



REPORT TO PLANNING COMMISSION

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

EXECUTIVE SUMMARY

At its November 15, 2011 meeting on the San Rafael Airport Final EIR (FEIR)/Response to Comments, the Planning Commission conducted a public hearing, closed the hearing. Following closure of the hearing the Commission directed staff to prepare additional responses to questions and comments raised at the meeting. City staff and its environmental consultants have provided the requested additional responses, and conclude that: a) the answers provided in this report sufficiently clarify all of the questions, comments and concerns raised at the November 15 hearing; b) they confirm that the FEIR has adequately identified all potential environmental impacts of the project in compliance with California Environmental Quality Act (CEQA); and, c) it provides the Planning Commission with all necessary information to thoroughly evaluate and consider the impacts of the development project.

This report addresses all of the pertinent questions with regard to the land use declaration that is recorded for the airport property, applicable zoning provisions, visual and biological concerns, levee hazards, airport and site hazards, water quality, noise and traffic, climate change analysis and alternatives discussion. The report represents the work of City staff and its environmental consultants. The FEIR has been completed in compliance with all requirements of CEQA, and provides the decision-makers and the public with all pertinent information regarding the potential impacts of the development project in the manner and location proposed. Staff recommends that the Planning Commission consider this additional report as part of its deliberations on the project, take action to recommend certification of the FEIR, and direct staff to schedule the project entitlements for review and consideration at a future public hearing.

The Commission may also provide the public an opportunity to comment on the information contained in this report. However, the DEIR public comment period required by CEQA has closed and, therefore, this meeting is not intended to solicit additional new comments on the project or EIR. No additional response to any further comments provided on the topics covered by the EIR is required. There will be additional hearings held for the public to comment on the merits of the project, which will also include consideration of the environmental effects identified for the project by its CEQA document.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Open the public hearing in order to accept comments on any new information contained in this staff report.

2. Recommend to the City Council Certification of the FEIR for the San Rafael Airport Recreational Facility Project by adopting the attached Resolution (**ATTACHMENT 1**).
3. Direct staff to schedule a hearing on the project for the Planning Commission to review and provide its recommendation to the City Council on the project merits (i.e., PD Rezoning, Use Permit, and Environmental and Design Review Permit).

The Commission must consider certification of the FEIR *before* it may consider project entitlements.

PROPERTY FACTS

Address/Location:	397-400 Smith Ranch Road	Parcel Number(s):	155-230-10,-11,-12,-13 155-230-14,-15,-16*
Property Size:	16.6-acres of 119.5-acre site	Neighborhood:	Smith Ranch
Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	Airport/Recreation	PD1764-WO & W	Airport & Assoc. Use
North:	P/OS, Cons, Low Den Res	P/OS	McInnis Park
South:	P/OS, Cons, Low Den Res	Unincorporated	Santa Venetia Res.
East:	P/OS, Cons, Low Den Res	Unincorporated	Santa Venetia/Bayland
West:	Medium Density Residential	PD1626-WO&PD1399	Contempo/Capt. Cove

*Although the airport property is only one subdivision parcel, a portion of which crosses into County jurisdiction, the site has been assigned multiple tax parcel numbers by the County Assessor. APN's -10 through -13 are within the City limit and -14 through -16 are in County jurisdiction. The existing airport facilities and runway are within -11 and the subject recreational facility development is within -12. See Vicinity Map (**ATTACHMENT 2**).

BACKGROUND

At its November 15, 2011 hearing on the San Rafael Airport FEIR/Response to Comments, the Planning Commission directed staff to provide information addressing further questions, comments, and requests for clarification received either in written correspondence or during public testimony at the meeting. Consistent with this direction, City staff and its environmental consultants have addressed these items, which provide further clarification and responses in the following areas:

- 1) Addressing questions regarding the FEIR responses that were provided to comments on the Draft EIR (DEIR).
- 2) Correcting discrepancies and augmenting some of the FEIR mitigation measures.
- 3) Addressing some new questions or comments that, while not required to be addressed in the FEIR, this information would be useful for the public and Commissions deliberation on the project.

Staff notes that CEQA does not require the City to provide further responses to any additional or new comments received, before it certifies an FEIR. However, due to the substantial amount of information contained in the FEIR, this additional discussion should help assure the information is adequately considered and that further clarification is provided where needed.

Since the previous hearings on the EIR have been closed, this meeting is not intended as an opportunity for submitting new comments. However, consistent with the City's policy to provide maximum public participation in the process, staff further recommends that the Commission allow the public to briefly comment on the information contained in this staff report. It should be noted that comments on project merits should be reserved for a future meeting date, which shall be scheduled for that purpose.

ANALYSIS

The comments and letters received at the November 15, 2011 meeting raised issues on a number of topics. The topics raised and addressed in this report include discussion of Land Use, Aesthetics, Biological Resources, Geology & Soils, Hazardous Materials, Air Safety Hazards, Hydrology and Water Quality, Noise, Transportation and Traffic, Climate Change, Alternatives, and Other topics. There are also comments that overlap in similar topic areas. The major comments raised in these topic areas are identified below, and followed by responses. The complete record of the November 15, 2011 meeting is available online at: <http://www.cityofsanrafael.org/meetings/>

1. Land Use and Airport Property Deed Restriction

The additional land use discussion provided below addresses the following:

- *What are the facts surrounding the original 1983 restriction, including its purpose and intent? The restrictions were originally proposed as mitigation for development at other locations (Embassy Suites, Autodesk, Marin Lagoon housing development)*
- *Would ancillary uses such as a café and sports shop fit within the definition of recreational use?*
- *If the use were proposed to be changed to another use, what kind of review would be required?*
- *Why aren't all the land uses that would be permitted with the approval of the project identified? The EIR must analyze the impacts of other potential uses, such as an ice rink.*
- *Why has there been an increase in use of the airport (e.g., more flights, larger planes, night flights)? Is this increase in compliance with the Airport Master Use Permit?*
- *Does the proposed recreational facility require a determination of Public Convenience or Necessity by the City and State Alcoholic Beverage Control (ABC) in order to serve alcohol?*
- *Why does the FEIR not discuss the impacts of alcohol consumption and the appropriateness of this activity with a recreational use?*
- *Does alcohol use conflict with zoning regulations regarding no alcohol sales near parks?*
- *The use is not consistent with Section 14.13.030 of the municipal code (recreational uses near wetlands should be low intensity).*

Intent of the Airport Property Deed Restriction

There has been a substantial amount of inquiry and speculation regarding the purpose and intent of the 1983 land use restriction placed on the San Rafael Airport property. It has been purported that the land use restriction was originally proposed as either mitigation or to transfer development rights from the airport property onto the Civic Center North Master Plan project (*i.e., lands west comprised of Embassy Suites, Autodesk, and Marin Lagoon housing development*). Some of this confusion is understandable, given the complex history of the Civic Center North development project, which included many meetings and required City, County and LAFCO actions. However, City staff has exhaustively reviewed the record, identified areas where potential confusion may have arisen, and confirmed that the subject development request, as proposed, may be processed under the terms of the 1983 land use restriction. A summary of pertinent facts found in the administrative record on this topic have been provided in **Attachment A** to this report.

At the time that the San Rafael Airport Recreational Facility project application was filed with the City in March 2005, the City Community Development Department staff and City Attorney's office reviewed the request for conformance with the property's recorded land use restriction; which is a contractual

agreement between the City, County and property owner to limit the land uses on the property. It was determined that the proposal to develop the site with a private recreation land use (aka, "recreational facility")¹ would be consistent with the property's land use restriction. This decision is consistent with the General Plan 2020 airport/recreation land use category (Policy LU-23) that applies to this property, and it is within the City's purview to make this determination. General Plan 2020 Policy LU-23 has been discussed in more detail in the DEIR, and DEIR Appendix C – Zoning Compliance Table.

After a discretionary zoning application has been accepted by the City as complete, the project must be properly evaluated under the requirements of the California Environmental Quality Act (CEQA). Therefore, the City has appropriately conducted CEQA review of the project being proposed by the applicant. It is important to note that CEQA environmental review does not result in a final determination regarding a project's land use compatibility or with regard to any other land use or general plan policy questions. A decision regarding the appropriateness of the project, including its proposed development intensity, must be made during review and consideration of the land use entitlements required for the project (aka, project merits). Nevertheless, City staff has strived to provide pertinent background regarding the property land use restriction, as an informational item, during the project environmental review process and EIR preparation.

The administrative record summarized in Attachment A confirms that the land use restriction would not preclude the proposed private recreational facility project. City staff has been processing this application over the past six years with the understanding that Marin County staff reached the same conclusion; that is, that the land use restriction does not preclude consideration of the proposed private recreational development project. In the opinion of City staff, the discussion on this project at the Board of Supervisors meeting in April 2006, and December 28, 2009 letter from David Zaltsman, Marin County Counsel implied that this understanding was correct. In the December 2009 letter, Zaltsman stated that like the City Attorney's Office, Zaltsman's office also reviewed this declaration, and agree with the City Attorney's conclusion that **"...it means what it says – it is a restriction on the potential land uses for the property."** Zaltsman added a caveat that the land use restriction will exist in perpetuity, since it runs with the land. Zaltsman further recommended that the City should reference the land use restriction in any project conditions of approval applied to the proposed project. This letter was received *after* the DEIR comment period closed and, therefore, was included as an attachment to the November 15, 2011 FEIR report. Thus, in further providing recommended conditions of approval for the project, the City believed that County Counsel had reaffirmed an implied understanding that the private recreational development project being considered by the City could proceed under the terms of the land use restriction.

Thus, since the April 19, 2006 Marin County Board of Supervisors (BOS) meeting at which the project was discussed, City staff understood that County staff and the Board of Supervisors agreed that it was appropriate for the City to consider and process this private recreational land use request, and would not raise an issue in this respect moving forward. Again, City staff understood that Marin County Counsel and the Board of Supervisors implicitly supported this conclusion by, i) providing recommendations on the scope of the environmental review that should be required for the project, and ii) recommending conditions of project approval. The Marin County Parks and Open Space staff had previously raised this concern prior to the 2006 Board of Supervisors meeting. After the 2006 BOS discussion, questions regarding applicability of the deed restriction to the project were deemed to have been resolved. As such, the County Parks and Open Space staff no longer raised this as a concern either during the subsequent DEIR scoping, preparation of the DEIR, or an issue in their DEIR comment letter (DEIR Comment Letter 4). In light of this history, the recent November 15, 2011 letter from Marin County Parks and Open Space

¹ The term "recreational facility" has been consistently used to refer to the entire private recreation development project, and its meaning is *interchangeable* with "recreational uses" and/or "recreation use". This usage is consistent with the adopted City Zoning Code definition for "recreation facility"/"recreational facilities" and the "recreation uses" land use types listed in the zoning land use tables.

District appeared to be re-introducing as a concern whether the project is consistent with the intent of the land use restriction.

Due to renewed confusion regarding County staff's position on the applicability and intent of the deed restriction, of which the County is a party, City staff asked that Marin County Counsel and Marin County Parks and Open Space District staff clarify and reaffirm their position regarding whether the land use restriction applies to this proposed private recreation project. Zaltsman has provided a formal response letter, January 5, 2012, reporting that the County Board of Supervisors and County of Marin takes no position as to whether the project as currently proposed is within the allowed uses of the Declaration. However, so long as the project remains precisely as currently proposed, the County will not challenge the project administratively or judicially based upon the Declaration. Zaltsman states that this does not mean that the County agrees that the project is consistent with the Declaration, but that the County will not be addressing or pursuing this issue so long as the project remains as currently proposed (**ATTACHMENT 3**).

Essentially, the County defers to the City with regard to implementation of the deed restriction for the airport lands located within the City's jurisdiction. Zaltsman's letter does however confirm that the County of Marin would not challenge the private recreational project currently being considered by the City. This is important confirmation as the project analyzed in the FEIR being proposed by the applicant includes the following components and a building (described in greater detail in the EIR):

- An 85,700 square foot multi-purpose recreational building with ancillary uses, and
- Outdoor sports fields.

The County would maintain its right to object to any land use that they deem to be in conflict with the land use restriction. No conflict is anticipated by City staff because the land use restriction runs with the land and any land use on-site must be listed as an allowable land use type. Thus, the EIR Land Use analysis discussion that considers a recreational facility with structures remains appropriate.

Based on its detailed analysis, City staff has found the record confirms that, a) the deed restriction applies to the project, and b) the proposed private recreational use would be allowed under the "private and public recreational uses" terms of the land use deed restriction. Of course, the City maintains purview over how that land use is implemented. If the 1983 land use restriction had been intended to preclude further development of the property, this was not established by the recorded declaration of restriction, as reviewed by both the City and County. Staff reiterates that its review of the entire and complete record reveals that the deed restriction was not required to preclude further development, but rather to limit the types of future land uses that may be allowed on the property.

Staff further notes that review of the administrative record does not support a conclusion that the land use restriction was required to transfer development intensity from the airport property to the Civic Center North development project. Rather, throughout review of this prior project, the Civic Center North development project was required to stand on its own merits. The subdivision TS82-5 Condition (j) reinforces that a limited scope of review was required for the subject parcel map; which was necessary to separate the Civic Center North development area from the airport lands. The only reference to environmental protections is reflected on the Parcel Map, which required that the westerly end of the airport property (Parcel B), designated for right of way and a habitat area offered to the City for purchase. Again, there is no discussion that this was required as either mitigation nor intended to transfer development from the airport parcel.

The record for the Civic Center North project further does not substantiate a belief that a density transfer had been required or occurred. The record shows that the Planning Commission had actually recommended a *reduction* in density proposed for the multi-family portion of the Civic Center North development. The project approval allowed that the project density could achieve its originally *higher* proposed density if it were made more affordable and resolved design issues. This decision was made solely based on the project area proposed for development of Civic Center North. The airport property

was not included in this analysis and had no bearing on the decision-making process. Staff identified that the Civic Center North property owners did explore an increase in the permitted residential density in 1984, *after* the Civic Center North project was approved in 1983. The deed restriction also had been recorded on the airport property by this time. Thus, again there was no relationship between this inquiry and the airport property, other than continued common ownership of both lands.

The opinion that the declaration was intended to preclude further development seems to have arisen from a few statements made in the record on the Civic Center North project, which were made prior to its approval. In particular, the 1983 Board meeting minutes recorded a statement from the applicant's representative that the land use restriction would "prohibit any further development of the property". Also, there is a statement recorded in City Council meeting minutes on the Civic Center North project, wherein a group of persons that were interested in purchasing the airport property indicated that they would maintain the land for open space (this group did not subsequently purchase or secure the property). However, a review of the specific terms of the recorded land use agreement and corresponding actions taken by the City and County on both the agreement and Civic Center North project entitlements adequately clarifies that additional development on the airport site could occur with the limitations being imposed strictly with regard to the types of land uses that would be allowed.

During its most recent review of the record, City staff also read the prior 1983 zoning ordinance in order to determine whether "recreation use" at that time would have precluded development of a recreation use with structures, and found that it would not. In fact, the 1983 zoning description for recreation includes uses that require a building. The 1983 zoning definition is substantially similar to the current zoning definition and related land use category (see the *Recreational Land Use and Project Compatibility* discussion below). Thus, there has been no significant change in the City's definitions, and its usage of the terminology "private and public recreational uses" would include uses that require a location within a building.

City staff also asked County staff to review its zoning code definitions in effect at the time the land use restriction was drafted and executed. This was done in order to ascertain whether County residents and staff had a different definition of "private and public recreational uses". According to Neal Osborne, Marin County Planner, the County did not have a definition for "Recreational Use" circa 1983. However, with regard to the portion of the site that lies along the Gallinas Creek (within the County), it is designated Bay Front Conservation District (BFC); which would allow recreational development and access to the shoreline marshes for such uses as fishing, boating, picnicking, hiking and nature study. This County designation is substantially similar to the City's -WO district land use limitations, which applies to those portions of site that are in or near wetlands and for creek setback areas (see the *Wetland Overlay District Compliance* discussion below). Therefore, an understanding of how the County may have defined private and public recreational uses in 1983 cannot be provided. However, it is evident that there was no conflict between City and County codes, and would stand to reason that the City definition should take precedence. The City and County regulations with regard to recreational use within waterfront and wetland areas appear to be compatible. Since the project avoids these areas, no inherent conflict between the City and County standards has been identified in this case, either.

This discussion is not a CEQA-related issue, and is pertinent to the project merits review. At time of project merits review, the City may further consider the proposed intensity of land use. As recommended by Marin County Counsel, City staff agrees that referral to the County should continue to be conducted for any further land use entitlements. This should assure that Marin County Counsel is aware of proposed land use changes, in order to identify any concerns with conflict with the land use restriction. Consistent with this policy, City staff will continue to make referral on this project to the County which shall include a referral of the draft resolutions of project approval. Thus, should the County find any land use condition that they believe conflicts with the deed restriction, the issue may be raised for discussion during the public hearing process.

Recreational Land Use and Project Compatibility

The General Plan "Airport/Recreation" land use category allows additional development that would be consistent with the 2002 Master Use Permit, as governed by the land use restriction, including: airport and ancillary airport services and light industrial uses; private and public recreational uses; and public utility uses. The PD District provisions are intended to apply to large sites of 5 or more acres that can accommodate a mix in land uses. The site requires adoption of a Planned Development (PD) District amendment in order to establish additional zoning standards to accommodate further development that would be consistent with the General Plan 2020. The PD zoning allows for some flexibility to deviate from conventional zoning standards, but could not be used to allow a use that is not consistent with the General Plan and land use restriction. Consistency with the General Plan 2020 has been analyzed in the EIR, and the General Plan Consistency Table was included as DEIR Appendix C.

Existing conventional zoning standards are considered when developing the PD standards for a project. This helps assure consistency with the General Plan, and provides the baseline for developing any flexibility or deviation from the conventional standards. The San Rafael Municipal Code zoning ordinance contains a land use classification and standards for "*Public-Quasi Public – Public parks, playgrounds and recreational facilities*"; which would typically implement an underlying General Plan 2020 recreation land use designation. Recreation facility is further defined in the San Rafael Municipal Code Section 14.03.030 as follows:

"Recreational facilities" may include, but are not limited to, community centers, swimming or wading pools, spas, court facilities (such as tennis, basketball, or volleyball), picnic or barbecue areas and enclosed tot lot facilities with play equipment."

As noted previously, a similar description of this land use is found in the City codes in effect when the 1983 land use restriction was imposed.

For purposes of CEQA review, project consistency with the Zoning Ordinance has been discussed on DEIR page 4-19. Consistency with the General Plan 2020 and specific development standards established for protection of environmental resources, such as the –WO zoning district, were also identified and discussed. This analysis would be updated and presented to the Planning Commission prior to review of project merits. Existing conventional zoning standards that would be applicable to the subject project would be incorporated into the PD ordinance, as appropriate. It is possible for the PD zoning to be approved in a manner that would allow a similar level or less intensive level of development than that evaluated by the FEIR.

Wetland Overlay District Compliance

Comments have been made that the use would not be consistent with Section 14.13.030 of the municipal code (e.g., "recreational uses near wetlands should be low intensity"). However, as noted in the FEIR Response to Comments, including Responses 45-11 and 78-2, the requirements of Section 14.13.030 have been analyzed and would be addressed for this proposal. The standards allow recreation facilities, private (indoors and outdoors) within the –WO overlay district, as permitted by the open space management plan and/or park plan conforming to the wetland use regulations. If a plan has not been adopted, then –WO district land use regulations (A), (B), (C) and (D) would be applied to the project, as appropriate, through the issuance of a Use Permit. The San Rafael Airport Recreational Facility project includes a request for use permit, and there are no structures or fill proposed within delineated wetland areas. Adequate 50-foot setbacks have been established from the delineated wetlands on-site to the project development boundary and 100-foot minimum setbacks are provided from the Gallinas Creek bank. The wetland areas have been confirmed by US Army Corp of Engineers, and the use has been evaluated by a wildlife biologist, with adequate controls and design requirements identified to have minimal adverse impact on wetland habitat. All of the necessary permit approvals have

been required for the project development. Therefore, the project adequately addresses the pertinent – WO district standards, sufficient for CEQA analysis. This would be further documented as part of the project merits review.

Ancillary, Alternate and Additional Recreational Uses

Another issue was raised whether the ancillary uses café and sports shop uses would be compatible with a recreational land use. Accessory structures and uses that are customarily incidental to a permitted use and contained on the same site are typically permitted under the Zoning Ordinance Land Use Tables. The “Accessory Use” definition (Section 14.03.030) states that the use must be clearly subordinate or incidental and directly related to a permitted use or conditionally permitted use. The general thresholds for considering whether a use is an accessory use include whether a) the floor area dedicated to the use is less than 25% of the total floor area, b) the amount of business, revenue or activity generated by the use is less than 25% of the main use, c) hours of operation and intensity of operation are similar to the primary use, and d) [whether or how] uses are composed in separate and demised tenant spaces. Staff has determined that ancillary café and sports shop services would be compatible with the primary recreation use. These serve demands generated by users of the facility, allowing them to remain on-site for refreshment or to obtain any needed/missing equipment during use of facilities, and eliminate unnecessary vehicle trips to/from the site. This is not an unusual mix for recreational facilities, as demonstrated by the nearby McInnis Park which includes a pro-shop for golfers and a full-service restaurant that provides on-site food service and recreational supplies for the convenience of its users.

Commenter’s also inquired as to why all the [recreational] land uses that would be permitted with the approval of the project have not been identified; such as an ice rink. The EIR analyzed a multi-purpose recreational facility with a mix of recreational tenants that would generate high traffic and parking generation rates. It is reasonable to anticipate that this may include any recreational use that satisfies the Zoning Ordinance definition of “Recreation facility”, as identified in the conventional zoning standards; which may be further restricted by the Planning Commission during review of project zoning entitlements. Indoor/outdoor fields and gymnasium courts may accommodate various sports activities. Thus, the FEIR provides a conservative level of analysis an adequately evaluated the intensity of a mix of recreational activities. This is similar to the level of analysis that would be required for a multi-tenant shopping center, in which a mix of retail, service and restaurant uses is anticipated.

City staff would review all proposed recreation tenant occupancies to confirm they are compatible with the recreation uses addressed under the EIR analysis; i.e., prior to issuance of building permits or business license required to establish the use. Tenant occupancies that would generate higher than anticipated traffic, parking or noise impacts (such as a single use sports arena or auditorium) have not been proposed or considered. A change in use of the facility to another non-recreation use would require an amendment to the current entitlements, which would require a separate environmental determination pursuant to California Environmental Quality Act (CEQA) guidelines. In any event, all uses must remain consistent with the General Plan 2020 land use designation and the property land use restriction.

Compatibility of Alcohol Sales

Alcohol consumption associated with a café use, and appropriateness of this activity with a recreational use is not an environmental topic that requires evaluation under California Environmental Quality Act (CEQA). There is no evidence that shows any increased physical environmental impacts would occur as a result of this ancillary use component. This matter is a land use merits decision that will be made by the City as part of its review of the requested project entitlements. The State Alcoholic Beverage Control (ABC) would not require a determination of Public Convenience or Necessity (PCN) to be issued by the City for on-site consumption ancillary to a food service use with table service; i.e. a Type 41 ABC license. Typically, ABC grants an ancillary beer and wine license to a bona-fide food service use. This approach is consistent with the land use provisions established City-wide for food and beverage service use; which

allow ancillary beer and wine service as permitted with food service. A City-issued PCN determination is typically triggered as a result of a request for a new off-sale beer & wine or liquor license, or for new full service cocktail lounges (i.e. in a separately demised bar area or service provided outside of dining hours).

The proposed use is private, and is regulated by the City Use Permit process; therefore, it is not subject to regulations applicable to public parks. However, it is reasonable to consider the public park standards when evaluating a similar private recreation use providing similar facilities. Alcohol consumption at City parks is regulated pursuant to SRMC Section 8.10.030. A permit is required for a private activity and event within a City park, and the event must specify whether alcohol will be provided for consumption. Section 8.18.030 makes it an infraction to drink in the park, unless a permit has been issued from park director for any person or group. As noted, this section would not be applicable to a private recreational facility, and instead would be controlled through the City's use permit process.

Existing Airport Use Permit and Airport Operations

The current Master Use Permit (MUP) allows continued operation of a private use airport for small aircraft. The use is limited to 100-based aircraft. There is no restriction on the number of daily flights to/from the airport. Therefore, larger private planes, increased flights, and night flights (takeoff/landings) at the airport are not prohibited by either the current airport Master Use Permit or State Department of Transportation (DOT) Airport Permit. A detailed description of the permitted airport use, the applicable state regulations, and the "fly-friendly" policy adhered to by pilots were provided in the DEIR, beginning at Page 4-3 and again at DEIR page 10-3. See the **Air Safety Hazards – Limits on Aircraft Use of Airport** discussion below for more information regarding size of airplanes that can operate at the facility. Nighttime use is also further discussed in this category, under **Nighttime Flight Limitations**.

According to Bob Herbst, the airport manager, there has not been an increase in the number of day or night flights, and the mix of aircraft types has been relatively unchanged over the past 10 years. Herbst has informed City staff that he has worked with the pilots over the past 10 years to make them aware of and be sensitive to the surrounding residential neighbors, and encourages them to fly in a manner that minimizes their noise signature. Herbst noted that the City has rarely received complaints during this time period. Herbst also indicates there are federal preemptions on imposing limits on the aircraft and flights. Staff notes that the question of whether federal regulation preemptions limit enforcement of current MUP conditions is a subject that may require subsequent City review and consideration.

2. Aesthetics

The additional Aesthetics discussion addresses the following:

- *Measure Aesth-1b should be revised to clarify that the entire landscape plan must return to the City Design Review Board (DRB) for all site landscaping, not just for filling in the gaps of Eucalyptus trees.*
- *The 10' barrier fence required by mitigation measure MM Bio-2a was not shown in the visual simulation. Discuss how this would affect the visual impacts evaluated by the FEIR, and what this would look like.*
- *Discuss why the photo-simulations do not show the DRB recommended palette.*
- *How can the FEIR be certified if the Board has not reviewed the outdoor field lighting?*
- *Why is there no evaluation of the project looking north from Santa Venetia?*
- *Why does the FEIR not consider impacts to boaters' use of waterway, and change in the tranquil wildlife open space experience?*

Landscape Plan Review

Measure MM Aesth-1b shall be changed to address the Commission recommendation, as follows:

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

Visual Impacts Analysis

Visual simulations were prepared for the project to visually demonstrate the massing of the project for study purposes of City staff, its boards and environmental consultants. The visual simulations are not intended to serve as a supplement to the story poles that were erected on the site. The Design Review Board has recommended a color and materials palette for the building, which would be implemented as a condition of project approval. The visual simulation is not required to illustrate final building colors and materials. Further, the prominent public views that would be affected by the project were identified and selected during the public hearings relied on to develop the scope of work for the FEIR. These were the vantage points used for the FEIR analysis (DEIR Figure 5-1). There were no public views from the Santa Venetia neighborhood that would result in obstructed views of the Bay, Mt Tamalpais or significant hillsides as a result of the development project. The DEIR does discuss private view impacts, starting at Page 5-9. However, this is provided for informational purposes in the DEIR. The discussion of private views includes two private views from Santa Venetia (See DEIR Appendix A, Exhibit 1 Key to Location of Photosimulations). Thus, views from Santa Venetia looking north toward the site have been identified and discussed during preliminary project review and this information could be considered by the Commission as part of its review of the project merits.

Views from waterway were also considered and discussed during preparation of the visual analysis, and result in visual impacts similar to those experienced by users of the nearby public trail. As shown on the Initial Study Checklist (see DEIR Appendix A), under the CEQA Guidelines there is no established threshold of significance for evaluating potential adverse effects of the project on boaters/kayakers using the adjacent waterways for recreational purposes and/or for observation of wildlife in those areas. Rather, the DEIR and FEIR both address the types of impacts that development of the project site as proposed could have on those adjacent sensitive areas, including extensive discussion of potential project-related effects on wildlife in the vicinity of the project site and of potential noise effects associated with construction and operation of the proposed recreational facility. Evaluation of Biological Resources in the EIR indicated that the project-related disturbance on wildlife can be reduced to a less-than-significant levels through implementation of EIR mitigation measures. Disturbance to recreational boaters could also be considered less-than-significant with effective implementation of the mitigation measures intended to reduce wildlife disturbance.

With regard to the 10' barrier fence that is proposed to minimize errant soccer balls from leaving the developed site areas, this fence is proposed behind the existing tree line. The recommended design would consist of 6-foot high cyclone plus an addition 4-foot height of netting, which has been suggested by staff to be similar in appearance to the taller netting/fencing used for McInnis Golf Driving Range. This fencing would not result in a solid barrier and would occur behind an existing mature tree-line, thus, the visual impact would be negligible.

Lighting Impacts

In fulfilling its role of providing advice and guidance on design matters, the Design Review Board (DRB) is often asked to review and comment on lighting fixture details and proposed lighting levels. The DRB has provided guidance regarding the lighting details of the building and parking area, and associated lighting levels deemed appropriate. However, DRB review and recommendation on the potential environmental impacts of lighting is not required under CEQA. The threshold used for the EIR environmental review has been identified and established based on City policy applied to other properties over a long period of time. The lighting threshold applied to this project is one (1) foot-candle maximum intensity at the edge of the property line or conservation easement (whichever is more restrictive). This low lighting threshold is consistent with relatively low lighting levels required of projects throughout the community. Overall, the lighting intensity proposed and recommended for this site is much lower than in-fill project locations that are surrounded by other developed urban properties.

3. Biological Resources

The discussion below addresses the following:

- *Quantify the size of the permanent conservation area that would be required as part of the project. Show this on a map and specify how this would be implemented in the MMRP.*
- *The term “without limitation” in Measure Bio-2d appears to be an incorrect statement. Please clarify if this should be stricken from the measure, given that the measure includes and identifies limitations.*
- *Measures Bio 4c, 5a and 5b should explicitly state surveys shall be conducted by a “qualified biologist” to avoid confusion.*
- *General Plan policy CON-5 on diked wetlands covers this site and is not adequately addressed. Buffer zones are not addressed. The EIR says the –WO district does not apply, but it does.*
- *How will staff retrieve errant balls from the buffer zone? Will they be adequately trained to do so?*
- *Why is a deed restriction proposed instead of an easement for the conservation area?*
- *Measure Bio-4b has an inconsistent construction end date discrepancy. Please check and explain or correct this measure.*
- *Measure Bio 9 appears to have an inconsistency with regard to less restrictive construction dates that needs to be cleaned up in the FEIR.*
- *The DEIR is incorrect. The clapper rail will not become habituated to this much of an increase in human activity. Also, the FEIR does not evaluate the impact on Clapper Rail due to use of the road. The access road will be proximate to where Clapper Rails are located, and they will flee.*
- *The FEIR does not discuss impacts of lights on migrating birds. For example, glare from new lighting at LGVSD caused the crested herons to vacate the area and they have not returned.*
- *The FEIR does not study the salt marsh harvest mouse.*
- *The FEIR does not assess impact to birds due to window strikes*
- *The threshold of impact for Clapper Rail has not been quantified in the FEIR.*
- *Information on biological resources needs to include outreach and feedback from CDFG, USFWS. No comments were obtained from these other agencies.*
- *The additive/cumulative impacts on wildlife were not analyzed. How will Clapper Rail be monitored for negative effects and who will pay for monitoring and enforcement?*
- *The FEIR needs to analyze impacts of noise on nocturnal birds.*

Setback Buffers and Diked Wetlands

Pursuant to MM Bio-2b, establishment of a permanent conservation area for the 100-foot upland buffer area is required, adjacent to the North Fork of Gallinas Creek. The property runs 955.27 feet in length along the property creek frontage; per Civil Plan Sheet C1. Based on these dimensions, approximately 95,527 square feet, or 2.2 acres, of land would be encumbered by the minimum required 100-foot setback and conservation area. However, staff would recommend that the conservation area be expanded to incorporate the jurisdictional wetland areas and the 50-foot wetland setback buffers. Thus, the final acreage for this area has not been definitively established, but staff roughly estimates 4-acres of airport property are located between the proposed recreational facility improvements and the property line at the creek bank. The Mitigation Monitoring and Reporting Program (MMRP) would require the conservation area restriction to be recorded before issuance of building permits for the project. Further, the City Attorneys office recommended that the encumbered area be designated as a conservation area as opposed to an easement. An easement implies some form of access is being granted to a third party, which is not the case here. The effect of the protection is equivalent, particularly with the City included as a party to the restriction.

The EIR further clarifies that the project does not propose development or fill within a delineated wetland and provides adequate 50' setbacks from wetlands and 100' creek buffer zones in accordance with the –WO overlay district standards. Barrier fencing is recommended between the development and jurisdictional wetland/creek setback buffer zone. It is intended that the barrier fencing would be placed at the outer edge of development, and define the separation between development and protected buffer areas. Limited access to this area is encouraged to maximize protection and buffers provided between the project and nearby wildlife in the creek. As shown on the project civil plan sheet C1, the actual setback from the creek exceeds 100-feet and the proposed fencing and trees would be located between the field and creek area. Thus, there is little if any chance that errant soccer balls would travel into the creek bank or marsh areas. The barrier fencing and access limitations would primarily serve to further enhance required setback buffer zones.

It is also noted that General Plan Policy CON-5 on diked wetlands and –WO district requirements have been adequately addressed. CON-5 (Diked Baylands) states “Protect Seasonal Wetlands and associated upland habitat contained within undeveloped diked baylands, or restore to tidal action. Support and promote acquisition from willing property owners.” As proposed, the project is consistent with this policy. The project site has been documented to contain jurisdictional wetlands which have been delineated in accordance with US Army Corp of Engineers requirements and adequate 50-foot setbacks are provided. Further, Monk & Associates, the City’s wildlife biologist, has evaluated the WRA report initially prepared for the site by the applicants consultants, have performed their own field visits, and have provided the mitigation measures for sensitive wildlife and habitat near the project site located on the exterior levee wall adjacent to the creek. The required buffer zone setbacks have been identified and thoroughly discussed on DEIR page 7-12 and FEIR responses 45-14 and 49-9. As further discussed in the FEIR, at this time the applicant has not expressed interest in providing any portion of the property for wetland or bayland reclamation. However, the current project would not prevent future acquisition of remaining undeveloped lands for this purpose, if the owner decides to pursue this in the future.

Clapper Rail Sensitivity

Monk & Associates (M&A) reports that multiple protocol surveys indicate that Clapper rails have established territories along Gallinas Creek during the nesting season. This suggests that Clapper rails are successfully nesting and reproducing in the marsh habitats along this creek, despite the high level of disturbance occurring on both sides of Gallinas Creek in the vicinity of the project site. Wildlife, and birds in particular, are able to habituate to human beings and associated disturbances, especially when the stimuli is predictable (routine or repeated sounds) and when the disturbances that are “nonthreatening”

(i.e. not directed toward the bird), as illustrated by Knight and Temple 1995², Knight and Cole 1995³, and Riffell et. al. 1996⁴. The fact that Clapper rails have persisted in this area over at least several years of study, and have been repeatedly detected during the nesting season, demonstrates that the Clapper rail must be successfully reproducing. In fact, the increased Clapper rail counts reported by Avocet Research Associates (Jules Evens), ARA (2009), likely indicate these rails are thriving. Given the high levels of ambient human activity in the immediate vicinity of the project site, one could also logically assume that the clapper rails in the area are accustomed to this relatively high level of human and human related disturbances. Survey data indicate that they likely nest adjacent to a pedestrian walking path with frequent human/dog traffic.

The proposed project would also improve the existing access road to the airport and recreational facility. Clapper rails that inhabit Gallinas Creek in the project area are currently unaffected by traffic and other disturbance on the existing access road. The road alignment is set below the existing minimum 6 foot tall levee located along Gallinas Creek. Clapper rails in the marsh habitats within the channel do not now, nor would they in the future, have direct line of sight to the road or recreational facility site. On certain occasions that can be considered uncommon, rails that access the top of the levee would have direct line of sight to the construction project; however, rails would be unlikely to access the top of the levee as there is no cover on the levee to provide escape from predators. Equally important, rails which are naturally shy would be unlikely to access the top of the levee during periods of high human activity such as when the proposed project would be under construction.

The levee not only provides a visual buffer, but also provides a sound buffer blocking direct noise that could affect the rails. It should be noted that the opposite side of Gallinas Creek (north side) does not have a similar levee and clapper rails that nest and commonly frequent the north side of Gallinas Creek have direct line of sight of parking areas, a dog park, a golf course, and sports fields. Similarly, the section of roadway from Smith Ranch Road to the existing bridge crossing to the airport is also unprotected by a visual/sound berm. Yet Clapper rails commonly occur in the adjacent areas on the north side of Gallinas Creek that are relatively unprotected, high disturbance areas. This provides testimony to the rail's ability to acclimate to disturbance. Further evidence is provided at the San Francisco International Airport where one of largest populations of clapper rails in the San Francisco Bay Area occurs in marshes immediately south of the runways of this airport. Accordingly, M&A does not believe that the reconstruction of the access road to the airport that is set below a levee would cause clapper rails to vacate Gallinas Creek in the vicinity of the proposed project.

Further, the DEIR presents thresholds of significance to quantify impacts on Clapper Rails, pursuant to Appendix G (Environmental Checklist Form) of the CEQA Guidelines. The thresholds of impacts are generally evaluated as: 1) significant; 2) potentially significant; 3) less-than-significant. All project related impacts that could impact the clapper rail were evaluated within these thresholds of significance. With respect to the DEIR Impact Bio-2 states that: "indirect impacts to California clapper rails could result from noise generated during project construction and as part of project operation. Unless mitigated, these impacts would be *potentially significant*.... The noise impacts from the pile-driving could result in: (1) nest abandonment; (2) loss of young; (3) reduced health and vigor of eggs and/or nestlings (resulting in reduced survival rates). These impacts would be considered *significant* and adverse unless the proposed mitigation measures are implemented... however, these *impacts could be mitigated to a level considered less than significant*."

² Knight and Temple 1995. Chapter 6: Origins of wildlife responses of recreationists, *Wildlife and Recreationists: Coexistence Through Management and Research*. Editors: Richard L. Knight and Kevin J. Gutzwiller, Island Press, 1995 Washington, D.C.

³ Knight and Cole 1995. Chapter 5: Factors that influence wildlife responses to recreationists, *Wildlife and Recreationists: Coexistence Through Management and Research*. Editors: Richard L. Knight and Kevin J. Gutzwiller, Island Press, 1995 Washington, D.C.

⁴ Samuel K. Riffell, Kevin J. Gutzwiller, Stanley H. Anderson. 1996. *Ecological Applications* Vol 6, No. 2 (May 1996). Pp 492-505

Salt Marsh Harvest Mouse

The salt marsh harvest mouse, a federally-listed endangered species, was discussed in the DEIR (p. 7-48 to 7-49), which included detailed impact and mitigation measures in the event of any indirect impacts (Impact Bio-7, MM Bio-7). Salt marsh harvest mouse was also discussed in the FEIR response to comments. M&A concludes that: "Protective buffers that are well over 100 feet from the top-of-bank of the North Fork of Gallinas Creek ensure that there would be no impacts to the salt marsh harvest mouse from implementation to the proposed project." The recreational facility development area within the existing airport site does not provide conditions or characteristics that would be regarded as suitable salt marsh harvest mouse habitat. It also should be noted that the proposed bridge reconstruction project would not impact any marsh habitat within or adjacent to Gallinas Creek that could support the salt marsh harvest mouse. Rather all reconstruction activities would be within the existing road alignment and would otherwise be above top-of-banks in existing road surface areas.

Migratory Bird Impacts

With regard to impacts of lights on migrating birds, no egret or heron rookery is known to occur adjacent to or near the proposed recreational facility. Thus, there would be no impacts to rookeries from the proposed project. The potential light and glare impacts of the project on the surrounding community are analyzed in Chapter 4: *Aesthetics*, of the DEIR. Chapter 4 notes that the Applicant proposes a state-of-the-art, environmentally friendly lighting system designed by Musco Lighting that uses 50 percent less electricity and produces 50 percent less spill and glare than traditional fixtures. This would keep light impacts to the Gallinas Creek channel minimized to an extent that the impact is not considered significant. The Mitigation Measures presented below would be implemented as part of the proposed project to minimize lighting impacts and to protect the habitats associated with the North Fork of Gallinas Creek, and its associated migrant bird population.

Pursuant to MM Bio-3a Nocturnal Lighting, lighting of the outdoor soccer field located near the North Fork of Gallinas Creek would be designed to have focused illumination areas that would 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 direct light "trespass" 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. Pursuant to MM Bio-3b Lighting Curfew, the recreational facility shall establish a 10:00 p.m. outdoor event lighting restriction. When there are evening outdoor soccer events, the 10:00 p.m. end time would ensure that light generated from the recreational facility would not disrupt nocturnal wildlife species' activity patterns, allowing nocturnal migration movements through the project area after that time. Implementation of measures MM Bio-3a and MM Bio-3b would reduce potential nocturnal lighting impacts to a level considered *less than significant* pursuant to CEQA.

In consideration that much of channel area of Gallinas Creek on the project side of the creek would be partially or completely shielded from direct light by the existing minimum 6 foot earthen berm levee along Gallinas Creek, and that there would be a 100-foot creek setback/buffer established along Gallinas Creek as part of the proposed project, the Musco Lighting system would reduce lighting impacts to Gallinas Creek to the greatest extent possible. Since there are no known egret or heron rookeries on, adjacent or near the project site, and since Gallinas Creek would be largely shielded and buffered from direct light intrusion, lighting impacts are expected to be less than significant.

Lastly, the impact to birds resulting from "window strikes" is expected to be a less than significant impact. However, in consideration of this concern, decals should be applied to the new recreation building

windows to help birds see the windows and avoid striking the glass. Staff would recommend incorporating this into the project as a condition of approval.

State and Federal Regulator Contacts

It has been suggested that the information on biological resources needs to include outreach and feedback from CDFG, USFWS, and that there were no comments obtained from these other agencies. However, the FEIR includes discussion and analysis that is based on direct contact with these agencies, as follows:

USFWS: M&A requested authorization to conduct a protocol clapper rail surveys in a formal request submitted to Mr. Ryan Olah of USFWS on January 25, 2007. M&A's request described the proposed project. Mr. Jim Browning of USFWS responded to M&A's request requiring modifications to M&A's proposed survey plan that included increasing the number of calling stations and biologists conducting surveys at any one time. After resubmitting the revised survey plan to Mr. Browning, M&A received permission from USFWS via email on February 5, 2007 allowing M&A to conduct protocol clapper rail surveys following the methods described in the 2000 USFWS *Draft Survey Protocol for California Clapper Rail* (USFWS January 21, 2000) in order to determine presence or absence of clapper rail breeding activities in the North Fork of Gallinas Creek located adjacent to the project site. The *Clapper Rail Survey Report* was submitted to the USFWS in July of 2007.

CDFG: The applicant coordinated directly with CDFG regarding the proposed bridge reconstruction project. The applicant received a 1602 Lake and Streambed Alteration Agreement (SBAA) from CDFG on June 9, 2006 (Notification Number: 1600-2006-0266-3) for the bridge reconstruction project. City staff also contacted and confirmed CDFG requirements regarding the proposed bridgework (see discussion of **Impact Bio-9** below).

In addition to direct contact made during the preparation of the environmental report, preliminary referrals were also made to these agencies during the environmental scoping and review process, and the DEIR was directly distributed to these agencies for review and comment during the formal public review period. Neither USFWS or CDFG submitted comments on the DEIR during the public review period. Had these agencies had questions or comments on the DEIR, such comments to the DEIR would be required to be addressed in the FEIR. Thus, staff and its environmental consultants have made every effort to assure the environmental and regulatory interests of these agencies have been identified and addressed.

Cumulative Impacts

There were concerns expressed regarding additive/cumulative impacts on wildlife analysis and monitoring of Clapper rail for negative effects. According the M&A, the proposed project would not impact marsh habitats or adjacent upland habitats along the North Fork of Gallinas Creek; therefore, there would be *no direct impacts* to the California clapper rail. Further, M&A has concluded that the proposed project would not result in significant impacts to sensitive wildlife habitats. No direct take of sensitive wildlife species is expected to occur from implementation of the proposed project. There would be impacts to common wildlife species that would be displaced by the recreational facility; however, such impacts would be regarded as less than significant. Past projects are part of the baseline for analysis of project impacts, and were taken into consideration in the cumulative impacts analysis. As discussed in the FEIR, page R-40, ***“Biological impacts in the area are localized to the site, and none of the past, present or foreseeable future project identified in the area, as listed in Table 14-1, would have incremental impacts on the sensitive environmental resources identified onsite. Thus, the project would not make a cumulative considerable contribution to any significant cumulative biological impacts.”*** There are no other proposed projects in San Rafael near the proposed project site that would incrementally add cumulative impacts to wildlife.

To ensure that the marsh habitat and the upland buffer along the North Fork of Gallinas Creek is protected, EIR mitigation measures require that a fence shall be installed around the perimeter of the proposed project area, and human access into this buffer area would be prohibited except as required by maintenance/operation personnel for continued levee maintenance and other required airport operational tasks that are routinely practiced today. In addition, signs would 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. The applicant shall designate the marsh habitats along the North Fork of Gallinas Creek and the 100-foot upland buffer area on the project site adjacent to the North Fork of Gallinas Creek as a permanent “conservation area.” The City shall have review and approval authority over the deed restriction language and ability of the owner or subsequent owners to make any modifications to the restrictions, hence the City would enforce the preservation of this wildlife conservation area to ensure that the Clapper rail would not be negatively affected by the proposed project.

As required by the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) must be prepared for the project, prior to consideration of approval of the project by the City. The MMRP establishes the timing and enforcement responsibility for implementing project mitigation measures. CEQA provides that the City may require fees for mitigation monitoring. Staff may recommend payment of mitigation monitoring fees deemed necessary to cover cost of enforcement. The City shall have the primary responsibility of enforcing its conditions of approval, including the MMRP. This is the standard and established procedure for implementation of CEQA for a project.

Mitigation Measure Modifications

There were additional minor clarifications and corrections to Biological mitigation measures suggested to eliminate some discrepancies with construction period dates and requirements. As a result, the following additional revisions have been identified:

Revised 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:

Pile driving associated with the recreational facility building shall not commence until September 1st and shall be completed by February 1st. Outside of pile driving, exterior construction of the recreational facility shall be allowed between July 1st and February 1st ~~without limitation~~. Interior work shall ...

Revised MM Bio-4b: Exterior construction of the recreational facility shall be allowed between July 1 and February 1st, 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 ~~below~~ to account for late nesting raptors.

*(Staff notes that prior to this revision to **MM Bio-4b Nesting Raptors** it stated that construction of the recreational facility shall occur from July 1 through October, when most raptors are expected to have completed their nesting cycles.... The discrepancy lies in that construction should be allowed for all non-nesting periods. Thus, the construction period has been lengthened accordingly, to be consistent with the remainder of the mitigation measures.)*

Revised MM Bio-4c Nesting Raptors – Pre-construction Nesting Surveys: A pre-construction nesting survey shall be conducted by a “qualified biologist” ...

Revised **MM Bio-5a Western Burrowing Owl – Nesting Surveys**: Pre-constriction Survey. A preconstruction survey of the project site shall be conducted by a “qualified biologist” ...

Discussion of **Impact Bio-9 Impacts to CDFG Jurisdiction**, notes the applicant received a 1602 Lake and Streambed Alteration Agreement (SBAA) from California Fish and Game (CDFG) on June 9, 2006 (Notification Number: 1600-2006-0266-3) for the proposed bridge work. The SBAA details the authorized activities, and provides specific terms and conditions for this project. These terms include that work on the bridge project shall be restricted to July 15th through October 15th during periods of low stream flow and dry weather. Although the CDFG SBAA allows bridge construction between July 15th and October 15th, 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 the end of the allowed SBAA work period of 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 bird 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 15th date allowed in the SBAA to February 1st under the condition that CDFG and the City provide approval for this extension and appropriated weather related BMPs are implemented. Work up until February 1st is likewise outside of the Clapper rail, California black rail, and other special-status bird breeding seasons.

The bridge pile-driving dates are restricted to occur from September 1 through October 15th 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 15th until February 1st, 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 15th and September 1st. Therefore, it is appropriate to revise and replace the first bullet of this measure with two new bullet items that accurately identify the broadened time frames, as follows:

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

- All work associated with 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 15th date allowed in the SBAA to February 1st under the condition that CDFG and the City provide approval for this extension and appropriated weather related BMPs are implemented. Work up until February 1st is likewise outside of the Clapper rail, California black rail, and other special-status bird breeding seasons.
- The bridge pile-driving dates shall occur from September 1 through October 15th 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 15th until February 1st, 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 15th and September 1st.

- No work shall occur below the top-of-bank or the normal high-water mark (i.e., the mean higher high tideline) of the stream.
- All conditions in the authorized SBAA shall also be made a condition of the project .

Implementation of the terms and conditions of the SBA, as required by **MM Bio-9**, will reduce impacts to CDFG jurisdictional areas to a level considered *less than significant* pursuant to SBAA and therefore, CEQA.

4. Geology & Soils

The discussion below addresses the following:

- *The analysis ignores the Hayward fault risks.*
- *The levee analysis is inadequate because it only examines a 300 foot stretch of the 12,000 foot long levee and does not include discussion of rodent infestation. Further, it does not include information prepared by Kleinfelder for the levee along the south fork of Gallinas Creek that was prepared for County Flood District 7. The Kleinfelder study is available and should be used.*
- *Little is known about the condition of the levee and no letter is provided from Questa summarizing their peer review conclusions.*
- *The FEIR inadequately evaluates the impact of building on fill, including settlement that will continue to occur as the site dewaterers.*
- *Discuss impacts of vibration from driving piles. Pile driving affects re similar to 3.8 magnitude earthquake.*
- *The US Army Corps of Engineers (USACOE) requires a drivability analysis. The FEIR does not include this analysis.*

Hayward Fault

As indicated on **Table 9-2** on DEIR page 9-7, the nearest point of the Hayward Fault is located approximately 7 miles, and the nearest point of the Rogers Creek Fault is located approximately 5 miles from the project site. There are no known faults which pass through the project site. The DEIR indicated on page 9-1 that between 2001 and 2030, there is a 27 percent chance of a Richter Magnitude ≥ 6.7 earthquake along the Hayward-Rogers Creek Fault. Potential impacts associated with such an earthquake are addressed on DEIR page 9-27, which indicates that compliance with current building code requirements would be expected to reduce potential impacts associated with risk of loss, injury or death as a result of ground rupture or seismic ground shaking to a level considered less than significant.

Levee Condition and Maintenance

The existing conditions and maintenance practices of levees were addressed in FEIR **Master Response 12** (pages C&R-27 through C&R-31). The levee analysis conducted by John C Hom (JCH), Geotechnical Engineer, for the EIR provided a representative sample of existing levee conditions on the project site, in order to confirm the assumptions regarding the condition of the levees and potential flooding hazards that could impact the site⁵. The JCH analysis indicated that the fill material that was used to construct the levees should perform adequately during earthquake-induced ground shaking, and the potential of seismically-induced ground failure is less-than-significant. The entire levee system is comprised of fill.

⁵ The JCH analysis of the levees has been peer reviewed and confirmed by Questa Engineering Corporation ("Comment 11. Seismic Stability of Levees" in letter from Sydney Temple, P.E., Principal Senior Hydrologist and Willard N. Hopkins, Senior Engineering Geologist, Questa Engineering Corporation, to John Courtney, Lamphier-Gregory, March 15, 2010).

Thus, sampling near the site is an accurate representation of conditions for the entire levee system. A detailed analysis of the entire length of the levee has not been deemed necessary to confirm the assumptions used by the EIR, and potential impacts on the site.

As noted in the EIR, the levee currently provides flood protection for the project site. The project applicant and County of Marin are legally responsible for the ongoing maintenance of their respective portions of the levee system. Should levee failure and subsequent property damage, injury or loss of life occur as a result of failure of either responsible party to provide adequate maintenance along the segment of the levee within their responsibility, that party would be required to address any resulting legal claims. This legal responsibility provides sufficient incentive to maintain their portions of the levee in good condition. However, as noted in the FEIR, the project has been designed appropriately to address potential flooding impacts in event of a levee failure. Thus, the project would not result in any new significant impacts.

According to Tracy Clay, Principal Civil Engineer, Marin County Department of Public Works, Kleinfelder Geotechnical and Civil Engineers have been hired by the County to provide a study of the levees in the area, but the report is not final. On December 6, 2011 City staff spoke with Neal Conatser, Assistant Engineer with Marin County Department of Public Works. Conatser informed City staff that Marin County hired Gregg Drilling & Testing to conduct a Cone Penetration Test⁶ (CPT) investigation and borings of County owned levees east of the runway, and around Santa Venetia. However, a detailed analysis of the airport levee system has not yet been prepared. The County study focuses on the Santa Venetia levee system, and completion of the report for this work was still in progress at the time of this writing. Conatser has confirmed that rodent infestation of the levee system surrounding the airport site has been an ongoing maintenance issue, but that this has not caused larger instability or leakage issues. The County has been addressing the problem through trapping and filling holes with slurry or backfill, as needed. More information regarding the Las Gallinas Creek Levee Evaluation can be found on the County website at <http://www.marinwatersheds.org/zone-7-levee.html>.

The County also has published a study of Gallinas Creek (County Service Area #6), i.e., "Channel Maintenance Dredging study", prepared by Winzler & Kelly, February 26, 2010; which is also available online at <http://www.marinwatersheds.org/docs/2010-02-26-PSR-Final.pdf>. At page 14 of the referenced report it states:

"Kleinfelder has been retained by the County of Marin Department of Public Works to perform a geotechnical exploration and provide consulting services relative to the levee system along the Santa Venetia/Gallinas Village Subdivision adjacent to Las Gallinas Creek. The exploration includes Cone Penetration Tests (CPT's) and borings performed in November 2008 which, at the time of this report, are still being analyzed for inclusion into the dredging project geotechnical evaluation report. The explorations performed include 10 borings (KC-1 to KC-10) performed along the crest and one boring (KT-3) performed at the toe of the levees of the subdivision. The exploration also includes five CPT's performed in the residential streets at the front of properties with frontage of the levees. Additionally, the study includes two borings and two CPT's (KAP-1 and -2 and KCPT-A1 and -A2) performed at the northern end of the airport property across Las Gallinas Creek from the residential development.

The borings through the levee crest range in depth from approximately 9 to 20 feet in depth. The borings encountered levee fill over Young Bay Mud. The levee fill logged is typically about 10 feet thick, though it is as thick as 15 feet and as thin as 5 feet. In general, the borings indicate the upper approximately 5 feet of the levee fill generally consists of medium stiff to stiff

⁶ A CPT consists of a cylindrical probe with a cone-shaped tip with different sensors that allow a real time continuous measurement of soil strength and characteristics by pushing the probe into the ground at a speed of 2 cm/s.

clays over coarser soils including poorly graded sands and gravels as well as clayey sands and clayey gravels. Some of these coarse fill materials are described as loose and have blow counts of 5 or less. The borings performed at the airport were approximately 13½ feet and 9 feet deep. Boring KAP-1 encountered about 9½ feet of fill over Young Bay Mud. The fill in this boring was medium stiff clay with approximately 3 feet of loose clayey gravel starting at a depth of about 5 feet. Boring KAP-2 was terminated at a depth of 9 feet within the fill.

The fill at this boring was about 4 to 5 feet of medium stiff to hard silt and clay over soft to very soft Bay Mud fill. The CPT's in the residential development range from approximately 60 feet to 82 feet in thickness. In general, these CPT's indicate the soil profile consists of fill over soft Young Bay Mud over relatively stiffer silts and clays. The Young Bay Mud in these CPT's ranges from approximately 40 to 55 feet in thickness. At the airport, the two CPT's were advanced to depths of approximately 60 feet. The soil profiles in the airport CPT plots are similar to the other CPT plots. The fill ranges from approximately 3 to 5 feet and the Young Bay Mud thickness ranges from approximately 30 to 35 feet.⁷

This analysis confirms that the entire levee system is of similar material and that its construction, compaction and assumed stability conditions are relatively universal along its entire length.

Building Foundations and Settlement Analysis

The DEIR (pages 9-28 through 9-32) provides extensive discussion of the potential impacts associated with the construction of foundations at the project site, which can be mitigated to a level considered less than significant through implementation of **MM Geo-1: Geotechnical Engineering Recommendations**. Effective implementation of this mitigation measure would require that, prior to the issuance of a grading or building permit, written verification of conformance with recommendations a) through m) shall be submitted by the project geotechnical engineer to the City of San Rafael. Compliance with these recommendations would effectively reduce the risk of property damage that could result from possible future settlement at the project site to a level considered less than significant.

Vibration Analysis

Vibration effects at and near the project site associated with pile driving are addressed on DEIR pages 12-25 and 12-26, as well as in FEIR Response 31-1 (page C&R-153). As indicated in the DEIR discussion, the Federal Transit Administration recommends a vibration threshold criterion of 0.2 in/sec PPV for fragile buildings (U.S. Department of Transportation, Federal Transit Administration, 2006), and this threshold is appropriate to apply to any construction activities occurring during the daytime hours. At the project site, the estimated construction vibration would be less than 0.1 in/sec PPV at 200 feet and even lower at greater distances. Therefore, it was identified in the DEIR that the potential for off-site cosmetic or structural damage to result from project construction would be low and impacts related to construction-related vibration would be less than significant.

In terms of comparing vibration associated with pile driving to that associated with a magnitude 3.8 earthquake, distance from the earthquake epicenter and soil conditions are the key variables in influencing how earthquake-related vibration is perceived at any given location. As indicated in an article presented at the Member's Conference of the Deep Foundations Institute, October 14-16, 1998 ("Prediction and Calculation of Construction Vibrations" by Dr. Mark R. Svinkin, <http://www.vulcanhammer.net/svinkin/prediction.php>), "Waves generated in the ground by construction sources have higher frequencies and smaller wavelength in comparison with waves from earthquakes and propagate mostly in the upper soil strata close to the ground surface." The article goes on to say that vibration (at a single point) depends on physical parameters related to the vibration source (pile

⁷ Winzler & Kelly, "Channel Maintenance Dredging study" February 2006

impedance, length and transferred energy to the pile, for example), frequency, distance from the source and variation of soil stratification at the site, and that for various pairs of widely separated points on the ground surface, vibration values can differ more than an order of magnitude.

Given the distance of the project site from the nearest active or recorded fault line (as indicated on **Table 9-2** on DEIR page 9-7, the nearest point of the Hayward Fault is located approximately 7 miles, and the nearest point of the Rogers Creek Fault is located approximately 5 miles from the project site), and the anticipated project-related pile driving vibration level of 0.1 in/sec PPV at 200 feet, it is unlikely that anyone beyond the project site would actually experience vibration similar to what would be experienced during a 3.8 magnitude earthquake on one of the nearby earthquake fault lines during pile driving at the project site.

Although a drivability analysis may be required for USACOE projects where pile driving is anticipated, the proposed development of the project site is not a USACOE project, and requires no permit from the USACOE. For this reason, no drivability analysis is required in order to pursue this project as proposed.

Questa Peer Review

The peer review letter provided from Questa Engineering to John Courtney for preparation of the FEIR response to comments is attached to this report (**ATTACHMENT 4**).

5. Hazardous Materials

The discussion below addresses the following:

- *Provide closure on the request contained in the letter from the State Department of Toxic Substances Control (DTSC) recommending a Phase I assessment to identify any potential for unknown site contamination issues.*
- *Provide information regarding solvents use to clean the artificial turf and impacts to water quality.*
- *What contaminants will be generated by the turf field and how will this be addressed?*
- *The runoff water and soils should be tested for contamination. Foamy water has been observed.*
- *The analysis of lead gas impacts is inaccurate. Lead will not be phased out by 2017. The levels are much higher than quoted in the FEIR. This needs to be corrected and identify health effects on users of the facility.*

Existing Contamination Hazards

As indicated on page 10-15 of the DEIR, aside from sheep grazing there has not been any commercial farming at the airport in the last forty years. Thus, there would be no potential project-related impacts associated with the exposure of the public to pesticides, contaminated soils or other hazardous farming-related materials. The project site is not included on a list of hazardous materials sites maintained by the State Department of Toxic Substances Control (DTSC). Given the distance of the project site from the hangar area, airport operations are unlikely to have resulted in any substantial contamination of soils at the project site. Given these and other considerations, soil testing for contaminants has not been conducted at the project site.

The State Department of Toxic Substances Control (DTSC) DEIR comment letter reiterated several specific areas of concern that prior land uses and potential contamination from the nearby airport operations could have impacted the site. DTSC staff recommended soils and groundwater sampling should be performed to identify whether current or past chemical use may have resulted in release of hazardous substances. The FEIR/Response to Comments explains why further study in this area was

not necessary. The DTSC followup comments on the FEIR suggested that a Phase I environmental assessment should be conducted to confirm the concerns of DTSC were addressed. Staff responded to this letter explaining that the FEIR contains the necessary information required for a Phase I level assessment. This included a review of the DTSC maintained lists of hazardous waste sites and facilities, review of project plans showing site relationship to surrounding uses, review of historic City files and aerial maps, and review of fire department records of hazardous waste generators, sites and contamination exposure in the area. This review demonstrates that there were no prior uses of the vacant project site area that could have potentially resulted in contamination, that there are no current or prior hazardous waste generators in the area that would have affected the site, and that the airport facility operations are located far enough from the site that the operations would not impact the vacant project site area.

Information reviewed by City staff has included a review of prior fill permits issued by the City, a prior CEQA environmental review completed in 1999 for the airport Master Use Permit, and fuel spill remediation that occurred on the airport property some years ago. A February 23, 2007 "No Further Action" letter from the California Regional Water Quality Control Board (RWQCB) documented a prior corrective action and remediation taken at the airport facility. This work was monitored and completed in compliance with state requirements (copy included with comments at Page C&R-835). FEIR Response 49-33 also responds to concerns with pollutant runoff from the runway, which is equivalent to a minor roadway in terms of its usage and runoff characteristics. Based on the detailed site analysis, review of local records and state databases, there are no known or anticipated contaminants associated with the site, any fill materials, or resulting from ongoing airport operations.

On November 28, 2011, David Murphy of DTSC staff reiterated that he had expressed concern that contamination might have migrated from operational areas of the airport to the project area. Mr. Murphy acknowledged receipt of the citations provided by City staff to specific sections of the FEIR and City staff conclusion that there is no significant possibility of contamination originating from the operational areas of the airport to the project area. He has concluded that, assuming that the City has documented its research in arriving at this conclusion, DTSC has no further concerns and no need for a Phase I that would repeat the review undertaken to prepare the FEIR (**ATTACHMENT 5**). City staff has conducted and documented its research, thus, accepts this response by DTSC as confirming that the concerns they have raised have been addressed. Nevertheless, in order to satisfy any remaining public or Commissioner concerns staff has had a Phase I analysis prepared to confirm the FEIR analysis (**ATTACHMENT 6**).

Turf Field and Water Quality

Cleaning of the artificial fields is not necessary, thus, there are no residual runoff issues that require further consideration in this respect. The field can be power-washed if desired to remove any debris and can be mechanically raked. This topic is covered in FEIR Response 39-11. It is anticipated that use of turf fields will be safe, and provide some beneficial environmental effects through elimination of water demand, pesticides and mowing. Internet research also suggested that artificial fields can result in fewer field related injuries (due to its ability to maintain an even field surface). The crumb rubber technology used for artificial fields has also been reported as improving, with increased product stability, thus further minimizing concerns that the product could result in groundwater leachate with trace amounts of harmful chemicals. The use of high quality, state of the art field technology would be required as a condition of project approval to further minimize any concerns.

Water quality in the vicinity of the project site is addressed on DEIR pages 11-7 through 11-12. As indicated in this discussion, no site-specific measured data regarding stormwater runoff quality exists for the project site, although the expected pollutants in the existing-condition stormwater runoff could potentially include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogenic bacteria and viruses (see also **Table 11-1: List of Pollutants for San Pablo**

Bay on DEIR pages 11-10 and 11-12). Although no testing of runoff water samples from the project site has been conducted, it is reasonable to assume that the types of pollutants that might be identified if such testing were to be conducted would be those already noted above (e.g., sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogenic bacteria and viruses). Further, to the degree that there are any existing water quality issues in the vicinity, the DEIR analysis illustrates that the project would not increase or compound any existing issues.

Lead Gas in Aviation Fuels

Regarding use of lead in aviation fuels, the Environmental Protection Agency (EPA) confirmed in July 2010 that there is no formally established phase-out date for leaded aviation fuels (see letter from Margo Tsirigotis Oge, Director, Office of Transportation and Air Quality, U.S. Environmental Protection Agency to Mr. Robert Hackman, Vice President, Regulatory Affairs, Aircraft Owners and Pilots Association, July 27, 2010) (**ATTACHMENT 7**), and that setting such a date would be an FAA responsibility (as EPA has no authority over aviation fuels). The Federal Aviation Administration (FAA) subsequently responded that regulating lead levels in aviation fuels is indeed an EPA responsibility. In light of this information, the text of the second paragraph on FEIR page C&R-534 has been modified to read as follows:

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

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

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

Use of 100LL avgas represents a fractional contribution to atmospheric lead. Until January 1986, regular automobile fuel contained a maximum of 1 gram of lead per gallon. The lead content in 100LL (avgas) is considerably higher than that in unleaded gasoline for automobiles (100LL is reported to = 1.2 to 2 grams of lead per gallon, while regular auto fuel can contain a maximum of 0.1 gram of lead per gallon, although some unleaded regular and premium auto fuel may contain only 0.001 gram of lead per gallon). However, there is no evidence to indicate that airborne lead levels at the project site are currently higher than that discussed in the response covering this topic; Response 45-42 (FEIR pages C&R-533 through C&R-535). There is no information that avgas presents an undue exposure hazard to persons using the proposed recreational facility.

Due to the extensive history of lead use in human activities it is essentially present in every human environment. There is scientific consensus that there is no demonstrable threshold dose for the manifestation of lead toxicity – in other words, there is no exposure level below which lead appears to be safe. The Occupational Health and Safety Administration (OSHA) has established health protection standards intended for the Prevention of adverse health effects for most workers from exposure to lead throughout a working lifetime. The California Code of Regulations, Title 8, Section 1532.1 establishes a permissible exposure limit of 50 micrograms of lead per cubic meter of air, averaged over an 8-hour workday. However, the U.S. Environmental Protection Agency (EPA) has declined to specify a Reference Dose (that is, a level of exposure not likely to lead to adverse effects) for lead. The U.S. Agency for Toxic Substances and Disease Registry (ATSDR) has not developed Minimum Risk Levels for lead. Because thresholds have not been demonstrated for the most sensitive effects of lead on humans, any exposure may be of potential concern.

While no “safe” level of lead exposure has been determined, the EPA has established a National Ambient Air Quality Standard for atmospheric lead at 0.15 micrograms per cubic liter of air, and has designated a portion of Los Angeles County as the only lead non-attainment area in California. Due to the limited number of takeoffs and landings at this private facility, lead emissions would be minimal relative to what you’d expect for lead emissions at busier public General Aviation airports (Gross Field was reportedly generating an estimated 339 kg/yr of lead emissions in its operations in 2002), and the exposure limit at the San Rafael Airport is considered to be negligible with respect to general exposure to atmospheric lead levels in San Rafael and the San Francisco Bay Area air region. Thus, based upon the established thresholds and the known and anticipated exposures, the level or density of criteria pollutant emission along the runway (including emissions of lead) over the course of an operational day would not be anticipated to pose a significant potential hazard to persons using the proposed recreational facility.

6. Air Safety Hazards

The discussion below addresses the following:

- *Would posting a sign limiting occupancy in the warm-up area for zone 2 be workable and adequately address the occupancy limit requirement for that area? If so, how would this be enforced?*
- *Explain how the clear space above the end parking row would be managed and enforced to assure vehicles could not be parked that would violate the ascending clear zone. Are there other recommendations for assuring vehicles could be parked without violating the safety zone?*
- *Provide more information on the patterns of crashes near this type of airport, including explaining the single sided flight path. Further explain the risk area associated with buildings near an airport, particularly with respect to any increased risk for crashes in this area.*
- *Discuss if there is any additional flight hazard due to the varying abilities of pilots and quality of the aircraft associated with the users at this airport.*
- *Discuss the six safety reduction features and why only the two safety features were identified as required, and the others were not required for this proposal.*
- *Provide a larger history of airport crashes and locations near the airport and project area, e.g., history the past 10 years.*
- *Look at the obstruction mitigations to clarify if there are other ways to reduce the potential encroachment into ascending clear zones to eliminate the need to post signs or require compact parking in the parking lot.*
- *Confirm and clarify the accuracy of the single-acre intensity calculation in Appendix H; i.e., why 130 outdoor users are deducted from the 475 maximum number of facility users to result in the 216 persons per single acre intensity concentration within the building.*
- *Are there other recreational uses that would create higher intensity of use within the building than soccer and dance? If so, how would this be addressed under the FEIR?*
- *Would large outdoor events be prohibited based on the analysis in the FEIR?*
- *Stadium lights were not considered by Mead & Hunt. Please explain and clarify.*
- *Please identify and discuss any FAA jurisdiction and any federal pre-emption applicable to the airport operations.*
- *Discuss if there are any limits on the types and size of planes that can operate. What is the largest plane that can be based at the airport?*

- Explain if there any limits on nighttime use of the airport or other limits on use of the airport for aircraft flights (e.g., nighttime take offs/landings, etc.)
- The FEIR does not have a mass casualty plan in the event of a crash.
- The FEIR hazards analysis does not mention or discuss the quality of the building construction.
- The open field adds a safety factor in the event of crash. Is the risk of injury due to crash increased without this feature/with structure in this area?
- Further discuss the need for and use of obstruction lights for the facility.
- Discuss whether nighttime flights pose any increased risks associated with the use.

Enforcement of Occupancy and Parking Limits

The occupancy limit sign recommended for the warm-up field would serve the same function as maximum occupancy signs posted in buildings. These signs indicate the maximum number of people that can be safely accommodated in a room or outdoor area. Enforcement on a day-to-day basis would be the responsibility of Airport Sports Center staff. It is further noted that the operator intends to limit access to the sports and warm-up fields through the building. Also, fixed seating would not be allowed or provided within the outdoor field areas. These additional constraints would help to assure the occupancy limitations applicable to the warm-up field are not exceeded by uncontrolled access through the parking lot. As noted in the FEIR, the use of the warm-up field would be reasonably limited to two teams prior to start of their game. Thus, an exceedance of the occupancy limitation is not anticipated, and these constraints may be included as conditions of project approval.

The technical report prepared by Mead & Hunt, Inc., *San Rafael Airport Sports Center Aeronautical Safety Review*, provided as DEIR **Appendix H**, recommends designing the parking stalls nearest to the airfield for compact vehicles or adding signage. It is worth noting other options would be to relocate the entire row of parking to another location on the project site, in order to meet the parking demand generated by the use (e.g., adjacent to the dance/gymnastic studios), and/or further lower the grade slope at this end of the lot to increase the vertical clearances. Enforcement on a day-to-day basis would be the responsibility of Airport Sports Center staff. FEIR Response 33-8 further clarifies that the ascending clear zone provides clearance increasing from an elevation of 5-feet up to 8-feet above the parking spaces. Thus, the actual spatial clearances provided should provide sufficient clearance for most vehicles, which would not exceed the minimum 5-foot clearance provided at the nose of the space. Compact vehicle spaces would limit the potential that significantly large and taller vehicles, such as full-size trucks, vans or SUV's could comfortably be parked in these locations. Thus, Mitigation Measures identified in the FEIR are considered to be enforceable and adequate to assure this threshold would not be violated.

Crash Patterns and Risk Assessment

The National Transportation Safety Board (NTSB) categorizes aircraft mishaps as an accident or incident. An *accident* is defined as an occurrence in which people on board or on the ground sustained serious or fatal injuries or in which the aircraft incurred substantial damage to the extent that it could no longer be considered airworthy. Other mishaps are classified as *incidents*. In reviewing NTSB records, there have been six accidents and one incident at or in vicinity of the San Rafael Airport between 1983 and 2011. Most of the mishaps occurred on or near the runway. The precise location of these on-airport accidents or the footprint of scattered debris is not documented in the NTSB reports. However, the FAA establishes design criteria for clear areas around runways to account for aircraft veering off the runway. The proposed Airport Sports Center would be located outside of these runway clear areas referred to as Runway Safety Area and Runway Object Free Area.

Two accidents occurred off the airport site; in 2004 and most recently in 2011. In both instances, the pilots lost engine power on initial takeoff from Runway 04 and made a forced landing in the marsh east of the Airport. One aircraft was an experimental amateur-built airplane and the other was a single-engine aircraft.

The National Transportation Safety Board (NTSB) is the primary repository of aviation accident data in the United States. The *California Airport Land Use Planning Handbook (Handbook)* published by the Caltrans Division of Aeronautics provides an examination of the NTSB database to assess off-airport aircraft accident location patterns. The *Handbook* depicts suggested sets of up to six safety zones applicable to various categories of general aviation, air carrier, and military airport runways. The shapes and sizes of the zones are largely based on the historical spatial distribution of aircraft accidents near airport runways and on the manner in which aircraft fly as they approach and depart airports. Each safety zone is characterized by a risk level that is distinct from the other zones. In general, the safety zones nearest to the runway ends—particularly the runway protection zone or Safety Zone 1—represent locations having the highest degree of risk of being involved in an aircraft accident. Other zones have more moderate risks (e.g., Safety Zones 5 and 6).

The *Handbook* provides five examples of different safety zone configurations for different types of general aviation runways. Each example is based on a set of aeronautical assumptions noted in Figure 3A of the *Handbook*. Selection of the applicable set of generic safety zones is based upon the physical and operational characteristics of a particular airport (e.g., runway length, approach visibility minimums, traffic patterns, etc.). In some cases, the zones might be quite suitable as is. In most instances, however, some degree of adjustment of the generic safety zones is necessary in recognition of the unique physical and operational characteristics of the airport.

As indicated in the technical report prepared by Mead & Hunt, Inc., *San Rafael Airport Sports Center Aeronautical Safety Review*, provided as DEIR **Appendix H**, the generic safety zones for a short general aviation runway (Example 1) were applied to San Rafael Airport's runway. Safety Zone 1 was adjusted to reflect the dimensions for the Runway Protection Zones (RPZs) as defined by FAA criteria in Advisory Circular 150/5300-13: Airport Design. As indicated in Example 4 of the *Handbook*, the generic safety zones may be adjusted to reflect San Rafael Airport's single-sided traffic pattern. However, in lieu of adjusting the generic safety zones, Mead & Hunt's technical report simply identifies the primary flow of aircraft traffic. Note that the generic safety zones in Example 4 of the *Handbook* assume a longer runway (length of 4,000 to 5,999 feet). Thus, these sample safety zones must be reduced in size similar to those provided in Example 1 if applied to San Rafael Airport.

Open areas, particularly those that are relatively level and free of large obstacles, potentially allow a greater amount of open land toward which a pilot can aim. The premise, however, is that the aircraft is under some degree of control when forced to land. The disadvantages of the presence of a building are:

1. It allows an increased number of people to be in the potential impact area of an uncontrolled crash;
2. There is less of a chance for people to see a plane approaching; and
3. A building offers less exiting options in which to vacate the impact area.

To minimize the risk that an aircraft accident poses to people and property on the ground near airports, no development would be allowed in the airport vicinity. For most airports, however, this is clearly not a practical approach to land use compatibility planning. As indicated in the *Handbook*, buildings can provide substantial protection from the crash of a small airplane, particularly when the aircraft is still under control as it descends. If a building fire subsequently ensues—historically, a relatively infrequent occurrence—it is unlikely to engulf the entire building instantly. Additionally, buildings typically result in a concentration of people in one portion of the site leaving other areas as open space. See the *Building Safety Features* discussion below for further information on this concern.

For the purposes of the San Rafael Airport Sports Center project, the building is proposed to be situated within Safety Zone 5, *Sideline Zone*. This zone is characterized by having low to moderate risk level. About 3% of off-runway general aviation accidents near airports happen in this zone. This area is not normally overflowed by aircraft. The primary risk is with aircraft—especially twin-engine aircraft—losing directional control on takeoff; which have resulted in crashes along or at the end of the runway. The very small number of twin-engined aircraft operating at San Rafael Airport further reduces the risk of accidents in Safety Zone 5.

Varying Abilities of Pilots

Regarding the ability of pilots, all pilots must be certified by the Federal Aviation Administration (FAA) in order to fly an airplane. An FAA-issued pilot certificate and current medical certificate are evidence that an individual is duly authorized to exercise piloting privileges. The FAA is also responsible for issuing airworthiness certificates indicating that an aircraft meets its approved design and/or is in an airworthy condition. The National Transportation Safety Board (NTSB) accident records provide various types of information regarding the pilot and aircraft. NTSB reports typically include information on the pilot's age, pilot certificates/ratings, airworthiness of aircraft and the last date the aircraft was inspected. No agency has attempted to analyze aircraft accidents in terms of varying abilities of pilots or the quality of the aircraft.

Selection of Building Safety Features

As noted in FEIR Response 22-1 the list of recommended special risk reduction features represent those features that may be considered, as determined to be appropriate for the project. The technical report prepared by Mead & Hunt, Inc., *San Rafael Airport Sports Center Aeronautical Safety Review*, provided as DEIR **Appendix H**, identifies these various methods for enhancing public safety. In consultation with City staff, the most cost-effective risk-reduction measures were selected based on the following considerations:

1. Majority of project site is located in a relatively low risk zone (Safety Zone 5) and satisfies the average acre usage intensity limit recommended by Caltrans Division of Aeronautics.
2. Although the project exceeds the single-acre limit recommended by Caltrans Division of Aeronautics in the 2002 *Handbook*, the overage is minimal at approximately 56 people (see occupancy calculation below). Additionally, the technical report indicates that the single-acre calculation methodology typically overstates the actual peak intensity of a facility. Lastly, the maximum allowable intensity of the building and project site may be monitored and enforced by Airport Sports Center staff and City through the conditions of the Use Permit and signage.
3. The project may include vulnerable occupants (children). Emergency exits and enhanced sprinkler system were recommended to enhance the safety of the building. Additional measures may be required as a condition of approval.

Occupancy Calculation Methodology

The single-acre calculation considers where the most intensively used one-acre portion(s) of a development site would occur. For the San Rafael Airport Sports Center, the highest concentrations of people in a one-acre area are anticipated to be inside the recreational building. Calculation of the single-acre intensity depends upon the building footprint and the maximum number of people anticipated in the building. As provided the technical report prepared by Mead & Hunt, Inc., *San Rafael Airport Sports Center Aeronautical Safety Review*, provided as DEIR **Appendix H**, the building is anticipated to accommodate 345 people during peak use (i.e., 475 people on site – 130 people in outdoor areas). The calculation assumes 195 people would be associated with use of indoor, outdoor and warmup fields based on the following assumptions:

1. 65 people associated with use of the indoor soccer area (which includes two smaller fields). Based on 44 players on the two fields (20 players plus 2 goal keepers on each field) plus 21 people on sidelines (other players, coaches, and few spectators). It is assumed that most of the spectators would be in the upstairs viewing area. These people are accounted for in the calculation for the Mezzanine Area.
2. 65 people associated with use of the outdoor soccer field area. Based on 22 players on the field plus 43 people on the sidelines (other players, coaches and spectators).
3. 65 people associated with use of the warm-up area. This figure is higher than anticipated by the current project, but represents a conservative approach based on another full outdoor field usage. Persons outdoors would be congregating within and/or moving between the buildings/field/parking areas during peak usage.

These figures on field usage are used to derive the number of persons anticipated to be concentrated within the structure. The footprint of the building is 70,000 square feet (1.6 acres). The single-acre intensity is calculated by dividing the total number of building occupants by the building footprint in acres. Thus, the single-acre intensity of the proposed recreation building would be 216 people (i.e., 345 building occupants ÷ 1.6 acres).

It should be noted that the technical report prepared by Mead & Hunt evaluated the Airport Sports Center against intensity limits recommended in the *California Airport Land Use Planning Handbook (Handbook)* published by the Caltrans Division of Aeronautics (Division) in January 2002. In October 2011, the Division published a new edition of the *Handbook*. In most cases, the 2011 *Handbook* increases the intensity limits applicable within the six basic safety zones from those provided in the 2002 edition. For comparison purposes, the table below identifies the intensity limits (maximum number of people per acre) included in the 2002 and 2011 editions of the *Handbook* for Safety Zones 2, 5 and 6. The recommended intensity criteria are established for airports located in a suburban area similar to the environs of San Rafael Airport.

	<i>2002 Handbook</i>		<i>2011 Handbook</i>	
	Average Intensity	Single-Acre Intensity	Average Intensity	Single-Acre Intensity
Safety Zone 2	25-40	50-80	40-60	80-120
Safety Zone 5	80-100	160-200	70-100	210-300
Safety Zone 6	150	450	200-300	800-1200

As can be seen in the table above, the project slightly exceeds the 160-200 single-acre criterion in the 2002 *Handbook*. However, under the 2011 *Handbook*, the 216 people per single-acre intensity of the project is well within the 210-300 single-acre intensity acceptable range.

Based on the information provided in the *California Airport Land Use Planning Handbook (Handbook)* published by the Caltrans Division of Aeronautics, assembly areas (e.g., auditoriums, stadiums, gaming floors such as keno and slots) would generate higher occupancy levels within a building than the proposed multi-purpose gymnasium; dance and gymnastics studios and indoor soccer field. As noted in the **Land Use - Ancillary, Alternate and Additional Recreational Uses** discussion above, a highest and best recreational use of the facility has been analyzed; with youth oriented dance and gymnastics and soccer. Such higher intensity assembly uses (auditoriums, stadiums, etc.) have not been considered or proposed. The mix of recreational uses that would be permitted within the recreational facility would normally be controlled by City parking standards. In this case, the use shall also be controlled through a Master Use Permit, which would include establishment of a maximum allowable trip allocation, as well as the parking requirements to control capacity. If desired, the conditions of approval could further specify

the maximum number of people permitted in the recreational building and outdoor fields. Based on the single-acre intensity limits recommended in the 2011 *Handbook*, the allowable intensity range for each component use is as follows:

- a. 336 – 480 people in the recreational building (210 – 300 people x 1.6-acre building footprint)
- b. 336 – 480 people in the outdoor soccer field area (210 – 300 people x 1.6 acres)
- c. 104 – 156 people in the outdoor warm-up area (80 – 120 people x 1.3 acres)

Note that uses with high-risk users (e.g., children or infirm) should be toward the lower end of the range.

Large Event Impact Assessment

The total number of people permitted on the project site at any time, except for rare special events, would not be anticipated to exceed the indicated average- and single-acre usage intensity limits provided in the *California Airport Land Use Planning Handbook (Handbook)* published by the Caltrans Division of Aeronautics in October 2011. Rare special events are ones (such as an air show at an airport) for which a facility is not designed and is normally not used and for which extra safety precautions can be taken as appropriate. The use of the facility would be dictated by available parking capacity, and large events are not anticipated nor could they likely be accommodated on the site. Special events other than tournament sport and recreation events within permitted facilities could be considered subject to separate review and approval of a temporary use permit. However, such events would not be permitted to exceed parking supply or occupancy limits established for the building. A condition of project approval could be considered to require that the Use Permit specify the maximum number of people permitted in the recreational building and outdoor fields (see maximums indicated above). Consideration should be given to the total number of people expected on the site and if high-risk users are anticipated (e.g., children).

Assessment of Lighting Hazards

The technical report prepared by Mead & Hunt, Inc., *San Rafael Airport Sports Center Aeronautical Safety Review*, provided as DEIR **Appendix H**, includes a brief discussion of the parking lot lights and outdoor soccer field lights. The report included a mitigation measure recommending that the parking lot lights and outdoor soccer field lights be shielded so that they do not aim above the horizon. A flight check at night, after the lighting has been installed, to ensure that the outdoor lights do not create glare during landings and takeoffs was also recommended. Although Mead & Hunt's analysis did not conduct a detailed review of the lighting plan, the subject lighting details were considered and included in the DEIR as Appendix C, and there is no conflict between lighting details and conclusions of the study.

FAA Jurisdiction and Regulatory Controls

The authority to regulate aeronautical activity at San Rafael Airport is shared between the Federal Aviation Administration, Caltrans Division of Aeronautics, City of San Rafael, and the airport owner. These roles are explained below.

Federal Aviation Administration (FAA) – The FAA is responsible for ensuring the safe and efficient use of the nation's airports and airspace. The FAA has jurisdiction over a wide variety of aviation activities including aircraft design, pilot certification, *flight procedures*, and airport design. When owners of public-use airports accept funds from FAA-administered airport financial assistance programs, the airport owners must agree to certain obligations (or assurances). The FAA enforces these obligations through its Airport Compliance Program. The program serves to protect the public interest in civil aviation and ensure compliance with applicable Federal laws, FAA rules, and policies. The Airport is not designated as a public-use facility (i.e., not open to the

general public) and does not utilize federal funding. Therefore, FAA rules and regulations in the operation and design of the San Rafael Airport are applied and enforced by Caltrans.

Caltrans Division of Aeronautics – As a general rule, it is unlawful to operate an airport in the State of California without a State Airport Permit. State Airport Permit requirements are promulgated in the California Public Utilities Code (PUC), Section 21001 et seq., otherwise known as the State Aeronautics Act, and the California Code of Regulations (CCR), Title 21, Sections 3525-3560, Airports and Heliports. The Division considers the following before issuing an Airport Permit:

- The site meets or exceeds the minimum airport standards specified by the Department's rules and regulations.
- *Safe air traffic patterns are established for the airport and vicinity airports.*
- *Safe "zones of approach" are established in compliance with Federal Aviation Regulation (FAR) Part 77, Safe, Efficient Use, And Preservation of the Navigable Airspace.*
- Imposing permit conditions to ensure conformity with state requirements.
- Review potential environmental impacts.

The Airport Permit for San Rafael Airport classifies the facility as a "Special-Use Airport." This type of facility is defined as "an airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public service operations and/or personal use." The Airport Permit establishes the following conditions:

- Right traffic for Runway 22, left traffic for Runway 04, and a traffic pattern altitude of 1,000 feet above airport elevation.
- Airport is approved for *day and night* use.
- White "Rs" are to be displayed on each end of the runway to denote the airport is privately owned and is not open to the general public.
- The permit shall remain in effect so long as the airport meets the conditions under which the permit was issued or until action is taken by the Division to suspend, revoke, correct, or amend the permit pursuant to the California Public Utilities Code or The California Code of Regulations.

City of San Rafael – The City of San Rafael regulates the types of land uses property owners may have on their property. The City requires that some uses be conditionally permitted, through the issuance of a Use Permit, for uses that are considered to be suitable only in specific locations and require special consideration in their operation or layout to ensure compatibility with surrounding uses. This circumstance applies to the subject property, which is designated PD zoning. The Master Use Permit currently established for the San Rafael Airport operations contains the following restrictions:

- Maximum of 100 based aircraft
- Use of airport is limited to based aircraft (no transient or guest aircraft are permitted to use the airport)
- No flight training or commercial flight activity

The Master Use Permit also includes conditions that regulate, among other things, the airport flight pattern. There is no limitation on night flights established by the City granted use permit. Thus, the state permit controls that activity, and allows 24 hour operation. Any changes to the conditions of approval established by the City, including changes as a result of any demonstrated state or FAA pre-emption of authority, would require modification to the project conditions of approval.

The site is further limited by the property land use restriction that limits the use of the property to the list of land uses established in the deed. The City of San Rafael and the County of Marin, as mutual parties to the agreement, have authority to enforce the terms of the deed restriction.

Airport Owner – San Rafael Airport, LLC, (owner) has control of access to the Airport and overall responsibility of ensuring compliance with the provisions of the State Airport Permit issued by Caltrans Division of Aeronautics and the Master Use Permit issued by the City of San Rafael. Failure to comply with the conditions of the Airport or Use Permits may result in penalty fees or revocation of the permits.

Limits on Aircraft Use of Airport

The Airport's runway length and pavement strength are the principal factors limiting the type and size of aircraft that can be accommodated at the airport. The San Rafael Airport has a short runway at 2,140 feet in length and a weight bearing capacity of 7,000 pounds for aircraft with a single-wheel landing gear configuration. These physical constraints limit use of the Airport to mainly small, light general aviation aircraft.

Airport staff indicates that there are between 80 to 90 based aircraft, most of which are single-engine aircraft (Pipers, Cessnas, Bonanzas). There are 3 single-engine turboprops (PC-12, Caravan, and Meridian) and a couple of twins (Barons). Approximately 20% of the total based aircraft are in the experimental, light sport and ultralight aircraft categories. There are no jets. Under the Master Use Permit issued by the City of San Rafael, only based-aircraft may operate at the San Rafael Airport.

Mass Casualty Plan

The Federal Aviation Administration (FAA) requires Part 139 air carrier airports to develop an emergency response plan to identify how local fire, police, and emergency crews would respond to an aircraft accident. There are no federal or state requirements for the preparation of these types of plans for private airports. A mass casualty plan for an aviation accident would be similar to a local or regional emergency response plan for natural disasters or other catastrophes.

The FEIR does not include nor identify need for a mass casualty plan in the event of a crash. No such plan has been deemed necessary for the facility by the City of San Rafael Police and Fire Departments emergency responders, which considered the number of occupants and casualties in event of a major incident on-site or in the vicinity. There are no high occupancy structures or facilities within the community that could warrant any such emergency plan. A standard evacuation planning approach was deemed appropriate and applied to this project.

Nighttime Flight Limitations

There are no established restrictions which would preclude nighttime takeoffs or landings by based-aircraft at the San Rafael Airport. The Airport is open 24-hours per day. The runway is a visual facility; all flights are conducted under visual conditions without the aid of straight-in instrument approach procedures. The runway is equipped with medium-intensity runway edge lighting which enables pilots to land and/or depart the runway at night. Approximately 15% of the Airport's activity (2,250 annual operations) occurs during evening and nighttime hours (7 pm to 7 am). Poor weather conditions (i.e., low visibility) would be the principal factor deterring pilots from operating at the Airport during nighttime, as well as daylight, hours.

Based on information provided in the *California Airport Land Use Planning Handbook (Handbook)* published by the Caltrans Division of Aeronautics, nighttime increases the propensity for accidents to occur beyond the runway environment, particularly for airports with long runways that are equipped with

straight-in instrument approaches. As noted above, San Rafael Airport has a short visual runway and minimal nighttime activity. The proposed Airport Sports Center lies primarily within Zone 5, one of the less risk-sensitive safety zones. As noted above, about 3% of off-runway general aviation accidents near airports happen in this zone. Additionally, nighttime flights represent a small fraction of the activity as San Rafael Airport. Approximately 15% of the Airport's activity (2,250 annual operations) occurs during evening and nighttime hours (7 pm to 7 am).

Building Construction Quality

The proposed Airport Sports Center building must satisfy building code regulations. In most instances, standard building practices are expected to provide sufficient protection from a crash of a small airplane. Additionally the types of aircraft flying at San Rafael Airport are small, light general aviation aircraft flying at relatively low speeds. These types of airplanes are less likely to penetrate a building or cause major damage compared to larger, faster aircraft seen at many general aviation airports. Furthermore, Page 5 of the technical report prepared by Mead & Hunt, Inc., *San Rafael Airport Sports Center Aeronautical Safety Review*, provided as DEIR **Appendix H**, outlines risk-reduction features that can be incorporated into a building's design to further enhance the safety of the occupants.

Additional Safety Factors

As indicated in the above response to *Crash Patterns and Risk Assessment*, buildings can provide substantial protection from the crash of a small airplane, particularly when the aircraft is still under control as it descends. However, the advantage of the outdoor fields is that the users have a better chance of seeing a plane in distress and have more directions in which to escape the area of potential impact. Additionally, the project does not include fixed seating such as bleachers which restrict the ability of occupants to get out of harm's way, yet do not provide the protection offered by a building. As such, spectators would not be confined in a small area with limited exits.

Obstruction Lighting

The technical report prepared by Mead & Hunt, Inc., *San Rafael Airport Sports Center Aeronautical Safety Review*, provided as DEIR **Appendix H**, recommends adding the small blinking red obstruction lights (like those at Gness Field in Novato) to various project features (fence, corners of building, stadium light) to make them more conspicuous to pilots. As noted in the technical report, the project applicant is required to submit to the Federal Aviation Administration (FAA) a completed FAA Form 7460-1, *Notice of Proposed Construction or Alteration*. As part of this aeronautical review, the FAA and/or Caltrans Division of Aeronautics may recommend appropriate marking or lighting of potential obstructions to ensure continued safety of air navigation and to maintain a valid Airport Permit. If final building plans demonstrate the building features would not pose a hazard to air navigation, the Caltrans Division of Aeronautics may determine that the obstruction lighting could be eliminated.

Further, the FEIR response to comments notes that the anticipated encroachment into the ascending clear zone has been assumed based on the runway elevation indicated on the plan site section. However, this section was provided to illustrate the ascending clear zone, and did not include surveyed grade elevations. In fact, the runway grade is slightly raised, thus, the anticipated encroachment may not be realized. It would be a simple matter to make adjustment to the plans prior to submittal for construction permits and eliminate any minor encroachment into airspace. This can be verified using the surveyed plan information for preparation of building permit plans, and requiring that finish grade and building elevations be surveyed during construction.

As noted above, Caltrans makes the final decision regarding need for obstruction lighting. There are various factors that they consider, including another shallower imaginary surface. Thus, being lower than the Part 77 transitional surface does not mean that project would not require obstruction lighting.

Consultation with Caltrans would be required on final construction plans to get input on requiring or eliminating the need for obstruction lights.

7. Hydrology and Water Quality

The discussion below addresses the following:

- *Clarify if the levee system provides protection to Contempo Marin.*
- *Provide a status update of the county dredging project for Gallinas Creek, and the relationship of that project with this project.*
- *How will users be protected from flooding hazards?*
- *What is the datum used to determine there is adequate freeboard to accommodate potential sea level rise?*
- *Who is liable for flooding on the site and cost of levee maintenance? What is the City/County liability?*
- *Discuss the need for removal of buildings in the event the use is abandoned over time as a result of sea level rise. How would this be assured and/or enforced?*
- *The FEIR should address the cost of improving the levee for sea level rise.*
- *The FEIR has to analyze the impacts of a grass field.*

Levee Elevation Datum

The levee was established using NGVD29 Mean Sea Level (MSL) datum at 9 feet elevation. This was confirmed by the City under the terms of the existing airport Master Use Permit. In the NGVD datum, Mean Sea Level equals zero feet. Under NGVD29 the FEMA 100 year flood elevation is 6 feet and the airport levees are at 9 feet. Recently, as pointed out in the FEIR Master Response 11 (HYD-1) (page C&R-26) the NAVD88 has replaced NGVD29 MSL as the official datum; which changed the numerical values by 2.67 feet; thus Mean Sea Level is now measured as 2.67 feet versus 0 feet. The change in datum value is simply a numerical conversion and does not represent nor is it based on new hydrologic conditions.

For the DEIR, the datum value was stated as +6 NGVD, which was modified in the FEIR to +8.67 NAVD (see Master Response 14 on FEIR page C&R-33). Project-related effects associated with anticipated rise in sea level are addressed in Master Response 14 (FEIR pages C&R-33 through C&R-35). Were sea level to rise by the now-predicted 12 to 18 inches above the +6 NGVD flood elevation (+8.67 NAVD) before 2050, the potential inundation impacts at the site would be greater than if the sea level rise were only 6 inches during the same period (as assumed in the DEIR, based on the 1995 EPA estimate). However, the existing flood control features which provide protection from inundation at the project site would be expected to remain in place and continue to operate as they do today; including the 9-foot tall levee system at +8 NGVD elevation at top of bank (+10.67 NAVD), and pump station that ejects the drainage from the site into the North Fork of Gallinas Creek. Therefore, the potential impacts related to an incremental sea level rise of this magnitude would continue to be reduced to a level of less-than-significant.

Levee System Protection

The combined levee system that protects the Contempo Marin, San Rafael Airport and SMART right of way in between the two properties is illustrated in the attached *Plat, Flood Protection Facilities and Flood Protection* description (**ATTACHMENT 8**). This diagram shows the location of the levees that protect

Contempo Marin and the airport site from flooding. Oberkamper & Associates prepared the plans for construction of Contempo Marin and provides civil engineering services for the airport property.

Contempo Marin includes areas which are as low as elevation 3 NGVD29, which lies several feet below the 100 year flood elevation of 6 NGVD29. The railroad embankment is at elevation 4 and constructed of permeable ballast material, thus does not provide any flood protection. The levee elevations along the westerly side of Contempo Marin are at elevation 6, which provides little or no freeboard with respect to the 100 year flood elevation. The southerly boundary of the property adjoins a hillside. The westerly boundary extends from the hillside to the levee along the North Fork of Gallinas Creek, and then continues to the railroad right of way. The easterly boundary adjoins the railroad right of way, which has embankments as low as elevation 4 NGVD. The San Rafael Airport is located east of Contempo, and is protected by a levee system which is the extension of the levee along the North Fork of Gallinas Creek and extends to San Pablo Bay then back along the South Fork of Gallinas Creek to the hillside which adjoins the southerly boundary of Contempo Marin. Collectively, these systems provide protection for Contempo Marin against flooding from outside the project to the 100 year flood level of 6 NGVD. Thus, there is mutual protection of the airport and Contempo Marin by the combined levee system which surrounds each property. Both properties have an essential interest in the continued integrity of the entire system, as well as the portion of the system adjoining the individual properties.

Financial Responsibilities

The purpose of an EIR is to evaluate the environmental impacts of a project, as well as feasible ways to reduce any identified significant impacts. The EIR document is neither designed nor required to analyze the fiscal costs of project elements or mitigation. That said, the costs of maintenance of the levee system identified in ATTACHMENT 8 shall be borne by the owners of the levee system; which include the airport owner, County of Marin and Contempo Marin. The costs for maintaining the existing levee primarily consist of the purchase of fill material and labor; thus are anticipated to be relatively inexpensive. Of course, costs can vary based on extent of work required, access to equipment, materials and labor. Staff is not able to predict future levee maintenance costs, which may or may not include upgrades for sea level rise. The City has no liability associated with the levee maintenance.

Site Flooding, Sea Level Rise and Building Abandonment

As explained in the DEIR and the FEIR, sea level rise is expected to continue, although the precise forecasting is not possible. Given the available forecasts, the existing flood control features which provide protection from inundation at the project site would be expected to remain in place and continue to operate as they do today (including the 9-foot tall levee system at +8 foot NGVD elevation at top of bank (+10.67 NAVD), and pump station that ejects the drainage from the site into the North Fork of Gallinas Creek) such that the potential impacts related to an incremental sea level rise of this magnitude would continue to be reduced to a level of less than significant at least through 2050.

Over time, a gradual rise in sea level can be monitored, and as increases in sea level occur, any necessary measures to upgrade existing facilities intended to reduce the risk of possible inundation at the site can be implemented when considered appropriate by the property owner. Additional protective measures to address anticipated sea level rise and levee protection would be required to protect both the currently existing airport site improvements and Contempo Marin residential development. Thus, the proposed recreational facility would not change the fact that there are existing developed conditions on and around the property that already necessitate ongoing maintenance and repair (as needed) of the levee and pump station stormwater and flood protection systems. Further evaluation of these systems in this project EIR have been conducted in order to verify that they would continue to protect the existing site, along with the proposed additional property improvements and people that would be on-site using the proposed facilities, for the duration of the project life.

Sea level rise impacts may be considered beyond the scope of CEQA environmental review required for the project. However, it is important to note that this is also being considered at a community-wide level. The City Climate Change Action Plan recommends a countywide levee study and working with the Bay Conservation and Development Commission to develop adaptive measures to respond to this condition, over time.

The DEIR addresses flooding hazards associated with development of the project site as proposed on pages 11-30 through 11-33. In the FEIR, Master Responses 11, 12 and 13 (pages C&R-26 through C&R-32) also address flooding concerns. The implementation of **MM HyD-2a** and **MM Hyd-2b** (DEIR pages 11-32 and 11-33, as modified on FEIR pages R-9 and R-10)) would enable the proposed project's impact associated with the risk of loss, injury or death as a result of levee failure to a level considered less than significant. No assessment has been required nor prepared as part of the FEIR for removal of the buildings in the event that the site is inundated as a result of sea level rise or levee maintenance issues. Likewise, as noted in the **Land Use - Ancillary, Alternate and Additional Recreational Uses** discussion above, if the use is abandoned for any other reason, it could be re-utilized consistent with the terms of the land use restriction and subject to City approvals. If there remain concerns with potential abandonment of the use and building, this should be discussed during review of the project merits.

County Dredging Project Status

As noted above, the County published a Channel Maintenance Dredging study, prepared by Winzler & Kelly (W&K), February 26, 2010; which is available online at <http://www.marinwatersheds.org/docs/2010-02-26-PSR-Final.pdf> (for County Service Area #6). The study had identified San Rafael Airport as a site alternative for staging and placement of dredge material. However, as noted in the study, the airport is not a permitted upland dredged material beneficial reuse site and neither state nor local permits have been pursued to utilize the site for this purpose. Thus, the use of the airport site has not been pursued for this purpose.

The County dredging project purpose is to remove and dispose of creek sediments and provide a navigable waterway channel for boating and recreational use. The County proposes to dredge the South Fork of Gallinas Creek channel to meet the following objectives:

- To provide a navigable waterway for recreational purposes.
- To comply with Federal, State, and regional regulations through appropriate design and permitting of the project.

According to a December 14, 2011 email response from Neal Conaster, Assistant Engineer with Marin County DPW the W&K report identified sediment removal via clamshell with in-bay disposal as the preferred project alternative. However, construction costs (over \$3m) currently are greater than available funding. The County is looking into larger, multi-faceted projects that would increase the chances of receiving outside funding for the dredging and other flood control and watershed improvement opportunities identified for the Las Gallinas watershed. The County will be seeking ways to investigate opportunities to pursue these improvements in the watershed.

Water Quality Impacts of Grass Fields

As currently proposed, development of the project site with outdoor field lighting would result in the use of Field Turf for the regulation-size outdoor soccer field. However, if outdoor field lighting is not approved the field would be covered in grass. The warm-up and stretching area would not have lighting, and would be grass (DEIR, pages 3-12 and 3-13). While the project Applicant has indicated that outdoor field lighting is necessary to generate enough income from outdoor field use to support the high installation cost of Field Turf (since this installation cost is approximately five times the installation cost of a comparable grass field), the construction of a regulation-sized grass outdoor soccer field at the project

site remains a possibility. The types of impacts associated with installation and use of a grass regulation-size soccer field are addressed in the discussion of the effects associated with the installation and use of Field Turf (see Response 39-11 on FEIR pages 197 and 198).

On-going maintenance of a grass field (and the grass warm-up and stretching area) would require the periodic use of fertilizers and herbicides, which could have adverse effects on water quality. Grass areas would require periodic mowing, which could result in the generation of air and water pollutants by the mowing equipment, grass clippings that would require disposal, and energy use associated with operating the mowing equipment. Grass areas would also require periodic irrigation, which would increase the demand for water at the project site.

With respect to the potential water quality impacts, MM Hyd-1 shall ensure the following specifications are met:

- The Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Management Plan (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.

Additionally, conditions of approval would be implemented to require the following:

- Landscape areas surrounding inlets shall be graded in a swale and landscaped to promote filtration.
- 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.

Therefore, the impacts of the grass fields are less than significant.

8. Noise

The discussion below addresses the following:

- *There is concern with the timing proposed for conducting the noise analysis under MM N-1. Hours of operation need to be established up front based on the use and noise constraints.*
- *Provide information regarding any history of noise complaints or issues associated with the fields at Pickleweed Park.*
- *Concerns were expressed regarding effects of installation of a soundwall.*
- *The FEIR fails to consider noise impacts from people congregating after close of facility.*
- *How would N-1 be monitored and enforced? Do police officers have a decibel reader?*
- *Did the noise study identify the closest residential property and from what point on the project site is this established, i.e., edge of project, field or building?*
- *The impact statement for MM N-1 identifies a significant impact from vehicles and needs to be clarified.*
- *Does the noise study consider noise from inside the building including if windows are open for air circulation and is soundproofing included or proposed?*
- *Would combined noise result in a cumulative increase in noise? How does noise “build” on itself?*
- *The noise measure needs to clarify who the noise study will be submitted to at the city and what that person will do with the information.*
- *Explain how monitoring of noise after certification will be accomplished and if that is in compliance with requirements of CEQA.*

- *What is the cumulative noise impact of proposing to drive all piles simultaneously?*
- *The FEIR fails to provide data for measurement at locations LT2 and LT3 for ambient nighttime noise levels. Residents keep windows open in evenings to cool the house. What would be the increase in noise levels after 6PM?*

Nighttime Noise Impacts

It was noted at the November 15 meeting that DEIR page 12-15 and FEIR pages R-10 and R-25, text of **Impact N-1** should be modified to accurately reflect the statement on DEIR page 12-21, that the project-related contribution to traffic noise would be considered less than significant, as follows:

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

On page 12-3, the DEIR indicates that the closest residential receptor is 750 feet from the south edge of the soccer warm-up area (Santa Venetia). The nearest residence on-site is the caretaker's residence located at the entry to the airport site. McInnis Park Golf Center is located approximately 400 to 600 feet north of the project site, but active recreational uses at the park are not considered to be noise sensitive.

The City nighttime noise threshold applies to the period between 9PM and 7AM Mon-Thurs and 10PM to 7AM Fri-Sat. Impact N-1 notes that outdoor field use after 9PM may cause City noise ordinance exterior threshold of 40 dBA Leq (continuous) to be exceeded by 1 decibel at the closest residences in Santa Venetia. Although this threshold is *below* the normally acceptable range for residential use (as shown by DEIR Figure 12-1), a more restrictive standard established by the City Municipal Code must be met and therefore, this has been applied as the CEQA threshold for the project. DEIR Figure 12-2 shows the noise measurement locations LT-1, LT-2, and LT-3 which were used to monitor site noise.

As noted on DEIR page 12-2, the continuous noise levels at 225 feet from the center of runway are low at 35 to 45 dBA Leq (more precisely, ambient noise levels range from 40-45 dBA from 6pm to 11pm and 35-40 dBA from 11pm to midnight). This noise level range is equivalent to suburban nighttime to an urban area nighttime/quiet office environment (Table 2 in DEIR Appendix J provides examples of common indoor/outdoor noise sources). For the purposes of the EIR analysis, the project would result in a significant impact if project-generated traffic noise were to increase the noise levels at the closest noise-sensitive receivers by 3 dBA (L_{dn}) or cause the City noise ordinance 40 dBA nighttime noise threshold to be exceeded at residential property lines (DEIR page 12-13).

According to the Illingworth & Rodkin's analysis, peer reviewed and appended by the City noise consultant Geier and Geier, the noise measurement location LT-1 was selected to measure the effects of intermittent aircraft noise and to establish background noise levels throughout the area. This measurement was made away from local sources, including neighborhood noises and vehicular traffic in the neighborhood that would potentially elevate localized noise levels, and provides a conservative measurement of background noise in the area, including the Vendola Drive neighborhood. The very quiet conditions at the measurement location were noted. Measurement in 2002 at locations LT-2 and LT-3 were specifically designed to measure aircraft noise and overall total noise levels (represented in terms of the L_{dn} noise metric). This measurement included noise from individual aircraft, average noise levels in 3-hour intervals, and maximum and minimum levels measured in each 3-hour interval. The measured levels in LT-1, during quiet daytime periods in the absence of aircraft, were equal to or lower than levels during comparable daytime periods measured at LT-2. The data, taken cumulatively, fully characterize noise exposure levels throughout the area. Additional measurements in the Vendola Drive neighborhood would provide no additional information that would be useful in the analysis. Ambient noise levels in the

Vendola Drive neighborhood (with and without the influence of aircraft noise) were correctly established by the noise survey.

The current mitigation measure calls for nighttime noise monitoring after establishment of the use, to determine whether the 40 dBA noise threshold would actually be exceeded by nighttime use of the fields. The FEIR analysis is accurate and adequate in its conclusion that evening use of outdoor fields has the potential for causing a significant impact due to its potential to exceed the City exterior noise ordinance threshold at the nearest residential property line. Although estimates of the future noise levels associated with the project have been made based on what is currently known about the project as proposed, it is not possible to know the actual noise levels generated by the project until after the facility is in operation. The estimates of future project-related noise levels developed for the EIR indicate that potentially significant noise impacts might be expected to result from development of the project site as proposed; although it is also possible that development and subsequent operations might not result in significant noise effects. The mitigation measure MM N-1 has been identified to reduce potential project-related noise impacts to a level considered less than significant if the actual noise impacts associated with operation of the proposed facility at the project site were to exceed established significance threshold. For this reason, it is essential that noise levels be measured after the project is operational in order to determine the extent of mitigation required to bring noise levels below established significance thresholds.

If noise measurements taken following completion of the proposed project indicate that it is necessary to implement the mitigation measure identified in the EIR to reduce project-related noise effects to a level considered less than significant, the City can require that those mitigation measures be effectively implemented, consistent with the requirements of CEQA. However, if the post-operational noise measurements indicate that noise levels would not exceed the established significance thresholds, then there would be no requirement for the City to impose the mitigation measure as the potential noise impact would no longer be considered significant. However, in response to concerns with the timing of noise monitoring relative to the proposed hours of operation, measure MM N-1 may be further revised, as follows:

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

During the first full year of operations, the project sponsor shall annually monitor noise levels during a minimum of five games to determine whether the use of outdoor fields and warm-up areas would result in an exceedance of actually causes the 40 dBA exterior residential nighttime noise threshold to be exceeded at the closest residential property boundary as a result of the outdoor field use. The City shall approve the monitoring schedule which games are to be monitored, to ensure monitoring occurs during times when outdoor fields are in full usage. This shall include at least 3 mid-week games and 2 weekend games. A copy of the noise consultant's analysis shall be submitted to the City. If the analysis demonstrates that the Noise Ordinance nighttime threshold would 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 its hours of operation to 10 p.m., Sundays through Thursdays.

The MMRP would specify the timing and responsibility for implementing this measure, which shall be presented to the Planning Commission for review and approval at a later hearing date. Thus, this measure may be further revised at time of project approval, for example, if the Commission recommends that City staff should select and manage the noise consultant.

As noted above, MM N-1 no longer includes a recommendation for installation of a soundwall, which was previously recommended in the DEIR to allow games to extend past the 9PM weekday curfew. Further, concerns with people congregating in the parking lot can be addressed through project conditions of approval, which shall include use of timers to automatically turn off nighttime field lighting and discourage this activity. If a noise complaint is received, the Police officers have equipment for taking noise measurements. They can issue a citation and typically report their findings to Code Enforcement for further action.

With regard to existing facilities, the Community Services Department has not received noise complaints associated with the use of the Pickleweed Park playing fields before or since the June 2001 installation of the two existing soccer fields.

Building Noise Attenuation

The project Description presented in the DEIR is silent on whether or not soundproofing would be installed in the proposed structure at the project site. However, in order to meet current Building Code requirements, walls and ceilings will need to be insulated, which would provide some noise attenuation. The project Description indicates that there would be mechanical units for heating and ventilation located within the structure, which suggests that there would be no need to open windows of the structure in order to provide sufficient ventilation inside. DEIR Appendix J (Illingworth & Rodkin) provided by the project Applicant, and subject to City peer review, stated:

“Noise generated inside the facility would be significantly reduced by the walls and windows of the facility. Noise levels would be about 15 dBA lower than the noise generated by outdoor activities with windows open and about 20 to 25 dBA lower than the noise generated by outdoor activities with windows and doors closed. Noise levels generated by indoor activities would be far below the levels allowed by the City of San Rafael Noise Ordinance. Finally, the 24-hour average L_{dn} generated by the facility would be less than 40 dBA, far below the existing L_{dn} of 54-56 dBA measured in the Contempo Marin Mobile Home Park.”

DEIR Appendix J, Table 2, identifies common indoor noise sources that can be used to understand noise impacts associated with the indoor use. According to the noise analysis a use generating interior noise levels as high as 80 dBA (e.g., such as that identified as experienced in a noisy restaurant) would result in 65 dBA outside of the building, with windows open. According to the noise consultant, the maximum instantaneous sound levels inside the building would range from 65 to 80 dBA L_{max} , primarily resulting from shouts, bouncing balls, and ball strikes. The average level inside the building during practice games, impinging on the walls and ceiling, is estimated to range from 55 to 65 dBA L_{eq} . Based on the level of exterior noise that would be realized, the noise analysis shows that the resulting level of noise experienced at the nearest residential property boundary would fall below the 40 dBA exterior noise threshold established by the City Noise Ordinance (i.e., 33 dBA at 1,000 feet).

Measurement of Multiple Noise Sources

The DEIR Appendix J further provides a description of the fundamental concepts of noise analysis. Ambient noise level is defined as the composite of noise from all sources near and far. If the ambient noise level at a particular measurement point is measured as “x”, and an additional noise source is added which generates noise at a level that is lower than “x” by more than 9 dB, then the original ambient noise level (“x”) would not change. However, if a new noise source generates noise that is 9 dB to 5 dB below the ambient noise level “x”, then the original ambient noise level (“x”) would be increased by approximately 1 dB. (Note: An additional noise source that is 4 dB to 2 dB less than the ambient noise level “x” results in a 2 dB increase, while a noise source that is 1 dB less than or equal to “x” results in a 3 dB increase). If the additional noise source is greater than the ambient level “x”, the resulting ambient

noise level would be the new higher noise level, and could increase by the same increment as previously described for the noise level of "x".

Pile Driving Noise

As indicated on FEIR page C&R-22 (Master Response 5), the supplemental report letter prepared by John C. Hom, dated February 23, 2010 (**FEIR Appendix B**) confirms the number of piles anticipated for construction of the building, at 40-50 piles, are well within estimates used for analysis of the project noise impacts (which assumed a much higher potential of 100 piles being required). The supplemental report estimates that 15 to 20 piles could be driven per day, thus taking an estimated 2 to 3.5 days to complete pile driving. Further, the duration required to drive 15 to 20 piles per day is assumed based on one pile driver used to drive each pile. Based on the analysis provided by the engineer, the piles would be pushed into the bay mud soils for the majority of its driven length, and would only need to be driven using noise generating hammer blows for a period of 5 minutes each in order to achieve the level of penetration into bedrock required for the last several feet of pile driving. Thus, significant noise generated from the hammer blows would total 75 to 100 minutes per day, and this would occur throughout the work day in 5 minute increments, as necessary to drive each individual pile into bedrock.

The noise effects associated with pile driving relate to both the noise associated with driving the piles and the duration of the pile driving activity at the site. The more piles that could be driven at the site at any one time, the less time would be required to complete pile driving at the site. If the noise level associated with driving a single pile is the same as the noise level associated with driving another pile, then driving multiple piles simultaneously should result in a noise level similar to that associated with driving a single pile. If it were possible to drive all piles at the project site simultaneously, this would drastically reduce the duration of pile driving activity at the site, which would represent a reduction in the potential noise effects on sensitive receptors. However, the analysis has not considered requiring simultaneous pile driving. Concurrent driving of multiple piles is not considered necessary given the relatively short duration required for this work.

9. Transportation and Traffic

The discussion below addresses the following:

- *Explain further and provide information from the City regarding the safety for making left turns onto Smith Ranch Road from Yosemite Road, due to the westbound rise of Smith Ranch road just before Yosemite Road.*
- *Discuss why a stop sign would not be recommended at this location, and what further effect the project traffic will have on vehicles attempting to make left turns from Yosemite Road.*
- *Provide the history with regard to questions raised about widening of the existing bridge deck.*
- *What is the status of the response provided by the City to the 9/23/11 DOT letter?*
- *Did the analysis show any problems for the unsignalized intersections?*

Yosemite Road Intersection Analysis

The Department of Public Works has reviewed the visibility and traffic counts at the intersection of Yosemite Road with Smith Ranch Road and has confirmed that drivers at the intersection have adequate visibility to safely make a left turn onto westbound Smith Ranch Road and a stop sign is not warranted. The traffic study also did not show any significant problems for the unsignalized intersections along the study segment of Smith Ranch Road and Lucas Valley Road. The project generates 268 PM peak hour trips, with 135 trips in and 133 trips out (DEIR Table 13-3). As noted in the FEIR, based on distribution and assignment of these vehicle trips, the project would not cause the City LOS D threshold to be

exceeded at signalized intersections impacted by the project.. The roadway has sufficient capacity in the baseline and general plan buildout conditions to accommodate the additional project traffic. The Fehr & Peers traffic study concludes that the project increase in vehicle delay at the study intersections would be negligible during the impacted PM peak period (See DEIR Appendix K, *Fehr & Peers Traffic Impact Study*, Table 8, Table 9, Table 11 and Table 12 for intersection delay and roadway segment speeds, and Figure 9 for study intersection locations).

Analysis of the arterial segment was primarily conducted to identify any potential impacts of the project on unsignalized intersections along the Smith Ranch Road/Lucas Valley Road segment. The results of the study, as referenced above, concluded that existing travel speeds and traffic volume would not be significantly changed. Existing visibility provided at this intersection would not change. Based on the Fehr & Peers study sufficient gaps in traffic flow should remain such that vehicles can continue to make safe turns onto the Smith Ranch and Lucas Valley roadways.

The warrant study conducted by Fehr & Peers and provided as an attachment to DEIR Appendix K included an all way stop and signal warrant analysis for the intersections of Yosemite Road/Smith Ranch Road and Silveira Parkway/Smith Ranch Road, to determine whether existing plus project conditions would warrant all way stop control or traffic signals at either location. It is noted that these types of controls are most effective where the volume of traffic on the intersecting roads is approximately equal. Installation of signals can be costly and unnecessary signals can increase delay. The warrants examined peak hour delay and peak hour volume at the study intersections; that is, whether traffic conditions cause minor street vehicles undue delay when entering or crossing the major street. The conditions tested include minor street volume, stopped time delay, and total intersection volume. Warrants for installation of a signal were not met. The delay experienced by the vehicles at the stop sign on Yosemite Road is not significant enough to warrant a stop control or traffic signal. However, the City shall continue to monitor conditions, and will install all-way controls at this intersection if warranted by future conditions.

Bridge Deck History

The City reviewed the bridge deck history in 2005 after issuance of permit B0509-038 for replacement of catwalk structure along the sides of the bridge. Staff concluded that the bridge work, including catwalks, were within the scope of original bridge configuration. The overall bridge width of 25-feet was determined at that time. Further, in a March 30, 2006 letter from Robert M Brown, AICP, Community Development Director to Robert Dobrin, Mr. Brown noted that staff has measured the existing bridge and has consulted with California Fish and Game to determine if the proposed change from the existing bridge configuration to a wider bridge deck would necessitate a Fish and Game Permit. Fish and Game staff indicated little concern for a minor increase in bridge width if indeed a catwalk did not previously exist, as long as there were no changes in the bridge abutments affecting the creek bank. The existing and proposed bridgework, including deck replacement, would not require work within the creek channel nor work to the bridge abutments. Thus, there is no conflict with any regulatory agency requirements. The proposed bridge deck replacement work is approved by the CDFG as currently shown through its issuance of a streambed alteration permit for the project. There are no outstanding CEQA questions or issues with regard to this proposed component of the project.

Caltrans Response

On November 18, 2011 the Department of Transportation provided a letter to City staff, which appended their recent September 23, 2011 letter regarding the FEIR response to their comments on the DEIR (**ATTACHMENT 9**). At this time, Caltrans comments for the most part have been resolved by clarifications provided from City staff. Caltrans' remaining concern has to do with its comment on the potential for traffic to queue at the freeway ramps in the area onto the mainline of US Highway 101. In its most recent letter, Caltrans iterates its remaining concern and recommendation, as follows:

“Comment #2, Response to Comment 3-12: Under existing and future conditions, the queues at study intersections #3 (Smith Ranch Road/US 101 Northbound Ramps) and #4 (Lucas Valley Road/US 101 Southbound Ramps) exceed the available storage capacity for the turn lanes. Since there is no technical analysis demonstrating that signal timing adjustments would adequately reduce queuing, please revise the mitigation measures of the EIR to include that the expected queuing problems can be addressed by adjusting the traffic signal timing and that the Department will be included in the process. Please provide the signal timing plans to the Department when the City of San Rafael is ready to start the evaluation.”

The FEIR concludes that there would be no significant queuing impact at the US 101 interchanges identified by Caltrans, thus there is no need to adopt a new mitigation measure. As stated in the FEIR, the City already monitors and will continue to monitor signal timing to optimize traffic flow and address any queue levels. The City Department of Public Works has confirmed that the City will continue to work with Caltrans operations to address any operational issues at this location. This is an ongoing system issue that is being managed by the City in cooperation with Caltrans (which is identified in the General Plan 2020 for traffic improvement). The project's increase in traffic impacts on queuing are controlled through signal timing adjustments, which would continue to be made as necessary to maintain adequate flow through this segment. The FEIR/Response to Comments 3-12, page C&R 69-70, identifies that at worst-case queue/stacking scenario would be fewer than six vehicles at the [Westbound] WB Smith Ranch Road/101 Northbound offramp (see also DEIR Appendix K - Transportation Impact Report, page 24). Signal timing at these intersections can be adjusted to accommodate the increase in traffic levels associated with the project, adequately address any potential stacking issues and avoid any significant impacts to traveler safety as a result of the predicted increased queue lengths.

In order to address Caltrans concerns, staff recommends adding the existing commitment by the City, as recommended in the Caltrans measure, to the FEIR/MMRP to address their concerns; e.g., affirming the following:

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

The addition of this measure does not trigger the need for recirculation due to the fact that it does not constitute evidence of a new significant impact, and the addition of the mitigation has no potential to result in a significant adverse impact.

10. Climate Change

The discussion below addresses the following:

- *The project is not “green enough” and there is no guarantees that it will be green.*
- *The DEIR does not establish a greenhouse gas (GHG) threshold and reports that assessment was too speculative. The FEIR needs to be recirculated to acknowledge the exceedance of the new air district threshold, and to allow further input on the GHG thresholds and to see if there are some further mitigation measures that could be included.*
- *Confirm that the GHG analysis does not require recirculation and that the threshold used for the EIR is adequately identified and discussed. Exceeding the BAAQMD thresholds shows the project is inconsistent with AB 32.*

Green Building and Climate Change Action Plan Compliance

At a minimum, the project must include the level of “green-building” improvements indicated on project plans, i.e., achieve LEED certification. At time of filing the application, the City had not adopted its Green Building Ordinance. The City also subsequently adopted the 2009 Climate Change Action Plan. Most recently, a Greenhouse Gas (GHG) Emissions Reduction Strategy was adopted by the City on July 18, 2011 as appendix E to the 2009 Climate Change Action Plan, and the Sustainability Element was adopted as an amendment to the General Plan 2020. Appendix E was prepared to meet the requirements of the Bay Area Air Quality Management District (BAAQMD) criteria as a qualified GHG reduction strategy; as defined under the district’s updated California Environmental Quality Act (CEQA) Air Quality Guidelines, December 2009 (effective March 2010) and implemented pursuant to SB97. These updated BAAQMD Guidelines establish thresholds of significance for GHG emissions. The new guidelines apply to assessment of plan level and project level impacts, and allow a lead agency to determine that a projects impact on GHG emissions is *less than significant* if it is in compliance with a qualified GHG reduction strategy.

The City will experience an increase in GHG emissions due to anticipated growth. Emissions are primarily generated as a result of vehicle traffic, which represents 43% of all emissions. Commercial and residential sectors are roughly equivalent, and together make up another 43%, while waste emissions make up the remaining 14% of total emissions. The City has set its emissions reduction target at 25% below its baseline levels, to be achieved by 2020. The baseline level used for measurement of emission reduction is year 2005 emissions levels. Thus, the City must reduce its level of GHG emissions, including anticipated growth emissions, such that it will be 25% lower than the 2005 level. In 2005, the City’s GHG emissions inventory totaled 412,804 metric tons; from all sectors of the community. Therefore, the City commitment is to reduce its community-wide emissions level to 309,603 metric tons by year 2020; versus the 445,245 metric ton of increased emissions level otherwise anticipated to occur by 2020 based on business as usual scenario. The resulting emissions “gap” is 103,201 metric tons reduction required to meet achieve 25% below 2005 levels, and 135,642 metric tons to achieve reduction that would capture anticipated year 2020 growth.

The City’s CCAP notes that the community-wide reduction level will be achieved through a combination of local, regional, state and federal actions and programs, including programs that have not yet been developed. State level programs include the Renewable Portfolio Standard, Title 24 Energy Efficiency Standards updates, California Solar Initiative Rebates, and AB1493 motor vehicle fuel efficiency standards (aka, Pavley Standards). The City has recently established participation in the Marin Clean Energy utility provider, which will help reduce local emissions. Based on state and regional actions a local reduction by 59,963 metric tons is projected by 2020⁸. This brings the 2020 projected community-wide emissions level down to 385,282. This leaves 75,679 metric tons of GHG emissions reduction required as a result of local actions to achieve the year 2020 reduction target of 25-percent.

Local Emissions Reduction targets must be achieved by implementing strategies within the City’s ability to control. These include fostering change in lifestyles, buildings, environment, economy and community, to achieve the potential reduction by 2020. The San Rafael Climate Change Action Plan, Appendix E, concludes that the City can achieve a reduction of 58,222 metric tons of GHG emissions by 2020. Thus, the City is within reach of meeting its total 25% reduction target. New technologies and emissions strategies are anticipated that will result in the City achieving the reduction target. The City has incorporated components of the GHG Emissions Reduction Strategy into its General Plan, under the new Sustainability Element, which assures the document is updated to respond to updates to science, technology and policy. In addition, BAAQMD required that the City develop a checklist of mandatory reduction measures that would need to be implemented by a project, to be in conformance with the City’s qualified CCAP.

⁸ San Rafael Climate Change Action Plan, Table 4: State Programs Emissions Reductions (MTCO2E)

Review of new development for consistency with the CCAP Appendix E and Sustainability Element of the General Plan may now be used to determine whether project GHG emission impacts are significant. If new development implements all required GHG reduction checklist items, it would be covered under the strategies contained in the CCAP. The applicant has recently completed the GHG reduction checklist (**ATTACHMENT 10**), and staff's review of the responses confirms that the project would meet all required GHG reduction measures as well as several recommended elements of the checklist. Thus, the project is in compliance with the City adopted qualified CCAP and updated BAAQMD CEQA requirements. This is further confirmed based upon staff's review and discussion of the Sustainability Element policies pertinent to this project, as follows:

- *SU-5a. Require new construction to comply with adopted green building regulations;*
- *SU-5c. Develop and implement water efficient conservation programs..., including water efficient landscape regulations;*
- *SU-5d. Encourage use of high albedo (reflectivity) materials for future outdoor surfaces such as parking lots, roadways; SU-6. Plant new and retain existing trees to maximize energy conservation and carbon sequestration benefits.*

The project is exempt from applicability of the Green Building Ordinance. However, the applicant has proposed to achieve LEED certification, and this is required as part of the project proposal. The LEED 2009 requirements for new construction allow projects to attain 100 base points, with 6 possible Innovation in Design and 4 Regional Priority points possible. The LEED certification levels that can be achieved are as follows:

- Certified 40–49 points
- Silver 50–59 points
- Gold 60–79 points
- Platinum 80 points and above

The applicant has agreed to meet the Gold standard for the project, as a condition of project approval.

The project must also comply with current building code (CBC) Title-24 energy efficiency requirements, the Water Efficient Landscape mandates of MMWD, and would plant in excess of 100 new trees on-site. In addition large-sized screening trees must be planted along the north boundary of the building to supplement the existing eucalyptus trees to remain. The City Climate Change Action Plan was adopted and amended, which implements policies in the new Sustainability Element. In general, consistency with the General Plan 2020 Sustainability Element polices would help assure that the project would also be consistent with the qualified CCAP. Achieving LEED green building certification would also be consistent with the General Plan 2020 Sustainability policies and CCAP, Appendix E. In order to assure substantial compliance with the new standards and policies, the project would also be required to implement clean air vehicle parking per San Rafael Municipal Code Section 14.18.045, install bicycle parking per SRMC 14.18.090 and implement construction demolition debris recycling as part of its LEED certification and building permit issuance.

The project would further meet the City CCAP, Appendix E objectives through the required payment of affordable housing fees, use reclaimed water if available, proposed installation of solar and green roofing materials, and proposed provision of a designated bicycle and pedestrian path from Smith Ranch Road to the facility. Staff would recommend incorporating the bicycle parking requirement as a Condition of Environmental and Design Review permit approval. The SU-5d policy regarding paving surfaces would also be recommended to be incorporated as an Environmental and Design Review condition. Thus, as

mentioned herein staff concludes that the project would be in substantial compliance with the new Sustainability Element and the Climate Change Action Plan.

Greenhouse Gas Reduction Modeling

An extensive discussion of the project's effects associated with greenhouse gas emissions and climate change is presented on FEIR pages C&R-43 through C&R-51. As indicated in that discussion, the Bay Area Air Quality Management District has indicated that for those projects that had issued a Notice of Preparation prior to the adoption of the District's new CEQA Guidelines (June 2010), compliance with the new guidelines (in terms of evaluating project-related air quality and greenhouse gas emissions using the new methodology and thresholds) was not necessary. Both the Notice of Preparation and the DEIR for this project were released to the public well before June 2010. Thus, analysis of project-related greenhouse gases (GHG) impacts using the current methodology and thresholds is not required. Nevertheless, GHG assessment was provided for informational purposes.

CEQA Guidelines section 15088.5 describes the situations in which recirculation of an EIR is required. Basically, recirculation is required when significant new information is added to an EIR, changing the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. As provided in that section, however, recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. As explained below, while new information was added to the FEIR, the information is not of the type that triggers the need to recirculate the EIR.

When the DEIR was circulated in March 2009, the EIR included a section evaluating the climate change impacts of the project. (See DEIR section 15.) The DEIR discussed the potential impact and evaluated the project elements that would reduce the potential impact, but ultimately concluded that in the absence of guidance from the state regarding appropriate standards for evaluating this sort of impact it would be speculative to arrive at a conclusion regarding the significance of the project's contribution to this global impact. Since that time, additional guidance has come from the Natural Resources Agency—in the form of CEQA Guidelines section 15064.4—as well as additional guidance from the Bay Area Air Quality Management District (BAAQMD)—in the form of its new CEQA guidance documents and thresholds. CEQA Guidelines section 15064.4 instructs lead agencies to evaluate GHG emissions, qualitatively or quantitatively, and to evaluate whether any increases in emissions are significant in light of whatever threshold the agency deems is appropriate or in light of the project's consistency with statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. The BAAQMD thresholds, however, by their own terms apply only to projects for which an NOP was published after June 2, 2010. The environmental review for this project was commenced in 2006, and an NOP was published in 2007 (when EIR preparation resumed) which considerably predates that BAAQMD rules.

At the time of preparation of the FEIR the City adopted its own threshold and the FEIR considered whether the project would impede compliance with AB 32's emission reduction mandates. (See FEIR, C&R-43 to C&R-51.) The FEIR concluded that the project would be in compliance with these mandates. Thus, the FEIR concluded that the project would not result in significant environmental impacts. In light of this conclusion, that no significant impacts would result from this project, it was determined that the standards for recirculation contained in CEQA Guidelines section 15088.5 have not been triggered and recirculation is not required.

Although the new BAAQMD standard was not required to be applied to this project, FEIR Master Response 22, FEIR Table 4, provided this assessment for informational purposes, which indicated that the project could produce 2,202 metric tons of GHG emissions, as compared against the new 1,100 metric ton BAAQMD threshold to be used for assessing impacts. BAAQMD also established that a jurisdiction may determine that project compliance with a qualified Climate Change Action Plan could be

used to address the BAAQMD CEQA threshold. Since publication of the DEIR the City adopted its qualified Climate Change Action Plan, as Appendix E to its 2009 CCAP. Thus, concerns in this area may also be considered moot based upon the fact that the project would comply with the City's qualified CCAP, GHG reduction strategies. The applicant has presented information demonstrating compliance with the CCAP, as well as regarding anticipated energy usage. The information presented indicates the facility may produce lower than anticipated emissions. Thus, based on the updated CCAP as well as the GHG strategy provided by the project applicant, the GHG emissions would not violate BAAQMD standards and may actually be lower than modeled, as follows:

1. The project emission level of 1,240 metric tons annually, which represents the largest volume of project emissions, primarily result from mobile source (vehicle) emissions and are not adjusted for future Pavley fuel standards. The City CCAP anticipates a reduction in emissions in response to the Pavley standards in achieving its 2020 reduction level target. Further, a noted weakness in the BAAQMD model is that it does not account for regional trip diversion, and the project could reduce the distance (VMT) that local residents would otherwise travel to use other facilities in the region.
2. The GHG emissions calculations presented in FEIR appendix C assumed that the 87,500 square foot recreation facility building would have a 22.5 per unit electricity demand per sq. ft., resulting in 1,968,750 kWh electricity demand, with a corresponding 649 annual tons of emissions equivalent. However, the applicant points out that the per unit demand calculation in the applicable standards would be lower if the unit measure for general assembly use is applied. This lower unit demand calculation may be more appropriate since it includes a recreational facility use. The standard used by the City was more conservative and generates a higher anticipated energy usage. The applicant has provided PG&E records for Sports City's indoor soccer facilities to illustrate that the lower than anticipated energy demand may in fact be realized at this facility. (ATTACHMENT 10).
3. The applicant has committed to produce 100% of the project electricity from solar panels; thereby substantially reducing GHG emissions associated with energy usage. The photovoltaic panel's capacity to reduce energy demand was not precisely determined in the GHG analysis prepared by the City. In actuality, the rooftop panels proposed on the facility as part of the project may achieve greater reduction than anticipated, as indicated in the information presented by the applicant (ATTACHMENT 10). During review of the building permit, documentation would be required to verify the LEED Gold standard has been achieved. At that time, final plans and calculations would be prepared for energy efficiency that includes alternative on-site solar usage.

While compliance with the CCAP would satisfy the new BAAQMD standard for a project, the goal is to implement the most efficient strategy at the time of project construction. The reduction to be achieved by the project can be further quantified at time of construction based on the GHG reduction strategies and project commitments. Requiring a greater amount of solar energy development at the project site could reduce the immediate demand, and possibly also bring it below the new BAAQMD threshold. However, this would be above and beyond the requirements of the newly adopted GHG reduction strategy that has been developed to meet BAAQMD standards. The project currently meets the City CCAP, and maintains the potential for additional reduction to be realized through further improvement in technologies that are anticipated to occur over the next several years.

At the November 15 meeting, it was also noted that the County of Sonoma had recently prepared and recirculated an analysis of GHG emissions for its Roblar Road Quarry project EIR. The pertinent public concern raised is whether the San Rafael Airport Recreational Facility EIR has adequately identified and considered all potential mitigation measures with respect to GHG emissions, and provided meaningful public review and input in the process.

City staff reviewed the County of Sonoma action and its decision to recirculate portions of its DEIR for the Roblar Road Quarry project. The timing and process followed for that project are substantially similar to that of the San Rafael Airport Recreational Facility Project EIR. In 2004 Sonoma County issued a Notice of Preparation for the Roblar Road Quarry project EIR. Hearings were then held on the Draft EIR in 2008, and the FEIR/Response to Comments were considered by Sonoma County in 2009. Regarding its review of Climate Change/GHG emissions, the Sonoma County Roblar Road Quarry project EIR identified that at the time of EIR preparation no state thresholds had been established. Its EIR originally also discussed project conformance with AB32 criteria. Sonoma County adopted its own Climate Change Action Plan. It is noted that Sonoma County falls within two separate air districts, with the southern portion within the San Francisco BAAQMD region. Therefore, according to Blake Hillegas, Sonoma County Planner, the Sonoma County CCAP has not been SFBAAQMD approved.

Prior to certification of its EIR, Sonoma County discovered that the analysis of Biological impacts warranted recirculation. This was due to discovery of protected tiger salamander larvae on the site, which was an impact not previously anticipated, identified and discussed. The County of Sonoma, therefore, also elected to apply the new GHG thresholds to this project and also recirculate this information along with the revised biological section; although throughout its discussion Sonoma County notes that this review was not required as the BAAQMD policy states that the new threshold is not applicable to projects already undergoing environmental review. Nevertheless, Sonoma County Counsel determined that it would be prudent to revise the EIR sections to include the new GHG emissions analysis. Recirculation of the revised GHG emissions analysis would not have occurred, however, had Sonoma County not been *required* to recirculate a portion of its Biological Impacts analysis. The FEIR, including these re-circulated portions, were considered for certification by Sonoma County in 2010.⁹

Sonoma County established as revised thresholds for analysis of Climate Change impacts whether a project would, a) result in an exceedance of the new BAAQMD 1,100 metric tons of emissions annually for operational emissions, or b) interfere with Sonoma County's Climate Change Action Plan goal of reducing GHG emission to 25 percent below 1990 levels by 2015. Based on the GHG analysis, Sonoma County found that the project would exceed the BAAQMD threshold by 3,303 metric tons of GHG emissions. The mitigation measures established to address this impact (Roblar Road Quarry FEIR Measure F.6a-b) consist of the following:

1. *Directs that the applicant shall become a reporting member of The Climate Registry (TCR).¹⁰ Beginning the first year of quarry operations and continuing through the completion of quarry reclamation, the applicant shall conduct an annual inventory of greenhouse gas emissions, and report these to TCR. The annual inventory shall be conducted according to TCR protocols and third-party verified by a verification body accredited through TCR. Copies of the annual inventory shall be submitted to the Sonoma County Permit and Resource Management Department (PRMD).*
2. *Requires the applicant shall take the following steps to ensure the GHG emissions do not exceed 1,100 MT CO₂e per year:*
 - a. *As described in MMF.1a, the applicant shall utilize PG&E electricity to power its mobile processing plant instead of using a proposed diesel powered generator.*
 - b. *The applicant to fuel its on-road and off-road vehicles with alternative fuels (such as biodiesel and compressed natural gas) to the extent feasible.*

⁹ http://www.sonoma-county.org/prmd/docs/eir/roblardeir/deir_recirculate.pdf

¹⁰ TCR is a non-profit collaboration that sets consistent and transparent standards to calculate, verify and publicly report GHG emissions into a single registry. TCR does not register or trade carbon offset credits, but rather focuses on voluntary and mandatory reporting programs and provides comprehensive, accurate data to reduce emissions. The measure does not provide quantifiable emission reduction strategies that must be implemented by the project to achieve compliance.

- c. *Other measures, including those addition to those listed in prior air quality mitigation measures F.1e (which will limit use of diesel powered equipment), shall be employed and quantified to achieve maximum feasible reduction in GHG emissions from quarry operations.*
- d. *If the applicant is not able to reduce emissions below the 1,100 MT CO₂e per years using the above measures, the applicant shall offset all remaining project emissions above that threshold. Any offset of project emissions shall be demonstrated to be real, permanent, verifiable, enforceable, and additional, as determined by PRMD in its sole discretion. To the maximum extent feasible, as determined by PRMD, offsets shall be implemented locally. Offsets may include but are not limited to, the following (in order of preference):*
 - i. *Onsite offset of project emissions, for example through development of a renewable energy generation facility or a carbon sequestration project (such as a forestry or wetlands project for which inventory and reporting protocols have been adopted). If the applicant develops an offset project, it must be registered with the Climate Action Reserve (CAR)¹¹ or otherwise approved by PRMD in order to be used to offset project emissions. The number of offset credits produced would then be included in the annual inventory, and the net (emissions minus offsets) calculated.*
 - ii. *Funding of local projects, subject to review and approval by PRMD, that will result in real, permanent, verifiable, enforceable, and additional reduction in GHG emissions. If the BAAQMD or Sonoma County develops a GHG mitigation fund, the applicant may instead pay into this fund to offset GHG emissions in excess of the significance threshold.*
 - iii. *Purchase of carbon credits to offset emissions to below the significance threshold. Only carbon offset credits that are verifiable and registered with the CAR, or available through a County-approved local GHG mitigation bank or fund, may be used to offset project emissions.*

The Sonoma County FEIR provides a “potential mitigation scenario” table that illustrates how the project could achieve GHG emissions level reductions. The total GHG emissions calculation prepared for the Roblar Quarry project anticipated 5,926 metric tons annually; thus, 4,826 metric tons over the threshold. The mitigation strategies requiring use of PG&E electricity, low carbon fuel and other measures to reduce diesel powered equipment are anticipated to achieve a 1,524 metric ton reduction; thus, leaving the project 3,304 metric tons over the threshold. The majority of reduction primarily would consist of purchase of offset credits. Actual reduction levels achieved by the project would be quantified *after* project operations. Sonoma County certified the Roblar Quarry Project FEIR in December 2010. A statement of overriding consideration for GHG emission impacts was not required, based on incorporation of the mitigation measures referenced above.¹²

The City for the San Rafael Airport Project has identified reduction strategies that would be required through application of the City CCAP, Appendix E (GHG Reduction Strategy). This approach would assure that the project would satisfy the City GHG reduction plan, which has been developed to satisfy the new BAAQMD standard, and anticipates further reduction in emissions over time as technologies improve. Recirculation of the document’s GHG analysis would not result in further mitigation being required, particularly given that project impacts have now been demonstrated to be satisfied through its

¹¹ <http://www.climateactionreserve.org/about-us/california-climate-action-registry>. The California Climate Action Registry is a program of the Climate Action Reserve committed to solving climate change through emissions accounting and reduction. It was created by the State of California in 2001 to promote and protect businesses’ early actions to manage and reduce their greenhouse gas (GHG) emissions. Through this mandate, the California Registry established protocols to guide emissions inventories and an online tool, the Climate Action Registry Reporting Tool (CARROT), to serve as a central database for emissions reports. See also <http://www.climateactionregistry.org/>

¹² http://sonoma-county.granicus.com/MetaViewer.php?view_id=2&clip_id=131&meta_id=43425 (Attachment 5 to Sonoma County Board of Supervisors 12/14/10 Agenda Item 36 - Exhibit “A” page 57, Doc. No 113389, Roblar Road Quarry, 12/14/10)

compliance with the City CCAP, Appendix E, as adopted to satisfy the new BAAQMD threshold. The applicant has agreed to implement the strategies required to comply with the CCAP, Appendix E, and General Plan 2020 Sustainability Element. Therefore, Air Quality/Climate Change Impacts remain less-than significant. The following measure is recommended to be added to the Air Quality measures to confirm the applicant's intent to comply with the GHG reduction strategy:

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

Implementation of this additional feasible mitigation is now required and has been agreed to by the applicant. Thus, incorporation of this as a mitigation measure is proposed to document this in the EIR, and would not require recirculation of the EIR.

11. Alternatives

The discussion below addresses the following:

- *The Alternatives discussed in the DEIR are not sufficient to allow meaningful information. A reasonable range of alternatives has not been provided. There is no information provided on the impacts at other sites. Feasible alternatives that are not acceptable to project sponsor are eliminated. Should discuss an alternative that splits the uses between two or more sites.*

Master Response 23 on FEIR pages C&R-51 and C&R-52 provide additional discussion of the alternatives analysis presented on pages 16-25 through 16-26 of the DEIR. A total of 14 alternative sites in Marin County were considered by the proposed soccer operators prior to submitting the development application for the proposed project at the subject site. None of the sites considered by the soccer operator met their criteria, either due to inadequate conditions of buildings, or rent costs that exceeded their operational business plans, and since no other sites were identified as feasible alternatives to the project site, impacts associated with development at other sites were not evaluated in the EIR. As indicated on DEIR page 16-26, there are no potentially significant environmental impacts addressed in the DEIR that cannot be reduced to a level of less than significant through implementation of the Mitigation Measures identified in the DEIR. Although there may be additional sites which may provide a feasible alternative to the project location while meeting Project Objectives (which may include splitting the uses proposed for the project site among multiple locations), none have been identified, and no alternative sites are currently under the control of the project Applicant. The alternatives analysis presented in the EIR provides a reasonable range of alternatives sufficient for providing an adequate evaluation of the project impacts and for identifying the environmentally superior alternative. Further analysis of alternatives would not provide any additional and meaningful information which is not readily evident and available within the existing FEIR analysis.

12. Other

The discussion below addresses the following:

- *Mitigation measures rely on the airport owner to monitor the site. City enforcement capabilities are limited by its resources. Given these limitations, how will monitoring be accomplished by the City?*
- *What are the security measures for the facility?*
- *Clarify that the information that has been provided, identified and discussed as part of the FEIR process can still be considered as part of the merits discussion, and used to make a determination regarding the proposed land use.*

The purpose of an EIR is to evaluate the environmental impacts of a project, and the potential measures to avoid or reduce environmental impacts. This information must inform the decision makers as they decide how to act on the project. (CEQA Guidelines sections 15090 and 15091.) That said, the decision makers are not bound to consider only the information contained in the EIR in their decision-making process. An EIR generally is not the appropriate vehicle to consider fiscal matters, job creation, tax benefits, and the like associated with a particular project. But this is not to say that these matters are not relevant to the agency's consideration of a project, and ultimate determination regarding a particular land use. In fact, these matters may be highly relevant in evaluating the feasibility of alternatives to a project and mitigation for a project (CEQA Guidelines section 15091, subd. (a)(3)) or in the ultimate decision of whether to approve the project (CEQA Guidelines sections 15092, subd. (b)(2) and 15093).

In this case, the City conducted separate hearings on the EIR and on the project. Because of the importance of the EIR, the City has separately held two hearings on the FEIR at the Planning Commission to focus on the EIR and to evaluate the EIR's adequacy and completeness under CEQA Guidelines section 15090. The City will conduct a separate hearing to discuss the merits of the project generally. The City has divided up the hearings in this manner to attempt to make the review of a large volume of material more manageable. It should be noted, however, that even after the close of the formal hearings on the EIR, when the City opens up discussions to consider the merits of the project generally, the City will continue to consider the information in the EIR, the environmental impacts of the project, and the adequacy of the document generally as is appropriate and as compelled by law.

A Mitigation Monitoring and Reporting Program (MMRP) is required to be prepared to assure all required mitigation measures are addressed, if a project is implemented. The MMRP identifies the timing, control method and party responsible for implementing the measure. The City would require the applicant to provide funds to cover any costs associated with project monitoring for compliance. These funds could be used to cover City staff time or could be used to hire a consultant (of the City's choice) if staff resources are limited. It is anticipated that existing and future staffing levels would be adequate to manage the measures identified for this project. There are no long-term monitoring requirements that would require periodic, ongoing assessments to be conducted. The Police Department has also provided draft conditions recommending security measures to monitor patrons on the site and exiting the property. These will be provided in detail as part of project merits review. In addition, other relevant informational documentation has been provided as an attachment to this report for the Commissions information (**ATTACHMENT 11**).

PUBLIC CORRESPONDENCE

Notices of continued and rescheduled hearing dates were mailed and posted in public places at least 15 days prior to the January 10, 2012 and January 24, 2012 meeting dates (**ATTACHMENT 13**). Additional correspondence received after the November 15, 2011 FEIR hearing has been attached to this report, for the Commissions information (**ATTACHMENT 14**).

CONCLUSION

The FEIR prepared for this project has adequately identified all of the potential environmental impacts of the project, and it is appropriate to conclude the EIR review. The City has provided substantial public input in the process, including during scoping of the EIR as well as during review of the DEIR and FEIR documents, and all requirements of the California Environmental Quality Act (CEQA) have been addressed in this review. The FEIR provides the Planning Commission, City Council and public with all of the information that would be necessary in order to identify all of the potential project impacts on the environment. Further, the FEIR has identified mitigation measures that are proposed to reduce potential impacts to a less than significant level. The report and mitigation measures have been provided by competent professionals with expertise in their subject areas, which has included study of air quality, soils, hydrology, biology, noise, hazards, airport safety and climate change. Thus, the City and public can be assured that all potential project impacts have been adequately identified, assessed and mitigation measures identified that would reduce impacts to the extent feasible. There has been no evidence discovered or presented that would lead the City to conclude that all of the potential project impacts cannot be mitigated to the extent feasible, or that the environmental impacts have not been fully and completely assessed in compliance with CEQA.

Based on the further direction and discussion provided by the Planning Commission at its November 15 meeting on the FEIR, an Errata sheet has been prepared to identify additional revisions made to the DEIR. These additional revisions primarily provide further correction and clarification to mitigation measures, and do not result in substantially new or different information. Based on the fact that all of the requirements for CEQA review have been satisfied and the Final EIR document identifies all of the potential environmental impacts of the development project and recommends feasible mitigation to address those impacts, the Commission should recommend certification of the FEIR. This action would enable the City to move forward and conduct a public hearing to decide whether to approve the project, as proposed or with further modifications, or deny the application request. If a decision is made to approve the project (whether in the manner proposed, or based on a substantially similar project, or reduced intensity development), the City must also make specific findings accepting the EIR as the adequate environmental document addressing all of the potential environmental impacts for the project and adopt a mitigation monitoring and reporting program that would assure all mitigation measures are implemented.

OPTIONS

The Planning Commission has the following options:

1. Adopt Resolution Recommending that the City Council Certify the EIR and direct staff to prepare draft resolutions for their consideration of an action on the project zoning entitlements at a future hearing; i.e., CEQA Findings of Fact and MMRP for Project Approval, PD Rezoning, Master Use Permit and Environmental and Design Review Permit (STAFF RECOMMENDED); or
2. Deny certification of the FEIR and direct staff to draft resolutions for an action to deny the PD Rezoning, Master Use Permit and Environmental and Design Review; or
3. Direct staff to prepare further revisions to the FEIR and/or recirculate all or portions of the document.

ATTACHMENTS

Attachment A – History Related to the Airport Property Land Use Restriction

1. Draft Resolution Recommending FEIR Certification and Errata Sheet with additional changes to DEIR text and Mitigation Measures recommended in this report
2. Vicinity Map - San Rafael Airport Recreational Facility
3. Marin County Counsel letter, January 5, 2012
4. Questa Engineering letter, March 15, 2010 re: Response to Comments
5. State Department of Toxic Substances Control (DTSC) Daniel Murphy Email, November 28, 2011
6. Phase I Investigation, January 5, 2012, San Rafael Airport
7. Margo Tsirigotis Oge, USEPA Director, Office of Transportation and Air Quality letter, July 27, 2010
8. Lee Oberkamper letter, December 12, 2011, re: Contempo Marin Flood Protection & Plat, Flood Protection Facilities and Flood Protection
9. Department of Transportation letter, November 18, 2011
10. San Rafael Sports Facility Sustainability Strategy, including the GHG Reduction Strategies Checklist
11. Referenced historical documents:
 - a. Marin County Counsel letter, December 29, 2009 (rcvd Jan 1, 10)
 - b. Board of Supervisors meeting minutes, April 19, 2006 – Item 10
 - c. San Rafael Community Services meeting minutes, July 21, 2005
 - d. City Attorney letter to Steve Petterle, Principal Planner, Department of Parks and Open Space, Marin County, August 23, 2005
12. Other informational documents
 - a. Department of The Army (USACOE) Dec 9, 2011 wetland delineation letter (updated)
 - b. Tsunami Zone map, Dec 15 2011 GIS Maps, City of San Rafael
 - c. State ABC “License Query” summaries for Sports City Cotati & Santa Rosa soccer facilities
 - d. FEMA letter, November 10, 2011
 - e. Department of Transportation March 25, 1999 letter regarding San Rafael Airport Permit
13. Public Hearing Notice for January 24, 2011 Planning Commission Meeting
14. Public Comments (received after the Nov. 15. 2011 Hearing)

The Environmental Impact Report and Project Plans were distributed at the November 15, 2011 PC Meeting

ATTACHMENT A

HISTORY RELATED TO THE AIRPORT PROPERTY LAND USE RESTRICTION

In 1981 the City published the Smith Ranch Road Master Plan (7/20/81) and Civic Center North Development Plan (11/3/81) as the planning documents for development along the Civic Center Drive and Smith Ranch Road areas located north of Marin Civic Center, east of Highway 101 and west of the railroad right of way. These documents identified the plans for development along both sides of Smith Ranch Road from the Highway 101 to the railroad tracks (*100 Smith Ranch Road offices to Captains Cove*), and properties located along McInnis Parkway (*Embassy Suites, Autodesk, Marin Lagoon housing development*). The Smith Ranch Airport property located east of the railroad right of way was not included within the planning boundaries of these planning documents. See Attachment A and Attachment B for the boundary of these projects.

In 1983 the City approved the Civic Center North rezoning Z80-1 (consisting of a commercial and residential development plan). The Planning Commission (PC) recommended approval of development of the Civic Center North project on 11/23/82. The City Council reviewed the project on 2/7/83, introduced Ordinance 1448 and Ordinance 1449 on 2/22/83 to prezone and rezone the Civic Center North project site and, adopted the ordinance and a subdivision map (TS82-5) on 3/21/83. The following additional facts are relevant to the project review and approval:

- The 2/7/83 City Council (CC) staff report, page 9, states that the PC had recommended approval of 87 units as the base density for the project medium density residential designated area (ten units per acre), ***“with the provision that the density could be increased if the applicant submitted an acceptable design program. The applicant does not agree with this Planning Commission recommended change and continues to seek City authorization for the 125 units (15 units/acre) proposed in the application for the multi-family area.”*** The PC had recommended condition “s” in order to allow the PC to approve a higher density at time of final design review. Further, condition (l)3 of TS82-5 allowed for increased density for the multi-family residential area as an incentive for affordable housing.
- The 2/7/83 City Council (CC) staff report, page 14, includes the following discussion regarding Smith Ranch Airport Parcel: ***“Just this week, the Board of Supervisors expressed concern that the City application for rezoning/prezoning does not include the easterly parcel(s) owned by the First National State Bank of New Jersey. That area is leased to the Smith Ranch Airport, which operates under the provisions of a City use permit issued in that U (Unclassified) District. Since early discussions in 1978 with the not yet applicant, City staff has concluded there is no valid need or reason to include the Airport property in the rezoning/prezoning. The area is not within the Northgate Activity Center, is appropriately zoned “U” for such an interim use, and is almost totally within the U.S. Army Corps of Engineers jurisdiction due to low elevations and historic diked wetlands status.”*** [Note: The extent of US Army Corps of Engineers jurisdiction was presumed at this time by City staff, based on historic diked wetlands status]
- The 2/22/83 City Council (CC) minutes, page 4, record that County Supervisor Roumiguierie provided comment on a County recommended condition of approval (i.e., condition 14 in the 2/18/83 memorandum from Marjorie Macris) asking the City to include a covenant restricting use of the 116 acre airport parcel, which has been worked out with property owner representatives [i.e., the applicant for Civic Center North]. The property owner’s Attorney Bianchi confirmed that the property owners consent to the restriction.
- The 2/22/83 City Council (CC) minutes, page 5, record that Dwight Winther [representative for the Civic Center North project applicant] commented on condition “s” regarding the density for the project, noting that 125 units have been proposed throughout the proposal for the project.
- The 2/22/83 City Council (CC) minutes, page 5, also record that James Hatfield, representing Smith Ranch Airport [e.g., pilots], stated regarding County recommended Condition 14: ***“it is the position of the people at Smith Ranch that, in the event they are successful in their bid to buy the property they will have a condition that it will only be used as open space and an airport. If the deal is successful, they will be coming back to the City for a grant of some sort of control so the property can never be used for anything other than as it is today.”*** [The people at Smith Ranch were a group of potential interested buyers of the airport property, and were not project applicants]

- The 3/21/83 City Council (CC) action included subdivision TS82-5 which separated the airport property from the Civic Center North development area. Condition of approval (j) of the Lot Line Adjustment (TS82-5) stated the following:

“The following three conditions shall apply to a lot line adjustment to create the 90 acre development area and the 116 acres airport parcel. The remaining conditions (a) thru (i) and (k) thru 5 do not apply to such a lot line adjustment,

- 1. The applicant shall secure any legally required County approvals for the lot line adjustment.***
- 2. Prior to recordation of a final map, the applicant shall offer the City a 10 year option to purchase an 80-foot wide road right-of-way for the extension of Northbank Drive through the airport parcel. The right-of-way shall be adjacent to the Northwestern Pacific Railroad right-of-way. An additional 3 acre compensatory wildlife habitat site adjacent to the southernmost end of the airport parcel shall be included in the road right-of-way.***
- 3. Prior to approval of the final map for the project, the property owner shall sign and record a covenant, binding themselves, their successors, assigns, and grantees, restriction the use of the 116 acre airport parcel (AP 155-230-01 through 07) to those uses existing as of the date of the tentative map approval and the following permitted uses:***
 - a. Public utility uses as approved by the appropriate governmental agencies, including flood control, sanitary sewer, gas and electric and public safety facilities.***
 - b. Airport and airport related uses.***
 - c. Roadways.***
 - d. Open space.***
 - e. Private and public recreational uses. The covenant shall run with the land and shall be enforceable by the County of Marin or the City of San Rafael.***
 - f. Other related uses agreed to by the City, County and property owner.***

[Note: Conditions a through i and k through 5 relate to the further development of the Civic Center North project parcel (which was anticipated to require subsequent subdivision and zoning actions in order to implement the development plan). Further, the term contained in condition f was stricken out in the recorded deed, and confirmed by the former owner in 1984.]

- On 9/16/1983 the County of Marin waived the tentative map requirement for the 2 parcel division of Civic Center North and Smith Ranch airport lands (AP 155-030-01 through 07 and AP 180-120-30, 31, 32). [Note: It was necessary for the County to take an action given that portions of the project remained in County jurisdiction, prior to annexation of some of the lands into the City].
- On 11/22/83 the Marin County Board of Supervisors considered authorizing execution of the deed restriction for the Smith Ranch Airport property. The minutes record the following statements and action: ***“Deed, Smith Ranch Airport Property. A representative of the First National State Bank of New Jersey addressed the Board requesting authorization for execution of a deed restriction covering the Smith Ranch Airport property. This restriction would prohibit any further development of the property and with the approval of the Planning Department and County Counsel, M/s Aramburu-Stockwell, to authorize the Chairman to execute the Deed. Ayes: All”.***
- On 12/15/83 the land use Declaration of Restrictions and the Civic Center North Parcel Map were recorded to create the 90 acre Civic Center development area parcel and 116 acre airport parcel; applying the land restriction to the airport parcel pursuant to project approvals TS82-5.
- On 7/2/84 the CC minutes record that a presentation was made by developers of Civic Center North who were seeking direction on their desire to pursue a 184% density increase for the project.

Following the filing of the subject San Rafael Airport Recreational Facility project application with the City of San Rafael, City staff provided project plans to County Parks Director Mark Riesenfeld and requested a meeting with County Parks staff and County Parks Commission to discuss the project on June 15 & 16 2005. On June 21, 2005 City Staff met with County Parks Commissioner Jean Starkweather and County Planning Commissioner Don Dickenson to show plans and answer questions. A neighborhood meeting was held that included Santa Venetia residents on June 22, 2005. Another meeting was held at Contempo Marin June 23, 2005. On July 5, 2005 staff

met with Supervisor Susan Adams, Parks Director Mark Riesenfeld and park staff members Ron Paolini and Stephen Peterle. On September 1, 2005 staff gave a project presentation to the County Parks Commission.

On April 19, 2006, the County Board of Supervisors heard agenda item 10, Request from the Department of Parks and Open Space to discuss issues related to the proposed San Rafael Airport Recreation Facility Project. Parks and Open Space Director Sharon McNamee advised that the deadline for comments on the City of San Rafael's Initial Study and Mitigated Negative Declaration for the proposed facility is February 28, 2006. The Board meeting minutes record that; ***"Boardmembers generally conveyed support for soccer facilities."*** Boardmembers provided comments on the project, concluded it would be appropriate for the City to conduct all public hearings on the project, and directed staff to; ***"coordinate comments on the Initial Study from various County departments regarding the inclusion of green building practices, the use of permeable surfaces, and concerns about any environmental impacts of the proposed facility. Ayes. All."***

The City has held several noticed public hearings on the project following the February 28, 2006 Planning Commission hearing, including a September 26, 2006 scoping hearing for preparation of an EIR for the project and May 12, 2009 hearing on the DEIR. All hearings were noticed, including notification to Marin County Planning and Marin County Parks and Open Space District staff. At the recent November 15, 2011 public hearing for review and consideration of the FEIR, Marin County Parks and Open Space District staff submitted an updated letter on the FEIR/Response to Comments, in which they present an additional concern with the appropriateness of the private recreational land use with the intent of the land use restriction. This was an issue previously addressed by the City and County in 2006 and was not raised in the May 11, 2009 DEIR comment letter received from the Marin County Parks and Open Space.

ATTACHMENT 1

RESOLUTION NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The San Rafael Airport Recreational Facility FEIR has been prepared and completed in compliance with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual by following the appropriate format, content, technical analysis of the potential impact areas and project alternatives identified in the initially-authorized scope of work. Further, all prescribed public review periods and duly noticed hearings were held for the project Notice of Preparation, Notice of Completion for public review of the DEIR and Notice of Availability following publication of the FEIR.

2. The FEIR reflects the independent judgment and analysis of the City of San Rafael Community Development Department and the Planning Commission. The Planning Commission has reviewed and considered all information contained in the FEIR prior to making its recommendation on the project, and concludes that the FEIR:
 - a. Appropriately analyzes and presents conclusions on the impacts of the San Rafael Airport Recreational Facility project.
 - b. Analyzes a reasonable range of alternatives to the San Rafael Airport Recreational Facility project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any significant effect of the project.
 - c. Identifies or recommends mitigation measures to substantially lessen, eliminate or avoid the otherwise significant adverse environmental impacts of the San Rafael Airport Recreational Facility project.
 - d. Includes findings and recommendations supported by technical studies prepared by professionals experienced in the specific areas of study, and which are contained within the document and/or made available within the project file maintained by the City of San Rafael Community Development Department, the custodian of all project documents.
3. The information contained in the FEIR is current, correct and complete for document certification. As a result of comments submitted on the DEIR, the FEIR presents some additional information and recommendations to expand, clarify and support the findings of the specific studies and topic areas, which, as a result, was cause for minor revisions in the DEIR text and recommended mitigation measures. The extent of changes to the document would not meet the threshold for re-circulation of the DEIR, as prescribed in CEQA Guidelines Section 15088.5. New information has been added to the DEIR and does not deprive the public of meaningful opportunity to comment upon the substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. In particular, the new information presented in the FEIR does not disclose or result in:
 - a. A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented.
 - b. A substantial increase in the severity of the impacts that were disclosed and analyzed in the DEIR.
 - c. Any new feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen significant environmental impacts of the project, but which the project's proponents refuse to adopt. This includes consideration of the no project alternative "No Project/No Build" variant that has been added in the FEIR assessing the status quo.
 - d. A finding that the DEIR so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
4. The FEIR presents factual, quantitative and qualitative data and studies, which find and support the conclusion that the project will result in several potentially significant impacts that necessitate mitigation. Complete and detailed findings pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091 have been provided below, as required before the City considers action on the merits of the project evaluated by the FEIR.
5. The City is taking an action to certify the FEIR for the project, recognizing it as an informational document for assessment of the San Rafael Airport Recreational Facility project. The CEQA Guidelines recognize that an environmental document is prepared for public disclosure of potential project impacts and that it is used as an informational document to guide decision-makers in considering project merits. Certification of the FEIR, as presented, would not result in a land use

entitlement or right of development for the project site. The FEIR document must be reviewed to determine whether it adequately assesses the impacts of the project, and whether the circumstances presented in Public Resources Code section 21166, as amplified by its corresponding CEQA Guidelines Sections 15162 to 15163 are present with respect to the project to determine whether a Subsequent EIR, a Supplement to the EIR, or Addendum to the EIR need be prepared or if further environmental review under CEQA is not required. Certification of the FEIR prior to consideration of and taking action on project entitlements does not prejudice or bias review or actions on the proposed development project.

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

Moved by Commissioner _____ and seconded by Commissioner _____.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Paul A. Jensen, Secretary

Viktoriya Wise, Chair

ATTACHMENT:

Exhibit A "Errata"

\\sr_fs1\workfile\CommDevelopment-Workfile\Planning\Current Planning\Open Projects\Kraig\OPEN PROJECTS\Smith Ranch Rd_397-400 (ID05-07)ZC,ED,UP_SanRafAirportRecFacil(CC)\PC Hearings 2011-2012\PCReso1Certify.doc

EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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

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

“Pile driving associated with the recreational facility building shall not commence until September 1st and shall be completed by February 1st. Outside of pile driving, exterior construction of the recreational facility shall be allowed between July 1st and February 1st without limitation. Interior work shall be allowed without timing limitations. Construction of the recreational facility shall not commence on the recreational facility Project until on July 1st 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 1st, 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 1st, the Project may proceed if a qualified biologist determines that the nesting rails would not be affected by the proposed construction activities. Under all circumstances any nest identified within 500 feet of the Project construction envelope would be monitored by a qualified biologist while construction activities were in progress. The monitoring biologist would have the right to shut down any and all construction activities immediately in the event that such activities were determined to be disturbing the nesting attempt. Nests greater than 500 feet away would not require biologist monitoring when the rails can be expected, in most cases, to have fledged young. Construction of the recreational facility could extend into October, with interior work allowed throughout the year.

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

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

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

MM Bio-4b Nesting Raptors – Recreation Facility Construction. Exterior construction of the recreational facility shall ~~øøøøø~~ be allowed between f~~røøø~~ July 1 and

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

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

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

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

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

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

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

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

- All work associated with ~~on~~ the new bridge, including the demolition of existing bridge deck, and other bridge improvements, project shall be restricted to August 1 ~~July 15th~~ through October 15~~th~~ 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 15th date allowed in the SBAA to February 1st under the condition that CDFG and the City provide approval for this extension and appropriate weather-related BMPs are implemented. Work up until February 1st is likewise outside of the Clapper rail, California black rail, and other special-status bird breeding seasons.~~during periods of low stream flow and dry weather~~

- The bridge pile-driving shall occur from September 1 through October 15th 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 15th until February 1st, 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 15th and September 1st.
- No work shall occur below the top-of-bank or the normal high-water mark (i.e., the mean higher high tideline) of the stream
- All conditions in the authorized SBAA shall also be made a condition of the project.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Pile driving associated with the recreational facility building shall not commence until September 1st and shall be completed by February 1st. Outside of pile driving, exterior construction of the recreational facility shall be allowed between July 1st and February 1st without limitation. Interior work shall be allowed without timing limitations. Construction of the recreational facility shall not commence on the recreational facility Project until on July 1st 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 1st, 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 1st, the Project may proceed if a qualified biologist determines that the nesting rails would not be affected by the proposed construction activities. Under all circumstances any nest identified within 500 feet of the Project construction envelope would be monitored by a qualified biologist while construction activities were in progress. The monitoring biologist would have the right to shut down any and all construction activities immediately in the event that such activities were determined to be disturbing the nesting attempt. Nests greater than 500 feet away would not require biologist monitoring when the rails can be expected, in most cases, to

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

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

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

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

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

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

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

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

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

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

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

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

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

- All work associated with ~~on~~ the new bridge, including the demolition of existing bridge deck, and other bridge improvements, project shall be restricted to August 1 ~~July 15th~~ through October 15th 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 15th date allowed in the SBAA to February 1st under the condition that CDFG and the City provide approval for this extension and appropriate weather-related BMPs are implemented. Work up until February 1st is likewise outside of the Clapper rail, California black rail, and other special-status bird breeding seasons, during periods of low stream flow and dry weather
- The bridge pile-driving shall occur from September 1 through October 15th 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 15th until February 1st, 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 15th and September 1st.
- No work shall occur below the top-of-bank or the normal high-water mark (i.e., the mean higher high tideline) of the stream
- All conditions in the authorized SBAA shall also be made a condition of the project”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Pile driving associated with the recreational facility building shall not commence until September 1st and shall be completed by February 1st. Outside of pile driving, exterior construction of the recreational facility shall be allowed between July 1st and February 1st without limitation. Interior work shall be allowed without timing limitations. Construction of the recreational facility shall not commence on the recreational facility Project ~~until~~ on July 1st 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 1st, 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 1st, the Project may proceed if a qualified biologist determines that the nesting rails would not be affected by the proposed construction activities. Under all circumstances any nest identified within 500 feet of the Project construction envelope would be monitored by a qualified biologist while construction activities were in progress. The monitoring biologist would have the right to shut down any and all construction activities immediately in the event that such activities were determined to be disturbing the nesting attempt. Nests greater than 500 feet away would not require biologist monitoring when the rails can be expected, in most cases, to have fledged young. Construction of the recreational facility could extend into October, with interior work allowed throughout the year.

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

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

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

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

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

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

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

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

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

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

- All work associated with ~~on~~ the new bridge, including the demolition of existing bridge deck, and other bridge improvements, ~~project~~ shall be restricted to August 1 ~~July 15th~~ through October 15th 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 15th date allowed in the SBAA to February 1st under the condition that CDFG and the City provide approval for this extension and appropriate weather-related BMPs are implemented. Work up until February 1st is likewise outside of the Clapper rail, California black rail, and other special-status bird breeding seasons. ~~during periods of low stream flow and dry weather~~
- The bridge pile-driving shall occur from September 1 through October 15th 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 15th until February 1st, 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 15th and September 1st.
- No work shall occur below the top-of-bank or the normal high-water mark (i.e., the mean higher high tideline) of the stream

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

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

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

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

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

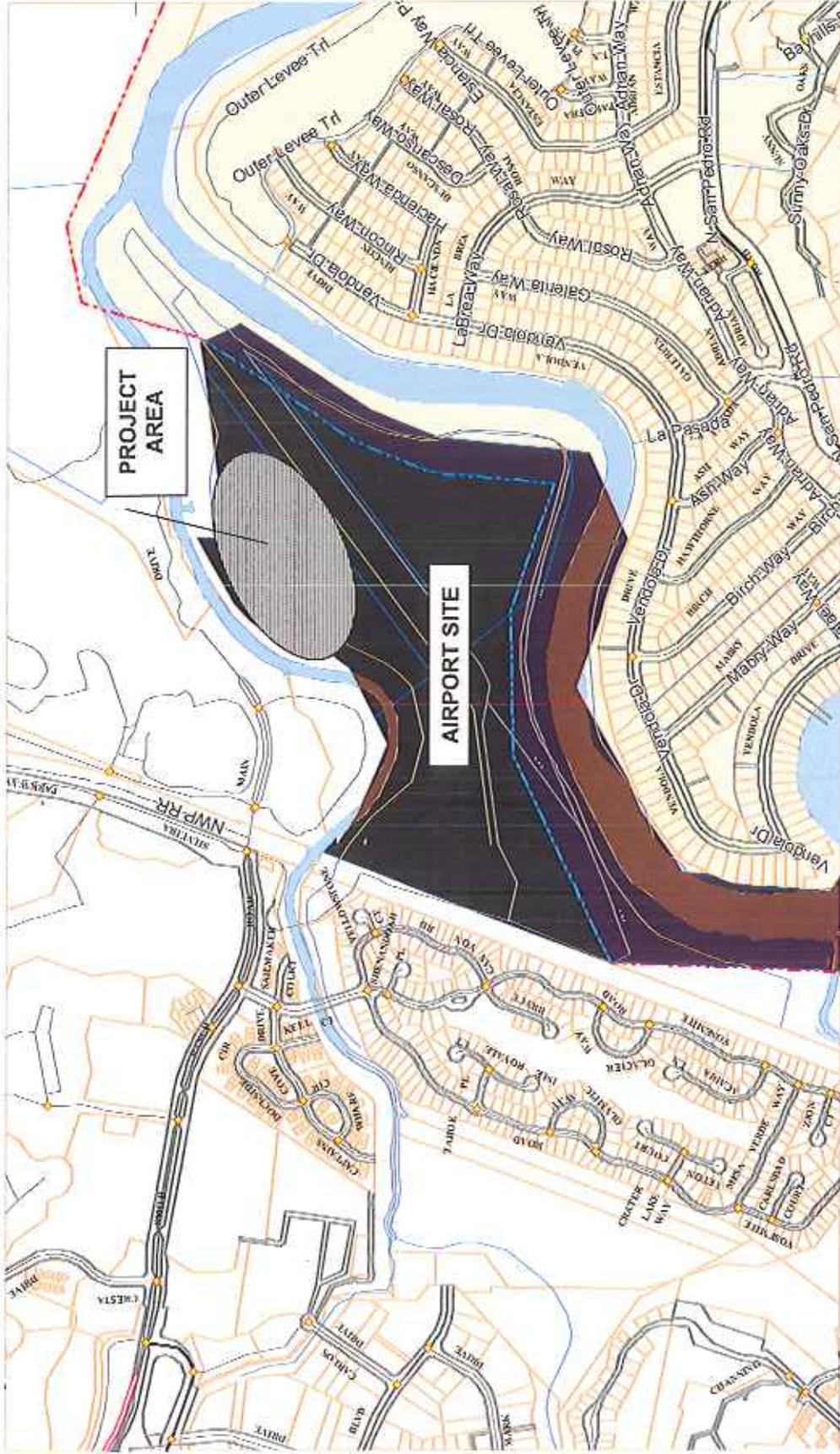
- ~~“Close the outdoor fields at 9 p.m., Sundays through Thursdays, and 10 p.m. on Fridays and Saturdays. Alternatively, During the first full year of operations, the project sponsor shall annually monitor noise levels during a minimum of five nighttime games to determine whether the use of outdoor fields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

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

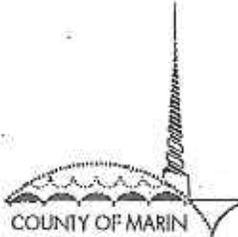
On FEIR page R-89, the following text has been added:

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

**ATTACHMENT 2 - VICINITY MAP
SAN RAFAEL AIRPORT RECREATIONAL FACILITY PROJECT**



ATTACHMENT 3



OFFICE OF THE
COUNTY COUNSEL

Patrick K. Faulkner
COUNTY COUNSEL

January 5, 2012

Jack F. Govt
ASSISTANT COUNTY COUNSEL

Dorothy R. Jones
Mari-Ann G. Rivers
Renee Giacomini Brewer
David L. Zaltsman
Michele Kena
Nancy Stuart Grisham
Jennifer M. W. Vuillemer
Patrick M. K. Richardson
Thomas F. Lyons
Stephen R. Raab
James G. Flageollet
Steven M. Perl
Sheila Shah Lichtblau
Edward J. Kiernan
Jessica Mills Sutherland
DEPUTIES

Jeanine Michaels
ADMINISTRATIVE ASSISTANT

Marin County Civic Center
3501 Civic Center Drive
Suite 275
San Rafael, CA 94903
415 473 6117 T
415 473 3796 F
415 473 2226 TTY

VIA E-MAIL AND U.S. MAIL

Mr. Kraig Tamborini, Senior Planner
San Rafael City Hall
1400 Fifth Avenue
Post Office Box 151560
San Rafael, CA 94901

Re: *San Rafael Airport Recreational Facility*
Declaration of Restrictions
Your File No's.: ZC05-01/UP05-08/ED05-18

Dear Mr. Tamborini:

This letter will follow up on our telephone conversation with respect to the above referenced development proposal ("project"), that also included your City Attorney Rob Epstein. As you may recall I wrote to you with respect to the "Declaration of Restrictions" (Declaration) encumbering the real property upon which this development proposal is proposed to be placed on December 28, 2009. The Intent of that letter was to share with the City the County's position with respect to the project vis-à-vis the Declaration. However, prior to a recent city planning commission hearing on the project, at least two things occurred that caused some confusion with respect to the prior letter and the County's position.

First, apparently the staff report for the planning commission hearing stated that the December 28, 2009 letter stated that the County agreed with the City's position that the current proposal was consistent with the terms of the Declaration. This is not correct. The December 28, 2009 letter took no position at all with respect to whether the project as proposed was –or was not– consistent with the Declaration.

Second, the County Parks department recently sent a letter to the planning commission arguably inferring that the project was not consistent with the Declaration. In this regard I would like to point out that individuals or departments affiliated with the County may well have opinions in this regard. However, since the Declaration was granted to the County as an entity, only the Board of Supervisors has authority to take an official position and/or seek to enforce the Declaration.

The Board of Supervisors has asked our office to clarify the December 28, 2009 letter to reiterate that the County of Marin takes no position as to whether the project as currently proposed is within the allowed uses of the Declaration.

49314.doc

San Rafael Planning Commission
January 24, 2012

However, I have also been authorized to inform you that so long as the project remains precisely as currently proposed, the County will not challenge the project administratively or judicially based upon the Declaration.

Once again this does not mean that the County agrees that the project is consistent with the Declaration. It simply means the County will not be addressing or pursuing this issue so long as the project remains as currently proposed.

I hope this addresses the concerns we have discussed.

Very truly yours,

A handwritten signature in black ink, appearing to read "David L. Zaltsman". The signature is fluid and cursive, with a large, stylized initial "D".

David L. Zaltsman
Deputy County Counsel

Cc: Supervisor Susan Adams
Linda Dahl, Director Marin County Parks and Open Space



March 15, 2010

John Courtney
Lamphier-Gregory
1944 Embarcadero
Oakland, CA 94606-5213

Subject: Response to Comments for the Geology and hydrology sections of the San Rafael Airport Recreational Facility

Dear John:

This letter responds to comments on the Hydrology, Geology and Soils section of the Draft FEIR for the San Rafael Airport Recreation project. The comments are contained in a letter dated May 7, 2009. The following is our response to comments in order as they appear in the letter. Our identified scope was to respond to comments 1, 2, 3, 4, 6, 7 and 11.

Hydrology Comments – Kraig Tambornini, May 7, 2009

Comment 1. Significant Impacts. Comment notes that the project is located within the 100-year flood zone and thus impacts should be significant.

Response: The DEIR does indicate that the project will have potentially significant hydrologic impacts to placing structures within the flood zones. The placing of a structure within the 100-year floodplain zone is specifically addressed in impact Hyd-2 on page 11-30 of the DEIR. The impact discussion does address flooding from levee failure. Subsequent levee analysis has shown that the levees are sound and not built from material which would potentially be susceptible to seismic failure. The DEIR goes on to discuss that the project is not constructing housing within the Zone. It also makes plain that the City of San Rafael's municipal code, which allows for the construction of non-housing types structures within the 100-year floodplain, must comply with FEMA mandated floodplain ordinances and policies. Specifically, Mitigation Measure Hyd-2a mandates compliance with FEMA flooding proofing specifications. These discussions and others within the DEIR make a solid case that the significance threshold is exceeded but that the incorporation and implementation of the recommended mitigation measures reduces these potentially significant impacts to a less than significant threshold.

Comment 2 NAVD vs. NGVD. This comment notes that the DEIR uses NGVD vs. NAVD as the elevation standard and wonders about the methodology of this datum.

Response: It should be noted that the vertical datum used in the DEIR analysis does not influence the level of significance with regards to flooding impacts. The project evaluation and its identification of potentially significant impacts do not change whether the project uses the 1929 vertical datum or the 1988 vertical datum. The correction between NGVD and NAVD is 0.815 meters or 2.67 feet on the project site. NAVD is greater than NGVD, thus 4.0 NGVD is 6.67 NAVD.

Comment 3. Levee and Pump Station Maintenance. This comment addresses the fact that the levee and the pump station need to be maintained to provide sufficient flood protection.

Response: Questa contacted the Marin County Flood Control Department to inquire about the ownership and maintenance responsibility of the levees and pump station. At present the pump station and the majority of the levees surrounding the site are in private ownership and are maintained by the owner. A small section of the levee does belong to the County at the tip of the airport peninsula. The County maintains these levees out of the general fund with maintenance consisting primarily of mowing and inspection of the levees. Other than those activities, Marin County does not maintain any other parts of the site's drainage system. The applicant will have a large incentive to maintain the drainage system and levees on site considering the potential facility damage if they did not. Also, if the levees fail and/or the pump station does not operate, the damage caused by these actions will be contained on the Applicant's private property and not impact adjacent property owners.

The potentially significant impact to the site is flooding from a levee breach. The commenter states that there would not be enough time to evacuate if a levee breach did occur. DEIR states and shows calculations that a levee breach would take approximately 45 minutes to 2.5 hours to fill the site to the extent that a car could not be used to evacuate the site. Given the short distance to higher ground, approximately 0.44 miles or 2,300 feet, we believe that there will be adequate time for an evacuation to occur whether in a motor vehicle or on foot.

Comment 4. Evacuation Plan. The commenter suggests that the lack of an evacuation plan is an impact and an oversight of the DEIR.

Response: As previously stated in the response to Comment 3, the evacuation route is approximately 0.44 miles. A car traveling at 2 mile per hour would be able to travel that distance within less than 15 minutes. It will take over 45 minutes for water to start flooding the parking area then another 1 and 15 minutes to make it impassable. Given the short distance and time it would take to get to high ground we do not believe an evacuation plan is needed as mitigation for the less than significant flooding impacts.

Comment 6. Water Quality and Erosion Control Plan. The makes the point that an erosion control was not submitted as part of the DEIR.

Response: Typically the erosion control plan is submitted during tentative map submittal for the project and is a typical requirement for a grading permit from the City. The project applicant will also have to submit the plan as part of the overall application to attain a 401 permit from the Regional Water Quality Control Board. Because of the interior drainage nature of the site, (ie. all of the drainage must be pumped from the site), drainage and erosion control on the site is fairly straight forward and presents no technical problems for the applicant. As part of obtaining a permit from the Regional Water Quality Control Board, the applicant will have to propose and demonstrate compliance will all applicable State of California Best Management Practices (BMPs) and meet performance standards for the sediment detention basin sizing. Given the proposed land use type there are no known specific water quality standards that the project site will have to comply with. Current regulations specify mitigation for increased runoff peak and

Mr. Courtney
March 15, 2009
Page 3

volumes and mandate that all practical BMPs shall be used to address and reduce non-point source pollution from the project site.

Comment 7. Reduction in Impervious Surface Area. The comment indicates that the proposed project has changed to include a reduced impervious surface area.

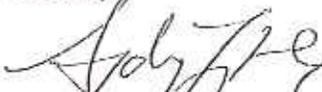
Response: A slight reduction in impervious surface area would not have any significant impacts to the project and therefore no additional analysis is required.

Comment 11. Seismic Stability of Levees. The letter dated May 7, 2009 states "The DEIR fails to analyze the ability of the levees to withstand seismic shaking."

Response: In their letter report of February 10, 2010, Jon C. Hom and Associates, Inc., indicate that they drilled three boreholes in the levee at the project site. These boreholes penetrated medium stiff Silty Clay fill, medium stiff, in the upper 6 to 7 feet, underlain by soft Clay-Bay Mud to the total depth of boreholes at 10.5 to 14.5 feet below the top of levee. In a nearby borehole drilled in the proposed athletic facility location, the soft Clay-Bay Mud was found to extend to a depth of 27 feet below ground surface, at which depth very stiff Sandy Clay alluvium was penetrated. The alluvium was underlain by Shale bedrock at a depth of approximately 43 feet below ground surface. These soil and bedrock materials are not susceptible to the affects of seismically induced liquefaction. The soft clay soils may amplify the ground shaking effects during severe ground shaking and will tend to shake for longer periods than bedrock, but will not fail due to liquefaction, a loss of shear strength experienced by loose and saturated sand soils during strong ground shaking. Based on this, the levees should perform adequately during earthquake induced ground shaking and the impact of seismically induced ground failure is less than significant.

We trust this is the information you require at this time. Should you require additional information please contact the undersigned.

Sincerely,



Sydney Temple, DE #59695
Principal/Senior Hydrologist



Willard N. Hopkins, EG #1761
Senior Engineering Geologist

Ref: 1000002_DEIR_response to comments

Kraig Tambornini

From: Daniel Murphy [DMurphy1@dtsc.ca.gov]
Sent: Monday, November 28, 2011 10:17 AM
To: Kraig Tambornini
Subject: Re: San Rafael Airport FEIR

Hi Kraig.

Thanks for your prompt email reply to my letter regarding the FEIR for the SR Airport development project. I had expressed concern that contamination might have migrated from operational areas of the airport to the project area. Your note in response cites to specific sections of the FEIR, and suggests that you have concluded that there is no significant possibility of contamination originating from the operational areas of the airport at the project area. I assume that you or the project proponent have documented your research in arriving at your conclusion (for instance you cite to review of records of releases for information related to the property). Based on the foregoing, I have no further concerns, and see no need for a Phase I that would simply repeat the review you undertook to prepare the FEIR. Thanks for your consideration.

Daniel Murphy, P.E., Chief
 Contra Costa / Solano County Unit
 Berkeley Cleanup Branch

(510) 540-3772

>>> Kraig Tambornini <Kraig.Tambornini@cityofsanrafael.org> 11/23/2011
 >>> 12:38 PM >>>
 Daniel,

When you have a moment, please advise whether my Nov. 8, 2011 email has adequately identified FEIR information responding to concerns that airport operations might have contaminated the site. We believe the information in the FEIR adequately provides the information that would be found in a Phase I assessment. Please advise if you would still recommend a phase I assessment for this site.

Thank you.

Kraig Tambornini, Senior Planner
 City of San Rafael, Community Development 1400 Fifth Ave./PO Box 151560 San Rafael, CA
 94901/94915-1560
 Phone: (415) 485-3092
 Fax: (415) 485-3184
 kraig.tambornini@cityofsanrafael.org

ATTACHMENT 6



ENVIRONMENTAL ENGINEERING SERVICES

320 GLEN ALPINE, MORAGA, CA 94556 Tel: (925) 360-1208, (925) 376-6841 Fax: (925) 377-6120

San Rafael Airport, LLC
2167 A East Francisco Boulevard
San Rafael, CA 94901

January 5, 2012

Attention: Mr. Len Nibbi

Subject: Phase I Environmental Investigation
San Rafael Airport Recreational Facility
San Rafael, California
Project No. HH-209

Dear Mr. Nibbi:

We have completed an environmental investigation consisting of a Phase I Environmental Site Assessment for the 9.1-acre property, within the boundaries of the San Rafael Airport, located in the City of San Rafael, California.

The results of the site history review and the regulatory review show that no major pollutants have significantly impacted the site to levels that may require remediation. Further, there are no major sources of contamination evident on the adjacent properties that could migrate onto the site and adversely impact the development of the property as a recreational facility.

In our professional opinion, an appropriate level of inquiry has been made into previous uses of the site consistent with good commercial and customary practice in an effort to minimize liability, and no apparent evidence or indication of *Recognized Environmental Conditions* have been revealed.

If you have any questions about the information in this report, or if we can be of further assistance, please contact us.

Very truly yours,

Fred A. Serafin, REA # 1088
Environmental Engineer

Enclosure

*San Rafael Planning Commission
January 24, 2012*

ENVIRONMENTAL INVESTIGATION REPORT

***Proposed Recreational Facility
San Rafael Airport***

San Rafael, California

PHASE I ENVIRONMENTAL SITE ASSESSMENT

TABLE OF CONTENTS

	<u>Page</u>
A. GENERAL	1
A-1 Overview	1
A-2 Objective	1
A-3 Approach	2
A-4 Scope of Services	2
A-5 Site Data	3
A-6 Site Reconnaissance	4
A-7 Topography	4
A-8 Site Geology and Hydrogeology	4
A-9 Site Description	5
A-10 Adjacent Land Use	6
A-11 Storage Tanks	9
A-12 Indications of Polychlorinated Biphenyls (PCBs)	9
A-13 Indications of Solid Waste Disposal	10
B. SITE HISTORY REVIEW	10
B-1 Historical Background of the Project Site and the Airport	10
B-2 Aerial Photographs	10
C. RECORD REVIEW	12
C-1 Regulatory Agency Review	12
C-2 City and County Records	15

TABLE OF CONTENTS
(Continued)

D.	DISCUSSION	16
E.	CONCLUSIONS	18
F.	RECOMMENDATIONS	18
G.	LIMITATIONS	19
	REFERENCES	20
FIGURE 1-	SITE LOCATION MAP	
FIGURE 2-	SITE AERIAL PHOTOGRAPH	
Photographs		
Appendix A	Regulatory Record Search Data	
Appendix B	Historical Aerial Photographs	

ENVIRONMENTAL INVESTIGATION REPORT

*Proposed Recreational Facility
San Rafael Airport
San Rafael, California*

PHASE I ENVIRONMENTAL SITE ASSESSMENT

A. GENERAL

A-1. Overview

This report presents the results of a Phase I Environmental Site Assessment (ESA) for the proposed recreational facility (Project Site) within the San Rafael Airport (Airport), located on the south side of North Fork Gallinas Creek, within the ±120-acre property of the San Rafael Airport in the City of San Rafael, California. A Site Location Map is shown on Figure 1. The proposed facility consists of approximately 71,300 square feet of indoor sports fields as well as an outdoor soccer pitch, a warm-up area, and a paved parking area.

This Phase I ESA conforms to and is generally based on the guidelines, scope and limitations of the American Society for Testing and Materials (ASTM) Standard Practice D 1527-05, and is consistent with good commercial and customary practice for environmental investigations.

A-2. Objective

The objective of this investigation was to assess the likelihood of the presence of potentially hazardous materials on-site and in the immediate site vicinity from past and/or present uses of the Project Site.

A-3. Approach

The approach used to meet the objective was to conduct a site walk-through and a site vicinity reconnaissance, a review of readily available information, discussions with tenants and/or owner's representative and with personnel at regulatory agencies, and an evaluation of the data obtained.

A-4. Scope of Services

To standardize environmental site assessments for commercial real estate, ASTM developed standard practice E 1527 for environmental site assessments. The standard was later revised in 2000 and again in November 2005; the latest revision is designated as E 1527-05. The rendered services are generally based on the guidelines and definitions of the ASTM Practice E 1527-05 (*shown in Italic*), and conform to the generally accepted requirements of the industry.

The goal for this ESA was to identify *recognized environmental conditions*; i.e., the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate a past, existing, or material threat of a release onto the property, or into the ground, groundwater or surface water of the property. Materials used for this ESA rely on information that is *practically reviewable*; i.e., information from a source in a manner that, when examined, supplies relevant information without extraordinary analysis of irrelevant data. Further, this ESA relies on information that is *reasonably ascertainable*; i.e., publicly available, obtainable within reasonable time and cost constraints, and *practically reviewable*.

The authorized scope of services for this ESA was as follows:

- A site reconnaissance to assess present site conditions and to look for evidence of present or past operations that use or may have used potentially hazardous materials, including activities commonly associated with the storage of potentially hazardous materials. Site conditions will be photographically documented, where applicable;
- Observation and recording of the presence of high power transmission lines and transformers;

- Discussions with the current property owner or his representative;
- A site vicinity reconnaissance to compile the type of businesses in the immediate site vicinity that may use hazardous substances that in our judgment may impact the Site;
- A review of selected readily available government agencies' records related to the presence of potentially hazardous materials on the site and the vicinity of the site.
- A review of files at the local governmental agencies to assess the current and historical conditions at the Site and for selected facilities within the immediate site vicinity.
- A review of information to assess historical land use and property development including but not limited to readily available topographic maps, business directories, and local building and planning department records;
- A review of information regarding the surface and subsurface conditions including the hydrogeology, regional groundwater impairments, soil type, and topography of the site and site vicinity using selected references;
- Data evaluation and report preparation.

A-5. Site Data

Throughout this EISA, the following terms are used accordingly:

- The "Project Site" refers to the proposed recreational facility development located on the south side of North Fork Gallinas Creek, within the San Rafael Airport (Airport), in the City of San Rafael, Marin County, California;
- "Immediate site vicinity" refers to parcels immediately adjacent to the Project Site; specifically the lands occupied by the Airport. The term Smith Ranch Airport, Marin Ranch Airport and San Rafael Airport has been used interchangeably in this report;
- "Site vicinity" refers to the area within approximately ½-mile radius of the Project Site; and,
- the term "hazardous" is used here in general accordance with its usage in Title 22, Division 4.5, Chapter 10, California Code of Regulations (CCR). The terms "hazardous materials" and "hazardous waste" are used interchangeably, and no legal distinction is implied between the two terms as used herein.

A-6. Site Reconnaissance

On December 2, 2011 we performed a site reconnaissance which included a walk-through and photographing of the Site, as well as observing surrounding areas. On the basis of the site reconnaissance and review of available documents, we prepared the following site description. Photographs numbers 1 to 8 show the general site conditions.

A-7. Topography

The topography of the Site and the surrounding areas consist of relatively flat land. Figure 3 presents a topographic map of the Site and the site vicinity. The Site is currently vacant and entirely covered with maintained grass and weed. The approximate average surface elevation of the Site ranges from -2.0 to +2.0 feet above Mean Sea Level (MSL). The Project Site is basically flat with no appreciable relief.

A-8. Site Geology and Hydrogeology

The Airport site is located in the northeasterly portion of the city of San Rafael (see Figure 1 for site location). The Airport occupies the portion of land between and near the confluence of the north and south forks of Gallinas Creek.

a. Geology

The Airport is underlain by shallow soil and fill materials that varies in thickness. The fill is underlain by Bay Mud, a relatively soft silty clay that is organic-rich. The Bay Mud varies in thickness from four to forty feet. Beneath the Bay Mud are stiff clay and firm alluvial deposits over the bedrock. The sources of fill materials are unknown. A review of some published documents suggests that the Airport site is underlain by Holocene alluvium consisting of unconsolidated sandy clay, gravelly clay, sandy silt and silty gravel. About $\frac{3}{4}$ of a mile west of the Airport site the alluvial deposits are approximately 11 to 16 feet deep and are underlain by fractured and weathered siltstone which belongs to the Cretaceous-age Franciscan assemblage.

b. Hydrogeology

Based on a review of the United States Geological Survey (USGS) topographic maps of the area, the Airport Site is located between the South Fork and North Fork of Gallinas Creek. These two waterways are tidal canals that intermittently become inundated with tidal water, and/or sporadically act as a discharge flume during heavy rainstorms. The Project Site is located about 150 feet to the south of the north fork of the waterway.

The occurrence of groundwater beneath the Airport site is most likely shallow. During various investigations at the Site vicinity, the groundwater table has been encountered between one and six feet below ground surface. The regional groundwater flow direction is interpreted to mimic the regional topography, which generally slopes toward the east. However, due to the Project Site's unique location, soil makeup, and the effects of bodies of water within the Site vicinity (a lagoon to the west and two tidal canals to the north and south) it is surmised that there is no appreciable groundwater movement underneath the Site.

A-9. Site Description

The following description was prepared on the basis of site reconnaissance, review of available information, and interviews. The Project Site consists of ± 9.1 gross acres of flat land, located about 150 feet to the south of North Fork Gallinas Creek. A levee on the south side of the Creek runs along the northern boundary of the Project Site. The surface of the Project Site is currently covered with sporadic weeds and grass. There is a drainage swale, a surface water collection pond, a pumping station, and a gravel road within or immediately adjacent to the Project Site. Currently, the land is undeveloped and vacant. Historically, the Project Site appears to have been used for grazing at one time or another; but it has remained covered with maintained grass since at least the 1980s. The runway of the San Rafael Airport is situated to the south of the Project Site.

On the whole, no indications of any environmental impairment were observed on the Project Site during the site reconnaissance.

A-10. Adjacent Land Use

We performed a limited visual observation of the surrounding sites in an attempt to identify areas of potential risk to the Site resulting from adjacent site activities. Observation of surrounding sites was limited to accessible areas and areas that could be readily observed from the Site.

The immediate site vicinity solely consists of the San Rafael Airport, which could be divided into three general areas: hangars and aviation services area, miscellaneous business area, and taxiways and runway. The miscellaneous business area is occupied by several business enterprises. Several environmental investigations have been conducted at the Airport in the past. A summary of these investigations and their potential impact to the Project Site are presented below:

Lyle Reed Striping

Lyle Reed Striping was a tenant at the business area of the Airport for approximately 25 years. Its premises consisted of a 1200 square feet metal building on a concrete slab and a fenced equipment storage area. As a licensed contractor, Lyle Reed Striping served as subcontractor for large City, State, and the Federal roadway projects to install marking and wheel stops for parking lots, etc. The yard area was used primarily to store various equipments, trailers, different marking machines, compressors, few vehicles, various organic solvents and marking paints in limited quantities.

Lyle Reed Striping vacated the premises in 1999. Before relocating, the San Rafael Fire Department requested Lyle Reed Striping to provide a written business closure plan prior to leaving the premises. In response to this request, a workplan describing the handling/disposal method for all hazardous materials and hazardous wastes on the premises was forwarded to the Fire Department. Further, Lyle Reed Striping retained the services of Hazardous Disposal Specialists, Inc., a licensed environmental disposal contractor, to dispose of all hazardous materials and hazardous wastes on the premises. The removal of waste materials and the closure of the site according to the workplan were completed in June 1999. No further action was required.

Former Fuel Dispensing Facility

As part of the airport operation, two large aboveground fuel tanks stored fuel for airplanes. A 12,000-gallon aboveground tank containing aviation fuel and an 8,000-gallon aboveground tank containing jet fuel were located within the aviation services area. Reportedly, the buried fuel lines leading to the dispensers were partly encased in concrete.

At the request of the City of San Rafael Fire Department (Fire Department), several programs of soil and groundwater sampling and chemical testing were conducted at this location in order to assess whether the soil and groundwater have been impacted by unauthorized releases from the piping and/or dispensers; and to identify and recommend appropriate remedial measure, if required. The results of the programs indicated that contaminated soil and groundwater zones were located at approximate depths of 2 to 4 feet below ground surface (bgs) within the area of the facility.

Although soil and groundwater underneath the facility contained detectable concentrations of hydrocarbon fuel, it was concluded that the spatial extent of contaminants was somewhat limited. It was rationalized that due to relatively tight and impermeable lithologic sequences underneath the Airport, coupled with the position of the two tidal canals, the contaminants did not migrate very far off-site. Nonetheless, it was concluded that the site warranted proactive implementation of a remedial measure.

A workplan containing a corrective action plan (CAP) which consisted of excavation and off-site disposal of contaminated soil, and extraction and disposal of impacted groundwater was prepared and submitted to the Fire Department. After approval by the Fire Department, the CAP was implemented at the site. In addition, as part of the CAP, a program of quarterly groundwater monitoring for a complete hydrologic cycle was also implemented.

A total of approximately 130 cubic yards of contaminated soil were excavated and stockpiled on-site. Further, water collected in the pit during the excavation activities was pumped out and stored in a Baker tank. Eventually, the water was hauled off-site for disposal. Also, the excavated soil, stockpiled in a pre-determined location and covered with

visquin, was subsequently hauled to an off-site waste disposal facility. Upon soil excavation, the pit was lined with visquin and backfilled with fresh clean imported fill, and compacted.

It was concluded that major portion of impacted soil under the facility was excavated and removed. The concentration levels of remaining soil contaminants at the strata underneath the facility were relatively low and therefore, no further remedial activities appeared needed. It was believed that passive bioremediation processes would act to naturally reduce and eventually eliminate the low levels of petroleum hydrocarbon components present in the remaining contaminated mass underneath the Site. Natural ubiquitous microbial populations in the soil normally degrade the petroleum hydrocarbons to carbon dioxide and water, resulting in natural cleanup.

In September 2003, with the concurrence of the Fire Department, a quarterly groundwater monitoring program was established to determine whether any residual contamination remained at the site. The performance of the groundwater monitoring program, under the oversight of the Fire Department, was completed in July 2005.

The results of the corrective action plan, coupled with the results of the quarterly monitoring program revealed that this site met all the requirements for Site Closure as defined and established by the City of San Rafael Fire Department and the California Regional Water Quality Control Board. Accordingly, the facility was granted site closure.

The fuel dispensing facility at this location was entirely abandoned and a new facility was established at a new location further west.

Bowman Landscape

Bowman Landscape, Inc. was a landscaping company that exported and imported various types of soil to the site. An environmental investigation including soil sampling and chemical testing for pesticides and other chemicals was conducted in August 1990. No chemicals tested for were found at the site.

Levee Maintenance Project

The project involved plans to raise the height of the existing levee along the South fork Gallinas Creek by about 2-3 feet. The purpose of this work was to protect the Airport and adjacent properties from flooding that causes damages to airplanes, commercial and aviation structures, residences, etc. The plan called for placement of approximately 2,500 cubic yards of dredged materials on top of the levee. To evaluate the suitability of dredged materials to be used for topping the levee, a program of soil sampling and chemical analysis was implemented.

The scope of services for this project was developed based on the recommendations of the San Francisco Bay Regional Water Quality Control Board (RWQCB) Draft Staff Report, Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines, dated May 2000. The investigation was conducted in August 2002. The results of the soil sampling and chemical analyses indicated that significant concentrations of pollutants were not found at the points at which the samples were obtained. Further, the bioassay result also appeared favorable.

A-11. Storage Tanks

We did not observe evidence of potential underground or aboveground storage tanks for hydrocarbon fuels (i.e. pipes, vents, pumps, concrete foundation, and stains) at the Project Site.

A-12. Indications of Polychlorinated Biphenyls (PCBs)

During the site walk-through, the Project Site was inspected for the presence of liquid-cooled electrical units (transformers and capacitors). Such units may be potential polychlorinated biphenyl (PCB) sources. A pole-mounted transformer was observed near the pumping station on the north side of the Project Site. No evidence of any leakage or spill was observed. A high voltage transmission line is also located in the site vicinity, however, it is too far away to have any impact on the Project Site.

A-13. Indications of Solid Waste Disposal

Evidence of major dumped solid waste was not observed at the Project Site during the site reconnaissance.

B. SITE HISTORY REVIEW

We performed a site history review to identify the former uses of the Project Site. The site history survey included review of aerial photographs and available regional reports, and interviews with knowledgeable people.

B-1. Historical Background of the Project Site and the Airport

We performed a site history review to identify former land uses of the Airport. According to published information (Independent Journal, 1979), in the early 1900s the Marin Ranch Airport was a part of the San Rafael ranch started by Sam Smith and his uncle, Zeke Smith. After World War I both men barged hay into the county via Las Gallinas Creek from San Joaquin Valley. After selling hay to dairymen for several years, they went into the dairy business themselves. The ranch was later passed down to Sam Smith's sons, Edward and Jordan Smith who re-named the ranch The Smith Brothers Ranch. The Smith brothers owned and operated Smith Brothers Ranch until 1970, when part of it was sold to the county and became John F. McInnis Park. The remainder of the ranch land was gradually developed for residential and commercial uses.

B-2. Aerial Photographs

Forty-six years of aerial photos covering the Project Site area were provided by Pacific Aerial Surveys of Oakland, California. These photographs spanned the years 1953-1990, and were reviewed in stereo, when available, to analyze three-dimensional features.

In addition to the above, several aerial photographs covering the Project Site and the immediate site vicinity were provided by Environmental Data Resources (EDR). These aerial photographs spanned the years 1946-1998. Appendix B contains copies of these historical aerial photos.

<u>Aerial Photo Year</u>	<u>Scale</u>
1946	1" = 655'
1953	1" = 555'
1965	1" = 333'
1982	1" = 690'
1993	1" = 666'
1998	1" = 666'

The interpretation summary of the aerial photographs reviewed is presented below:

1950 - Sewage treatment plant and Marin Ranch Airport do not exist. The area is an open field. Across the north fork of Gallinas Canal there is a cattle ranching business. All runoff from the cattle ranch appears to lead into the north fork of Gallinas Canal. To the southeast of the property, across the south Gallinas canal, there is a small airport with airplanes, hangars and a dirt runway.

1960 - Marin Ranch Airport consists of one hangar and a dirt runway. To the northeast, on the opposite side of the hills, a sewage treatment plant is present.

1966 - The construction of the runway is underway. The runway appears as a long dirt road. To the south of the property there are housing developments, and to the north there is a ranch with construction and grading activities going on. To the west, along the railroad tracks there are open fields on both sides. The land across the south fork of Gallinas Creek is now occupied by homes.

1975 - Currently, on the east side of the property there are water ponds adjacent to the runway. At the Airport, there are 5 airplane hangars present. To the west of the property, on the other side of the railroad tracks, a new trailer park is under construction.

1980 - The runway appears to be paved and the Airport contains numerous hangars and parked airplanes. The trailer park, to the west of the Site, across the railroad tracks, appears completed. To the north of the Site, the cattle ranch no longer exists, and that area appears to be under construction.

1990 - Marin Ranch Airport has several storage hangars present. There are two large fuel tank bunkers present; one tank appears empty, with no top covering. Several above-ground tanks are visible in business area locations. Several dark stain-like areas appear near the western hangars. Soil piles from the agriculture business, along with some trucks, are also present. There is a park to the north of the Airport.

Generally, no outstanding features appear on the aerial photos to indicate major environmental impairment of the Project Site.

C. RECORD REVIEW

C-1. Regulatory Agency Review

In order to survey potential on- and off-site pollutant sources, we utilized the services of Environmental Data Resources Inc. (EDR) to examine several regulatory listings for sites with reported soil and groundwater contamination. The Project Site was not listed on any of the databases reviewed for this assessment. Within a one-mile radius of the Property, no NPL facilities were identified. Further, within 0.5-mile radius of the Project Site no CERCLIS facilities were listed. Within a 0.5-mile radius of the Site three facilities on the LUST list were identified. In general, only potentially hazardous materials released from facilities located approximately up-gradient and within one-quarter of a mile from the Project Site, or immediately adjacent to the Project Site, are judged to have a reasonable potential of migrating onto the Property. This judgment is based on the assumption that materials generally do not migrate very large distances laterally within the soil, but rather tend to migrate with groundwater in the general direction of groundwater flow. General groundwater flow direction in the vicinity of the Project Site is presumed to be stationary since there is no appreciable groundwater movement in the substrata.

Partial list of various databases reviewed for this report are listed below:

Regulatory Database Reference

<i>Governmental Records</i>	<i>Radius Searched</i>	<i>No. Found</i>
US EPA National Priority List (NPL)	1 miles	0
US EPA Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)	½- miles	0
US EPA Resource Conservation and Recovery Act (RCRA) Corrective Actions and Associated TSD (CORRACTS)	1 mile	0
US EPA RCRA Registered Large- and Small- Quantity Generators (RCRIS-LQG) and (RCRIS-SQG)	¼ mile	0
US EPA Emergency Response Notification System (ERNS)	Target Property	0
Cal EPA/ Office of Emergency Information (Cortese)	1 mile	0
California Regional Water Quality Control Board (RWQCB), Leaking Underground Storage Tank (LUST)	½ mile	3
SWF/LF (SWIS) Solid Waste Information System, Landfills, Incinerators, or Transfer Stations	½ Mile	1
CA Water Resources Control Board (SWRCB), Registered Underground or Aboveground Storage Tanks (UST/AST)	¼ mile	0
California Department of Toxic Substances Control, (DTSC) EnviroStor Database	1 mile	1

No facility listed on the databases appears to have any potential adverse impact on the Project Site. A copy of the record search data is presented in Appendix A. Details of various databases reviewed for this report are as follows:

- **United States EPA, National Priority List (NPL) Sites or Superfund.** List dated June 30, 2011. The Site did not appear on the NPL list, and no site was identified within a one-mile radius of the Project Site.
- **US EPA, CERCLIS.** Contaminated sites under the Comprehensive Environmental Response Compensation and Liability Act of 1980. List dated February 25, 2011. The Site did not appear on the CERCLIS list. Within a ½-mile radius of the Project Site no facility was listed on the database.
- **U.S. EPA, RCRA Corrective Actions and Associated Treatment, Storage, and Disposal (TSD) facilities (CORRACTS).** The RCRA TSD list is a data base maintained by the U.S. EPA for facilities at which treatment, storage and/or disposal

of hazardous waste takes place, as defined and regulated by RCRA. List is dated March 9, 2011. Information contained in the TSD list indicates the Property and no sites within 1-mile radius of the Site are reported on the list.

- **US EPA RCRA Registered Generators (RCRIS-LQG) & (RCRIS-SQG).** The RCRA Generators lists are nationwide databases created to maintain and regulate facilities that handle hazardous wastes. These databases replaced the Hazardous Waste Data Management System in September 1992 as the major system supporting the implementation of the RCRA. Lists are dated June 15, 2011. Information contained in the list indicates that no facility is currently listed as a small or large quantity generator within ¼-mile of the Site. Small quantity generators (SQG) generate between 100 kg and 1000 kg of hazardous waste per month. Large quantity generators (LQG) generate over 1000 kg of hazardous waste per month.
- **U.S. EPA, Emergency Response Notification System (ERNS) list.** The ERNS list is a national computer database and retrieval system used to store information on accidental releases of oil and hazardous substances. The information stored on this database is acquired through the National Response Center. The Center tracks over 35,000 incidents per year. List dated October 3, 2011. The Project Site is currently not listed as being on the ERNS database.
- **Cal EPA/ Office of Emergency Information (Cortese).** The Cortese list is a database provided by the Cal EPA/ Office of Emergency Information. The sites listed on the database are taken from other lists. The list is dated October 3, 2010, and no update is planned. The database lists no facilities.
- **Leaking Underground Storage Tanks (LUST).** The California State Water Resources Control Board compiles list of all reported leaking underground storage tanks incidents in the region. The list is dated September 19, 2011. The Site did not appear on the list; and 3 sites within a half-mile radius of the Site were identified.

- **Envirostor Database.** The Envirostor database, prepared by the California Department of Toxic Substances Control, (DTSC) identifies sites that have known contamination or sites for which there may be reasons to investigate further. This database has replaced Cal-sites Database, which is not updated anymore. List dated September 13, 2011. The Project Site did not appear on the Envirostor database, but one “No Further Action Required” facility was identified within a one-mile radius of the Project Site.

- **Solid Waste Landfills, Incinerators, or Transfer Stations (SWIS).** Solid Waste Information System. The California Integrated Waste Management Board maintains an inventory list of both open as well as closed and inactive solid waste disposal facilities and transfer stations. The list dated August 22, 2011. The Site did not appear on the SWIS list and one facility was identified within a ¼-mile radius of the Project Site.

- **Underground and Aboveground Storage Tanks (USTs and ASTs).** These databases are maintained by the State Water Resources Control Board of registered underground and aboveground storage tanks for Region 2. The lists dated September 19, 2011, and August 1, 2011, respectively. The Site did not appear on either lists, and no sites were identified on the lists within a ¼-mile radius of the Project Site.

There are some environmental sites that cannot be geocoded, but can be located by zip code or the city name. These sites are referred to as orphan sites. A review of the databases indicates listing of several sites; however these facilities are all located at considerable distances from the Project Site. Review of regulatory agencies’ databases indicates that due to distance, potential off-site pollutants will have no impact on the Project Site.

C-2. City and County Records

No records of environmental violations for the Project Site were found at the Marin County or at the city of San Rafael regulatory agencies.

D. DISCUSSION

This Phase I Environmental Site Assessment included reconnaissance visits to the Project Site, review of the listed available environmental databases and related agency information for the Project Site and surrounding sites, review of prior usage records and investigative reports, aerial photographs, published geologic information, interviews with the owner's representative, and other related items. Specifically, this assessment was undertaken to identify areas of potential environmental concern or evidence of chemical contamination within the limits of the Project Site and/or as visually observed immediately adjacent to the Project Site that could potentially impact the development of the Property as a recreational facility.

The Project Site is a vacant lot that is primarily covered with grasses including rye grass and oat hay. A levee along the bank of the North Fork of the Gallinas Creek is located approximately 150 feet north of the project site. A drainage swale, parallel to the runway, passes through the southern boundary of the Project Site and conveys surface and storm water runoff from the Project Site as well as other portions of the Airport property to a collection pound and drainage pumping station. The collection pound and drainage pumping station are located east of the Project Site. The current drainage swale replaced a former drainage ditch that was re-routed in order to facilitate a more effective discharge of surface runoff from the runway and runway service road areas.

Reportedly, the Project Site had been used as part of a large dairy ranch in the early 1900s and more recently was used for sheep and goat grazing. Normally, low levels of pesticides contaminants are not uncommon in the agricultural environment of the region. The extent of their presence, if any, would depend on the actual chemicals used and the length of time since they were applied. However, given the previous land uses, it seems highly unlikely that pesticides have ever been used.

We understand that the State of California Department of Toxic Substances Control has requested clarification as to whether historical airport operations may have contaminated the Project Site by way of migration through the drainage ditch. The airport hangar and

commercial areas are located to the west of the proposed recreational facility site and the runway is located south of the proposed recreational facility site. A review of reports of previous investigations conducted on the adjacent aviation and commercial lands indicates that no contaminants have migrated from the Airport to the study area. As indicated in Section A-10 of this report, the hydrocarbon spill and line leakage at the former aviation fuel dispensing facility, located approximately 1500 feet to the southwest of the Project Site, was the subject of an extensive investigation in the early to mid-2000s. The spill was fully addressed, a corrective action plan was implemented to the satisfaction of all regulatory agencies, and eventually the facility was granted site closure. Further, the report for a small painting contractor that had vacated a storage unit within the commercial area near the airport entrance concluded that the existence of limited amounts of hazardous materials at that business had not impacted the adjoining properties. Currently, all existing small commercial uses at the airport are subject to the San Rafael Fire Department Hazardous Waste reporting program and are operating in accordance with guidelines for the proper storage and handling of materials.

We further understand the onsite airport management staff has strict standards for users of the facility to ensure that there is no contamination of storm drainage, etc. For example, the occasional plane washing is limited to a specific area and only biodegradable soaps may be used. While there is the possibility of a limited fuel or oil leak from aircraft on the taxiway or the runway, no measurable amounts have been released in the past, and an occurrence in the future appears to be unlikely. In any case, airport management maintains a Haxmat Spill Kit with absorbent booms to deal with such a situation should it occur.

We did not identify any major pollutants that could have potentially impacted the Project Site to levels that may need remediation. The results of the site history review and the regulatory review have also shown that no pollutants have significantly impacted the Project Site to levels that may require any remediation. There appear to be no major source of contamination evident on adjacent properties that may migrate to the Project Site and inhibit the development of the land to a recreational facility

E. CONCLUSIONS

This Phase I Environmental Site Assessment included reconnaissance visits to the Site, review of environmental and geotechnical reports, review of the listed available environmental databases and related agency information for the Site and surrounding areas, interviews, and review of prior usage records, aerial photographs, published geologic information, and the performance of limited soil and groundwater sampling and chemical testing. The information thus gathered was used to evaluate existing or potential environmental impairment of the Project Site due to current or past land use as outlined in this report.

The Project Site is an undeveloped parcel of land that was previously used for some dairy activities in the early 1900s, but mostly had remained inactive. There are no on-site features to indicate environmental impairment of the property, and therefore, no mitigation measure appears to be necessary at this time.

Based on the assessment described in this report, the migration of hazardous materials or other environmental pollutants from off-site sources onto the Project Site seems unlikely. Accordingly, we anticipate that pollutants of concern at the site vicinity referred to in this report would not impact the development of the parcel as a recreational facility.

In our professional opinion, an appropriate level of inquiry has been made into the previous uses of the Project Site consistent with good commercial and customary practice in an effort to minimize liability, and except as noted, no apparent evidence or indication of *Recognized Environmental Conditions* (REC) have been revealed.

F. RECOMMENDATIONS

The investigation outlined in this report revealed that no major pollutants have significantly impacted the Project Site to levels that may require any remediation. Therefore, no adverse environmental impact on the development of the Project Site as a recreational facility is anticipated. Therefore, no recommendations regarding the environmental issues are made at this time.

G. LIMITATIONS

The data, information, interpretations, and recommendations contained in this technical report are presented solely as preliminary bases and guides to the existing environmental conditions of a 9-acre parcel of land, located on the south side of North Fork Gallinas Creek, within the San Rafael Airport (Airport), in the City of San Rafael, Marin County, California; The conclusions and professional opinions presented herein were developed in accordance with generally accepted engineering principles and practices. As with all geotechnical and environmental reports, the opinions expressed here are subject to revisions in light of new information, new governmental regulations or new interpretations of existing regulations, which may be developed in the future, and no warranties are expressed or implied.

Environmental evaluations are limited in the sense that conclusions and recommendations are developed from personal interviews and information obtained from limited research and secondary sources. Except as set forth in this report, we has made no independent investigations as to the accuracy or completeness of the information derived from the secondary sources and personal interviews and has assumed that such information was accurate and complete.

The services provided represent professional opinions, formulated within specific budget limits, upon which San Rafael Airport, LLC (the Owner) can base actions to reduce the potential for exposure to liability for the consequence of the occurrence of hazardous waste.

This report has not been prepared for use by parties other than San Rafael Airport, LLC. It may not contain sufficient information for the purposes of other parties or other uses. If any changes are made in the project as described in this report, the conclusions and recommendations contained herein should not be considered valid, unless the changes are reviewed by us, and the conclusions and recommendations are modified or approved in writing.

REFERENCES

- California Code of Regulations, Title 22, Division 4.5, Environmental Health, Chapter 11, Minimum Standards for Management of Hazardous and Extremely Hazardous Waste.
- Helley, E.J., LaJoie, K.R., Spangle, W.E. and Blair, M.L., 1979, Flatland Deposits of the San Francisco Bay Region, California - Their geology and engineering properties and their importance to the comprehensive planning: Geological Survey Professional Paper 943.
- United States Geological Survey (USGS), Novato and San Rafael, California Quadrangle Map, (1954, photorevised 1980).
- ASTM Standards on Environmental Site Assessments for Commercial Real Estate, Third Edition, Standard E 1527-97, 1997.
- Wahler Associates, 1997, Preliminary Site Survey and Limited Soil Sampling, Marin Ranch Airport, San Rafael, California.
- Ingram Mason & Fairbairn, 2000, Closure Investigation, Former Location of Lyle Reed Striping, Smith Ranch Airport, San Rafael, CA.
- Ingram Mason & Fairbairn, 2001, Fuel Dispensing Facility, Smith Ranch Airport, San Rafael, California
- Ingram Mason & Fairbairn, 2001, Supplemental Phase II Environmental Investigation, Fuel Dispensing Facility, Smith Ranch Airport, San Rafael, CA
- Ingram Mason & Fairbairn, 2002 Implementation of a Corrective Action Plan, Fuel dispensing Facility, Smith Ranch Airport, San Rafael, CA
- Ingram Mason, 2002, Levee Maintenance Project, San Rafael Airport, San Rafael, CA
- Ingram Mason, 2003, Installation of Monitoring Wells and First Quarterly Monitoring Report, San Rafael Airport, San Rafael, CA
- Ingram Mason, 2004, Second Quarterly Monitoring Report, San Rafael Airport, San Rafael, CA
- Ingram Mason, 2005, Third Quarterly Monitoring Report, San Rafael Airport, San Rafael, CA
- Ingram Mason, 2005, Fourth and Final Quarterly Monitoring Report, San Rafael Airport, San Rafael, CA

ATTACHMENT 7



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 27 2010

OFFICE OF
AIR AND RADIATION

Mr. Robert Hackman
Vice President, Regulatory Affairs
Aircraft Owners and Pilots Association
421 Aviation Way
Frederick, Maryland 21701

Dear Mr. Hackman:

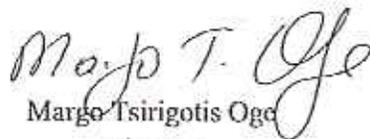
Thank you for your letter of July 23, 2010, requesting clarification on issues associated with our recent Advance Notice of Proposed Rulemaking (ANPR) on Lead Emissions from Piston-Engine Aircraft Using Leaded Aviation Gasoline. Following are some responses to the issues you raise.

The ANPR is the first step EPA is taking to respond to a petition from the Friends of the Earth requesting that EPA find endangerment from and act to regulate lead emissions from aircraft using leaded aviation gasoline (avgas). This advanced notice seeks to collect additional information and input on the issues in the petition and the potential health and environmental impacts of lead emissions from aircraft using leaded avgas. The ANPR does not ban leaded avgas and does not propose to do so, and EPA has not established or proposed any date by which lead emissions from aircraft operating on leaded avgas would need to be reduced. In fact EPA does not have authority to control aviation fuels. While the EPA is responsible to make the decisions with respect to what chemical or physical properties of an aircraft fuel or additive endangers the public health, the Federal Aviation Administration regulates the fuels used in aircraft engines; hence, the EPA is coordinating closely with FAA as we evaluate emissions of lead from piston-engine aircraft.

We have been and will continue to coordinate closely with FAA, states, industry groups and user groups on the issues associated with potential future emission standards. EPA recognizes the value of piston-engine general aviation throughout the United States and specifically in remote regions. Any EPA action to require piston-engine aircraft to reduce emissions of lead in the future will involve a thorough public process of identifying options and will consider safety, economic impacts and other impacts. The EPA is committed to working with these stakeholders to keep piston-engine aircraft flying in an environmentally acceptable and safe manner throughout the United States.

Again, thank you for your letter. We welcome the opportunity to answer your questions and we look forward to continuing to work with you. If you have further questions, your staff may call Marion Hoyer at (734) 214-4513.

Sincerely,

A handwritten signature in black ink, appearing to read "Margo T. Ogd". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Margo Tsirigotis Ogd

Director

Office of Transportation and Air Quality

OBERKAMPER & ASSOCIATES
CIVIL ENGINEERS, INC.

ATTACHMENT 8

7200 REDWOOD BOULEVARD, SUITE 308 • NOVATO, CA 94945 • (415) 897-2800 • FAX (415) 897-2020

December 12, 2011
Job No. 04-155

City of San Rafael
Community Development Dept.
1400 Fifth Avenue
PO Box 151560
San Rafael, CA 94915-1560
Attn. Kraig Tambornini

Re. Contempo Marin Flood Protection

Dear Kraig:

We prepared the attached Plat, Flood Protection Facilities and Flood Protection description which illustrates and describes the location of the levees which protect Contempo Marin from flooding as well as protecting the airport. Our firm prepared the plans for construction of Contempo Marin as well as providing civil engineering services for the airport property.

Contempo Marin includes areas which are as low as elevation 3 NGVD29 which is several feet below the 100 year flood elevation of 6 NGVD29. At first glance it might appear that the railroad embankment would provide protection to Contempo Marin, however, the railroad embankment has top elevations as low as elevation 4 and is constructed of ballast which is permeable and will allow water to pass through in addition to being susceptible to overtopping by a flood elevation of 6. The levee elevations along the westerly side of Contempo Marin are at about elevation 6 which will provide little or no freeboard with respect to the 100 year flood elevation.

Thus there is mutual protection of the two properties by the combined levee system which surrounds them with each property therefore having an essential interest in the continued integrity of the entire system as well as the portion of the system adjoining the individual properties.

If there are questions regarding any of the foregoing or if you need further information, please let me know. Thanks.

Very Truly Yours,


L. E. Oberkamper
RCE 12094

cc. Bob Herbst



San Rafael Planning Commission
January 24, 2012

FLOOD PROTECTION
CONTEMPO MARIN
MOBILE HOME PARK
SAN RAFAEL, CALIFORNIA

The property was developed about twenty years ago with protection from flooding from outside the project provided by levees which were either existing or constructed in conjunction with the project.

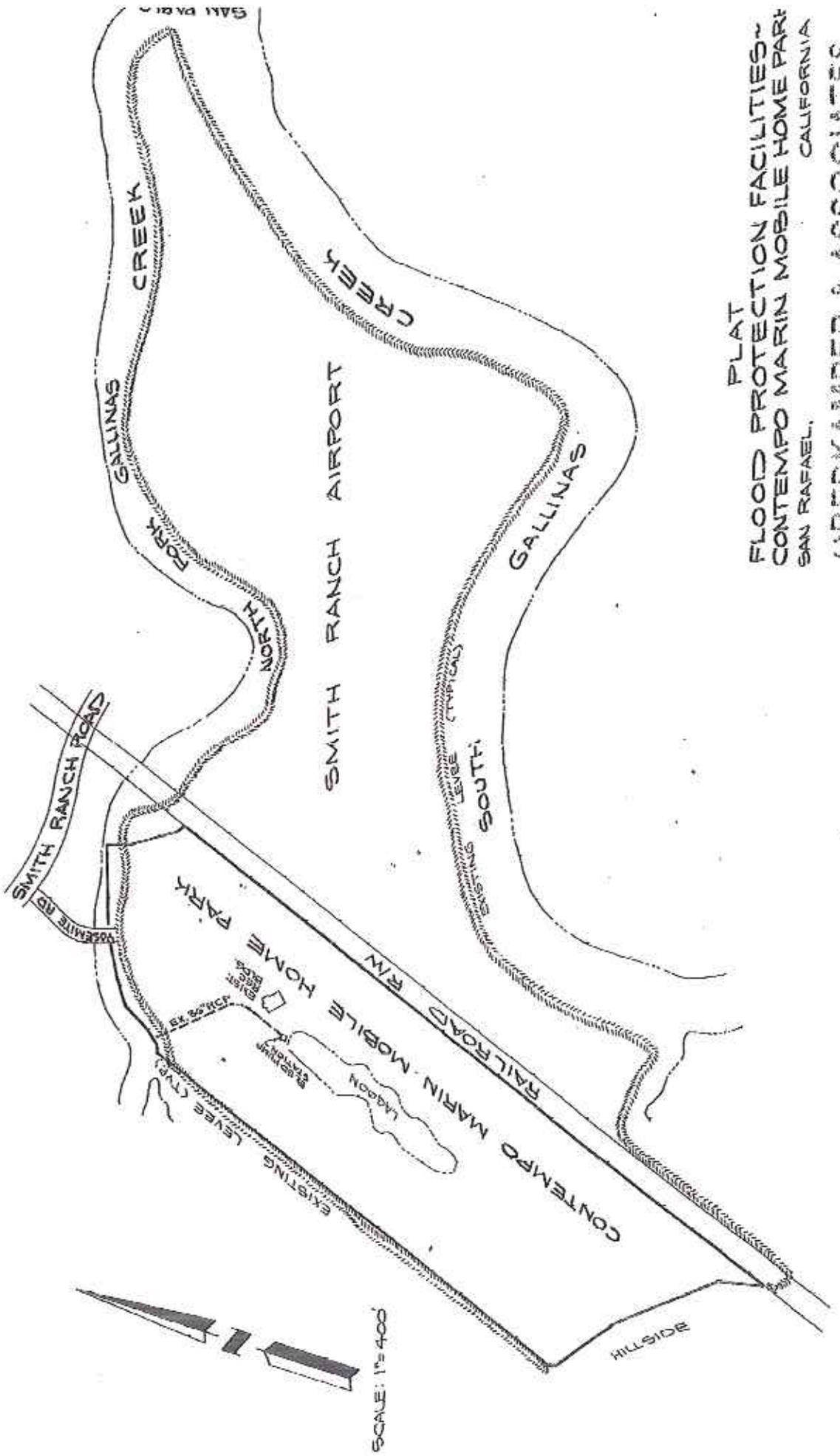
The southerly boundary of the property adjoins a hillside. Along the westerly boundary a levee extends from the hillside northerly to the levee along the North Fork of Gallinas Creek. Along the northerly boundary, the Gallinas Creek levee extends to the former Northwestern Pacific Railroad.

These portions of the levee system are part of the property of the Mobile Home Park and are maintained above the 100-year flood level of 6.0 N.G.V.D. by the owners of the park.

The easterly boundary of the Mobile Home Park adjoins the former railroad right of way within which the railroad embankment exists at elevations which are as low as elevation 4.1 N.G.V.D.

Easterly from the former railroad right of way is the Smith Ranch Airport which is protected by a levee system which is the extension of the levee along the North Fork of Gallinas Creek and extends to San Pablo Bay along the North Fork of Gallinas Creek and back along the South Fork of Gallinas Creek to the hillside which adjoins the southerly boundary of the property. This levee system is maintained above the 100-year flood level of 6.0 N.G.V.D. by the owners of the Smith Ranch Airport.

These systems in the aggregate provide protection for the Contempo Marin Mobile Home Park against flooding from outside the project from the 100-year flood level of 6.0 N.G.V.D.



PLAT
 FLOOD PROTECTION FACILITIES~
 CONTEMPO MARIN MOBILE HOME PARK
 SAN RAFAEL, CALIFORNIA
UBERKAMPER & ASSOCIATES
 CIVIL ENGINEERS INC.
 1024 I STREET, SAN RAFAEL, CALIFORNIA 94903

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
 P. O. BOX 23660
 OAKLAND, CA 94623-0660
 PHONE (510) 286-5541
 FAX (510) 286-5559
 TTY 711

ATTACHMENT 9



*Flex your power!
 Be energy efficient!*

November 18, 2011

MRN-101-14.71
 MRN101392
 SCH 2006012125

Mr. Kraig Tamborini
 City of San Rafael
 Community Development Department
 1400 Fifth Avenue
 San Rafael, CA 94901

Dear Mr. Tamborini:

**San Rafael Airport Recreational Facility – Final Environmental Impact Report (EIR)
 Response to Comments**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project, and for reviewing and responding to our concerns outlined in the September 23, 2011 letter. Based on the project location, the Department is particularly concerned with the potential for traffic to queue at any or all of the freeway ramps in the area onto the mainline of US Highway (US) 101, resulting in potentially significant impacts to traveler safety.

Comment #2, Response to Comment 3-12: Under existing and future conditions, the queues at study intersections #3 (Smith Ranch Road/US-101 Northbound Ramps) and #4 (Lucas Valley Road/US-101 Southbound Ramps) exceed the available storage capacity for the turn lanes. Since there is no technical analysis demonstrating that signal timing adjustments would adequately reduce queuing, please revise the mitigation measures of the EIR to include that the expected queuing problems can be addressed by adjusting the traffic signal timing and that the Department will be included in the process. Please provide the signal timing plans to the Department when the City of San Rafael is ready to start the evaluation.

Mr. Kraig Tamborini/City of San Rafael
November 18, 2011
Page 2

Should you require further information or have any questions regarding this letter, please contact
Connery Ccpeda of my staff at (510) 286-5535.

Sincerely,



GARY ARNOLD
District Branch Chief
Local Development - Intergovernmental Review

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 1/6th 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 milcages, 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

* Other: Buildings that are agricultural or industrial with some retail space...whose largest single activity is agricultural, industry/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@fielddurfnorcal.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
TOTAL	111920	2414	94280	1822

Both facilities combined:

Total Electric	206200
Total Gas	* 4236

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

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

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

* 1 therm = 100 cubic feet



City of San Rafael

Greenhouse Gas Reduction Strategy Compliance Checklist

Application Name/Address: San Rafael Recreational Facility / 397-400 Smith Ranch Rd

Application Nos.: 2005-01; U05-08; E05-5

Required Elements		
Regulation	Project Compliance	Discussion
Green Building Ordinance (SRMC Chapter 12.44)	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>See San Rafael Sports Complex Sustainability Strategy</i>
Water Efficient Landscape Ordinance (SRMC Section 14.16.370)	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>" (see SRSCSS)</i>
Wood-Burning Appliance Ordinance (SRMC Chapter 12.45)	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>N/A</i>
Construction and Demolition Debris Recycling Ordinance (SRMC Chapter 12.46)	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>" (see SRSCSS)</i>
Commercial/Multi-Family Recycling Regulations (SRMC Chapter XXXXX)	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>Project will be required to meet local waste hauler and city reqmts</i>

Single-Use Carryout Bag Ordinance [Retail projects only] (SRMC Chapter XXXXX)	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>n/a</i>
Take-Out Food Container Ordinance [Restaurant and retail food purveyors only] (SRMC Chapter XXXXX)	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>n/a</i>
Bicycle Parking Regulations (SRMC Section 14.18.090)	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>(see SRSCSS)</i>
Clean-Air Vehicle Parking Regulations (SRMC Section 14.18.040)	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>(see SRSCSS)</i>
Affordable Housing Ordinance [Residential and Non-Residential Projects] (SRMC Chapter 12.44)	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>(see SRSCSS)</i>
Recommended Elements		
Subscribe to Marin Energy Authority "Dark Green" power	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
Wind or solar power generation	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	<i>(see SRSCSS)</i>

Installation or wiring for electric vehicle charging stations	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	(See SRSCSS)
Rainwater storage and reuse	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
Use of recycled water for landscape or toilets/urinals	<input type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	Will be Met, if required by MMWD
Natural filtration of parking lot runoff	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	(See SRSCSS)
Green roof	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
High albedo (reflective) roofing or paving	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	(See SRSCSS)
Preserve significant trees	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	(See SRSCSS)

Sidewalk upgrade	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	(see SRSCSS)
Bicycle lane upgrade	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	(see SRSCSS)
Installation/upgrade of bus shelter	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
Participation in car share program	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
Participation in bike share program	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
Rideshare/TDM coordinator for employees	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
Transit or carpool subsidies for employees	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	

Provision of employee/resident shuttle	<input type="checkbox"/> Project Complies <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
New environmentally preferable ("green") business	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	(See SRSS)

ATTACHMENT 11

REFERENCED HISTORICAL DOCUMENTS

PATRICK K. FAULKNER
COUNTY COUNSEL

JACK F. GOVI
ASSISTANT COUNTY COUNSEL

DOROTHY R. JONES
CHIEF DEPUTY

COUNTY COUNSEL OF MARIN COUNTY

3501 Civic Center Drive, Suite 275
San Rafael, California 94903-5222

(415) 499-6117

FAX (415) 499-3796
TDD (415) 473-2226

RECEIVED

JAN - 1 2010

COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

December 28, 2009


MARI-ANN G. RIVERS
RENEE GIACOMINI BREWER
DAVID L. ZALTSMAN
MICHELE KENO
NANCY STUART GRISHAM
JENNIFER M. W. VUILLERMET
PATRICK M. K. RICHARDSON
THOMAS F. LYONS
STEPHEN R. RAAB
STEVEN M. PERL
SHEILA SHAJI LICHTBLAU
EDWARD J. KIERNAN
JESSICA F. MILLS
DEPUTIES

JEANINE MICHAELS
ADMINISTRATIVE ASSISTANT

VIA E-MAIL AND U.S. MAIL.

Mr. Kraig Tambornini, Senior Planner
San Rafael City Hall
1400 Fifth Avenue
Post Office Box 151560
San Rafael, CA 94901

Re: San Rafael Airport Recreation Facility
Declaration of Restrictions in Favor County of Marin and City of San
Rafael (File No's.: ZC05-01/UP05-08/ED05-18)

Dear Mr. Tambornini:

Our office represents the County of Marin. We write this letter regarding the above referenced project as the owner –along with the City- of an enforceable interest in the real property which is the subject of this land use application and which restricts the uses to which this property may be put.

As you know, this property located at 397 – 400 Smith Ranch Road, commonly known as the San Rafael Airport, (APN's 155-230-10, 11, 12 and 13), is encumbered with a recorded "Declaration of Restrictions" that was executed and recorded by a prior owner of the property in favor of both the County of Marin as well as the City of San Rafael in 1983. (A copy of the Declaration of Restrictions is attached to the mailed copy of this letter for your convenience). And as stated in the staff report authored by another City of San Rafael planner with respect to this project, the current owner, judicially challenged the validity of the covenants within the declaration. However, after extensive litigation in which both the City and County actively participated, the court upheld the restrictions contained in the declaration. (See the staff report authored by Raffi Bolyan, dated February 13, 2006).

Like your City Attorney's Office, our office has also reviewed this declaration, and agree with their conclusion that "...it means what it says – it is a restriction on the potential land uses for the property." We would add, however, the caveat that since this declaration of restrictions specifically runs with the land, the restrictions will exist in

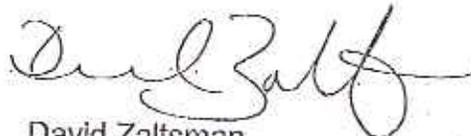
Mr. Craig Tambornini
Re: San Rafael Airport Recreation Facility
December 28, 2009
Page 2

perpetuity. It is also important to remember that at the time the Declaration of Restrictions was approved by the County, the property owner stated the effect would be to "...prohibit any further development of the property..." (See the minutes of the Marin County Board of Supervisors meeting of 11/22/1983 also attached hereto.) Because of this, the County believes it is critical to include in any future land use approvals for this project certain conditions that might not be applicable to land use permits where the regulatory/zoning authority approving the project does not also have a proprietary interest in the property.

Specifically, we would request that a copy of the Declaration be noted in, attached to and incorporated by reference in any land use approvals. In addition, a specific condition(s) should be included noting that any future uses of the structures and related facilities on the property are limited by Declaration of Restrictions. In that way, if for any reason the planned "recreational" use of this 85,700 square foot facility ceases, potential owners/lessees would be on notice of the additional restrictions on future uses of the structures and appurtenant facilities beyond those contained in the relevant general/specific plan and zoning.

Finally, we would also request that any land use permit require that future permit requests be sent to this office so that the County can be assured of its right to intervene should we determine that future uses are not within the scope of the Declaration of Restrictions.

Very truly yours,



David Zaltsman
Deputy County Counsel

Encls.
cc: Rob Epstein, City Attorney
Supervisor Susan Adams

RESOLUTION NO. 6630

A RESOLUTION AUTHORIZING THE SIGNING OF AN
OPTION AGREEMENT AND DECLARATION OF RESTRICTION
WITH FIRST NATIONAL STATE BANK OF NEW JERSEY
(Civic Center North)

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES as follows:

The MAYOR and CITY CLERK are authorized to execute, on behalf of the City of San Rafael, an option agreement and Declaration of Restriction with FIRST NATIONAL STATE BANK OF NEW JERSEY (Civic Center North) contingent upon approval by the City Attorney and the failure of any Councilmember, within 24 hours after receipt of true copies of said documents, to object to said documents.

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 of said City held on Monday the fifth day of December, 1983, by the following vote, to wit:

AYES: COUNCILMEMBERS: Breiner, Frugoli, Nave, Russom & Mayor Mulryan
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

Jeanne M. Leoncini
JEANNE M. LEONCINI, City Clerk

83062935

RECORDED AT REQUEST OF

AGENCY SHOWN

AT MIN. PART 2 M.

DEC 15 1983

Official Records of Marin County, Calif.

William Blaffer

VICE J.B. RECORDER

RECORDING REQUESTED BY:

AFTER RECORDING MAIL TO:

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS is made and entered into by and between the City of San Rafael, a municipal corporation (hereinafter referred to as "City"), the First National State Bank, a national banking association (hereinafter referred to as "Owner"), and the County of Marin, a political subdivision of the State of California (hereinafter referred to as "County"), in connection with the following circumstances:

(a) City is processing at the request of Owner a tentative subdivision map and final subdivision map relating to certain real property of Owner, including the real property designated as "PARCEL B" in the exhibit attached hereto and incorporated herein.

(b) As a condition for approval of said tentative subdivision map and final subdivision map, City has required, and Owner has agreed to, this declaration of restrictions on the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Owner declares that the real property designated as "PARCEL B" in the exhibit hereto shall be held, transferred, encumbered, used, sold, conveyed, leased, and occupied, subject to the restrictions and covenants herein contained, expressly and exclusively for the use and benefit of said real property and for each and every parcel of real property owned by City and by County and by each of them.

1. Limitations On Use. No use of said real property described shall be made or permitted except the following:

RETURN TO: City of San Rafael, Department of Public Works, P.O. Box 60, San Rafael, Cal: formia 94915-0060, ATTN: Office Engineer

(a) Existing uses consisting of an airport and related uses.

(b) Public utility uses as approved by the appropriate government agencies, including flood control, sanitary sewer, gas and electric, and public safety facilities.

(c) Airport and airport related uses.

(d) Roadways.

(e) Open space.

(f) Private and public recreational uses.

~~(g) Any other related uses agreed to by the City, County, and Owner.~~

*Bl
Stu*

2. Run With Land. This declaration of restrictions and the covenants contained herein are to run with the land, and for the benefit of the City and County, and each of them, and shall be binding on all parties and all persons claiming under them, including the successors and assigns of Owner.

3. Enforcement. Enforcement hereof shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any provision herein contained, either to restrain violation or to recover damages, or both. In the event of litigation arising from or relating to this Declaration of Restrictions, the prevailing party therein shall be entitled to an award in a reasonable amount to be set by the Court for attorney fees and costs incurred.

4. Severability. Invalidation of any one of these covenants by a judgment or court order shall in no way affect any other provision hereof, and the same shall remain in full force and effect.

Dated: *Dec 9, 1983*

OWNER - FIRST NATIONAL STATE BANK

BY: *Edward L. Heil*
Edward L. Heil
Senior Vice President

STATE OF NEW JERSEY]
COUNTY OF ESSEX] ss:

BE IT REMEMBERED, That on this Ninth day of November, 1983, before me, a Notary Public of New Jersey, personally appeared Edward L. Heil, Senior Vice President of First National State Bank, who I am satisfied is the person who has signed the within instrument; and I have first made known to him the contents thereof; he did acknowledge that he signed, sealed, and delivered the same as such officer aforesaid; and that the within instrument is the voluntary act and deed of said corporation and he has signed same with the full authority vested in him.

Ruth V. O'Boyle

RUTH V. O'BOYLE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March 7, 1984

83062935

Dated: Dec 14, 1983

CITY

by Lawrence E. Mulryan
LAWRENCE E. MULRYAN, Mayor

ATTEST: by Jeanne M. Leoncini
JEANNE M. LEONCINI, City Clerk

Dated: Dec 14, 1983

COUNTY

by Bob Romiguere
by _____

Deed, Smith Ranch Airport property.

A representative of the First National State Bank of New Jersey addressed the Board requesting authorization for execution of a deed restriction covering the Smith Ranch Airport property. This restriction would prohibit any further development of the property and with the approval of Planning Department and County Counsel, M/s Aramburu-Stockwell, to authorize the Chairman to execute the deed.

AYES: ALL

Marin Community College District

Supervisor Brown advised that the College District is under pressure to meet a \$1.3 million shortfall by leasing and/or selling Indian Valley College and perhaps leasing part of the College of Marin. He noted that this change of land use impacts the local communities of Novato and Kentfield; also, any change of classes from one campus to the other affects traffic patterns on Highway 101 and feeder streets. He suggested that representatives of the Board meet with the College Trustees to jointly assess and plan land use decisions and traffic impact. M/s Aramburu-Giacomini, to appoint Supervisors Stockwell and Brown to represent the Board in discussions with the College District.

AYES: ALL

Supervisor Giacomini asked that the College District be requested to consider establishing class schedules so as not to conflict with commute periods.

#19

HEARING - COUNTY CODE REVISIONS REGARDING ANIMAL CONTROL

The Executive Director of the Marin Humane Society addressed the Board in support of a series of proposed amendments to the Animal Control Ordinance. With regard to Section 8.04.252(a) concerning transportation of animals, she explained that this new section would make it unlawful to carry any dog in the back of a vehicle unless it was contained or restrained in some way. Testimony was received from several students of the Sun Valley School, San Rafael, in support of this section of the proposed ordinance and a representative of the local Veterinarians' Association strongly supported the proposed legislation. A representative of the Marin County Farm Bureau and a West Marin ranch owner expressed concern that this section might cause a problem with transportation of working dogs.

Staff advised that the ordinance would be effective only in the unincorporated areas of the County and Highway 101, but that it was the intention of the Humane Society to seek uniformity throughout the County by requesting the cities to adopt similar legislation. In response to Board members' questions, a representative of the California Highway Patrol advised that they would not be able to make enforcement a top priority but only under exaggerated circumstances when a dog appeared to present a danger to itself or others, would the driver of the vehicle be stopped. Following discussion with staff regarding an exemption which would be satisfactory to the ranchers, M/s Aramburu-Stockwell, to approve Section 8.04.052(a) amended to include the following underlined language:

"No person, other than an individual actually working a dog for ranching purposes, shall transport . . ."

AYES:

ALL

M/s Giacomini-Brown, to approve Section 8.04.252(b), with regard to leaving an animal in an unattended vehicle without adequate ventilation, as proposed.

AYES:

ALL

With regard to Section 8.12.010, Permitting Dogs to Run Deer, Supervisor Stockwell advised of a possible State pre-emption and presented a new Section 8.12.005, as follows:

"Hunting. The provisions of this chapter shall not apply to individuals engaged in hunting activities during the periods and in the manner which is authorized by the California Fish and Game Code and the California Administrative Code."

M/s Stockwell-Giacomini, to adopt Section 8.12.010 as proposed, with the addition of Section 8.12.005 as set forth above.

AYES:

ALL

With regard to Section 8.12.020, Allowing Certain Dogs at Large, M/s Giacomini-Stockwell, to approve this section, as proposed.

AYES:

ALL

(Continued)

reconstruction and repair work.

By letter dated February 14, 2006, on behalf of Supervisor Brown, Community Development Agency Director Alex Hinds and Principal Planner Thomas Lai submitted their report and recommendations regarding the above-captioned matter. Mr. Hinds gave a brief presentation and advised that staff recommends that the Board cap the total amount of waivers to \$20,000 over the next 90 days, subject to renewal by the Board of Supervisors at that time.

M/s Supervisor Brown - Supervisor Murray to adopt Resolution No. 2006-20 authorizing the CDA Director to reduce permit fees for storm-related reconstruction and repair work and cap the total amount of waivers to \$20,000 over the next 90 days.

In response to a question from Supervisor Murray, Mr. Hinds advised that a second press release will be sent to local media to inform the community of this reduction in permit fees and further advised that it will be noticed on the County website.

Thereafter, the vote on the pending motion was

AYES: ALL

9. Supervisor Adams requesting resolution supporting AB 583 (Hancock), the "California Clean Money and Fair Elections Act," related to State funding of candidates running for State offices.

By memorandum dated February 14, 2006, Supervisor Susan Adams submitted her report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor McGlashan, on behalf of Supervisor Adams, to adopt Resolution No. 2006-21 supporting AB 583 (Hancock), the "California Clean Money and Fair Elections Act," related to State funding of candidates running for State offices.

Supervisor Adams requested staff to send the letter of support to Assemblymembers Loni Hancock and Joe Nation.

Thereafter, the vote on the pending motion was

AYES: ALL

10. Request from the Department of Parks and Open Space to discuss issues related to the proposed San Rafael Airport Recreation Facility.

By letter dated February 14, 2006, Parks and Open Space Director Sharon McNamee

submitted her report regarding the above-captioned matter.

Ms. McNamee advised that the deadline for comments on the City of San Rafael's Initial Study and Mitigated Negative Declaration for the proposed facility is February 28, 2006. Ms. McNamee noted that there should be a minor correction made to the information contained in the last bulleted item of the staff report to reflect that the soccer portion of the facility is proposed to be closed from 4-6 p.m., not the entire facility.

Ms. McNamee presented some visual slides of the proposed project site.

Board members commented on some of the issues raised by the Initial Study and Mitigated Negative Declaration and on the responses by County staff to date.

City of San Rafael Community Development Director Robert Brown advised that neither the City nor the applicant received the staff report from the County Department of Parks and Open Space. Mr. Brown commented on some of the project's merits and proposed mitigations, and urged the Board to schedule a public hearing before making any decisions.

North Bay Soccer Foundation President Andrew Rowley presented a brief history of the project and also urged the Board to schedule a public hearing before taking any action.

Football Club Marin President Tighe O'Sullivan spoke in support of the proposed indoor soccer complex and submitted a petition in support of the project.

Marin Indoor Soccer Center representative Ivan Manchip read a letter from McInnis Park Golf Center Partner Catherine Munson in support of the proposed project.

(Supervisor Brown absent at 10:01 a.m.)

Two representatives of Friends of Gallinas Creek and Wetlands and several members of the public expressed concerns regarding environmental, traffic, noise and flooding impacts of the proposed project and submitted photos of the property. Concerns were also expressed regarding the proposed sale of alcohol at the facility.

(Supervisor Brown present at 10:06 a.m.)

A member of the public spoke in support of the proposed soccer facility.

Applicant Bob Herbst submitted the City of San Rafael's Initial Study/Mitigated Negative Declaration and commented on some of the concerns regarding the proposed project. Mr. Herbst presented photos of the area, along with correspondence and petitions supporting the proposed project.

A member of the public urged the Board to consider convening a committee to study the lack of affordable housing.

Board members generally conveyed support for soccer facilities. Supervisors Adams, McGlashan and Brown expressed concerns regarding creek setbacks and environmental impacts to the area's habitat and wildlife and urged the City of San Rafael to incorporate the use of permeable surfaces and green building practices in the project. Supervisor Adams also expressed concern regarding the proposed sale of alcohol at the facility. Supervisor Brown expressed the hope that an allowance for

some general public use of the private facility could be made. Supervisor Kinsey commented that it is appropriate to submit comments on the massing of the proposed structure. Supervisors Murray and Kinsey commented on the critical need for recreational facilities in Marin County.

Board members agreed that it would not be appropriate for the County to hold public hearings since this project is in the City of San Rafael's jurisdiction.

Supervisor McGlashan made a motion to direct staff to compile a comment package regarding the Initial Study to express concerns regarding impacts to habitat and wildlife, creek setbacks, and permeability runoff and flooding issues. After further discussion, he withdrew the motion.

M/s Supervisor Brown - Supervisor McGlashan to direct staff to coordinate comments on the Initial Study from various County departments regarding the inclusion of green building practices, the use of permeable surfaces, and concerns about any environmental impacts of the proposed facility.

AYES: ALL

M/s Supervisor Kinsey - Supervisor Murray to direct staff to remove the request to require an Environmental Impact Report ("EIR") for the proposed facility allowing the City of San Rafael, as the lead agency, to make that determination.

AYES: ALL

(Supervisor Brown absent at 10:50 a.m.)

11. Request from the Community Development Agency to adopt the Urban Environmental Accords, including County sustainability goals, related to the June 2005 "World Environment Day" held in San Francisco.

By letter dated February 14, 2006, Community Development Agency Director Alex Hinds and Planner Dawn Weisz submitted their report and recommendations regarding the above-captioned matter.

Supervisor McGlashan briefly introduced this matter and Mr. Hinds spoke about the Community Development Agency's assessment of current, planned or completed sustainability initiatives. Planner Dawn Weisz briefly commented on the potential cost savings of the actions proposed in the Accords.

M/s Supervisor McGlashan - Supervisor Murray to approve the request from the Community Development Agency to adopt the Urban Environmental Accords, including County sustainability goals, related to the June 2005 "World Environment Day" held in San Francisco.

Board members commented on goal prioritization, directing staff to include the Board in this process. Board members also recommended that the County's progress toward the goals outlined in the Ahwahnee Water Principles, the Cities for Climate Protection Program through the International Council for Local Environmental Initiatives ("ICLEI") and the Urban Environmental Accords be tracked as part of the annual budget process.

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.

CITY OF



San Rafael

*Mayor
Albert J. Boro*

*Council Members
Paul M. Cohan
Barbara Heller
Cyr N. Miller
Gary D. Phillips*

OFFICE OF THE CITY ATTORNEY
Gary T. Ragghianti, City Attorney
Clark H. Guinan, Assistant City Attorney
Eric T. Davis, Deputy City Attorney

August 23, 2005

Steve Petterle
Principal Park Planner
Department of Parks and Open Space
County of Marin
3501 Civic Center Drive, Suite 415
San Rafael, CA 94903

Re: San Rafael Airport; Declaration of Restrictions

Dear Mr. Petterle:

Your letter of July 13, 2005, regarding the proposed recreational facilities at the San Rafael Airport (Smith Ranch Airport), has been referred to this office for a response.

You have stated in your letter that “[a]lthough ‘private and public recreation uses’ are permitted [under the recorded Declaration of Restrictions], the declaration provides no indication that structures related to these uses are allowed.”

I have reviewed the City’s files concerning the PD rezoning for the Civic Center North project approved by Ordinance No. 1449, which included condition “y” that required the foregoing Declaration. I also have spoken to then City Planning Director, Anne Moore, about that condition. All of the available records that I have seen indicate that the condition, as implemented by the Declaration, was intended to limit the uses permitted on the Airport property, not to prohibit structures that would facilitate such uses. Consistent with the Declaration, office, retail, residential, and most non-airport commercial uses are not permitted uses on the Airport property. However, a commercial recreation facility, occupying structures, appears to be consistent with the Declaration since it would be a “private” recreation use.

The City’s earlier General Plan 2000, adopted in 1988, and the current City’s General Plan 2020, adopted in 2004, both acknowledge the Declaration and recognize that “private and public recreational uses” may be carried out on the Airport property. There is nothing in these General Plan documents, adopted by the City Council with opportunity for input by the County,

to indicate that structures would be prohibited to carry out the "private and public recreational uses" permitted at the Airport.

I understand that City staff will be meeting in the near future with County staff to discuss the proposed recreation facilities at the Airport. To assist City staff in preparing for such meeting, we would appreciate your providing us with any documents or other information that you might have that would support an interpretation of the aforementioned Declaration to prohibit structures in connection with the permitted "private and public recreation uses" on the Airport property.

Thank you for your cooperation and assistance.

Sincerely,

Eric T. Davis
Deputy City Attorney

Copy: Rod Gould, City Manager
Bob Brown, Community Development Director
Raffi, Boloyan, Senior Planner

ATTACHMENT 12

OTHER INFORMATIONAL DOCUMENTS



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

DEC - 9 2011

Regulatory Division

SUBJECT: File Number 2006-30121N

Mr. Bob Herbst
San Rafael Airport, I.L.C.
2165A Francisco Boulevard
San Rafael, California 94901

Dear Mr. Herbst:

This letter is written in regard to your request dated November 9, 2011, requesting confirmation of the extent of Corps of Engineers jurisdiction at the San Rafael Airport Recreational Facility located east of the terminus of Smith Ranch Road, and is bordered to the north by the north fork of Gallinas Creek and to the south by the San Rafael Airport runway in the City of San Rafael, Marin County, California (APN 155-230-11 and 155-230-12).

The enclosed map entitled, "Map of Jurisdictional Areas, Marin Ranch Airport, San Rafael, California," in one (1) sheet date certified November 23, 2011, accurately depicts the extent and location of Corps jurisdiction within the study area boundary. We have based this jurisdictional delineation (delineation) on the current conditions of the site, as verified during a field investigation of October 26, 2006, and other information included with your submittal.

We have determined that there are no waters of the U.S. as defined by Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and no navigable waters of the U.S. as defined by Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403) within the study area boundary shown on the attached delineation map for your project. Therefore, a Department of the Army authorization will not be required to complete the activity you are proposing.

The determination that a permit is not required for your activity is based upon an on-site inspection of the project by our staff on October 26, 2006 and our review of "Base Map, Lands of San Rafael Airport LLC, Parcel B-21 RM 70," dated October 17, 2005.

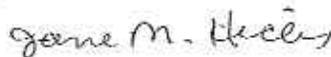
This delineation/determination will expire in five years from the date of this letter unless new information warrants revision of the delineation/determination before the expiration date. Also, a change to your project could also change this delineation/determination. This delineation/determination supersedes our previous delineation/determination dated December 14, 2006.

This delineation/determination does not obviate the need to obtain other Federal, State or local approvals required by law, including compliance with the Federal Endangered Species Act (ESA) (16 U.S.C. Section 1531 et seq.). Even though this activity is not prohibited by, or otherwise subject to regulation under Section 404, the take of a threatened or endangered species as defined under the ESA is not authorized. In the absence of a separate authorization from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are a violation of the ESA. Similarly, the appropriate State of California, Regional Water Quality Control Board may still regulate your proposed activity because of impacts to a "water of the State". Therefore, you should also contact appropriate Federal, State and local regulatory authorities to determine whether your activity may require other authorizations or permits.

You are advised that the Corps has established an Administrative Appeal Process, as described in 33 C.F.R. Part 331 (65 Fed. Reg. 16,486; March 28, 2000), and outlined in the enclosed flowchart and "Notification of Administrative Appeal Options, Process, and Request for Appeal" form (NAO-RFA). If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to the District Engineer for reconsideration or submit a completed NAO-RFA form to the Division Engineer to initiate the appeal process. You will relinquish all rights to appeal, unless the Corps receives new information or a completed NAO-RFA form within sixty (60) days of the date of the NAO-RFA.

Should you have any questions regarding this matter, please call Bryan Matsumoto of our Regulatory Division at 415-503-6786. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter.

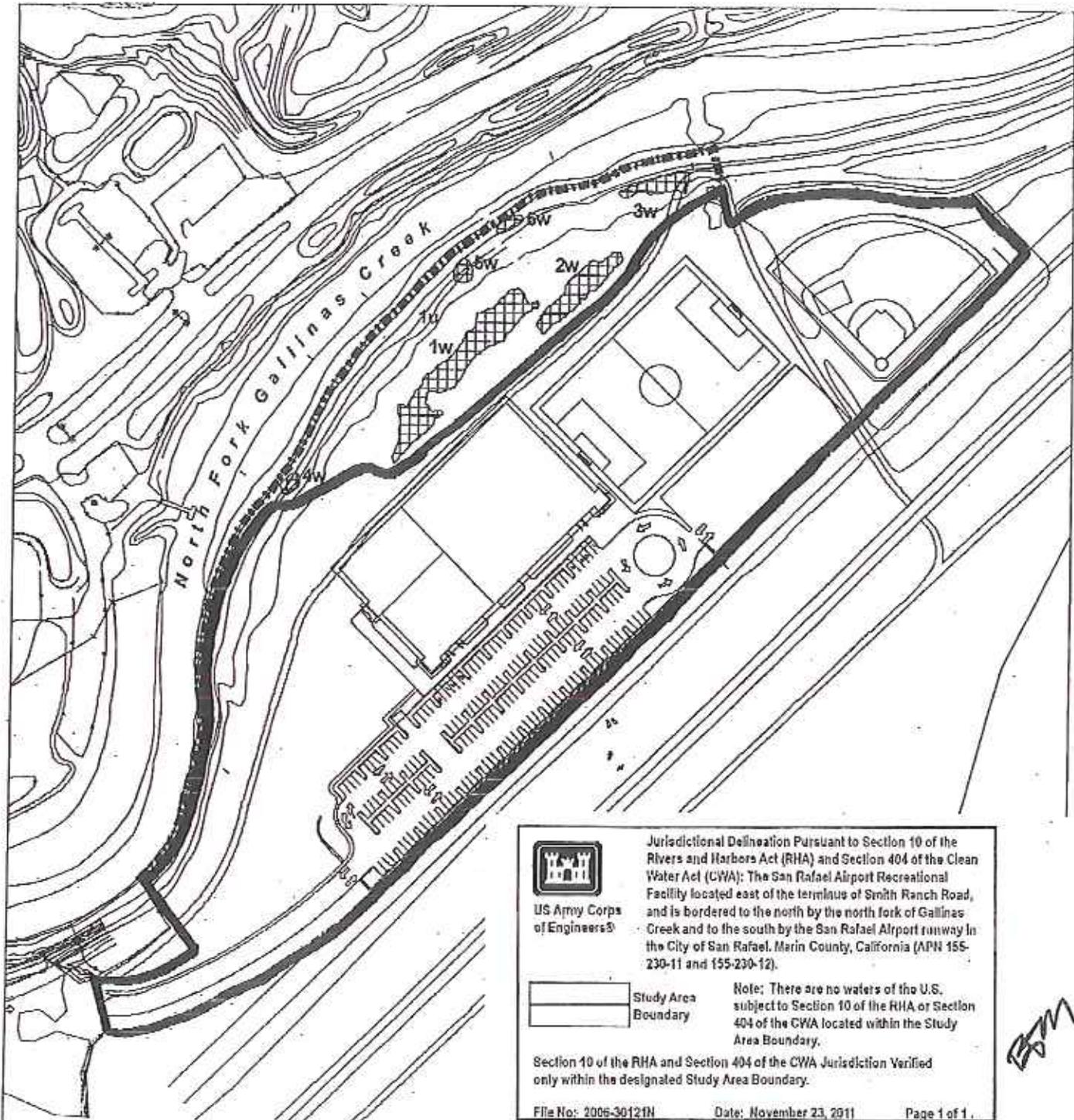
Sincerely,



Jane M. Hicks
Chief, Regulatory Division

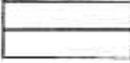
Copy Furnished (w/ delineation map only):

RWQCB, Oakland, CA
WRA, Inc., San Rafael, CA (Attn: Doug Spicher)



 **US Army Corps of Engineers**

Jurisdictional Delineation Pursuant to Section 10 of the Rivers and Harbors Act (RHA) and Section 404 of the Clean Water Act (CWA): The San Rafael Airport Recreational Facility located east of the terminus of Smith Ranch Road, and is bordered to the north by the north fork of Gallinas Creek and to the south by the San Rafael Airport runway in the City of San Rafael, Marin County, California (APN 155-230-11 and 155-230-12).

 **Study Area Boundary**

Note: There are no waters of the U.S. subject to Section 10 of the RHA or Section 404 of the CWA located within the Study Area Boundary.

Section 10 of the RHA and Section 404 of the CWA Jurisdiction Verified only within the designated Study Area Boundary.

File No: 2006-30121N Date: November 23, 2011 Page 1 of 1

BM

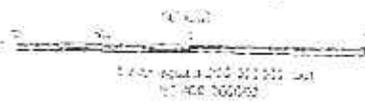
Legend

-  Jurisdictional Areas
-  Study Area Boundary



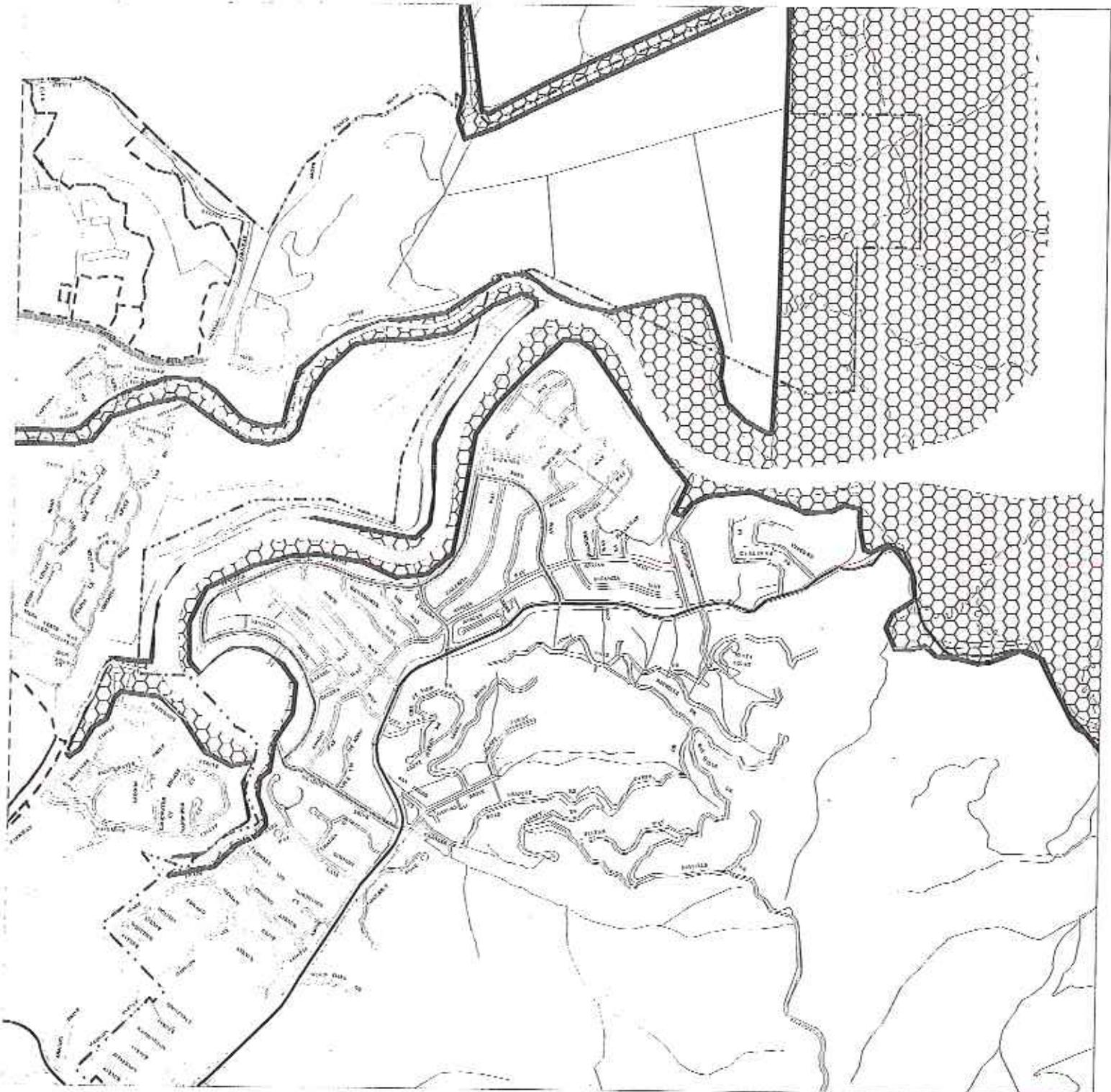
Map of Jurisdictional Areas

Marin Ranch Airport San Rafael, California

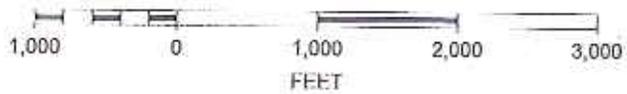


WATER RESOURCES AUTHORITY
 1000 S. GATEWAY BLVD.
 SUITE 1000 SAN RAFAEL, CA 94903
 TEL: 415-456-1000 FAX: 415-456-1001

Tsunami Zone



SCALE 1 : 16,222





**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 10/26/2011*

License Information
License Number: 406441
Primary Owner: ROWLEY LOURDEAUX & HERBERT INC
ABC Office of Application: 27 - SANTA ROSA
Business Name
Doing Business As: SPORTS CITY
Business Address
Address: 6700 STONY POINT RD Census Tract: 1512.01
City: COTATI County: SONOMA
State: CA Zip Code: 94931
Licensee Information
Licensee: ROWLEY LOURDEAUX & HERBERT INC
Company Information
Officer: ROWLEY, ANDREW PAUL (PRESIDENT)
Officer: ROWLEY, MONICA LORENA (SECRETARY/ASST SEC)
Officer: LOURDEAUX, WALLACE J (TREASURER)
Officer: HERBERT, DERRICK DEAN (VICE PRESIDENT)
Stock Holder: HERBERT, DERRICK DEAN
Stock Holder: LOURDEAUX, WALLACE J
Stock Holder: ROWLEY, ANDREW PAUL
License Types
1) License Type: 40 - ON-SALE BEER
License Type Status: ACTIVE
Status Date: 01-JUN-2011 Term: 12 Month(s)
Original Issue Date: 31-MAY-2011 Expiration Date: 30-APR-2012
Master: Y Duplicate: 0 Fee Code: P0
Current Disciplinary Action
... No Active Disciplinary Action found ...
Disciplinary History
... No Disciplinary History found ...
Hold Information
... No Active Holds found ...
Escrow
... No Escrow found ...

--- End of Report ---

For a definition of codes, view our [glossary](#).



**California Department of Alcoholic
Beverage Control**
*License Query System Summary
as of 10/26/2011*

License Information
License Number: 406428
Primary Owner: ROWLEY LOURDEAUX & HERBERT INC
ABC Office of Application: 27 - SANTA ROSA
Business Name
Doing Business As: SPORTS CITY
Business Address
Address: 921 PINER RD Census Tract: 1528.01
City: SANTA ROSA County: SONOMA
State: CA Zip Code: 95403
Licensee Information
Licensee: ROWLEY LOURDEAUX & HERBERT INC
Company Information
Officer: ROWLEY, ANDREW PAUL (PRESIDENT)
Officer: ROWLEY, MONICA LORENA (SECRETARY/ASST SEC)
Officer: LOURDEAUX, WALLACE J (TREASURER)
Officer: HERBERT, DERRICK DEAN (VICE PRESIDENT)
Stock Holder: HERBERT, DERRICK DEAN
Stock Holder: LOURDEAUX, WALLACE J
Stock Holder: ROWLEY, ANDREW PAUL
License Types
1) License Type: 40 - ON-SALE BEER
License Type Status: ACTIVE
Status Date: 10-MAR-2004 Term: 12 Month(s)
Original Issue Date: 10-MAR-2004 Expiration Date: 31-MAY-2012
Master: Y Duplicate: 0 Fee Code: P40
Condition: CODE 8 - SELF-INCORPORATION - HISTORICAL VALUE
License Type was Transferred On: 10-MAR-2004 FROM: 40-332335
Current Disciplinary Action
<i>... No Active Disciplinary Action found ...</i>
Disciplinary History
Reg. Number: 07066874
1) Section: 25658 (a)
2) Section: 24200 (a&b)

Proceeding Status: CLOSED Decision: ALL STAYED
Suspension Days: 10 Stayed Days 10 POIC/Fine:
Suspension Start Date: 2/13/2008 Suspension End Date: 2/23/2008
Hold Information
. . . <i>No Active Holds found</i> . . .
Escrow
. . . <i>No Escrow found</i> . . .

--- End of Report ---

For a definition of codes, view our [glossary](#).



FEMA

November 10, 2011

Kraig Tambornini, Project Planner
Planning Division
City Hall
1400 Fifth Avenue
San Rafael, California 94915

Dear Mr. Tambornini:

This is in response to your request for comments on the Notice of Public Hearing-Planning Commission San Rafael Airport Recreational Facility Project Final Environmental Impact Report (FEIR) SCII #2006-012-125.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Marin County (Community Number 060173) and City of San Rafael (Community Number 065058), Maps revised May 4, 2009. Please note that the City of San Rafael, Marin County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Kraig Tamborini, Project Manager

Page 2

November 10, 2011

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtml>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The San Rafael floodplain manager can be reached by calling Kevin McGowan, City Engineer, at (415) 485-3355. The Marin County floodplain manager can be reached by calling Berenice Davidson, Associate Civil Engineer, at (415) 499-3770.

If you have any questions or concerns, please do not hesitate to call Michael Hornick of the Mitigation staff at 7260.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

Kraig Tambornini, Project Manager
Page 3
November 10, 2011

cc:

Kevin McGowan, City Engineer, City of San Rafael

Berenice Davidson, Associate Civil Engineer, Marin County

Ray Lee, WRIA, State of California, Department of Water Resources, North Central Region
Office

Michael Hornick, Floodplanner, CFM, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



DEPARTMENT OF TRANSPORTATION

AERONAUTICS PROGRAM M.S. #40
1120 N STREET - ROOM 3300
P.O. BOX 942873
SACRAMENTO, CA 94273-0001
(916) 654-4959
TDD (916) 654-4014
FAX (916) 653-9531

Marin Ranch Airport
San Rafael Airport
Marin County

March 25, 1999

Mr. Joe Shekou
2173-D Francisco Boulevard
San Rafael, CA 94901

Dear Mr. Shekou:

We are pleased to enclose the corrected Airport Permit No. Mrn-005 for the San Rafael Airport in Marin County. This corrected permit reflects a change in name and ownership for the airport.

We have shown the physical status and the operating conditions for the airport on the permit. Prior to making any physical change to the airport, the airport's owner must notify the California Department of Transportation, Aeronautics Program, to ensure that the proposed change does not affect the status of the airport's permit.

Also enclosed is a display certificate for the airport that you can post near the airport. If you have any questions, or if we can be of assistance in the future, please do not hesitate to contact us.

Sincerely,

Original Signed by

DANIEL R. GARGAS
Aviation Consultant

Enclosures

bc: DReynolds - District 04
BSpano
Permit File

DRG:jef

u:\lz\permits\ca35-SnRafaeltr.doc

State of California

AIRPORT PERMIT

FOR A SPECIAL-USE AIRPORT

Pursuant to California Public Utilities Code Section 21662, the California Department of Transportation, Aeronautics Program, hereby issues this corrected Airport Permit No. Mrn-005 for the:

SAN RAFAEL AIRPORT
397 Smith Ranch Road
San Rafael, California

Latitude: 38° 00' 55" N.
Longitude: 122° 31' 20" W.

Owned by:

San Rafael Airport, LLC
c/o Joe and Haidy Shekou
2173-D Francisco Boulevard
San Rafael, California 94901

This corrected permit reflects a change in name and ownership of the airport and supersedes the permit dated November 5, 1990. This permit is subject to the following conditions:

1. The airport is to be maintained in accordance with California Code of Regulations, Title 21, Sections 3525 through 3560.
2. The designated traffic pattern is as follows:
 - Right traffic for Runway 22.
 - Left traffic for Runway 04.
 - 1000 feet AGL.
3. The airport is approved for day and night use.
4. A variance is granted to the width of primary surface due to a drainage ditch.

5. A variance is granted to the 7:1 transitional surface which is penetrated by the dike to the north.
6. A variance is granted for a reduced runway length of 2140 feet.
7. A variance is granted to the 20:1 approach surface for Runway 04 for a hill that is 4,500 feet to the southwest.
8. White "Rs" are to be displayed on each end of the runway to denote the airport is privately owned and is not open to the general public.

The physical status of this special-use facility is described below:

Runway 4/22

- Physical length of the runway is 2140 feet.
- Runway is lighted.

This permit shall remain in effect so long as the airport meets the conditions under which the permit was issued or until action is taken by the Department to suspend, revoke, correct, or amend the permit pursuant to the California Public Utilities Code or the California Code of Regulations.

The airport's owner shall apply to the Department for an Amended/Corrected Airport Permit prior to any physical or operational changes at the airport which affect the conditions or physical status above or for a change in airport ownership.

Failure to maintain the airport in accordance with the conditions of this permit is a violation of Public Utilities Code Section 21666 and is punishable as a misdemeanor.



MARLIN BECKWITH, Program Manager
Aeronautics Program
Department of Transportation
State of California

March 25, 1999

Date

State of California

Department of Transportation
Division of Aeronautics
has issued an

AIRPORT PERMIT



For SAN RAFAEL AIRPORT

Owned by San Rafael Airport, LLC

Operated by _____

Located at 397 Smith Ranch Road, San Rafael, California

Latitude 38° 00' 55" N.; Longitude 122° 31' 20" W.

Has received Permit No. Mfn-005

Operation of an airport is hereby authorized under this permit issued pursuant to the laws of the State of California and the rules and regulations of the Department of Transportation subject to any conditions imposed by the Department. This display certificate is not the Airport Permit.

March 25, 1999
DATE

Marlin Beckwith

MARLIN BECKWITH
CHIEF, Division of Aeronautics





NOTICE OF PUBLIC HEARING – PLANNING COMMISSION

You are invited to attend the Planning Commission hearing on the following proposed project:

PROJECT: San Rafael Airport Recreational Facility Project FEIR. The Planning Commission will review and consider whether to recommend to the City Council certification of a Final Environmental Impact Report (FEIR) for the San Rafael Airport Recreational Facility Project (SCH#2006-012-125); proposing a new private recreational facility development on 9.1-acres of the 119.52-acre airport site. A separate hearing will be held at a future date for review and consideration of the project zoning entitlements. A separate notice will be mailed and published at least 15 days prior to the future hearing date. APNs: 155-230-10, 11, 12, 13, 14, 15 and 16; Zoning District: Planned Development – Wetland Overlay (PD1764-WO) District: Applicant/Owners: Bob Herbst/San Rafael Airport, LLC, File No's.: ZC05-01/JP05-08/ED05-15.

–This item was discussed and continued from November 15, 2011–

As noted in the prior Notice of Availability provided in September, 2011 the FEIR is available at City Hall, City of San Rafael Community Development Department-Planning Division-1400 Fifth Ave (3rd Floor), San Rafael Public Library-1100 E Street, Marin Civic Center Library-3510 Civic Center Dr #427, and online at: www.cityofsanrafael.org/Government/Community_Development, under **Whats New?**, San Rafael Airport link. Electronic CD's and limited copies of the document are also available for loan or purchase at the Planning Division.

MEETING DATE/TIME/LOCATION: Tuesday, January 24, 2012, 7:00 p.m. City Council Chambers, 1400 Fifth Ave at D St, San Rafael, CA

FOR MORE INFORMATION: Contact **Kraig Tambornini**, Project Planner at (415) 485-3092 or kraig.tambornini@cityofsanrafael.org. You can also come to the Planning Division office, located in City Hall, 1400 Fifth Avenue, to look at the file for the proposed project. The office is open from 8:30 a.m. to 5:00 p.m. on Monday and Thursday and 8:30 a.m. to 12:45 p.m. on Tuesday, Wednesday and Friday. You can also view the staff report after 5:00 p.m. on the Friday before the meeting at <http://www.cityofsanrafael.org/meetings>

WHAT WILL HAPPEN: The Planning Commission will consider all public testimony and decide whether to recommend certification of the FEIR to the City Council. If the Planning Commission recommends certification of the FEIR, the Planning Commission will review and consider the project zoning entitlements at a separately noticed public hearing, to be scheduled at a later date.

IF YOU CANNOT ATTEND: You can send a letter to the Community Development Department, Planning Division, City of San Rafael, P. O. Box 151560, San Rafael, CA 94915-1560. You can also hand deliver it prior to the meeting.

At the above time and place, all letters received will be noted and all interested parties will be heard. If you challenge in court the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the above referenced public hearing (Government Code Section 65009 (b) (2)). Appeals of decisions by the Planning Commission to the City Council shall be made by filing a notice thereof in writing with the required fee to the Planning Division of the Community Development Department within 5 working days of a decision involving Title 14 (Zoning) (SRMC Section 14.28.030) or within 10 calendar days of a decision involving Title 15 (Subdivisions) (SRMC 15.55.010).

Sign Language and interpretation and assistive listening devices may be requested by calling (415) 485-3085 (voice) or (415) 485-3198 (TDD) at least 72 hours in advance. Copies of documents are available in accessible formats upon request. Public transportation to City Hall is available through Golden Gate Transit, Line 22 or 23. Para-transit is available by calling Whistlesbp Wheels at (415) 454-0964. To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.



NOTICE OF PUBLIC MEETING CONTINUANCE – PLANNING COMMISSION

This is a courtesy notice to advise you of a continued meeting date for the following proposed project:

PROJECT: San Rafael Airport Recreational Facility Project FEIR. The Planning Commission conducted a public hearing on the San Rafael Airport Recreational Facility Project Final Environmental Impact Report (FEIR) (SCH#2006-012-125) November 15, 2011. The Planning Commission closed the public hearing and continued its decision on the FEIR to January 10, 2012, with direction to staff to address further comments.

This notice is to advise that staff will recommend that the January 10, 2012 meeting be continued to a later date.

Thus, staff will not provide a staff report or presentation at the January 10, 2012 meeting, and has tentatively identified January 24, 2012 as a revised meeting date to consider action on the FEIR. A separate public notice will be mailed at least 15 days prior to the rescheduled Planning Commission meeting to consider whether to recommend to the City Council certification of the Final Environmental Impact Report (FEIR) for the project.

FOR MORE INFORMATION: Contact **Kraig Tambornini**, Project Planner at **(415) 485-3092** or **kraig.tambornini@cityofsanrafael.org**. You can also come to the Planning Division office, located in City Hall, 1400 Fifth Avenue, to look at the file for the proposed project. The office is open from 8:30 a.m. to 5:00 p.m. on Monday and Thursday and 8:30 a.m. to 12:45 p.m. on Tuesday, Wednesday and Friday. You can also view the staff report after 5:00 p.m. on the Friday before the meeting at <http://www.cityofsanrafael.org/meetings>

ATTACHMENT 14

PUBLIC COMMENTS
(received after the Nov. 15, 2011 Hearing)

Kraig Tambornini

From: vibesman [vibesman@earthlink.net]
Sent: Wednesday, January 11, 2012 7:38 AM
To: Kraig Tambornini

-----Forwarded Message-----

From: vibesman
Sent: Jan 10, 2012 10:13 PM
To: kraig.tamborini@cityofsanrafael.org
Cc: Rob Epstein
Subject: I oppose the San Rafael Airport Recreational Facility Project

Dear Kraig,

As a project planner for the City Planning Commission, you have an **AFFIRMATIVE** duty to safeguard this section of San Rafael from further pillage. The further development of this fragile and already heavily impacted valley is ill-conceived and unwanted by the humans, birds, coyotes and other inhabitants of this old watershed.

Years ago, this land was alternately a dairy, a brick factory and even a refuse dump, bordered by a Nike Missile sight up the hill, all overlooking this beautiful valley.

What is this sports facility going to do for San Rafael? Why not have the sports facility partner with Albert Park and alternate soccer with baseball. Now that is an ideal spot - served by public transport, with the bus hub conveniently located in the middle. Why transport automobiles to this remote spot? Who is **REALLY** benefiting from this sneaky land grab?

I am angry that San Rafael over and over has trampled over beautiful natural wonders that are part of an incredibly beautiful landscape - and city leaders stand by and do nothing. They used to call San Rafael 'the armpit of Marin'. I now understand why. Witness the ugly mess called Montecito Mall - I find it utterly incredible that the best water views of the mall are in the back?! - who designed this mall? who approved it???

Thanks,
Rose von Buchau

Stephanie von Buchau -- rigorous critic of film, classical music ...
articles.sfgate.com/.../17325505_1_san-francisco-examiner-seattle-op...Cached
Dec 22, 2006 - Stephanie von Buchau, a passionate music and film critic whose take-no-prisoners reviews ran in Bay Area publications and national ...

rose von buchau

Steve Stafford

From: Joan Herriges [jherriges@comcast.net]
Posted At: Friday, December 30, 2011 2:09 PM
Conversation: Airport Sports Complex
Posted To: Community Development Internet Mail

Subject: Airport Sports Complex

I know you have a difficult decision to make regarding the final environmental documents for the sports complex at San Rafael Airport.

As a neighbor (lower Lucas Valley) of over 47 years, who enjoys and cherishes the birds and other wildlife in the Gallinas Creek area, I would ask that as a commission you make a decision on part of the "land". In the past there have been other "heroes" in Marin County who took the hard line on major projects, and history shows we are the better for it.

One other aspect of this complex that bothers me is a cafe that would sell wine and beer. This is simply unacceptable. It is a well known fact that under age drinking is a problem in the county. Watching adults drinking does not set a very good example. Visitors to this complex must drive and highway safety is an issue. Approving the sale of liquor would be using very poor judgment.

Thank you for taking this vote so seriously. With respect, Joan Herriges

20 Twelveoak Hill Drive
San Rafael, CA 94903-1728
(415) 479-4927

Kraig Tambornini

From: Ulrike Steinbach [ulrikesteinbach@hotmail.com]
Sent: Monday, December 26, 2011 2:42 PM
To: Kraig Tambornini
Subject: Book recommendation: Hot: Living Through The Next Fifty Years on Earth

Hello Kraig,

I have been to the meetings regarding the San Rafael Airport Project and heard many neighbors raise concern regarding the levee system. I don't think these concerns were adequately addressed. Further, most often noted as an adaptation response to sea level rise is maintaining marsh area and not developing marsh areas. I have been reading the book [Hot: Living Through The Next Fifty Years on Earth](#) by Mark Hertzgaard and thought about the environmental arguments regarding the airport project and sea level rise. (Do you notice how we never call it the soccer center project? I find that interesting.)

On page 34 in Hot,"some scientists believe our civilization could experience three feet of sea level rise within the next fifty years. It is what the legendary insurance company Lloyd's of London has been told to expect by one of its scientific advisers, Professor David Smith of Oxford University, who projects sea levels will rise 2 meters (6.5 feet) by 2100.

Hertzgaard also talks about Will Travis, the Exec. Director of the SF Bay Conservation and Development Commission which regulates activities in the bay and describes how the Bay Area will look with such a sea level rise.

On page 63 in Hot, ""...In California, the officials building a new bridge across San Francisco Bay apparently didn't get the memo on climate change [Hertzgaard's sarcasm]. The old bridge had been damaged by the earthquake of 1989. Planners made sure its replacement, a \$6.3 billion investment, could withstand future quakes but did not bother to factor sea level rise into their calculations. "The entrance ramps to the Bay Bridge on the East Bay side are at sea level," said Gleick of the Pacific Institute. "Fifty years from now, if not sooner, those ramps will have to be raised,""

I am already concerned regarding the impact to the Bay Area of such a water rise, and this airport project needs to address this issue in its final environmental impact report better than it has. The impact of this project will further threaten my home directly on the Creek.

Thank you,

Ulrike Anne Steinbach

12/27/2011



Smith Ranch Homes

HOMEOWNERS' ASSOCIATION

December 16, 2011

Community Development Department-Planning Division
City of San Rafael
P.O. Box 151560
San Rafael, CA 94915-1560

Attention: Kraig Tambornini, Senior Planner

Re: San Rafael Airport Recreational Facility FEIR

RECEIVED
DEC 20 2011
COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

Dear Planning Commissioners:

On behalf of the Board of Directors of the Smith Ranch Homes Homeowners' Association ("the Association"), I write to urge the Commission to reject entirely the proposed Airport Recreational Facility. For the reasons stated below, the Association supports the large group of San Rafael residents and organizations that are opposed to the project.

1. The proposal is designed to be much more than a mere recreational use, whether "public" or "private", and more than a soccer facility. It would be built and operated for profit-making purposes and should be recognized and regulated as a commercial use, for which the Airport site is not an appropriate location.
2. The contemplated development would have a heavy adverse impact on the sensitive natural areas, including wetlands, which directly adjoin the Airport site.
3. The impact on local traffic and parking, the planned density and extended daily operating periods, and the intention to develop a facility serving the whole of Marin County, are features that clearly contravene the intent of the Declaration of Restrictions, and will adversely affect the residential developments that have been erected in the area north of the Civic Center, in reliance upon the Declaration.
4. The Association represents more than 300 San Rafael residents and condominium owners, who all live in the area near the Airport, and who operate collectively the 30 acre independent living facility known as Smith Ranch Homes. That facility and all its residents would also be directly and adversely affected by the Airport Recreation Project and the high density of use for which it has been designed.

We believe the FEIR is inadequate because it does not sufficiently address the concerns we have indicated. Thank you for considering our opinion.

For the Board of Directors:


Madeline Ingram
President



CENTER for BIOLOGICAL DIVERSITY

DEC 22 2011

December 14, 2011

San Rafael City Council
San Rafael Planning Commission
1400 Fifth Avenue
P.O. Box 151560
San Rafael, CA 94915-1560

Re: San Rafael Airport Recreational Facility EIR and Endangered Species Impacts

The Center for Biological Diversity urges the San Rafael City Council not to certify the final environmental impact report for the proposed San Rafael Airport Recreational Facility, due to significant concerns about the inadequacy of the EIR and the failure to fully address impacts to endangered species resulting from the project.

The Center for Biological Diversity is a non-profit organization that works to protect endangered species and wild places through science, policy, education, citizen activism, and environmental law. The Center has an ongoing interest in protecting endangered wildlife in the San Francisco Bay Area.

The proposed recreational facility project will have potentially significant impacts on several imperiled species protected under the federal Endangered Species Act (California clapper rail, salt marsh harvest mouse and Central Coast steelhead trout) and a bird species fully protected under the California Endangered Species Act, black rail.

We have reviewed the final EIR prepared by the San Rafael Planning Department as well as comments and concerns from local conservation groups. We concur with comments submitted by the law firm of Shute, Mihaly, Weinberger on behalf of Gallinas Creek Defense Council that the EIR does not comply with the California Environmental Quality Act, since it does not adequately describe the project or evaluate all uses that would be permitted, fails to adequately analyze and mitigate the project's significant environmental impacts, and does not adequately discuss alternatives to the proposed project.

We strongly suggest the City Council not certify the final EIR for the project and request the preparation of a legally adequate EIR that fully complies with the California Environmental Quality Act and revisions to the project to avoid impacts to endangered species.

The proposed project would have unacceptable and unmitigated impacts on an important breeding population of the critically imperiled California clapper rail. Surveys in 2008 identified only 543 clapper rails in the entire San Francisco Bay Area. The U.S. Fish and Wildlife Service initial recovery plan for the California clapper rail (U.S. Fish and Wildlife Service 1984) and the recent draft updated recovery plan (U.S. Fish and

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Montana • Illinois • Minnesota • Vermont • Washington, DC

Jeff Miller, Conservation Advocate • 351 California St., Suite 600 • San Francisco, CA 94104
Phone: 415-436-9682 x303 • Fax: 415-436-9683 • jmill@biologicaldiversity.org

Wildlife Service 2010) identify the clapper rail breeding population in Gallinas Creek as one of the most important in the north bay.

The project includes an 85,700 square foot indoor sports building, two outdoor astroturf soccer fields, 300-space asphalt parking lot, night-time lighting and activity, and all the attendant human use and impacts. Yet the FEIR erroneously concludes that the project will not have a significant impact on clapper rails, which are documented to occur immediately adjacent to the project site in the north fork of Gallinas Creek.

The EIR takes the unsupported position that since a biological consultant (Monk and Associates) did not find clapper rails immediately along the shoreline of the project site there will not be direct, significant impacts to clapper rails. The Planning Department has been made aware of additional surveys done by clapper rail experts with Point Reyes Bird Observatory and Avocet Research, which documented numerous clapper rails along the closest shoreline to the project site, as well as throughout the middle, south and upper reaches of Gallinas Creek (2009 PRBO report to the U.S. Fish and Wildlife Service). Additionally, Monk and Associates, PRBO and Avocet Research all documented numerous clapper rail occurrences along the north fork of Gallinas Creek within 200 feet of the footprint of the project, well within range for direct and indirect impacts on clapper rails from construction and use noise, lighting and human activity associated with uses of the proposed project.

The EIR also incorrectly assumes that clapper rails in the vicinity of the project site have somehow adapted to the presence of humans and human activities, implying that construction disturbance, human presence, noise, lighting, and human-adapted predators resulting from the project will not result in significant impacts on nearby clapper rails. The U.S. Fish and Wildlife Service considers the California clapper rail sensitive to human disturbance, particularly during breeding season. Excessive human disturbance and noise during rail breeding season can disrupt breeding and even lead to nest abandonment or reproductive failure. The clapper recovery plan concludes that although the complete effects of human disturbance on rails are unknown, they are potentially significant. The EIR needs to address the likelihood of this level of impacts from additive night lighting, noise, and creation of conditions favorable for human-adapted predators, with resulting potentially significant threats to the species. The project would likely increase predation on rails by attracting non-native predators such as Norway rats and feral cats and by inflating populations of human-adapted native predators such as ravens and raccoons. Man-made structures and human activity can increase predation on clapper rails by providing areas for nesting and roosting of avian predators and attracting rodents due to human litter.

Human activity and disturbance in rail habitat post-project will most certainly be considerably greater than current conditions. Clapper rail habitat in Gallinas Creek is currently separated from most urban activities by the airport runway safety zones, which keep human disturbance in the marshes to a minimum. The exception is the pedestrian and on-leash dog-walking trail along the north bank of the creek bordering McInnis Park, which is infrequently used, primarily during daylight hours. Existing human disturbance

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Montana • Illinois • Minnesota • Vermont • Washington, DC

Jeff Miller, Conservation Advocate • 351 California St., Suite 600 • San Francisco, CA 94104
Phone: 415-436-9682 x303 • Fax: 415-436-9683 • jmillerc@biologicaldiversity.org

and noise occurs mostly on the south side of North Fork Gallinas Creek. The proposed project would bring considerably more human activity and noise to the opposite bank of the creek, where human presence near the creek is currently infrequent, there are no lights, motion and noise are infrequent, mowing is seasonal, traffic is limited to airport users and nighttime activity is essentially nonexistent. The proposed seasonal restrictions on construction and buffer zones specified as mitigation measures do not eliminate or significantly reduce all potential impacts on clapper rails.

The potential impacts on water quality and habitat for steelhead trout due to runoff from 300 new asphalt parking spaces and artificial turf fields draining into the Gallinas Creek watershed have not been adequately evaluated or mitigated in the FEIR.

The FEIR does not contain specific mitigations adequate to address these endangered species concerns. Due to unacceptable impacts to critical populations of endangered wildlife, the proposed project site is an inappropriate location for the facility. There are much more appropriate locations for athletic fields, yet clapper rails have very limited suitable marsh habitat remaining.

An additional concern is the finding that greenhouse gas emissions are "significant" and new information on greenhouse gas emission levels and the failure of the project to meet BAAQMD guidelines.

The final environmental impact report should not be certified and the environmental impact report should be re-circulated to address these issues.

Sincerely,



Jeff Miller
Conservation Advocate
Center for Biological Diversity

Planning Division
City of San Rafael
1400 5th Ave.
San Rafael, CA 94901-1943

December 20, 2011

Dear Members of the Planning Division:

Please do not allow the horrible Soccer/Complex proposal to be approved. If we continue to destroy what makes Marin so unique and treasured, we will not be able to reverse the mistakes. We need to turn the Gallinas Creek area into an environmental education facility and invite children from all over California to visit and learn the importance of preserving.

If the hideous condo complex on North San Pedro Road had remained commercial and sought out a company large enough to keep 200 cars off the highway heading South, we would not be in that sorry situation.

Thank you for your time.

San Rafael resident for 35 years.

Nancy Murphy

59 Village Circle

San Rafael, CA 94903

(415) 492-0230, ext. 308 (office)

RECEIVED

DEC 20 2011

COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, January 03, 2012 4:07 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#275]

Name * Janet Pero

Email * mad5pero@yahoo.com

Message to the Planning Commission * Both my daughters play soccer and Marin is in desperate need of quality facilities. You must approve this project!

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Monday, January 02, 2012 8:54 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com&€Ž
Subject: Thank you for your time. [#274]

Name * Marcus Witte

Email * mlwitte@hotmail.com

Message to the Planning Commission * Dear Planning Commission;

I supported this complex almost 5 years ago and still do today. In fact, with budget cuts and the economy there are fewer fields to play any sport on, in worse conditions and more players playing sport as we all try to maintain healthy lifestyles...

Please continue to work hard for the future and incorporate this project in our future here in Marin. Thanks for your efforts.

Former Dixie Youth Soccer Boardmember, Manager of U16 boys team in Central Marin, parent of two kids and player as well.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Friday, December 09, 2011 4:26 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#273]

Name * Robert Kelly

Email * rob@solarcity.com

Message to the Planning Commission * Yeah Soccer in Marin! Drop your smart phone, get off the couch, turn off your TV, its time to get some excercise, build community, and learn through sport.

i am indeed in support of building this facility right hear in Marin. The community needs more areas to gather in healthy arena beneficial to all who participate. I can't imagine a single downside.

Thank you,
Rob Kelly
Dominican area San Rafael

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Friday, December 09, 2011 10:06 AM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#272]

Name * Steve Grant

Email * chief94903@live.com

Message to the Planning Commission * I've been a resident of Santa Venetia and an active soccer player most of my life. I've played 12 years in the SF Soccer Keague because it offered great competition but more importantly began to upgrade their playing surfaces from natural grass to nexturf over the past 5 years. It has doubled the participation and enrollment, not only in soccer, but other field team sports as well.

We desperately need a facility for our families, kids and community in Marin County for kids and adults who love soccer and fun competition that team sports and solid facilities can bring

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Friday, December 09, 2011 9:19 AM
To: dist2@letmarinplay.com; lmanchip@yahoo.com&€Ž
Subject: Thank you for your time. [#271]

Name * Brendan Seigal

Email * bdseigal@yahoo.com

Message to the Planning Commission * Team sports foster the skills of togetherness, communication, face to face interaction, community bond making, and a whole slew of others. Let's allow the forum for our youths the space necessary to develop those skills. Please build the sports complex.

Santa Venetia Enthusiast

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Wednesday, November 30, 2011 5:03 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#270]

Name * Karen Guerry
Email * blackcatcafe@hotmail.com

Message to the Planning Commission *

ABSOLUTELY NOT.

I already pick up trash out of the waterway on my walks that comes from the existing soccer fields. There are signs that say watch out for the Clapper Rail that is an endangered species here. The Heron's and the Egret's not too mention the numerous other unseeable inhabitants can't handle the increased traffic. Serving wine and beer until midnight is scary. Last I heard there wasn't even Paramedic service in this area. The city will need to add stop lights at numerous intersections across Smith Ranch Rd. and add better freeway access (not just one lane) to accommodate the traffic coming from the Park and from the other side, Lucas Valley to account for the building of the Lucas property. Is the city prepared to add these things before building all this stuff? McInnis Golf Course can't even keep their assets in the black and is about to go under. Why don't you wait a few years to see if McInnis makes it before going ahead with another recreation area (Isn't that what McInnis Golf Course is?)

This is not an appropriate area for this park at this time. Please do not approve this.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Friday, November 18, 2011 9:25 AM
To: dist2@letmarinplay.com; lmanchip@yahoo.com–
Subject: Thank you for your time. [#254]

Name * Fernando Monroy

Email * fern@monroycover.com

Message to the Planning Commission *

Dear Commission,

As a parent, soccer coach, and soccer player I'm in full support of the San Rafael Sports Complex. There are many reasons why you should consider approving this complex such as it's something for both adults and kids to do that is healthy and fun! Not to mention that tax revenue would stay in Marin County, rather than going to SportsCity in Petaluma or Mare Island Sports Complex in Vallejo. Plus jobs would be created. However, the main thing is the kids.

Adults talk about not enough to do for kids, well here is a project offering something for everyone in different sports.

Thank you,

Fernando Monroy

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, November 22, 2011 5:29 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#256]

Name * Virginie Bryan

Email * virginie@gene.com

Message to the Planning Commission * I support this project. Very much needed in Marin for a healthier community.

Thanks!

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, November 22, 2011 6:07 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#258]

Name * Josh Gibson

Email * josh.gibson@ucsf.edu

Message to the Planning Commission * I live in Terra Linda and strongly support the San Rafael Airport Sports Complex coming to fruition. Our community needs recreational facilities like this! Please help make it a reality.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, November 22, 2011 7:55 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#260]

Name * MICHAEL MACDANIEL

Email * MICHAEL@MACDANIEL5.COM

Message to the Planning Commission * MY FAMILY AND I FULLY SUPPORT MOVING FORWARD WITH THE SAN RAFAEL SPORTS CENTER.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Wednesday, November 23, 2011 9:29 AM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#262]

Name * John Chuday

Email * jchuday@gmail.com

Message to the Planning Commission * why not?

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Wednesday, November 23, 2011 8:59 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com&CZ
Subject: Thank you for your time. [#264]

Name * Bruce Friedman

Email * bfriedman@pacbell.net

Message to the Planning Commission * I am in full support of the The San Rafael Sports Complex. I think it will be great for the community.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Saturday, November 26, 2011 12:53 AM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#266]

Name * Ali Misaghi

Email * ali_misaghi@hotmail.com

Message to the Planning Commission * a new complex is definitely a must in the marin area.
Thank you for your time and consideration.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Sunday, November 27, 2011 8:57 AM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#268]

Name * jason rendel

Email * jasonrendel@hotmail.com

Message to the Planning Commission * I am in favor of the San Rafael Rec facility project and want it to move forward.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Thursday, November 17, 2011 2:49 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#253]

Name * michael newman

Email * newman7546@sbcglobal.net

Message to the Planning Commission * we support this?

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, November 15, 2011 6:19 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#250]

Name * Mert Howard

Email * mert62001@yahoo.com

Message to the Planning Commission * I live in Lucas Valley and have two children in the Dixie School District. I am a Board Member of the Dixie Youth Soccer Association and a partner at Hanson Bridgett LLP. I am a lifelong soccer player and enthusiastically support this project. Let's give our kids a fun place to stay fit. We need more community gathering places. Live a real life, not a virtual one.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, November 15, 2011 6:45 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#251]

Name * Sean King

Email * seanking74@yahoo.com

Message to the Planning Commission * I support the San Rafael Recreational Facility Project. The venue will be a great gathering point for the community and it will promote health and fitness for all ages.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Wednesday, November 16, 2011 10:06 AM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#252]

Name * John Brooks

Email * jbsocc@yahoo.com

Message to the Planning Commission * As a former professional player and longtime Marin soccer coach I urge you to please consider this Facility Project. Marin County is 15 years behind many other areas not only Bay Area but nationally.

Kids and adults badly need such a facility. It is long overdue.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Monday, November 28, 2011 9:32 AM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#269]

Name * Michael Pallas

Email * michaelpallas@gmail.com

Message to the Planning Commission * I have enjoyed the parks on San Rafael form many years now and view this project as vital to the development of the park are.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Saturday, November 26, 2011 7:32 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#267]

Name * Jody Timms

Email * jodytimms@comcast.net

Message to the Planning Commission * Please support the San Rafael Recreational Facility Project. My son has played soccer in Marin for over 10 years and finding fields has long been a major problem. We need this facility in this county!

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Thursday, November 24, 2011 9:21 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#265]

Name * Simon Pang

Email * simontpang@hotmail.com

Message to the Planning Commission * I've been playing soccer at the McInnis Park for 19 years. I am a past president of the Marin Soccer League, a men's amateur league. From a public health point of view, playing soccer keeps us physically and emotionally healthy. Build this sports complex, for the public good.

Simon Pang

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Wednesday, November 23, 2011 2:54 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#263]

Name * Jeanie Santi

Email * jeanie.santi@gmail.com

Message to the Planning Commission * Please make this sports complex happen. We have daughters who play a lot of soccer out side of Marin because the county doesn't have sufficient playing fields. This complex would be an asset to the city and county. It would also generate income for people coming to San Rafael to play in the complex. Please make this happen!

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, November 22, 2011 8:08 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#261]

Name * Amy Brandon

Email * ajovono@yahoo.com

Message to the Planning Commission * This would be a wonderful addition to the San Rafael community. The sports complex has my and my family's support!

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, November 22, 2011 6:34 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com&€Ž
Subject: Thank you for your time. [#259]

Name * cindy greenberg

Email * ecschten@lvha.net

Message to the Planning Commission * we are very excited about a soccer complex it will be very beneficial to our community

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, November 22, 2011 5:38 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#257]

Name * Sophia Calvi

Email * scalvi2008@gmail.com

Message to the Planning Commission * To Whom It May Concern:

I just wanted to make sure you know how important this complex will be in bolstering the soccer community not only locally but for all of Marin. You have my entire families support as well as many others. I look forward to seeing it completed.

Best,

Sophie Calvi

Terra Linda Resident

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Monday, November 21, 2011 12:50 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#255]

Name * Karl Buder

Email * kbuder@msn.com

Message to the Planning Commission *

Ladies and gentlemen:

As the president of the Marin Soccer League, an adult league that has been in existence for over 50 years, I represent approximately 800 adult soccer players. As a Marin resident for over 35 years, I have attempted to improve the playing fields in Marin during that time without success, due largely to the limited funds available to the county and the municipalities. To date the fields at McInnis Park are the only venue where adult soccer players have regular access to playing fields, however, overuse makes these natural grass fields very dangerous to play on. Hence, the San Rafael Airport Sports Complex with their artificial turf fields will greatly enhance our ability to enjoy the sport we love. In addition to the adult leagues, the facility will also be able to host youth activities, as well as having a location to enjoy food and entertainment.

We wholeheartedly endorse this project and encourage the San Rafael Planning Commission to approve its request!

Very truly yours,

Karl Buder
President
Marin Soccer League