive, reiterated that the building is much too massive for the site. These are historical wetlands of which there are not very many left. There was some confusion since at the meeting in June, there was a total of 70,000 square feet but on another page it states that it is 85,000 square feet. It seems to have grown in only one month. She also reiterated the comment regarding the landscaping of the trees. Eucalyptus trees are not natural to wetlands but a lot were planted there along the south edge at one time between the building and the Santa Venetia property. Those are crucial and there are spots where the trees are there and huge, empty spaces where there are no trees. Although she has been told that they are trees that are feisty and will grow to be 20 feet later. As far as she knows, they were all planted at the same time and if they are not any bigger than 5 feet now they will not get any larger than that. She asked that the Board look at the property from some residences on Vendola Drive. There are no trees

Exhibit 12

between the parking lot and the runway where there is talk about putting in a fence and there should be some vegetation even if squeezed in there somehow because the headlights of cars coming in there at night is going to be very obvious. This is totally flat land and not like a normal landscape which is also why the sound will travel. She did not see any kind of buffer wall between the outdoor playing fields. Something like that was done at McInnis Park where the batting cages were put in, but it seems as though it was a landscape design that was left out. Otherwise, it will be a huge impact and the building is too massive.

Huntsberry asked Nunez if the story poles could be seen from her house. Nunez stated that she could not, but someone corrected her and said that they can be seen. She suggested that maybe just she was not able to recognize them. Huntsberry suggested that they look even through binoculars to see them because once the building is up it would be too late. Huntsberry was very interested to know how visible they are from the area of Vendola Drive.

Penelope Dunham, 88 Yosemite Road, stated that she is opposed to this project both for sound, for taking away the pastoral landscape, for essentially having 500 cars and 1000 visits in and out every day, impacting sound, the light when the kids finish their games, and the yelling and screaming all affecting their quality of life. The other thing is endangered species and an EIR is needed. Two species, the clapper rail and the salt marsh harvest mouse, need to be checked on before this is developed. Her main comment was that this was proposed to them as a giant green monstrosity of 85,000 square feet with three tenants that would have soccer, baseball and gymnastics. One third of the tenants are gone, so make 14,000 square feet of this go away because those tenants are not there any more. If a blank check is being written for someone to come in, it is not known what is being written for in terms of who can come, how many visits a day back and forth on the road would be there. Essentially if something is being proposed and the Board is being asked to design it and to write them a blank check for usage for this giant green building, it is going to be hot in summer, but mostly it is an eyesore and a lifesore for the people who live out there. It really could be reduced in size. If it has two tenants right now, make it the size for two tenants.

Rich Leahy, 21 Sailmaker Court, agreed with everything said. He read from something that was sent out to City of San Rafael residents approximately two to three months ago by the City Manager. He noted that it stated that it has taken 15 years for the City to get to this point and he started to see why the City is looking into this. He was happy to hear that Andrew Rowley wanted to make the size of the ceiling at 35 to 36 feet so that it would not break the game up. There is an area for socializing afterwards and he wondered if the 12:30 a.m. time as mentioned was at all realistic. He was glad also that there have been no complaints in all the 10 years he operated in the industrial parks of Cotati and Santa Rosa. Certainly there has to be a correlation as to why they are not having complaints there and why complaints are already being made here with only poles put up. The first time he heard of a dirt parking lot, he thought of how windy it is up there and that it might endanger the field. He would be curious if this would be a successful venture and how the bridge would end up being bigger. He quoted from notes

from a planning meeting in review of plans, "noise study by a developer says – okay, no noise". The City engineer stated that there would be no significant traffic and he asked Boloyan about it at a neighborhood meeting and was told that the traffic studies are done only during peak hours. Once again, he felt that more than what was being presented to them was being looked at. The four-hour increments mentioned really do not bear out the severity.

Kathy Lowry, Marin Conservation League, stated that they have some great concerns about such a massive building being built so near wetlands and in a flood zone. They are aware that the covenant from 20 years ago recognized that this area could be used for recreation but the intent needs to be returned to. The intent was not development but was for recreation. This is a site near one of the major parks and even though every effort is being made to make it least obtrusive by painting it green and adding landscaping, it is a huge building and will impact the views from all over especially from the park. The hills would be not completely obliterated but there would be a big building in front of the hills and in front of the creeks. This is clapper rail habitat and critters are used to being nighttime being quiet and dark. The main parking lot calls for 182 spaces plus an overflow parking lot. That indicates that a lot of activity is planned there at once. She mentioned that in the background, it is mentioned that access to the site would be on a two-lane road. At the very least, it needs to be acknowledged that it is a one-way bridge which is not in the background report. It will be a major concern for everybody. The noise, lighting, and the massiveness of this building create some serious concerns.

Ron Beasley, Contempo Marin, 117 Bryce Canyon, which is on the east side of the park adjacent to the airport, had many concerns. He had been out to see the story poles several times. He felt that the building is far too massive and that the use is not appropriate. However, he wondered what kind of footings would be used there in that questionably filled soil and how well compacted it is. He was concerned that the bridge is entirely inadequate with only one lane but particularly if there is any kind of an emergency out there, it is inadequate in terms of width and very questionable structurally although it has been worked on the last 3 to 4 years. At the end of September, construction began of a large hangar that is located directly in back of him. He happened to be home at the time and watched it being built with the main beam structure going up over a three-day period on a weekend, some of the times being inappropriate for construction. He made some calls and complained and Boloyan stated that his plans showed two buildings but it was now one building, 130 feet x 60 feet. He then called the chief building inspector who stated that it had been totally inspected. Beasley did not feel that it had been inspected and all except for the sliding door it was fully constructed and so he questioned the integrity of the whole thing. An old construction trailer that is behind the hangar was going to be moved but is still there and is supposedly still in use. There is no wire hooked to the power head but there is now an RV there that someone is living in with an extension cord. The promises to improve the side of the building with the trellis and planting were promised in early 2004 and nothing has been done yet.

Sharon Bale, 37 Sailmaker Court, commented that for a period of time there was supposed to be restricted use on traffic and when it could start in the mornings but no one

has ever paid any attention to that. She has filled in complaint forms and delivered them to the City Planning Department but has not heard anything from anyone although she has called in to ask if they had been received but her calls were never returned. She talked to the drivers as they came across the bridge asking if they knew there were time restrictions and none of them said that they knew anything about it. Dickens questioned the restriction hours and Boloyan explained that there are some hours of operation that are allowed for maintenance and construction type uses. The project is in a protected wetland area that also has a lot of residential area surrounding it. It is entirely too large, too invasive and too noisy and to put something that operates until midnight in there where people have to drive back and forth past the resident's bedroom windows is insane. Also, the use of vegetation and the planting of Eucalyptus trees when most people are taking out those types of trees – she was not sure that due to fire dangers that it was a wise choice to be putting back there. Everyone has talked about recreational use which is usually thought of as park recreational use but this is not and is commercial recreational use which is a big difference that needs to be kept in mind.

Robert Zingale, representative of Smith Ranch Homeowners' Association, lives at 14 Smith Ranch Court, was concerned about comments on the intended use. The use is zoned as recreational and they would love to see more recreation in the area, in fact outdoor recreation seems to be the intent here – not to convert this into an industrial park as is being proposed by this building. The building being at 85,000 square feet, 15,000 of it in a mezzanine area, is huge and very imposing in the area, and will be seen from public areas, the hiking path and the public outdoor seating area as well as the golf course. It will be seen prominently from the first hole, third hole, fourth hole, eighth hole and the ninth hole. One would be looking straight down onto the property which is 56 percent of the holes in that golf facility right now. It would also be seen from the access road up to the skate park in the area. This building would have to be of a different material and could not be an industrial warehouse facility. If this size, it would have to be screened in a way so that it would look more in keeping with some of the surrounding buildings similar to McInnis. If something like that was there, the community may be in support of it. The building was described as a big, green building which is one of the things the HOA is concerned about. It is a big green metal shed and they are very opposed to that. Another thing mentioned is that it would not be conditioned and would be operable and would have swamp coolers on the roof. One of the concerns is that it would generate noise. When the windows are opened, people will be playing soccer, whistles will be blowing and it will be disturbing. It goes until 12:30 at night and no one is going to get sleep. It will carry for at least one half of a mile. These are very serious concerns as well as the single lane access bridge coming into the facility. One of the nice things about it is that two bike racks would be shown in front of the parking area but he wondered how the bikes would get there. Over a single-lane bridge? And what kind of impact would that have on traffic and how dangerous would that be for bikers in the area? People access the bike path and go all the way out to Point Reyes by way of Lucas Valley Trail. There will be a significant amount of bikers that would be accessing this facility. He asked if anyone had really considered any other alternatives. One of the things he would like to see somebody pursue is possibly a public private joint venture where someone would go in. He realizes that the fields are not in good shape and are torn up

and have had a lot of use. He asked if anyone has thought about going in there with a public/private development or redevelopment effort to replace the fields with turf fields and possibly operate those. McInnis Park operates now until the sun sets when the noise stops and then the traffic goes away as well. If the area could be limited, they would be in better shape than they are right now.

Lisa Herschleb, 121 Yellowstone Court, thought that this is an unbelievable proposition and concurred with everyone that spoke. She stated that she lives in a metal box and the metal box that is being built out there is going to be extremely hot in the summer. If swamp coolers are proposed to cool that massive building, it will be terribly noisy. It would be an unbelievable sound pollution problem.

Joanna Arakaki, 47 Wharf Circle, had a lot of concerns that had already been expressed. She was very concerned about the hours of operation and asked that if there is a change in the master use permit could it be implemented into that. Dickens said that it could. She was also concerned about the definition of recreational use. The concern would be what types of recreation would be there. She would like the definition to be built into any type of change in the master permit. She clarified that she is against the development but also has to be real. She was also concerned about landscaping which some other people reiterated. The non-native landscaping and more attention paid to fire resistant type of trees is needed and Eucalyptus would not be one of them. She also did not know what type of authority the Planning Commission has to ask the developer to impose in his plan some sort of compensation for Captain's Cove residents that are directly affected where bordering that airport road. For every car that goes down that road, the headlight would shine into Bale's living room. She would never have a moment's peace again, either coming or going. Arakaki wondered what type of authority the Board had to ask for those kinds of concessions from the developer.

Kathleen Phelps, 327 North San Pedro Road, supported the project. She paid attention to a lot of development projects in Santa Venetia and had concerns about how a project of this size would impact her enjoyment of hiking along the levies and also at McInnis Park. She would like to see more landscaping around the outdoor fields if possible but was not sure how that would work with the creek banks there. She would like to see native landscaping and wondered if on the Santa Venetia side of the proposed outdoor field if it might be possible to look at incorporating into the architecture some kind of a sound wall or a planted sound wall that might lessen the sound and take care of some of the visual impact. She wondered if it was possible to pull back some of the parking a little bit from the runway so that some higher landscape elements could be placed along that side. She was not as familiar with the interaction to the Contempo Marin side and wondered if that is something that could be looked at. Lastly, she appreciated the costs, and is very aware of the need for this facility since she drives on a regular basis both to Vallejo and Oakland to play indoor soccer herself. It is unfortunate that in Marin there is not a lot of space for this but the need to mitigate this use with the neighbors is being looked at. The developer/applicant has made some great strides in this direction. The cost with regards to a building of this size to make it work are difficult. She was impressed with what they have been able to achieve and would like to see some more human scale elements in the

landscape. If some of the examples from McInnis would be looked at such as the large entry arbor and the bathroom buildings, there might be some exterior elements that could be added to the design which could help to create more of a human scale to the exterior of the building.

Misty Eberhart, 122 Yellowstone Court, stated that her house is parallel to the access road to the airport. For the last two years, her life has been completely miserable with the building construction of the hangars and the new home. She is currently disabled and at home and could not tell of the damage done to her home. The owner of the airport had sent someone to her house to redo the foundation where it had actually cracked and fallen. Things in her house have actually cracked. In the meantime, they supposedly put up a soundwall between the access road that goes past Captain's Cove clear out to the airport. It is not a soundwall, the height is nothing and the noise is horrendous, the workers start coming at 5:30 a.m. with their screaming radios as they are driving into work, they are screaming getting ready for work, and the headlights shine right into her bedroom so she hardly even uses that part of her house anymore. The thought is the massive thing being built. With 35,000 square feet on landfill she cannot imagine what it will do to shake the earth and would probably destroy her house. The view is completely gone with what they have built already and it is miserable. It is not safe and no one stops at the stop sign. She has no cats or dogs but hopes that a child does not get hit by a car there. Everytime one cannot see up over the horizon, they honk at all hours of the night. It is inhumane and no one should have to live like this. For this, an operation until 12:30 is ridiculous and will not allow people around there to have some peace.

Nancy Peake, park planner with Marin County Parks, stated that they sent a letter expressing their concerns. She asked that the Board address the items being reviewed tonight, the main item of concern is Community Design Policies CD-5 & CD-6. The story poles from McInnis Park definitely have an impact on the view from McInnis Park. She is a designer by trade and the drawings look fine, but when she went out to the site she was amazed at how much of the pastoral view and ridgeline would be obstructed by the view of this building. They realize there is a lack of fields in the county and the county is looking for locations to provide more soccer fields. Someone brought up the fact of improving the fields at McInnis and they are looking into putting in artificial turf in the fields at McInnis. Of course, being a county agency, they are also looking for funding to do that. They just feel that this structure is not really what this site is for. It is for recreational uses but they do not feel that a huge structure is a recreation use but that restrictions are called for.

Evan Marks, 803 Vendola Drive, was rather shocked. He is a contractor and has seen the story poles. Before he came to the meeting he was quite agreeable to the mass of the building. What he saw was a big green shed and the architect described it as such. It is screened by recently planted Eucalyptus trees which were only put there in recent years for exactly that purpose. The question has to be asked if we are better served by the wonderful asset to the community or the status quo and the status quo was his feeling. They look directly downwind of the fields over at McInnis and he enjoys the occasional soccer game. They also live across the water from the golf course which has a license to

operate until midnight. When he gets up at 3 a.m. and the lights are going along with the ball cages, that is not part of their license. He asked if the maintenance agreements had been considered since the soccer games finish around 12:30 a.m. and the maintenance crew arrives to clean up. The cars are going in and out all night.

Chair Dickens closed the public hearing. He listed the consensus items brought up by the public: traffic, noise, more landscaping, bridge safety and/or inadequacy, maintenance, hours of operation, and lighting.

Chair Dickens brought the discussion back to the Board.

Laird-Blanton commented that the project would need to be continued because there are certainly a lot of issues that would need to be addressed before any definitive decisions could be made by the Board particularly some of the transportation issues around the bridge and access to the property, also the issues relating to the wetlands and the flood zone. The points raised in the letter from the Department of Parks are very valid and need to be addressed and responded to. It is interesting to listen to everyone's comments about the sound and how it travels across the water. Some sound studies would also certainly need to be done to see what the implications of that are. She happens to live a half a block away from Pickleweed Park and they have all kinds of outdoor sports fields and she never hears a thing. Traffic is never a problem even though people park along the road in terms of people using those facilities. The soccer facilities are highly used and many people she knows that play soccer complain that there are not enough places for them to play. She also has a brother who has played soccer for over 30 years and he loves playing indoor soccer. She watched him on occasion and thought that as a recreational use that facility actually has a good purpose. She thought that Paul has done a pretty good job with what could be a bad industrial building and articulating it giving it much more character than most of the buildings out at the airport at the moment. She also agreed with the parks and open space letter that it would be advantageous to see more story poles and linking so that a much better idea could be given of the massing of the building. It is hard to see what it would really be like from those residences across the creek and marsh. As part of the sound studies, she was not sure about how noisy the swamp coolers are or whether there is a technology that is not. She certainly hoped that with all of the operable windows that much would be done with natural ventilation as opposed to artificial and she did not think that people were necessarily taking that into account in terms of some of their criticisms. Again, the landscaping drawings are pretty skimpy at this point so more would have to be shown. They do not even go as far as to include the baseball fields so it is not known what is happening over there. She stated that it was not discussed what kind of glass would be used in the windows, so whether it is tinted or not to reduce the impact of night lights might certainly be an issue. Certainly criteria would have to be the hours of operation and making sure they were all worked out to take into account as of issues and concerns of people, particularly around noise. She also thought that the comments about bike access were very valuable. There should be bike and walking access and it should be encouraged.

Huntsberry commented that there were a lot of items and if some kind of enclosed recreational facility went forward it would need to be addressed. When he first went out to the site and looked at the story poles he realized that it is very big but does not obscure the ridgeline. He would like to see a study done from the residents across the way, mostly on Vendola Way and see if in fact how much of it they could see. Usually people do not like any change in their backyard and the right of the developers to develop their property to the maximum use they can has to be respected to some degree. If they did go forward with that, he thought that much checks and balances would be needed along the way. There was a comment that the building has to be a clear span because the soccer field needs that. He looked at the plan and the western half of the building is already divided in half permanently with a wall. On the eastern half, there are two indoor soccer fields which he really did not see why the entire structure 200 feet wide would have to be a clear span. There is obviously a row down the middle where special columns could be placed and it would be an opportunity to raise the roof up or back down in the middle and the height of the building lowered. The spans could go across the two halves that would help in the overall height. When the overall height is looked at, the edge of the fascia is about 32 feet and the top of the roof is about 40 feet so the main part of the roof only increases 8 feet on the entire half width of the building. He was not sure if that exercise would be worth it but it would certainly be something to look at. Also on the clear span, if it were only spanning half a distance, perhaps the cost of the building would be less and might help the developer. The parking lot next to the baseball diamond is labeled overflow parking. It is well known that anyone who uses the baseball diamond would go right to the gravel parking path. He thought that all of the parking spaces should be paved to eliminate noise and dust. He was concerned about the sound transfer that several people brought up. If the building was totally air conditioned, there would be no sound coming out of the building, but certainly on warm nights when windows were opened just the roar of someone yelling because a goal scored and the whistles blaring at the fouls during the game would travel right out those windows and across the way. There was a comment from the applicant that only the players were coming with one or two people and he wondered why the whole design of the elevated viewing platform with a café just how many people would be there to watch these games. If there are that many people there watching games it would be nice to watch the games in an air conditioned space, but from the applicant's own words he did not think there would be that many people coming so he questioned the need for that. He applauded the applicant for going with the artificial turf fields which really work fine. What if the soccer does not work, or the baseball or gymnastics do not work? He really felt a need for recreational fields, and especially with our long winters months with much rain he was sure it would be well used. He could think of a couple of indoor tennis courts that were built in the San Rafael area that were used all of the time except that they were put in without a permit and had to be closed down. He was sure they would love to take out an application out here and build some indoor tennis courts. That especially does not work very well in the rain. He took exception that they are always looking at parking on all of the projects to see if there is the right back up space and if there is the right number of cars and circulation which is very much a design issue. Given that it is a one-lane bridge, at a minimum it needs to be rebuilt to two lanes. It needs to be considered what would be done when it is an emergency access and all of the people have just exited a game and the bridge is being

tyed up for minutes on end if not longer. It definitely needs two-way traffic in and out to such a large facility. The landscaping needs to be expanded and the area on the south along the runway is minimal at best. It is nice at best that there are some islands for planting and a nice planting plan for the actual parking lot but when 2 or 3 feet of planter is shown on the south side of the parking lot, that should be a mounded area that would have some space for good sized landscaping and trees to be planted. The mounded area could also serve as a noise break and could serve as a noise barrier so that noise coming from this could bounce up and over and away from the residents across the way. There is a lot of work that needs to be done. He was not too impressed with the exterior elevation but when he saw the colored rendering of it in the muted shades of greens and ochre he thought it looked quite nice and the building does have good articulation for such a large building. The architect said that they might not be able to get the exact colors that are on the rendering and looking at the actual samples he would have some concerns with four or five different types of colors. The rendering is almost a camouflaged type of building and would tend to hide it as much as possible. Dickens stated that if large quantities of that sheet metal were used that they would be able to get any color desired and Huntsberry agreed.

Chair Dickens commented that generally he was in favor of the project. He always likes to encourage private enterprise to do something of a public recreational need. Obviously he has some obstacles to overcome and maybe everyone can be helpful in solving them. The photomontage from multiple views would certainly help the neighbors both short and long range. With computer technology as it is, Dickens was sure the client could afford it. He questioned the 35-foot height limit and could not believe it is high enough for baseball and kicking a soccer ball but something higher would scare the neighbors even more. The mechanical systems need to be studied more. Swamp coolers are not very effective. They are very inexpensive but with the humidity in Marin, he did not think that swamp coolers would give the desired cooling factor. He supported the need for soccer especially with the long winter rains causing the McInnis fields to be closed. An indoor facility is a great idea and it obviously has a way to go. His big concern in going out to the airport is that it is not very well maintained and he was a little disappointed because the tenants out there are not policed out there very well, and there are piles of rubber tires, debris, trash, and cuttings that have been there maybe 20 years. He would like to see an effort on the part of the developer to present a stronger and a more respectable public image, especially next to a piece of the property, the lagoon and the swamp. As this project advances, he would certainly encourage some type of maintenance controls on the property so that the debris would not accumulate around this building as the other airport property has accumulated. It seems to take a long time to get anything built and finished there and asked why. He noted that one of the speakers complained about the construction activity and he felt that could be rightly so since it does not appear to be rightly expedient. Dickens felt that the project is probably moving toward a continuance but thought that enough input was given.

Boloyan stated that every Board member made different points and comments and suggested that the applicant be given the list of issues that the Board raised as well as

Exhibit 12

looking at what the public raised as well to try to address those. Boloyan provided the Board with the comments that were a consensus and these include:

- 1) The applicant should provide different photomontages from various points on Vendola Drive as well as the McInnis Park side.
- 2) A better connection between the story poles and possibly brightening up the actual poles.
- 3) The comments made by the Board and the public would be transmitted to the applicants to incorporate and consider in their design

To clarify the second point raised by staff, Laird-Blanton stated that if photomontages were prepared, the better connection and brightening of the poles would not be necessary. The Board concurred with Laird-Blanton's comment and indicated that their preference would be to see photomontages rather than any additional work to the story poles.

Dickens stated that the Board greatly respected the public coming out and voicing their concerns and encouraged them to continue to do that. For some who thought they could support the project, he asked that they contact the architect and the developer and to be specific about their concerns and to think about the benefit it might have to their families to have a facility like that in their neighborhood. It could be pretty great if they could somehow overcome the obstacles. He added that we are all resistant to change.

Laird-Blanton moved and Huntsberry seconded that the project be continued.

AYES:	MEMBERS:	Chair Dickens, Huntsberry, Laird-Blanton
NOES:	MEMBERS:	None
ABSTAIN:	MEMBERS:	None
ABSENT:	MEMBERS:	Crew, Kent

- 5) ~~SR05-051 Request for approval of an amendment to a previously approved Sign Program for a mixed-use retail/office complex. 171 – 181 Third Street (3<sup>rd</sup> Street Plaza) (Raffi Boloyan)~~

~~Boloyan gave a presentation of the project and summarized the two changes.~~

~~Dickens asked if this project was so major that staff could not tend to the modifications. Boloyan explained that this was something that staff would want the Board to comment on. Staff was not that comfortable with the change altogether and there was much discussion when the original sign program was reviewed by the Board. There was much attention by the Board on how the signs looked, the letters and the lighting, that staff felt it should come before the Board to get their endorsement before moving on.~~

~~Huntsberry observed that the change is from wall-illuminated signs to internally illuminated signs. Boloyan stated that is correct and that the colors is the other~~

Member Laird-Blanton asked staff to investigate the Lexus pre-owned facility. Senior Planner Boloyan agreed.

Member Crew acknowledged the death of Sally Kibby who for 70 years made her opinion known and was a member of the community who offered a tremendous amount to the design process in San Rafael. The Board and staff concurred.

**C. Approval of Minutes**

- 2. October 18, 2005 and July 19, 2005

Chair Dickens asked for a motion.

**Member Laird-Blanton moved and Member Huntsberry seconded, to approve the July 19, 2005 Minutes as presented. Motion carried by a 4:1 vote with Member Crew abstaining.**

<b>AYES:</b>	<b>Member:</b>	<b>Laird-Blanton, Huntsberry, Machnowski, Chairmau Dickens</b>
<b>NOES:</b>	<b>Member:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Member:</b>	<b>Kent</b>
<b>ABSTAIN:</b>	<b>Member:</b>	<b>Crew</b>

Regarding the October 18<sup>th</sup> minutes, member Crew stated that Alternate Member Machnowski should not be noted as a "voting member" when all Board Members are present. The Board and staff agreed.

Chair Dickens asked for a motion.

**Board Member Huntsberry moved and Board Member Laird-Blanton seconded, to approve the October 18, 2005 Minutes as amended. Motion carried unanimously by the Board.**

<b>AYES:</b>	<b>Member:</b>	<b>Laird-Blanton, Crew, Machnowski, Huntsberry and Chairman Dickens</b>
<b>NOES:</b>	<b>Member:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Member:</b>	<b>Kent</b>

**D. Old Business**

- 3. **ED05-015 – 85,000 sq. ft. Indoor Recreational Building, Two Outdoor Recreational + Fields, Parking and Associated Site and Landscaping Improvements. 397-400 Smith Ranch Road  
Project Planner: Raffi Boloyan**

Raffi Boloyan, Senior Planner, summarized the staff report and recommended that the Board review the design and make a recommendation to the Planning Commission and City Council.

Member Crew asked staff if this would be the last review if approved. Senior Planner Boloyan responded that the final details could come back to the Board before making a recommendation.

Andrew Rowley, President, Sports City Indoor Soccer Centers, explained that he has owned and operated two facilities in Sonoma County for 10 years, which was not their first choice. The County of Sonoma is grateful that they moved north. The facilities have been a tremendous benefit to the County of Sonoma and have helped to alleviate the demand for fields. The facilities serve as a hub for local athletes and a tremendous asset for the community. Currently, there are not enough fields in Marin County to satisfy all the youth and adult soccer leagues that exist, so there is a tremendous demand for field space. He added that of the 50 fields available in the County most are in very bad shape. In general, the fields are overused and there is no money for continued maintenance, which leads to dangerous field conditions and injuries. He indicated that his facility is a family-oriented place where both youth and adults can play. The facility acts as a community-based clubhouse where family and friends and come watch and participate. The facility is open to all members of the general public. There is field space and meeting rooms available for senior groups and for the community to use free of charge at times. Also, they have non-profit corporation called, "North Bay Soccer Foundation," which provides scholarships to local neighborhood children as well as under privileged and disadvantaged children. The business basically consists of organizing and running indoor/outdoor soccer leagues for youth and adults. In addition, they host birthday parties for children and offer field rental to flag football, lacrosse, field hockey, volleyball and bocce ball. The desire is to have a high quality affordable recreation experience for the entire County. Based on the ten-year history they anticipate having 60% usage of soccer from youth and 40% from adults. Also, the entire facility will consist of 80% youth and 20% adult based on the gymnastic and baseball components. Both San Rafael and Marin County's General Plans call for creation of additional fields and recreation facilities to combat the existing shortages and problems. They have a very unique and incredible opportunity that the owners of the Marin Airport have presented to this community. He further stated that this location is the perfect area to compliment the existing sports and recreational facilities at McInnis Park.

Larry Paul, Architect, believed this is a great project, use and located in a great area. It is located right across from McInnis Park, which is the recreation center of Marin County. The private road would be improved and the bridge would be modified in order to have two lanes. Pedestrian access will be provided from Smith Ranch Road and bicycle access along that road into the complex itself. He explained that there would be two indoor soccer fields with adequate parking and overflow parking provided. The exterior fields will not be illuminated. They added some additional landscaping to augment the existing trees to further buffer the view from McInnis to the facility. They provided a generous amount of landscaping in the parking area itself. He then provided several slides showing

overflow parking, landscaping, soccer fields, entry of building, horizontal elements, and metal and glass panels in order to provide a lot of articulation and variety to maximize integration into the environment.

Bob Herbst, representing, Airport Ownership, provided an aerial photograph of the general neighborhood depicting Contempo Marin and Captain Cove, which are unable to view the facility. He noted that Santa Venetia is the only residential community that can view the project. He explained that the facility will be screened by the Bucalyptus trees and any gaps will be addressed. He then provided additional photographs within McInnis Park to demonstrate the screening trees for the Board's consideration. He pointed out that they are located in a developed area with thousands of residential homes and an active recreation park. He further noted that they have communicated with the neighborhood in regard to this project and address their concerns, which is provided in the staff report.

Member Blanton-Blanton asked Mr. Rowley if the colors selected for this facility are similar to the colors in Sonoma or are they selected specifically for this site. Mr. Rowley responded that the colors of this building would blend in with the natural surroundings.

Member Crew asked if the applicants had prepared any photomontages from high points in the surrounding area like on top of Professional Center Parkway. Bob Herbst responded that they had not since view inputs would be minimal.

Member Huntsberry asked Mr. Herbst how long the screening trees between McInnis Park and the proposed facility had been planted. Mr. Herbst responded that the screening trees were planted in 2000.

Alternate member Machnowski asked if alternate access from Santa Venetia was considered. Robert Herbst stated they do not own that property and it is all developed with homes, so it would be difficult.

Bob Brown, Community Development Director, pointed out that the City policy is to protect views from public vantage points, not private.

Chair Dickens discussed the colors and asked Mr. Paul how they would deal with the reflective nature of the colors. Mr. Paul responded that because of the amount of landscaped screening, the reflectiveness of the stock panels would not be that reflective. Basically, the panels are identical to the airport panels in regard to reflectiveness.

Chair Dickens opened the public comment on this item.

Ian Tonks, Mill Valley resident, stated that this area is vastly underserved in regard to soccer fields. He is impressed with the level of effort to make this facility user-friendly and environmentally sound.

John Swain, San Rafael resident and architect, believed the applicant has gone through significant effort to make this a low impact design. He felt a multi-use facility is a very

valuable amenity for the community.

Robert Zindale, Smith Ranch Court resident, showed a computer presentation and noted the following concerns:

- Park must be preserved.
- Design a safe and appropriate bridge to access the facility.
- Views of the hills must be preserved.
- Lighting design must be addressed, so that it did not impact surrounding areas, but must be illuminated properly.
- There must be appropriate fencing.
- Operation and maintenance issues must be addressed.
- Proposed hours of facility.
- Appropriateness of the size and mass of facility.
- Scale and structure of facility.
- Impacts on the Mt Tam area.

James Firmage, Mill Valley resident, representing, Mill Valley Soccer Club and 1,500 children, felt the plan mitigates the site lines, landscaping and community. He further stated that children need space to play and a healthy child needs a place to grow.

Susan Adams, Member, Marin County Board of Supervisors, submitted a letter for the Board's consideration. She then highlighted a few points and noted that there were a number of letters of support that she received, 87 in opposition came from neighborhoods directly impacted by this development. She added that at this time the community is divided. In regard to design, the location of this site is in the 100-year flood area, so this property should be able to withstand a 100-year flood. The community raised issues in regard to mass and noise of the facility. Also, she encouraged the use of a sustainable development. She understands that there is a proposal to have a pub at this facility and no parent would advocate for alcohol sales or use at a facility advocating young and healthy activity. The bridge is under County jurisdiction, so the applicant must address the bridge with the County and mitigations that must occur.

Mark Mackbee, Labera Way resident, supported the facility. He noted that there is a tremendous concern about childhood obesity rates and Type 2 Diabetes, which is directly related to diet and exercise and this facility would provide a place for children to play. He added that this County is screaming for this facility and hoped the community and Board would support this facility whole heartily.

Matt Flerimer, San Rafael resident, supported the facility and encouraged the Board's support.

Joanne Arakaki, Wharf Circle resident, Member, Neighborhood Working Group, believed the Board cannot make a recommendation without further design review. She expressed concern for the hours of operation.

Keith Melony, President, Contempo Marin Homeowners Association, clarified the status

of the Working Group and noted that the Group was approved by the Association in order to work with the developer towards a mutual goal of identifying concerns. This comprehensive list is not only incomplete, but the Contempo residents have not responded to any information provided due to time limitations. The Working Group only achieved the first half of its charter and the residents deserve to have a chance to be part of this process. They asked for more time before the design of this project is approved.

Rick Williams, representing San Rafael Youth Soccer Board and an architect, stated that this facility is greatly needed in the community as indicated in the General Plan. He agreed with the site planning and bollard lighting treatment. He believed this is a good and appropriate use and the design fits in. They have done a good screening the job structure.

Erik Lehrer, District 5 Coordinator for California Youth Soccer, noted the tremendous amount of frustration with field space in the area. He felt the design process has been incredible and supported the project.

Aram Kardzard, representing, Football Club Marin, noted support for this project since it is long overdue and desperately needed in the community.

Ken Conroy, San Rafael resident, indicated that he is very impressed with the design and plan. He is very excited for the indoor fields and noted his support. He asked the Board to work with the applicant in order to make the design fit.

Marcus Witte, Lucas Valley resident, agreed with the sustainability approach and it would be great to have solar energy power this facility. He commended the applicant for finding a solution that is safe and beautiful.

Elaine Reichert, Santa Venetia resident, expressed concern for flooding, noise impacts, congestion impacts and the riparian area.

Jane Chang, Captain Cove resident, asked staff if there is a conflict of interest in regard to Larry Paul since he is a member of the Planning Commission. She requested a letter from the City Attorney in regard to any Brown Act violation in regard to Larry Paul being the architect on this project. She then expressed concern for the bridge and the safety concerns for pedestrians.

David Fix, Wharf Circle resident, expressed concern for the riparian area and desired the area to be preserved. He believed the hours of operation and lighting must be addressed, so before the Board makes any recommendation the design details must be further reviewed and addressed.

Justin Manes, Vendola Drive resident, expressed concern for the bulk and mass of the facility. Lighting is a major concern and wanted his view preserved. He recommended constructing a large trellis in order to screen the building appropriately rather than waiting several years for the trees to mature. He also expressed concern for the wildlife

and noise impacts.

Chris Brittany, Captains Cove resident, discussed the location of the bridge and expressed concern for the close proximity to residences.

Tom Davis, San Rafael resident, opposed the indoor facility and felt the plan could be better accomplished with a far less intrusive outdoor sports complex.

Rob Iresan, Coordinator, Marin Co-Ed Soccer League, pointed out that building and maintaining a soccer field is very expensive and cannot be handled at the neighborhood level.

Robert Doblin, Vendola resident, showed a computer presentation and expressed concern for the following:

- Illumination of open space;
- Loss of public views;
- Design aesthetics;
- Scale and mass; and
- Design being inappropriate for the environment and landscaping issues.

Mr. Doblin believed additional studies are needed. Further assessment of the visual impacts and recommended a third party assessment with computer modeling. Also, he believed a full EIR is needed. He then noted the following mitigations:

- Alternative construction or siding treatment to achieve harmony with environment
- Reduce size of project and maintain open space.
- Additional landscaping from all views.
- Landscaping milestones be set as a condition of any construction and previously agreed upon landscaping as part of the previous project should be completed before moving forward.

Terry McTeggart, Santa Venetia resident, supported the children and urged the Board's approval of this facility.

Alice Rothlind, representing, Marin Women's Soccer League, noted that MWSL uses the McInnis fields, they are great tenants and a good group to have in the area. Property values will increase from this facility. She added that it is well designed and meets a community need. She further noted her support.

Jerry Frate, Contempo Marin resident, expressed concern for the bridge. He recommended reducing the mass and size of the proposed facility by building a one-field building as a Phase 1 project and then phase in another field at a later date in order to know how it fits in with the community.

Megan Clark, San Rafael resident, expressed concern for the mass of the building and felt it is inappropriate for this area.

Michael MaCray, San Rafael resident, originally supported the project, but now feels that it is too large. He expressed concern for the beauty of the valley being impacted from this facility.

Mr. Herbst indicated that they conducted a third party biotic study, cultural study, noise study, traffic study and geo-technical study.

There being no further public testimony on this item, Chair Dickens closed the public hearing and brought the matter back to the Board for discussion and action.

Member Huntsberry expressed concern for the views and habitat, but also the youth and facilities that must be provided. The building is large, but it is nicely articulated for a structure of this size. He would like colors to be toned down and less shiny. He added that the parking layout is well designed and several concerns have been addressed in terms of lighting and the bridge as indicated in the report. He discussed the overflow parking lot, but it is located next to the outdoor soccer field and baseball diamond and submitted that it will be used because individuals will park as close to the field that they will be operating in and there will be an issue with dust in the area. He recommended that the overflow parking lot be fully developed and paved. There are several planting areas designated as well as islands and he hoped trees are planted in all those islands. In regard to color, dark green colors generally blend into the hillside. Also, the Eucalyptus trees are nonnative, which will provide screening, but recommended using more native trees that are fast growing that would thrive in this area rather than Eucalyptus trees. He further suggested expanding the trees so there is not a straight landscaped area.

Member Laird-Blanton agreed with member Huntsberry. She stated that the changes in terms of the site are welcomed. She believed the design of the building is very appropriate. In terms of color, she felt it is very green and asked that the color palette be reviewed and toned down. She agreed that native plants should be used rather than Eucalyptus trees. She noted that fencing, landscaping and drainage must be further reviewed at a later date.

Member Crew indicated that this is a great building, but not appropriate for this site. She expressed concern for the reflectivity elements. She desired another photometric and indicated that the illumination must be addressed. She felt the bridge is not attractive and must be addressed. The fencing details must be further reviewed. She added that noise impacts could be a concern. Also, maintenance of the site could be an issue, so provisions in that regard should be developed. She hoped the Planning Commission consider the eco system, wildlife and lighting. She also agreed that more native planting should be used.

Alternate Member Machnowski expressed concern for the warehouse type design and desired a softer alignment with the horizontal lines rather than a box appearance. He discussed the glare from the building, which should be carefully considered. In regard to the roof, all mechanical equipment must be concealed in order not to be an issue. He expressed concern for the impervious surface on the site. Also, native plantings should be considered.

Chair Dickens expressed concern for the reflectivity of the material of the building and must be studied in more detail. He asked that the building be drawn to a larger scale. He desired a maintenance agreement that the building and grounds be maintained due to the proximity to the delicate lands nearby. The design of this project is further advanced and asked staff if it is possible to move this to the Commission without receiving a final approval from the Board. Senior Planner Boloyan responded that there is some general consensus, which is that the building design is appropriate, well articulated, and that the project has improved. Also, there are final details such as coloring, reflectivity, and landscaping that could come back as follow up items. Staff asked the Board to provide direction in regard to potential impact to views on the surrounding areas. Chair Dickens could support the low wattage levels.

Member Huntsberry stated that some hills are blocked, but while walking on the trails along the creek the views would be reopened. Obviously it would impact the views, but not the ridgelines and views of Mt. Tam. Member Laird-Blanton agreed. Member Crew disagreed. Alternate Member Machnowski agreed that the building is low and would not impact the views, but he did not agree on the appearance of the building.

Director Brown announced that the environmental assessment would address views extensively.

Chair Dickens asked Boloyan to sum up the consensus items list. Boloyan listed the following consensus items.

- Building is nicely designed. It is well articulated and has a low and horizontal profile that preserves views of the surrounding hills.
- The project has vastly improved since the last submittal
- The new bridge deck is a good idea and addresses many concerns
- The general color scheme is good and it effectively blends with the background. The green color could be toned down a little. The Board would like to ensure that the final colors are not reflective
- More fast growing trees are needed along the perimeter and these should be used rather than additional Eucalyptus trees
- Generally, the landscape plan is adequate and acceptable, but prior to construction, the Board would like to review additional details on fencing and landscaping and a more readable lighting plan
- A maintenance agreement needs to be included to ensure that the site is well kept and maintained.

Chair Dickens asked for a motion.

**Board Member Huntsberry moved and Board Member Crew seconded, to approve the project subject to the following conditions: more comprehensive landscaping come back before the Board; enlarged and more detailed areas of the architecture of the building come back; more muted color scheme for the building, especially for the green; readable lighting plan; overflow parking lot get paved at the same time**

Exhibit 12

**and developed; use more native fast growing trees rather than Eucalyptus trees; review drainage issues and all details of the building; aesthetics of the bridge must be reviewed; and include a perpetual maintenance agreement.**

Alternate Member Machnowski felt the building is very rectangular and square and desired more softening of the building

**Motion carried by a 3:2 vote by the Board with Member Crew and Alternate Member Machnowski opposed.**

**AYES: Member: Huntsberry, Laird-Blanton, Chair Dickens**  
**NOES: Member: Crew and Machnowski**  
**ABSENT: Member: Kent**

*Chair Dickens announced that the Board would take a five-minute recess and then reconvene with the next agenda item.*

**4. UP05-038 -- Four Unit Residential Condominium Project, 33 Pacheco  
 Project Planner: Steve Stafford**

Steve Stafford, Planning Technician, summarized the staff report and recommended that the Board make recommendations to the Planning Commission on the design revisions of the project. In addition, staff welcomes the Board's guidance on any additional design detail that would further improve the project.

Member Laird-Blanton asked if staff is aware of a building code requirement that requires for four condominium units, an accessible unit. Planning Technician Stafford agreed to investigate.

Member Crew stated that the den is an extra bedroom and parking should be required. Planning Technician Stafford responded that there are insets in these den areas that could be converted into closets and staff is looking for guidance from the Board. The Board believed the dens are bedrooms; therefore, the parking requirement would be inadequate. David Gordon, applicant, representing, DSG Properties, LLC, discussed the den or bedroom areas of the proposed floor plans and asked if the wall is removed, and it becomes a large kitchen/family room area, would that be appropriate and what the Board desired. The Board felt more comfortable removing the walls in the den.

Chair Dickens opened the public comment on this item.

Michael Parsons, San Rafael resident, expressed concern for parking in the neighborhood because parking is already very limited.

Fred Elberts, property owner at 37 Pacheco Street, thanked Mr. Gordon for changing the roof on Unit 2, but expressed concern for the 10-foot wall in front of Unit 3 and Unit 4. He pointed out that there is a lot of open space on the eastern side and suggested



## SAN RAFAEL SPORTS COMPLEX SUSTAINABILITY STRATEGY

### **BACKGROUND**

---

San Rafael Airport has been a local leader in environmental sustainability. We were one of the first large commercial properties in Marin County to convert to renewable energy. Our 40 kilowatt rooftop solar facility has offset over 250 tons of greenhouse gas emissions since we installed it back in 2004. We were also a seed investor and Beta tester for ET Water, a smart irrigation controller that is now sold nation-wide, and which has cut our company and personal water usage by over 35% since 2005.

In addition, we maintain an active recycling and composting program here at the airport, and we recently have begun family organic fruit and vegetable gardening, along with honey production. We have two all-electric vehicles on order, and we plan soon to install an electric charging station to service those vehicles. We plan to participate starting in January in the City of San Rafael's green business program.

Finally, we are very excited and expect to unveil shortly our plans for a 1 megawatt rooftop solar farm (on our existing aviation hangars) that will provide local green energy to Marin Energy Authority customers. This is expected to be MEA's first local utility scale project, and will be the first step to fulfilling their promise to provide locally generated green power to Marin residents (vs. buying it from elsewhere and importing it). The project will annually offset over 750 tons of greenhouse gas emissions.

Clearly we have been committed to lowering our carbon footprint for many years, and that focus has continued with the proposed recreation project. For example, we voluntarily committed to LEED certification back in 2006, long before the City had adopted any green building requirements. The San Rafael Airport Sports Complex is committed to achieving a high degree of environmental sustainability in both its construction and on-going operations. While the project environmental review pre-dates and is therefore exempt from AB32 and ensuing greenhouse gas thresholds, we have nonetheless committed to comply with the City of San Rafael's Greenhouse Gas Reduction Strategy, which is an integral component of the City's Climate Change Action Plan adopted in 2009 to address the mandates of AB32.

## **GREENHOUSE GAS REDUCTION (GHG) STRATEGY**

---

The City of San Rafael's GHG Reduction Strategy contains required and recommended elements. Our project is exempt from certain of the required elements (such as the Green Building Ordinance), but as shown below we have nevertheless agreed to comply with all of them, as well as numerous of the recommended elements:

### **Green Building Ordinance**

- LEED Gold certification; project registered for LEED in 2006
- Highly energy efficient construction
  - Steel panels are 100% recyclable & built with 25% recycled content
  - Minimum R30 insulation throughout to stop heat loss and noise transfer
  - Extensive glass to minimize daytime lighting needs
- No heating or cooling of indoor field areas

### **Water Efficient Landscape Ordinance**

- Use native or drought tolerant plants
- Use Smart irrigation controller to minimize water use and eliminate run-off

### **Construction and Demolition Debris Recycling Ordinance**

- 80% of construction debris will go to Certified Recovery Facility

### **Bicycle Parking Regulations**

- Provide 14 or more bicycle parking spaces near building entrance(s)

### **Clean Air Vehicle Parking Regulations**

- Provide 18 or more parking spaces designated for Clean Air Vehicles
- Provide 1 or more electric vehicle charging stations powered by solar panels

### **Affordable Housing Ordinance**

- Pay requisite in-lieu housing fee into City's Affordable Housing Fund

### **Solar Power Production**

- Install solar panels on roof to provide 100% of project electricity demand

### **Installation or Wiring For Electric Vehicle Charging Stations**

- Install 1 or more electric vehicle charging stations powered by solar panels
- Pre-install wiring to accommodate up to 2 additional charging stations

### **Natural Filtration of Parking Lot Runoff**

- Use water permeable open grade asphalt to minimize run-off from parking lots
- All run-off from project roofs and paved surfaces will pass through landscape beds and vegetated swales to encourage absorption and natural filtering

**Preserve Significant Trees**

- No significant trees will be removed
- Project adds 141 new trees, increasing carbon sequestration

**High Albedo (reflective) Roofing**

- Metal roof and wall panels will contain reflective coating to cool building
- Solar PV and hot water tubing on roof will beneficially re-use solar heat load

**Sidewalk/Bicycle Land Upgrade**

- Construct new bicycle/pedestrian lane from Smith Ranch Road to project site

**New Environmentally Preferable (“green”) Business**

- Recreation is a business that contributes greatly to community health and quality of life, while directly producing little or no pollution
- Will reduce out of County car trips (and GHG emissions from tailpipes) by providing local indoor recreation facilities
- Sports City uses state-of-the-art Musco Green Generation field lighting
  - Uses 50% less electricity than standard lighting
  - Shielding eliminates glare into surrounding properties
- Field Turf uses recycled rubber and unlike grass, needs no water or chemicals
- Café menu will include healthy organic food choices

As shown above, the San Rafael Sports Complex has committed to meet or exceed the City of San Rafael’s Greenhouse Gas Reduction Strategy for new projects. This strategy is part of the implementation plan for the City’s Climate Change Action Plan adopted in 2009, whose goal is to reduce greenhouse gas emissions by 25% by 2020, and 80% by 2050. By meeting the City’s GHG Reduction strategies, the project complies with the City’s adopted plan to meet state targets emanating from passage of AB32.

## ESTIMATED GHG EMISSIONS RELATED TO PROJECT

The project EIR contains a GHG net emissions estimate of 2204 metric tons. We will show below that this estimate is significantly overstated for 2 primary reasons: (1) it does not factor in all of the Greenhouse Gas Reduction Strategies outlined above, and (2) it contains inaccurate estimates of project energy usage and vehicle miles travelled by project users.

The project pre-dates GHG emissions thresholds related to AB32. The GHG analysis in the EIR is therefore informational in nature, and intended only to provide a broad, worst case, picture of the project's *potential* GHG emissions. Many of the sustainability practices outlined above were not known by the consultant at the time the GHG analysis was conducted. For example, sizing of the project solar energy system was unknown.

Also unknown was the projected energy usage of the facility. Detailed building plans are necessary for an accurate estimate, but such plans are typically only required at the building permit stage. The GHG consultant therefore relied upon average 2003 usage data provided by the US Energy Information Administration. However, this data is not representative of a 2012 LEED Gold certified facility. Furthermore, the consultant used the catch-all "Other" building type, when the more appropriate building type was "Public Assembly", whose definition specifically includes Recreation (with examples including gymnasium, health club, ice rink, and sports arena). Utilizing "Public Assembly" vs. "Other" reduces the estimated energy-related GHG emissions by almost half (from 1232 tons down to 674 tons).

Clearly the best estimate of future energy use is past energy use. Sports City, the project operator, has over 10 years experience operating two similar facilities in Cotati and Santa Rosa. As shown in the attached chart, their 2010 energy usage at these facilities is roughly 1/6<sup>th</sup> of the Public Assembly average across the US. Partially this can be attributed to our moderate climate (Sports City does not plan to heat or cool the indoor field areas). Based on their 2010 energy usage levels, Sport City's estimated GHG emissions in the new facility will be only 213 tons, compared to 1232 tons estimated in the EIR. Furthermore, since 100% of the project's electricity demand will be provided by rooftop solar panels, most if not all of this remaining 213 tons will also be eliminated.

Elimination of 1100-1200 tons of GHG emissions from energy use brings the project very near to 1100 tons of GHG emissions. Nearly all of the remaining estimated emissions come from vehicle miles travelled by families using the facility. However, the vehicle miles estimate used by the EIR consultant did not include the reduction in vehicle miles by Marin families who will go to the new San Rafael Sports Center in lieu of travelling long distances to visit indoor sports centers in Cotati, Santa Rosa, or other distant cities. We know this is a significant number because we have hundreds of emails and letters in the EIR record from local Marin families and soccer league officials who have testified to this very fact. Sports City, for example, currently has 463 Marin residents registered for soccer teams at their Cotati and Santa Rosa facilities. They expect all of those residents will switch to the new San Rafael facility when it is

completed, since it will be much closer to their homes. Instead of travelling 80 miles round trip, San Rafael families will drive 10 miles or less to reach the San Rafael Sports Complex. At these mileages, the elimination of 1 trip to Santa Rosa offsets 7 new trips to the San Rafael facility. Clearly, incorporating this data into the GHG analysis would produce a significant reduction in estimated GHG emissions from vehicle trips.

In summary, while the project is exempt from emissions thresholds, we have demonstrated herein that the actual project GHG emissions are likely to be well below 1100 tons, which would be considered a less than significant impact under AB32 related standards. Furthermore, we have agreed to institute comprehensive project sustainability strategies that fully comply with the City of San Rafael's Climate Change Action Plan, which is designed to reduce City-wide GHG emissions by 25% by 2020, and 80% by 2050. Finally, though not project related, San Rafael Airport expects in 2012 to construct a 1 megawatt solar farm on existing rooftops, which will annually offset over 750 tons of carbon emissions. The combination of the Sports Complex and solar farm is likely to result in near net zero emissions from new projects at San Rafael Airport.

Building Category	Electricity Demand			Metric Tons	Gas Demand				Metric Tons	Total CO2 Elect & Gas
	Bldg SF	kWh/SF	Total kWh	CO2	Bldg SF	Cu. Ft/SF	Total Cu. Ft	Total kWh	CO2	
Other*	87,500	22.5	1,968,750	649	87,500	67.6	5,915,000	1,767,500	583	1232
Public Assembly**	87,500	12.5	1,093,750	361	87,500	36.4	3,185,000	951,731	314	674
Sports City (2010 Usage)	45,000	4.58	206,100		45,000	9.4	423,000	126,399		
Sports City (New Project)	87,500	4.58	400,750	132	87,500	9.4	822,500	245,777	81	213

Source: US Energy Information Administration: [http://www.eia.gov/emeu/cbecs/building\\_types.html](http://www.eia.gov/emeu/cbecs/building_types.html)

\* Other: Buildings that are agricultural or industrial with some retail space...whose largest single activity is agricultural, indust/manufacturing, or residential.

\*\* Public Assembly: Buildings in which people gather for social or recreational activities. Examples listed: gymnasium, health club, ice rink, sports arena.

**Robert Herbst**

**From:** Robert Herbst  
**Sent:** Thursday, December 29, 2011 9:54 AM  
**To:** Robert Herbst  
**Subject:** Sports City 2010 Utility Usage

**From:** Andrew Rowley [mailto:Andrew@fieldturfncal.com]  
**Sent:** Tuesday, December 20, 2011 6:06 PM  
**To:** Robert Herbst  
**Subject:** Sports City Utilities

Here you go... Santa Rosa 25,000 SF Cotati 20,000 SF

	SANTA ROSA		COTATI	
	#8223	#1559	#1868	#5196
2010	ELECTRIC kWh	GAS therms	ELECTRIC kWh	GAS therms
JAN	10880	550	7400	329
FEB	10800	435	8440	296
MAR	11120	358	8760	267
APR	9200	240	7400	147
MAY	9120	132	8320	68
JUN	8880	13	7320	73
JUL	7600	3	7000	14
AUG	8720	32	7280	23
SEP	7520	2	8160	11
OCT	8640	81	7200	41
NOV	10000	230	8120	139
DEC	9440	338	8880	414
<b>TOTAL</b>	<b>111920</b>	<b>2414</b>	<b>94280</b>	<b>1822</b>

Both facilities combined:

Total Electric	206200
Total Gas	* 4236

$\div 45,000 \text{ SF} = 4.58 \text{ kWh per SF}$

$\div 45,000 \text{ SF} = .094 \text{ therms per SF}$

\* 1 therm = 100 cubic feet

$\frac{.094 \text{ therms per SF}}{100 \text{ cubic feet}} = 9.4 \text{ cubic feet per SF}$

