

Exhibit 4
ORDINANCE NO. ____

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

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

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

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

WHEREAS, on January 24, 2012, the Planning Commission voted 6-0 (member Paul Absent, due to a conflict of interest) adopting Resolution No. 11-16 recommending to the City Council certification of a Final Environmental Impact Report/Response to Comments (FEIR) (SCH#2006012125) for the San Rafael Airport Recreational Facility Project; and

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

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

WHEREAS, on June 6, 2012, the Planning Commission by separate resolution 12-08 and vote of 5-1-1 (Sonnet opposed, Paul absent) has recommended to the City Council adoption of CEQA Findings of Fact for the San Rafael Airport Recreational Facility Project; and

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

WHEREAS, at its June 6, 2012 meeting the Planning Commission adopted Resolution 12-09 by 5-1-1 vote (Sonnet opposed, Paul absent) recommending the City Council adopt the PD rezoning for the San Rafael Airport Recreation Facility project; and

WHEREAS, on December 3, 2012, the San Rafael City Council held a duly-noticed public hearing on the proposed Rezoning, as required by State law, accepting all oral and written public testimony and the written report of the Community Development Department staff reports relevant to the proposal, closed the public hearing and voted to continue the matter for its deliberation on December 17, 2012 and directing staff to provide responses to specific questions raised at the hearing; and

WHEREAS, on December 17, 2012, the City Council received responses to its questions of staff and the consultant and conducted its deliberations on the project FEIR and merits; and

WHEREAS, the City Council by separate resolution has certified the Final Environmental Impact Report/Response to Comments (FEIR) (SCH#2006012125) for the San Rafael Airport Recreational Facility Project; and

WHEREAS, the City Council by separate resolution has adopted CEQA Findings of Fact and Mitigation Monitoring and Reporting Program for the San Rafael Airport Recreational Facility Project, in compliance with California Environmental Quality Act (CEQA) Guidelines; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. Findings.

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and findings of the Planning Commission Resolution 12-09 recommending to the Council adoption of this ordinance, are true and correct.

DIVISION 2. Approval.

The City Council of the City of San Rafael hereby adopts the ordinance approving the San Rafael Airport – Planned Development District ‘Zoning Map’, ‘Development District’ standards and property ‘Legal Description’ as presented in Attachments “A” through “C” attached hereto and incorporated herein by reference.

DIVISION 3. Publication.

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

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

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

GARY O. PHILLIPS, Mayor

ATTEST:

ESTHER C. BIERNE, City Clerk

The foregoing Ordinance No. ____ was read and introduced at a regular meeting of the City Council of the City of San Rafael on Monday, the ____ day of December, 2012, and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

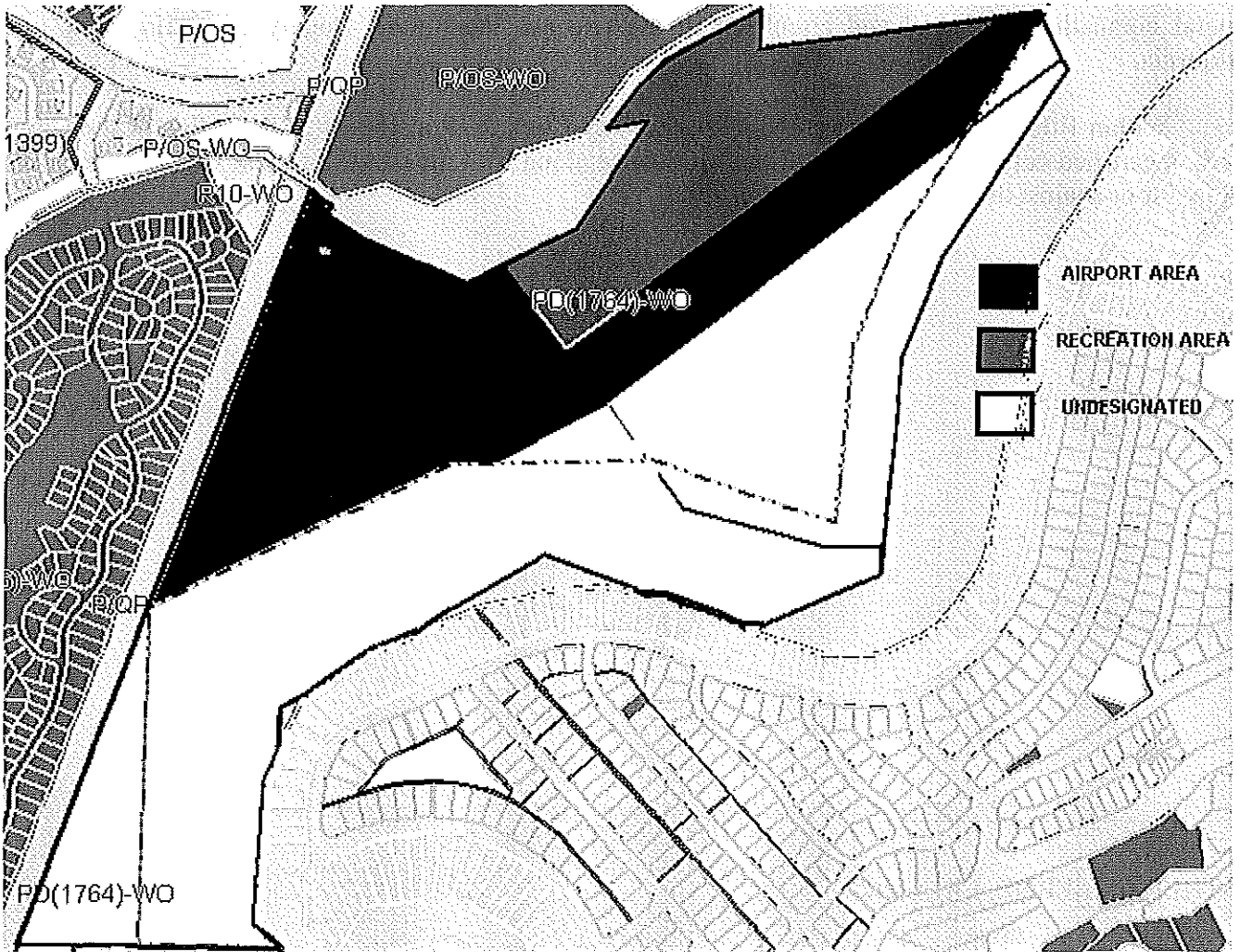
ABSENT: Councilmembers:

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the ____ day of ____, 2012.

ESTHER C. BIERNE, City Clerk

Attachment A

ZONING MAP



Attachment B

SAN RAFAEL AIRPORT – PLANNED DEVELOPMENT DISTRICT

I. PURPOSE OF PLANNED DEVELOPMENT DISTRICT

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

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

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

II. LAND USES

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

A. Permitted Land Uses

None

B. Conditionally Permitted Primary Uses:

- 1. Private airport. Use limited to 100-based aircraft; non-aviation uses consistent with those described in Attachment D and permitted by use permit; 100 airplane hangars; two residential units for a caretaker and security guard; 2,450 square foot non-aviation building (that has been constructed as part of the 22,500 square feet commercial/light industrial buildings); and landscaping and parking area improvements.
- 2. Private recreational facility. Indoor multi-purpose gymnasium and outdoor field recreational areas for exercise, training, recreation, and instruction for individuals or groups. Examples include but are not limited to gymnasiums, sports/court facilities, dance, gymnastics, swimming, etc. This facility may include accessory uses such as community

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

C. Ancillary Land Uses

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

D. Undeveloped Areas

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

E. Zoning Entitlements Required

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

II. DEVELOPMENT STANDARDS

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

A. Minimum Lot Area

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

B. Allowable Lot Coverage

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

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

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

C. Gross Building Areas

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

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

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

D. Setbacks

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

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

E. Building Height

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

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

F. Parking Standards

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

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

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

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

G. Conservation Area

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

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

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

H. Levee Protection

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

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

I. Undesignated Land Area

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

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

J. Definition of Terms

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

III. EXHIBITS

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

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

IV. AMENDMENTS

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

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

Attachment C

Legal Property Description

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

PARCEL ONE:

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

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

Attachment D

Permitted Non-aviation Use at San Rafael Airport Facility

KEY	TENANT	TYPE OF USE	DESCRIPTION	EMPLOYEES	UPDATE
2	Steve Cosey	Auto Repair	Warehouse w/small office Outside storage	3	Building formerly occupied by Underground Construction fenced yard approx. 900 sf
3	Pat Phillips	Boat repair and storage	Shop	3	No change. Use is same under new plan .
4	Bartlett Tree Experts Remote Yard	Contractor	Outside storage	0	Relocated, next to Linscott's yard approx. 3500 S.F, formerly Roots yard
5	H&H Management	Grazing	Livestock, hay and grain storage structures, fences, staging areas	0	H&H will reintroduce in future.
6	Lulu Metal	Metal Sculpture Artist	Workshop. Storage of materials	1	Formerly Community Playgrounds.
7	Superior Roofing	Contractor	Small office, shop and fenced storage of roofing supplies and equipment.	4	Building formerly occupied by Caron plumbing, Storage yard Formerly used by Lyle Reed Striping and Newton trucking, The yard shape is adjusted under the new plan; otherwise there are no changes.
8	demolished	Warehouse	Shop and storage within building.	2	Demolished as part of current Master Plan improvements.
9	Tom Muirhead	Warehouse	Cabinet shop and storage within building	1	Replaced Bartlett Tree Experts
10	Vacant	Office	Contractor's office.	2 (assumed)	Formerly Rich Nave Building Contractor office.
11	Walt Jewell Trucking	Truck storage		1	No change. Under new plan remains in approximately same place.
12	3 Containers (southwest of Linscott)	Misc. Storage	8' X 20' sea containers	0	Current use is as permitted under condition #8 of previous use permit Under new plan these are eliminated.
13	Bartlett Tree Experts	Contractor	Office shop and fenced storage yard.	14	Building and fenced yard Previously occupied by Bauman then Four Seasons.

Exhibit 5
RESOLUTION NO. ___

RESOLUTION OF THE CITY OF SAN RAFAEL CITY COUNCIL APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED05-15) FOR THE CONSTRUCTION OF A NEW 85,700-SQUARE-FOOT RECREATIONAL BUILDING, TWO OUTDOOR FIELDS, AND ASSOCIATED SITE IMPROVEMENTS, LANDSCAPING AND PARKING AND AN AMENDMENT TO THE MASTER USE PERMIT (UP05-08) TO ALLOW THE ADDITION OF RECREATIONAL USES ON A VACANT PORTION OF THE 119.5-ACRE SAN RAFAEL AIRPORT PROPERTY LOCATED AT 397-400 SMITH RANCH ROAD (SAN RAFAEL AIRPORT RECREATIONAL FACILITY PROJECT)
(APN'S: 155-230-10, 11, 12, 13, 14, 15 AND 16)
ZC05-01, UP05-08, ED05-15

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

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

WHEREAS, on July 19 and November 8, 2005, the City of San Rafael Design Review Board reviewed the project and at its November 8, 2005 meeting by a 3-2 vote recommended approval of the project site and building design; and

WHEREAS, on January 24, 2012, the Planning Commission by adoption of a separate resolution on a 5-1-1 vote (Sonnet opposed, Paul absent) recommended to the City Council the certification of a Final Environmental Impact Report/Response to Comments (FEIR) (SCH#2006012125) for the San Rafael Airport Recreational Facility Project, consisting of construction of a new recreational facility with a two-story building, two outdoor fields and associated parking, landscaping and related site improvements on an undeveloped portion of the 119.5-acre San Rafael Airport property located at 397-400 Smith Ranch Road; and

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

WHEREAS, on May 29, 2012, the City of San Rafael Planning Commission held a duly-noticed public hearing on the proposed Rezoning, Environmental and Design Review Permit and Master Use Permit requests, accepting all oral and written public testimony and the written report of the Community Development Department staff. The Planning Commission closed the May 29, 2012 public hearing and

Exhibit 5

continued its meeting to June 6, 2012 in order to conclude its deliberations on the San Rafael Airport Recreation Facility project; and

WHEREAS, at its June 6, 2012 meeting the Planning Commission voted 5-1-1 to (Sonnet opposed, Paul absent) to adopt three separate resolutions recommending to the City Council 1) Resolution 12-08, adoption of CEQA Findings of Fact for approval of the project, 2) Resolution 12-09, adoption PD Rezoning Ordinance, and 3) Resolution 12-10, approval of Master Use Permit and an Environmental and Design Review Permit for the project; and

WHEREAS, on December 3, 2012, the City of San Rafael City Council held a duly-noticed public hearing on the proposed Rezoning, Environmental and Design Review Permit and Master Use Permit requests, accepting all oral and written public testimony and the written report of the Community Development Department staff, closed the public hearing and voted to continue the matter for its deliberation on December 17, 2012 and directing staff to provide responses to specific questions raised at the hearing; and

WHEREAS, on December 17, 2012, the City Council received responses to its questions of staff and the consultant and conducted its deliberations on the project FEIR and merits; and

WHEREAS, the City Council by adoption of a separate resolution Certified the San Rafael Recreational Facility Project FEIR prior to its review of the application requests for a Rezoning (ZC05-01) amendment from Planned Development (PD1764)-WO to Planned Development (PD)-WO to establish zoning standards for the recreational facility development, amendment to the Master Use Permit (UP05-08) to establish uses and conditions for the recreational facility use, and Environmental and Design Review Permit (ED05-15) for construction of the building and related site improvements; and

WHEREAS, by adoption of a separate resolution, the City Council has adopted CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, consistent with the requirements of CEQA, the mitigation monitoring and reporting program prepared for the project outlines the procedures, steps and requirements for implementing all mitigation measures identified in the FEIR. The mitigation measures contained in the MMRP have been incorporated into the draft conditions of approval; and

WHEREAS, by adoption of a separate resolution, the City Council has adopted the Planned Development (PD) Rezoning request (ZC05-01) to the City Council, which would establish the appropriate development regulations and land use limitations for the new indoor and outdoor recreational facility; and

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

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

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

- A. The proposed indoor and outdoor recreational facility use, as conditioned, is in accord and consistent with the San Rafael General Plan 2020, the objectives of the Zoning Ordinance and the purposes of the Planned Development District in that: a) the addition of an indoor and outdoor recreational facility to this site is consistent with the types of uses allowed by the Airport/Recreation General Plan land use designation assigned to this site; b) the project and the use would be consistent with the General Plan 2020, as identified in the General Plan consistency table Exhibit 4a of the staff report prepared for the project and also detailed in Environmental and Design Review Permit Finding A below; c) the new indoor recreational facility use, in conjunction with the existing airport and limited light-industrial structures on site, would total a 0.06 floor area ratio (FAR), which would be within the permitted FAR limits of the San Rafael General Plan 2020 for the North San Rafael area; d) the Planned Development District regulations, as amended, would permit the proposed recreational use at the designated intensity in a manner consistent with the goals and policies of the San Rafael General Plan 2020; and e) would introduce a new use that is compatible and comparable with the regional recreational facility located immediately to the north of the site.
- B. The proposed indoor and outdoor recreational use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvement in the vicinity, or to the general welfare of the City in that: a) a Final Environmental Impact Report has been prepared and recommended for adoption by separate resolution pursuant with the provisions of the California Environmental Quality Act (CEQA); b) the project has been reviewed by appropriate City Department's and other permitting agencies; c) conditions of approval have been included to avoid such detriment; d) the type and intensity of the use would complement and be similar to the adjacent recreational facility; and e) the structure has been reviewed for compliance with airport safety regulations and found to be acceptable in its siting and location near the existing private airport.
- C. The proposed indoor and outdoor recreational use would comply with each of the applicable provisions of the PD District, as amended, and other applicable provisions in the Zoning Ordinance in that the project:
- 1) Would be consistent with the Planned Development District, as revised. Findings to grant an amendment to the Planning Development District have been made through the adoption of a separate resolution.
 - 2) Has been designed to preserve and protect the potential wetlands found on the site and the project does not propose to fill any of these potential wetlands. Furthermore, the proposed structures and site improvements would provide a setback exceeding the minimum 50-foot setback required by Chapter 13 (*Wetland Overlay*) of the Zoning Ordinance.
 - 3) Would provide a building setback and development free buffer from the creek to the north exceeding the maximum 100-foot setback required by the Creeks and Other Watercourse section of Chapter 16 (*Site and Use Regulations*) of the Zoning Ordinance.
 - 4) Has been evaluated for noise impacts and would not exceed the standards prescribed in the Noise Standards section of Chapter 16 (*Site and Use Regulations*) of the Zoning Ordinance.
 - 5) Has been reviewed for conformance with the City's Review Matrix as prescribed by the Geotechnical Review section of Chapter 16 (*Site and Use Regulations*) to assess hazards, determine optimum location for structures, and present any special structural requirements and

been found to be feasible from a geotechnical engineering standpoint with the inclusion of recommendations, and these design recommendations have been incorporated into the project through project conditions of approval.

- 6) Would provide off-street parking in excess of that found to be minimally required for the recreational use, pursuant to Chapter 18 (*Parking*) of the Zoning Ordinance, through a parking analysis prepared for the proposed facility which has been reviewed and accepted as adequate by the City traffic engineer. Further, the parking facilities have been designed to closely meet all parking standards of this chapter, including landscaping, size and bicycle parking requirements.

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

- A. The project design, as proposed and as conditioned, is in accord with the San Rafael General Plan 2020 in that:
 - 1) The proposed project as designed and conditioned would be consistent with Land Use Element Policies LU-2 (*Development Timing*), LU-3 (*Project Selection Process*), LU-9 (*Intensity of Nonresidential Development*), LU-10 (*Planned Development Zoning*), LU-12 (*Building Heights*), LU-14 (*Land Use Compatibility*), LU-22 (*Odor Impacts*) and LU-23 (*Land Use Map and Categories*) given that the project: 1) would be approved at a time when there is adequate infrastructure to serve the proposed development; 2) would not exceed the maximum floor area ratio intensity of 0.30 allowed in the North San Rafael area; 3) is part of a Planned District and includes a request for Rezoning to allow the addition of a recreational facility; 4) would not exceed the maximum building height of 36 feet allowed for this part of San Rafael (measured pursuant to the 1997 UBC method, as defined under the Zoning Code); 5) has been designed and conditioned to minimize potential nuisance effects from construction and operational noise, lighting and traffic on adjacent residential and recreational properties; 6) would not be susceptible to odor impacts from the wastewater treatment plant; and 7) would be consistent with the Airport/Recreation land use designation in that the use is a private recreational use open to the general public and is therefore consistent with the land use designation and restrictive covenant for this property.
 - 2) The proposed project as designed and conditioned would be consistent with Housing Element Policies H-18 (*Adequate Sites*) and H-24 (*Contributions Towards Employee Housing*) in that: 1) the site is not identified as a housing opportunity site since residential development is not allowed as a result of the covenant and the General Plan land use designation; and 2) the project would be required to contribute towards affordable housing through payment of an in-lieu housing fee due to the housing needs created by the additional employment generated by this facility.
 - 3) The project is consistent with the applicable sections of the Neighborhoods Element Policy NH-149 (*San Rafael Airport*). The proposed recreational use is consistent with the policy directive to recognize the valuable recreational characteristics of the site and further identifying private and public recreational use as an allowed use. The project does not propose open space uses, such as public viewing areas and enhanced riparian areas, which would be allowed and potentially further implement that portion of the policy to recognize the sites environmental characteristics. However, the project would not preclude such uses of the property in the future and adequately respects wetland areas on-site and the nearby Gallinas Creek with appropriate setbacks and buffers provided. Further enhancement has not been found to be feasible nor warranted given that the site lacks any direct connection with the surrounding public trail system.

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

- (*Flood Protection of New Development*), S-18 (*Storm Drainage Improvements*), S-20 (*Levee Upgrading*), S-22 (*Erosion*) S-25 (*Regional Water Quality Control Board (RWQCB) Requirements*), S-26 (*Fire and Police Services*) and S-32 (*Safety Review of Development Projects*) in that: 1) the project has been reviewed using the hazard maps and Geotechnical Review Matrix; 2) the geotechnical review and peer review concluded that the development on this site, with conditions, is feasible and appropriate from a geotechnical engineering standpoint; 3) the project would not include any hazardous materials or uses in its operations; 4) the development would be built to conform to current building and seismic safety codes; 5) the structure would be built in accordance with the Federal Emergency Management Agency (FEMA) regulations for this type of structure in a 100-year flood zone; 6) storm drain systems on the site are adequate to accommodate a 100-year storm; 7) conditions have been included requiring that the property owner maintain the integrity of the levees that surround the site and maintain the required height for the levees; 8) an erosion control plan would be required during construction of the project; 9) the drainage plan would direct all new run-off from the site into vegetated swale before being released into the storm drain system and creek; and 10) the project has been reviewed by the Police and Fire Department and found to be in conformance with their fire and crime prevention standards and would not pose a risk to public safety or impact their levels of service.
- 9) The project as proposed and as conditioned would be consistent with Noise Element Policies N-1 (*Noise Impacts on New Development*), N-3 (*Planning and Design of New Development*), N-4 (*Noise from New Nonresidential Development*), N-5 (*Traffic Noise from New Development*) and N-7 (*Airport/Heliport*) in that the project: 1) has undergone acoustical studies to evaluate compatibility of the siting of the new recreational use and to evaluate and analyze the impacts on adjacent properties; 2) acoustical analysis has found that the operation of this new use would not increase noise levels or traffic noise more than that prescribed by the City policy; 3) conditions and mitigations have been incorporated to reduce any temporary impacts due to construction; and 4) would not result in any changes to the previously approved private airport and its operation and the conditions that have previously been applied to that use.
- 10) The project as proposed and as conditioned would be consistent with Conservation Element Policies CON-1 (*Protection of Environmental Resources*), CON-2 (*Wetlands Preservation*), CON-3 (*Unavoidable Filling of Wetlands*), CON-4 (*Wetland Setbacks*), CON-6 (*Creek and Drainageway Setbacks*), CON-7 (*Public Access to Creeks*), CON-8 (*Enhancement of Creeks and Drainageways*), CON-9 (*Native and/or Sensitive Habitats*), CON-10 (*Impacts to Sensitive Habitats*), CON-11 (*Wildlife Corridors*), CON-12 (*Preservation of Hillsides*), CON-13 (*Threatened and Endangered Species*), CON-14 (*Special Status Species*), CON-15 (*Invasive Non-Native Plant Species*), CON-16 (*Landscape with Native Plant Species*) and CON-22 (*Resource Efficiency in Site Development*) in that the proposed project: 1) would not fill or impact any of the potential wetlands that are present on the site to the north of the proposed building and these potential wetlands have been determined to be of low quality; 2) would maintain setbacks from the creek and potential wetland areas in excess of those required by the applicable policies and standards; 3) is not located on a site where it is feasible to create public access to the creek since the site is privately owned, operated as an airport and not connected with surrounding public trails; 4) would not impact a wildlife corridor since the site is currently developed with an airport and biological assessments have found no such corridors; 5) with the distance of the site from surrounding properties, only views of the lower third of the hills to the south and west would be impacted and views of surrounding hills and ridgelines would neither be broken nor silhouetted; 6) would not impact any sensitive or threatened/endangered species or habitats; 7) would avoid sensitive portions of the site or the surrounding areas; 8) has been

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

11) The project as proposed and as conditioned would be consistent with Air and Water Quality Element Policies: AW-1 (*State and Federal Standards*) AW-2 (*Land Use Compatibility*) AW-3 (*Air Quality Planning with Other Processes*) AW-4 (*Particulate Matter Pollution Reduction*), AW-7 (*Local, State and Federal Standards*), AW-8 (*Reduce Pollution from Urban Runoff*) and AW-9 (*Erosion and Sediment Control*) since the project: 1) would comply with local, state and federal air quality standards; 2) mitigation measures have been incorporated to address temporary air quality impacts during construction; 3) drainage systems have been designed to utilize vegetated swales before discharging drainage into storm drain systems or the creek; 4) methods consistent with the Storm Water Pollution Prevention Standards of the Regional Water Quality Board have been incorporated into the design and conditions have been included to require compliance with these standards.

12) The project as proposed and as conditioned would be substantially in compliance with the applicable policies in the Sustainability Element of the General Plan: SU-5a. (*Green Building Regulations*) *Require new construction to comply with adopted green building regulations*; SU-5c. (*Water Efficiency Programs*) *Develop and implement water efficient conservation programs..., including water efficient landscape regulations*; SU-5d. (*Reflective Surfaces*) *Encourage use of high albedo (reflectivity) materials for future outdoor surfaces such as parking lots, roadways*; and SU-6. (*New and Existing Trees*) *Plant new and retain existing trees to maximize energy conservation and carbon sequestration benefits*. The development would achieve LEED Gold certification, comply with current building code (CBC) Title-24 energy efficiency requirements and Water Efficient Landscape mandates of MMWD, and will plant in excess of 100 new trees on-site. Achieving LEED green building certification would be consistent with the Sustainability policies and the City's Climate Change Action Plan, In order to assure substantial compliance, the project would provide for clean air vehicle parking per San Rafael Municipal Code Section 14.18.045, install bicycle parking per SRMC 14.18.090 and implement construction demolition debris recycling as part of LEED certification, and building permit issuance. The project would also meet CCAP objectives through its required payment of affordable housing fee's, use of reclaimed water if available, proposed installation of solar and green roofing materials, and proposed provision of a bicycle and pedestrian path from Smith Ranch Road. The bicycle parking requirement and policy SU-5d would be included as conditions of approval Based on this discussion, staff concludes that the project would be in substantial compliance with the new Sustainability Element and CCAP.

B. The project design, as proposed and as conditioned, is consistent with the objectives and criteria of the Zoning Ordinance, and the purposes of Chapter 25 (*Environmental and Design Review Permit*) in that:

- 1) The development presents a competent design that has been thoughtfully studied and presented.
- 2) The site plan respects site features and constraints by maintaining adequate buffers from sensitive areas on the site and its surrounding, preserving the existing trees to the north of the building for screening, siting the building so as to minimize and preserve to the greatest extent possible views of Mt. Tamalpais, Civic Center and hills and ridgelines.
- 3) The site plan provides good vehicular, bicycle and pedestrian circulation on site and in relation to the surrounding area in that a new pedestrian and bicycle path would be provided to provide access from Smith Ranch Road, the airport property does not have direct frontage to a public

street and therefore would utilize the existing access road to serve the new recreational facility. Furthermore, the site plan proposes adequate on-site parking for the existing airport and light-industrial uses as well as provides more than adequate on-site parking for the proposed new recreational facility.

- 4) The proposed site plan would utilize the existing drainage facilities and would not alter the drainage patterns of the site. Furthermore, the plan would direct all new run-off to vegetated swales to filter any pollutants from the run-off consistent with storm water pollution prevention standards.
- 5) The subject site is in a 100-year flood zone and the new recreational building as designed and used is exempted from being built above +6 feet as long as the building below that portion is flood proofed consistent with Federal Emergency Management Agency (FEMA) guidelines and a condition of approval has been included requiring this compliance.
- 6) The project architecture has been designed to be harmonious to the surrounding building and improvements, in terms of building design and scale. The height and mass of the proposed building is in character with other buildings in the area, including some of the hangers at the airport, commercial buildings along Smith Ranch Road and the golf course driving range and its fencing.
- 7) The materials and colors that have been included in the proposed architecture are consistent with the context of the surrounding area. Specifically, building materials are flush, textured and vertical metal panels and roofing and building colors would be a combination of green, tan and brown colors. The proposed colors and materials would effectively blend the proposed building with the predominant colors of the surrounding natural setting.
- 8) The project design has been reviewed by the Design Review Board on July 18, 2005 and November 8, 2005 and ultimately recommended for approval. Recommendations made by the Design Review Board relating to additional landscaping and final review of colors, landscaping, architectural details, colors and lighting have been incorporated as conditions of approval.

C. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the District in which the site is located in that: a) the siting of the building and site improvements would be respective to the greatest extent possible of the surrounding properties and property improvements; b) landscaping is thoughtfully sited to complement the architecture of the building and screen the building from off-site view; c) the project proposes the use of high quality materials; d) the design has been reviewed by the Design Review Board (DRB) on two occasions for conformance with the design policies contained in Chapter 25 (*Environmental and Design Review Permit*) and has been recommended for approval finding that the project design is consistent with the applicable policies; e) building colors, materials and finishes would be non-reflective, high quality and consistent with the predominant colors of the natural setting in the surrounding area; and e) the DRB's review and approval of the project design included recommendations for more native trees along the perimeter of the site and a requirement that the final landscaping, lighting and architectural details return for their review.

D. The project design with conditions minimizes adverse environmental impacts in that:

- 1) The building and site improvement are sited to provide adequate setbacks from the creek to the north.
- 2) No filling or work is proposed to the wetlands or within 50 feet of the three potential wetlands on site.
- 3) Existing non-native trees on the site or close to property lines would be preserved and new native trees would be added to fill in gaps.

- 4) The project would not cause the level of service at nearby intersections to exceed the standards of the General Plan. Furthermore, the project would be required to pay its fair share of traffic mitigation fees to contribute to a planned, area-wide traffic improvements in the North San Rafael area.
 - 5) Environmental impacts have been addressed through the preparation of an Environmental Impact Report prepared for the project consistent with the requirements of the California Environmental Quality Act (CEQA). Any potential environmental impacts to air quality, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, noise, and transportation/traffic have been assessed pursuant to the provisions of the CEQA and mitigated through the project redesign and mitigation measures that have been incorporated as conditions of approval.
- E. The project design, as proposed and as conditioned, will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity in that:
- 1) The environmental impacts associated with the development of the project have been assessed and the project impacts can be mitigated to less-than-significant levels with the implementation of specific mitigation measures as discussed in Environmental and Design Review Permit Finding D above.
 - 2) The project design would blend with the surrounding natural environment and would preserve to the greatest extent possible views of Mt. Tamalpais, Civic Center, and surrounding hills and ridgelines. Furthermore, the project's siting, scale and mass would not impact natural light on adjacent properties and the project lighting would not spillover or create glare onto adjacent properties.
 - 3) Project-related impacts to hours of operation, noise, traffic and security have been addressed as part of the Use Permit findings below and conditions of approval have been incorporated to address these issues.
 - 4) The indoor and outdoor recreational facility would be a use similar to the regional recreational facility that is located just north of the subject site and this proposed facility would include uses, activities and intensities that are generally similar to or less intense than the regional park.

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

General Conditions of Approval

1. This Master Use Permit (UP05-08) amends and supersedes prior Master Use Permit (UP 99-009), and establishes all conditions for the establishment and ongoing operations of all uses allowed on the 119.5-acre property, aka, 'the San Rafael Airport site' in accordance with the Planned Development approval (ZC05-001), the PD Zoning District Standards of the San Rafael Municipal Code and the recorded Declaration of Restrictions, which limits the land uses allowed on the property.
2. Conditional uses permitted under this Master Use Permit amendment shall be limited to the Private Airport and Non-Aviation Uses and Private Recreational Facility Uses as described and conditioned herein.
3. Any future land use permit requests on the property shall be referred to Marin County Counsel in order to allow review of the proposal for consistency with the land use deed restriction agreement, of which the County is a party.

4. The entire 119.52-acre airport property on which the recreational facility use is contained shall continue to be maintained by one owner. No portion of the property may be separately transferred to separate owners unless applications are filed and approved by the City for a subdivision of the site, in conformance with the California Subdivision Map Act. Further, any subsequent subdivision of the property shall include amendments to all applicable land use entitlements, as necessary, to separate the property into multiple parcels and/or establish any additional land uses on newly created parcels.
5. This Master Use Permit establishes distinctly separate land uses on the property, i.e. Private Airport Use and Private Recreational Facility Use, which shall be subject to the specific conditions contained herein. In the event there is a violation of a condition of approval granted for a specific land use, then only the land use that is in purported violation of its respective condition(s) of the Master Use Permit shall be subject to review, enforcement and revocation proceedings.
6. This Master Use Permit shall be subject to compliance with the approved PD (ZC05-01) and conditions of Environmental and Design Review Permit (ED05-15). Any changes shall be subject to prior review and approval and may require amendments to related zoning entitlements.
7. The property owner(s) shall be responsible for implementing all Mitigation Measures presented in the San Rafael Airport Recreational Facility Project Final Environmental Impact Report, on file with the Community Development Department, which are incorporated within the project conditions of approval. A minimum deposit of \$5,000 dollars shall be submitted prior to issuance of permits to start work. All costs for monitoring compliance with mitigation measures shall be borne by the applicant.
8. The Airport property owner(s) shall be responsible for ongoing annual repair and maintenance of the levee system on the subject Airport property and any levee upgrading, as appropriate, based on anticipated high tide and flood conditions, to maintain an appropriate height. The Airport property owner shall cooperate with Marin County Department of Public Works and Marin County Flood Control and Water Conservation District to ensure that all parties work together to assure that ongoing monitoring and maintenance of the levee system on State tidelands occurs. An annual maintenance schedule and a report of maintenance work completed shall be provided to the City of San Rafael Community Development Department
9. Currently, the levees ~~system on the Airport property are is required to be~~ maintained by the airport owner at a minimum consistent elevation of 9 feet MSL (29NGVD datum) to provide adequate protection from floodwaters. Any modifications Modifications and upgrades to the property levees ~~that require a grading permit~~ shall be subject to prior review and approval by the City of San Rafael or County of Marin, depending on jurisdiction and as required by applicable codes.
10. All required local, state and/or federal permits shall be obtained for levee maintenance, repair or upgrades.
11. This Master Use Permit (UP05-08) amendment to the March 19, 2001 Master Plan for San Rafael Airport shall be valid for an initial period of four (4) years from date of City Council approval, during which time the property owner shall have to obtain financing, apply for permits and establish the additional recreational facility uses approved by this use permit amendment. The approvals granted for the indoor/outdoor recreational facility use shall be null and void if a building permit is not obtained and the recreational facility pursued diligently to completion, occupancy and operation,

or an extension is not granted before the initial period of time provided to establish the use and exercise the use permit approval.

12. Upon establishment of the indoor/outdoor recreational use within the initial four-year period provided to inaugurate the use, the Use Permit as amended herein shall become valid and run with the land and shall not expire unless the use is abandoned. On-going compliance with all conditions of approval shall be required.
13. If the indoor/outdoor recreational use is not established in compliance with the Master Use Permit amendment, then the applicable Master Use Permit Conditions (i.e., Conditions 35 through 61) and the related Environmental and Design Review permit conditions shall become null and void. All other conditions of approval relating to the site and existing airport use shall remain in full force and effect for ongoing operations of the private airport use and site.
14. The proposed recreational facility may be constructed in phases. However, occupancy of the building with a primary sports facility tenant shall occur to inaugurate the use during the initial four year period from date of approval, or an extension of time filed prior to the initial project approval expiration period of **December 3, 2016**.

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

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

15. Except as modified herein, the Master Use Permit authorizes continued airport use and operations on the 119.52 acre site in accordance with the Planned Development approval and associated Development Plan.
16. The private airport use is limited to 100-based aircraft.
17. The non-aviation uses are limited to those uses described in Attachment “A” (the airport use inventory titled, “Existing Permitted Non Aviation Uses at San Rafael Airport,” dated February, 2001). There shall be no increase in the amount of square footage dedicated to non-aviation uses as described in Attachment “A.” An Administrative Use Permit shall be required for the following reasons: when there is a change in non-aviation tenants; or when a tenant changes the nature of their business (including but not limited to the addition of employees or equipment, modified hours of operation, or an increase in noise or traffic). As part of the Administrative Use Permit review process, the City shall analyze the potential for any intensification to the uses, including the addition of employees, new equipment, modification of hours of operation, and noise associated with the new business. If deemed necessary by Planning staff, project conditions shall address noise mitigation measures. In addition, the Administrative Use Permit review process shall also include analysis and review of traffic impacts associated with any new non-aviation tenant to assure consistency with applicable City traffic regulations subject to the review and approval of the City Traffic Engineer. At the discretion of the Community Development Director, a Master Use Permit amendment may be required.
18. The following airport uses or activities are specifically prohibited:
 - a. Flight training and the use of the landing strip for practice purposes by flight instructors
 - b. Helicopters
 - c. Charter Flights

- d. Uses or activities of a public or semi-public nature, including but not limited to “fly-ins” even though such use or activity is usually considered accessory to any other use or activity allowed by this permit and any commercial use, including but not limited to sales or servicing of airplanes not based at the airport
 - e. Commercial flight activity or student pilot training
 - f. Non-based aircraft performing landings or departures
19. The contractors’ storage yard uses on the site are limited to the areas ~~currently occupied by Linscott Engineering, Roots Construction, Superior Roofing, Walt Jewell Trucking and Bartlett Tree Expertss~~ shown on the approved *Development Plan “Master Plan San Rafael Airport”* and described in Attachment “A”.
 20. Maintenance or servicing of aircraft shall be limited to aircraft based at San Rafael Airport.
 21. The non-aviation hours of business are limited to the hours of 7:00 A.M. to 6:00 P.M., Monday through Saturday, excluding holidays. Operation of these businesses, other than routine office work or other non-noise generating interior work, is not permitted outside the prescribed hours.
 22. The airport shall be operated in full conformance with all requirements of the State of California Department of Transportation, Aeronautics Program, including the state-approved flight path. Any changes to the flight path shall require an amendment to the Master Use Permit. No airplanes shall fly over the Santa Venetia and Contempo Marin neighborhoods during takeoff or landing.
 23. The applicant (e.g. airport property owner, or operator) shall ~~provide~~ maintain a list of all based aircraft serial numbers and shall ~~install~~ maintain a video camera on the taxiway to monitor landings and takeoffs on a 24-hour basis. Flights shall be monitored from the airport business office or other approved location subject to review and approval of the Community Development Director. The applicant shall ~~develop a~~ maintain a method to record all flights on video (daytime, nighttime and during inclement weather) in order to provide the identity of each plane during take-off and landing. Subject to review and approval of the Planning Division, the applicant shall ~~develop a~~ maintain a method of quickly and easily retrieving the recorded information when the City or the property owner received complaints about pilots flying over residential neighborhoods. Videotape archives shall be preserved for a minimum of 60 days. The identity of pilots violating approved flight path shall be provided to the Planning Division within two workdays following complaint. The airport property owner shall notify all pilots with based aircraft that pilots violating the flight path restrictions on more than two occasions shall have their leases terminated within 30 days and shall not be permitted to have their plane based at the airport. ~~The effectiveness of the monitoring process shall be analyzed during the recommended one and two year reviews of the Use Permit.~~ If video monitoring is not effective, other controls can be required by an amendment of the Master Use Permit.

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

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

Permitted Land Use Conditions – Access, Maintenance and Passive Uses

27. The bridge crossing providing access to the site at the North Fork of Gallinas Creek shall be replaced with a new 25-foot wide two-lane bridge deck span. This work shall occur prior to or concurrent with request for and issuance of building permits for construction of the recreational building, as allowed under the approved Development Plan and Master Use Permit. The bridge replacement work shall be completed prior to grant of occupancy for any portion of the new recreational facility building.
28. Areas designated as protected “conservation” areas shall be maintained as passive open space areas; with the exception that vegetation management and levee maintenance practices are allowed to continue within these areas.
29. Grazing of the site with animals may be continued for vegetation management within undeveloped areas (e.g., along interior slopes of levees, within conservation areas and areas not designated for use by the Development Plan) in order to reduce the need for discing and mowing conducted for wildlife management as part of the airport safety management practices. This activity shall be subject to the following restrictions:
 - a. Fencing for grazing purposes shall be installed and maintained to provide necessary protection adjacent to habitat on the levees and in tidal marshes.
 - b. The type of fencing should be suitable for the type of livestock used for grazing. The location and design of fencing shall be determined by a qualified biologist and based on the wetland boundaries with ample setback for wetland protection.
 - c. The location and design of fencing installed for grazing areas shall be subject to final review and approval by the Community Development Director.
 - d. Fencing shall be installed prior to animals being transferred to the site, and shall be maintained in good repair and condition.

30. Commercial storage in containers and uncovered storage of vehicles, boats and miscellaneous materials are specifically prohibited (excluding construction-related equipment and supplies stored within a permitted contractor's storage yard, as determined by the Community Development Director).
31. Maintenance of existing levees on the property shall continue to be the responsibility of the property owner(s); i.e., to maintain levees at minimum +9 feet elevation above mean sea level to provide sufficient freeboard and protection from flood waters. The owner shall be responsible for advising the City Building and Public Works division when maintenance activities are scheduled and for ensuring that grading permits for levee work are obtained when required pursuant to applicable codes enforced by the building and/or public works divisions.
32. On or before July 1 of each year, the property owner shall provide the Community Development Department and Public Works Department a schedule of completed and planned maintenance activities, and indicate whether work identified based on preliminary inspections of the levee is anticipated to trigger a grading permit. Typically, cumulative grading in excess of 50 cubic yards of material would require a grading permit.
33. The property owner shall be responsible for obtaining a licensing agreement with SMART for the existing access that crosses the rail track.
34. The applicant shall install all safety measures required by FRA, and CPUC necessary to maintain this crossing. This shall include, but not be limited to, lights, crossing arms, and other safety equipment. The new equipment installed shall be Quiet Zone ready in case the City Council decides to include this portion of the track in a quiet zone.

Permitted Land Use Conditions – Indoor & Outdoor Recreational Facility

35. The recreational facility use shall permit indoor and outdoor recreational uses on that portion of the site located between the runway and North Fork of Gallinas Creek, east of the airport use support facilities. The recreational use project area shall include approximately 16-acres of the entire airport property (which includes designated "conservation area" containing wetlands, creek and wetland setback buffers, and a portion of the levee system that surrounds the site) as indicted on the approved project plans; described further under Environmental and Design Review Permit (ED05-15) Condition No. 1.
36. Indoor uses consist of an 85,700 *gross* square foot indoor multi-use recreational facility building for recreational uses. The mix of recreational facility uses shall be subject to review and approval by the Community Development Department and City Traffic Engineer prior to issuance of building permits or occupancy permits in order to ensure that the maximum traffic and parking capacities specified in these conditions of approval shall not be exceeded. The building may include the following components:
 - a. Multi-purpose indoor sports area for recreational activities; e.g., two (2) indoor sports fields and similar activities.
 - b. Gymnasium area(s) for multi-use recreational activities; e.g., baseball, basketball, lacrosse, dance, gymnastics and similar recreational activities.
 - c. Ancillary support uses operated concurrently with the indoor recreational uses, which includes a 14,400 square foot mezzanine level with administrative offices, meeting room,

pro-shop/retail sales, arcade and a café/dining area with ancillary sale of alcoholic beverages for on-site consumption with food service.

37. Permitted outdoor recreational uses are limited to one (1) lighted, all-weather surface outdoor sports field (e.g., 250' by 350' soccer field) and one (1) un-lighted warm-up area adjacent for use by teams prior to games on the outdoor sports field. Outdoor fields shall be fenced to provide restricted access which shall be controlled through the main building, to assure occupancy limits are not exceeded.
38. Indoor Use Hours: The hours of operation for indoor recreational uses and ancillary uses shall be as follows:
 - a. 9:00 A.M. to 11:00 P.M., Sunday to Thursday and Federally designated holidays (weekdays).
 - b. 9:00 A.M. to 12:00 A.M., Friday and Saturday (weekends).
 - c. Saturday and Sunday hours of operation can start at 8:00 A.M. during the winter season (November 1 to May 15)
39. Outdoor Use Hours: The hours of operation for the outdoor sports and warm-up fields shall be as follows:
 - a. 9:00 A.M. to 9:00 P.M.*, Sunday to Thursday and Federally designated holidays (weekdays).
 - b. 9:00 A.M. to 10:00 P.M., Friday and Saturday (weekends).
 - c. Saturday and Sunday hours of operation can start at 8:00 A.M. during the winter season (November 1 to May 15)

The 9:00 P.M. weekday curfew established for outdoor sports field use may be extended until to 10:00 P.M. at the latest, subject to compliance with mitigation measure **MM N-1 (Evening Noise)**; which has been established to address the potential that noise from late evening games could annoy neighbor to the south if a 1 decibel increase over the maximum allowable nighttime noise levels were realized. In order to extend weekday game hours by 1 hour in the evening, the project sponsor shall monitor noise levels during a minimum of five games during the first full year of operations, in order to determine whether the use of outdoor fields and warm-up areas would result in exceedance of the 40 dBA exterior residential nighttime noise threshold at the closest residential property boundary.

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

40. All recreational activities and ancillary uses shall end by the designated hours of operation and all patrons shall be directed to leave the facility by the designated allowable hours of operation (e.g. event curfew) and/or premises parking areas promptly after close of facility. Congregating in parking areas shall be discouraged during non-business hours. Maintenance and cleaning crews, employees and security personnel may be allowed to conduct their routine tasks and shall enter the site no earlier than one hour before the beginning and leave no later than one hour past the allowable hours of operation.

41. Use of the indoor and outdoor sports fields may include sports leagues and games (such as soccer, lacrosse, flag football or similar multi-use sports uses and activities), individual and group training, and drop-in games, as determined appropriate by the Community Development Department and City Traffic Engineer.
42. No noise amplification devices including indoor or outdoor speaker systems, loudspeakers or bullhorns shall be allowed as this would create potential nuisance noise impacts on nearby residents.
43. No fixed or temporary bleachers for spectator seating shall be permitted in conjunction with use of the outdoor recreational fields.
44. The indoor meeting facility/room may be used for team and birthday parties, staff meetings, meetings of soccer or sports organizations and referees, community groups, and other similar uses.
45. No sale or consumption of alcoholic beverages or food vendors are permitted to operate outside of the recreational facility building.
46. Any proposed change in the hours of operation (to operate during the AM peak) and/or intensity of usage (e.g., to more intense sports field or other anticipated recreational activities not deemed by staff as comparable to proposed and anticipated recreational uses) shall require an amendment to the Master Use Permit.
47. Any changes to the components of the use involving a substantial remodel that would intensify uses shall be subject to prior review and approval by the Planning Division and Department of Public works to determine whether the changes would result in an intensification of parking requirements or traffic impacts. A traffic study and minor or major use permit amendment may be required to address any impacts from a change in a recreational use tenant occupancy.
48. Parking shall be provided in compliance with adopted PD zoning standards to meet the demand of the use and requirements of the City parking ordinance, Chapter 14.18. The project proposes 184 paved parking spaces and 86 overflow spaces for the multi-use recreational building. Final parking calculations shall be provided with plans submitted for building permit and/or final design review.
49. Any competitive tournament events held on the site shall not be planned that would exceed cause the on-site parking demand or maximum occupancy limits established for the recreational facility use to be exceeded. Any special events that would generate off-site or remote parking demands shall require the prior review and approval of the Planning Division and Public Works Departments.
50. Alcoholic beer and wine beverage service and consumption shall only be allowed as an ancillary incidental use to the café/dining area food service use, as further regulated by the California Department of Alcoholic Beverage Control. The applicant shall maintain suitable kitchen facilities, and alcoholic beverages may only be served when food service is provided. It is intended that food and beverage service be contained within building areas designated for “café and “viewing area,” “field viewing area” and “meeting room”.
51. The facility and site shall be maintained in good repair and condition and free of trash, litter and debris. Trash and recycling canisters shall be provided on and around the recreational building and outdoor fields and be regularly maintained. Regular trash and garbage cleanup should be conducted

- on and around the building and outdoor areas. The property owner shall institute a regular trash pick-up program to clean up trash on the site and dispose of it in appropriate trash and recycling receptacles.
52. The private roadway extension from the airport access and leading to the recreational facility shall be gated to prevent access after the allowable hours of operation. The gate shall remain closed outside of the allowable hours of operation.
53. Prior to occupancy of the building, the applicant and all operator(s) of the recreational facility shall establish a "code of conduct" plan for review and approval of the Police Department and Community Development Director.
- a. This code of conduct shall be distributed and required to be signed by all users of the facility. The owner/operators shall submit evidence of compliance with this requirement to the Community Development Department and City Officials upon request. (Note: "Users of the facility" is intended to apply to active participants and not its attendance by visitors, spectators or parents.)
 - b. Repeated violation of the "code of conduct" shall require that the operators(s) remove and revoke the patron's use of the facility.
 - c. The code of conduct shall address the following:
 - i. Prohibit rowdy and/or noisy behavior
 - ii. Prohibit screeching of tires, "blasting" music from vehicles or honking of horns (except for emergency purposes) in the parking lot or along the entire length of the private driveway leading to the recreational facility
 - iii. Maintain posted speed limits along airport roadway
 - iv. Prohibit loitering in or around the building, parking areas, outdoor fields, and entire length of the airport roadway. No loitering shall occur in the parking lot or outside the building
 - v. Prohibit consumption of alcohol outside of the designated areas within the building
 - vi. Prohibit public intoxication
54. The operator shall regularly patrol the site between 9P.M. and closing, 7 days per week. Personnel shall be made aware of the code of conduct and the conditions of approval and shall enforce them.
- a. Prior to the occupancy of the building, the applicant shall submit a plan for security patrol for review and approval of the Police Department and Planning Division.
 - b. This requirement for security patrol may be suspended after two years of full operation with the recommendation of the Police Department, that there have been no significant amount of criminal or security issues.
 - c. If this requirement for a security patrol is suspended, it may be reinstated anytime at the recommendation of the Police Department.
55. Prior to occupancy of the recreational facility, two signs shall be installed, one before the northern approach to the bridge and one at the western end of the parking lot to inform patrons of the applicable portions of the "code of conduct" relating to good neighbor practices.
- a. The design, placement and content of signs shall be subject to review and approval of the Planning Division. Once installed, the signs shall be maintained in a good and legible condition at all times.

- b. Required signs shall address the following items:
 - i. Obey posted speed limits
 - ii. Respect the neighbors - No loud noise, music, honking while driving into or out of the site
 - iii. No loitering
 - iv. No public intoxication
 - v. Abide by code of conduct
 - vi. Abide by on-site parking restrictions
 - vii. Driveway must be kept clear of vehicles at all times for emergency ingress and egress – No standing and stopping allowed.

56. Prior to occupancy of the facility, the property owner shall offer to construct a four-foot minimum solid wall, fence or hedge or combination thereof along the edge of the private access road that runs along the street edge (adjacent to the grassy area) to minimize headlight glare from vehicle headlights shining into windows of residences at Captains Cove. The screen shall extend from the furthest point of the border with Captains Cove property and across the bridge crossing. If installation of the fence screen is accepted by Captains Cove along the access road boundary, it shall be installed prior to grant of occupancy allowing operation of the recreational facility. Design and final placement of fence shall be subject to review and approval by the Community Development Director. If the screen wall, fence or hedge is not accepted by Captains Cove, it shall not be required. The Airport property owner shall be responsible for the maintenance of the solid wall/fence or hedge or combination thereof in perpetuity or until the recreational use ceases. Further, landscape enhancement along the existing access road easement shall be subject to final review and approval by the Planning Division.

57. Mitigation measure **MM Hyd-1f (Maintenance of Paved Areas)** shall be implemented for the duration of the use. The recreational facility parking lots and other common paved areas shall be properly maintained by sweeping or other appropriate means, to prevent the majority of litter from washing into storm drains. Parking lots and paved areas shall be swept once per week. Should the Project Applicant or successor fail to maintain this schedule, the City shall sweep the parking lots and paved areas at the expense of the Project Applicant or successor, and included in CC&R's recorded for the property.

58. Exterior lighting at the recreational facility use shall be designed and maintained to implement mitigation measures **MM Bio-2e (Event Curfew)**, **MM Bio-3a (Nocturnal Lighting)**, **MM Bio-3b (Lighting Curfew)**, and **MM Aesth-1a** as outlined in the MMRP incorporated by reference herein, and included under Environmental and Design Review Permit No. ED05-15 conditions of approval. This includes the following lighting limitations related to use of the facility:

- a. Exterior lighting provided on a master photoelectric cell;
- b. Provisions of sufficient security level lighting;
- c. Outdoor field lighting shall be set to turn off 15 minutes after the last game; 9:00 P.M. at the latest on weekdays and City holidays and 10:00 P.M. at the latest on weekends (if extended hours on weekends are authorized pursuant to Condition 37);
- d. Security level lighting shall be set to turn off in parking areas and pedestrian walkways one-half hour after close of the facility, e.g. by 12:30 A.M.
- e. Lighting of the outdoor soccer field designed to have focused illumination that will ensure no direct lighting of off-site areas, such as the North Fork of Gallinas Creek.

- f. Lighting fixtures on the perimeter of the Project shall be outfitted with hoods and cut-off lenses so that the light source itself is not visible to the naked eye from neighboring properties, thereby avoiding indirect light “trespassing” into adjacent habitat areas.
- g. The recreational facility shall set a 10:00 P.M. outdoor event lighting restriction (e.g. event curfew) by which time all outdoor field lighting shall be turned off. This curfew shall be earlier on weekdays, by 9:00 P.M. unless a noise study is prepared that determines outdoor field use would not violate the City noise ordinance, pursuant to Use Permit Condition 37; in which case lighting shall be turned off by 10:00 P.M. at the latest. While safety lighting allowing visitors to safely leave the site may be illuminated as late as 12:30 A.M., all outdoor field lighting shall be terminated no later than 10:00 P.M. When there are evening outdoor soccer events, the maximum 10:00 P.M. end time will ensure that light generated from the use of the recreational facility’s outdoor fields will not disrupt nocturnal wildlife species’ activity patterns, allowing nocturnal migration movements through the project area after that time. If no games are scheduled, the lighting shall be turned off.

59. Incidental site lighting in the parking areas and around the buildings is allowed in order to foster a safe environment, but not to allow activity on the outdoor fields past permitted hours of operation.

60. The building and site design shall implement the requirements of **MM Haz-1 (Risk Reduction Design Features)**, **MM Haz-2 (Elimination of Flight Hazards)**, **MM Hyd-2 Flood proofing** as outlined in the Mitigation Monitoring and Reporting Plan (MMRP), and included in the ED05-15 conditions of approval. This shall included enhanced fire sprinkler and exiting building safety features, design of all site improvements including parking areas, drive aisles, vegetation and structures to avoid intersection of the 7:1 ‘ascending clear zone’, installation of safety lighting at specific locations on the site building, fencing and light standard, and building dry floodproofing to +7 NGVD elevation in conformance with FEMA-standards, signage identifying maximum occupancy limits for the outdoor soccer and warmup field areas, and prohibiting access outside of fenced areas expect by facility personnel.

61. The parking row along the south boundary fence line that borders the airport runway shall be removed, modified or relocated in accordance with federal and state requirements so that no penetration into the ascending clear zone would result; e.g., maintaining a minimum clearance of 10’ above parking areas and driveways.

~~62. Changes to indoor/outdoor uses shall be subject to prior review and approval of the Planning Division and Public Works Department to whether there would be an increase in parking or traffic impacts, beyond that assumed for the multi-use adult and youth recreational facility. Traffic studies may be required by the City Traffic Engineer to determine total trip generation. If deemed necessary by Community Development Director, a minor use permit amendment and additional project conditions may be required to address impacts from change in tenancy or recreational use.~~

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

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

Community Development Department - Planning Division

1. The revised Development Plan prepared for the San Rafael Airport and San Rafael Airport Recreational Facility Project approves the layout and development of the recreational facility, in addition to the existing private airport use improvements, as presented on the following plans:
 - a. Architectural Plans prepared by L.A. Paul & Associates - Sheets A.0, A.1, A.2, A.3, A.4, A.5, A.6 and A.7.
 - b. Civil Engineering Plans prepared by Oberkamper & Associates consisting of Sheet C-1, C-2, C-3, C-4 and C-5.
 - c. Landscape Plan prepared by Baronian & Whisler Landscape Architecture and Land Planning, consisting of Sheet L-1.
 - d. Photometric Study prepared by Associated Lighting Representatives consisting of Sheet 1.
2. This Environmental and Design Review Permit amending the March, 19, 2001 Master Plan for the San Rafael Airport shall be valid for four (4) years from the date of City Council approval, in order to provide sufficient time for implementation of the additional San Rafael Recreational Facility project development. All conditions related to the recreational facility development shall become null and void if a building permit has not been issued or a time extension granted within the initial approval period established for the additional development project. In the event that the additional recreational facility development is not implemented, all remaining conditions applicable to the site and existing San Rafael Airport use shall remain in full force and effect.
3. The applicant shall remit payment of the State Fish and Game fees in order for staff to file a Notice of Determination with the County Clerk within 5 days of project approval. The current fee amounts are \$2,839.25 payable to the State Fish and Game and \$50.00 payable to the Marin County Clerk, and are subject to increase.
4. The project sponsor shall be responsible for implementing all mitigation measures presented in the San Rafael Airport Recreational Facility Final Environmental Impact Report, on file with the Community Development Department, including any mitigation measures that may not have been incorporated into the project conditions of approval. A deposit for Mitigation Monitoring shall be paid as required by ED Condition 45, herein.
5. The applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnities"), the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of any environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.
6. In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event the applicant is required to

defend the City in connection with any said claim, action or proceeding, the City shall retain the right to: 1) approve the counsel to so defend the City; 2) approve all significant decisions concerning the manner in which the defense is conducted; and 3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.

7. As a condition of this application, applicant agrees to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, process and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse City for City Attorney expenses and costs within 30 days following billing or same by the City.
8. This Environmental and Design Review Permit (ED05-15), amending the March 19, 2001 Master Plan for San Rafael Airport, and approving additional site development of an 85,700-square-foot indoor recreational facility, two outdoor sports fields, and associated parking, landscaping and site improvements shall run concurrently with the approved Use Permit (UP05-08). If either entitlement expires, this Environmental and Design Review Permit approving the additional San Rafael Airport Recreational Facility development for the property, as depicted on project plans shall also expire and become invalid.
9. Any future modification to colors shall be subject to review and approval of the Planning Division and major modifications shall be referred to the Design Review Board.
10. All landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris. Any dying or dead landscaping shall be replaced in a timely fashion.
11. All site improvements, including but not limited to, site lighting, fencing, landscape islands and paving striping shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.
12. Fencing including the mesh covering along the southern edge of the recreational facility site and parking lot shall be installed and maintained in a good, undamaged condition. Any damaged portions shall be replaced in a timely manner.
13. The project site shall be kept free of litter and garbage. Any trash, junk or damaged materials that are accumulated on the site shall be removed and disposed of in a timely manner. The applicant shall institute a program to provide regular cleanup of the parking lot, outdoor fields, roadway leading to the facility, as well as all other areas immediately around the new structure.
14. Approved colors are as shown on the approved color and material board that is on file with the Community Development Department, Planning Division, except as modified by the follow-up

review by the Design Review Board. Generally, the approved color palette consists of a dark green, light green, beige and brown.

15. Pursuant to General Plan Policy SU-5d, high albedo (reflectivity) materials shall be used for future outdoor surfaces such as parking lots.
16. A minimum of 222 parking spaces are required for the facility, as proposed, pursuant to the parking study prepared for the project. The facility, as proposed, shall provide proposes 184 paved parking spaces, 86 overflow spaces. Any change in uses, square footage, and/or intensity shall be subject to further review by City Public Works and Planning to assure adequate parking is provided and maintained in compliance with the PD zoning standards and San Rafael Municipal Code Chapter 14.18.
17. Bicycle parking shall be provided in compliance with San Rafael Municipal Code Section 14.18.090. This would require a minimum of 9 to 14 bicycle parking spaces using the commercial standards that requires bicycle parking to be provided at the rate of 5% of vehicle parking, and a minimum of one two bike capacity rack. Final plans shall include a design detail for proposed bicycle parking spaces, proposed number and location subject to final review and approval by the Community Development Department and Traffic Engineer.
18. Parking spaces for clean air vehicles shall be provided in compliance with SRMC Section 14.18.045.
19. In the future, if the recreational facility gravel overflow parking lot is found to be necessary to accommodate routine parking needs of the recreational facility, the applicant shall pave, stripe and landscape the overflow parking lot consistent with current standards. The applicant shall apply for and receive approval of an Administrative Environmental and Design Review Permit for this action.
20. If reclaimed water for landscaping purposes is made available, the applicant shall upgrade their water system and install any and all required facilities to use reclaimed water for all site landscaping purposes.
21. All work associated with San Rafael Airport renovation project approved in March 19, 2001 and the required mitigation associated with the development of the project has been confirmed and completed. The design, improvement and maintenance of all existing approved buildings and site improvements associated with that work shall comply with approved plans and details as reviewed by the Design Review Board. Any future additions or modifications to the structures and improvements made for the San Rafael Airport facility shall be subject to prior review and approval by the Planning Division, to determine consistency with all project approvals and level of review required. This shall include ongoing compliance with the following requirements:
 - a. Buildings shall have/maintain non-glare finishes.
 - b. Landscape screening shall be maintained along the easterly portion of the subject airport facility site area.
 - c. Landscape screening shall be maintained along the westerly portion of the airport development from the existing Contempo Marin residential neighborhood. This screening is required to soften the appearance of the buildings visible along the western edge of the site.

- d. All trees and landscape screening required for development of the Master Plan for the Airport shall be maintained in good repair and condition.
- e. All mechanical equipment and appurtenances not entirely enclosed within the structure shall be screened from public view, as indicated on approved plans and subject to approval by the Community Development Director.
- f. Trash enclosures shall be screened with landscaping and integrated into site design, as indicated on approved plans.
- g. Parking lot light sources shall be shielded to ensure that there is no light spillover onto adjacent residential properties.
- h. Foundation designs shall comply with detailed geotechnical investigation recommendations.
- i. Noise mitigation shall be installed and maintained for fixed base operator mechanical commercial hangar(s) located along the western portion of the site adjacent to Contempo Marin to assure noise increases (above established baseline conditions) generated from the additional buildings and site activities complies with the City Noise Ordinance limits.
- j. Construction activities (including noises associated with arrivals or startup of equipment, employees or deliveries) shall be subject to compliance with the City Noise Ordinance Chapter 8.13, and project mitigation measures referenced herein. No work is allowed on Sundays or City observed Holidays.

22. Pursuant to **MM Bio-2c: California Clapper Rail and California Black Rail – Levee Maintenance**, maintenance of the levees along Gallinas Creek must be allowed to continue for airport safety purposes (i.e., aviation safety and flood control). Any scheduled maintenance by the airport operator along the North Fork of Gallinas Creek, other than vegetation control, should occur in August through January when rails are not expected to be nesting. Mowing of vegetation along levees has occurred for many years pursuant to FAA guidelines, and should continue. To ensure that clapper rails in the area have necessary vegetative cover to escape predators during high tide events, no mowing should be allowed on the slopes of the levees that face the creek.

23. Pursuant to **MM Bio-3b: Lighting Curfew**, the recreational facility lighting controls shall be set to comply with the 9:00 P.M./10:00 P.M. outdoor event lighting restriction. While safety lighting allowing visitors to safely leave the site may be set to remain illuminated as late as 12:30 P.M., all outdoor field lighting shall be programmed to terminate after the last scheduled game, no later than 10:00 P.M. on weekends (if hours past 9:00 P.M. are allowed pursuant to Use Permit Condition 37) and 9:00 P.M. on weekdays. When there are evening outdoor soccer events, the 10:00 P.M. latest permissible end time will ensure that light generated from the use of the recreational facility's outdoor fields will not disrupt nocturnal wildlife species' activity patterns, allowing nocturnal migration movements through the project area after that time. If no games are scheduled, the lighting shall be turned off.

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

Public Works Department

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

Fire Department

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

materials that require reporting to the Fire Department, a new, updated list of stored hazardous materials shall be submitted to the Fire Department within 30 days of occupancy.

Police Department

38. The recreational facility parking lot shall be steam cleaned annually.
39. Landscaping shall not block or obstruct the view of any door, window or lighting fixture.
40. Trash canisters shall be provided on the recreational facility site, both around the building and outdoor areas, to accommodate all trash generated by the use. The trash canisters shall be routinely maintained and serviced to ensure that they do not overflow.
41. All exterior lighting shall be vandal resistant and sufficient to establish a sense of well being to the pedestrian and facilitate recognition of persons at a reasonable distance in parking lots.
42. Minimum security level exterior lighting in the airport facility parking and walkway areas shall be maintained on a master photocell set to operate during hours of darkness.
43. All new outswinging exterior doors shall have non-removable pinnes. All new inswinging exterior doors shall have rabbeted jambs.

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

Community Development Department - Planning Division

44. The applicant shall seek and receive all necessary permits to install a new, 25-foot wide clear span bridge over existing bridge crossing the North Fork of Gallinas Creek as illustrated in the project plans, including the State Department of Fish and Game Streambed Alteration Agreement (SBAA Notification Number 1600-2006-0266-3).
45. The new clear span bridge may be installed prior to construction of the building, but shall be completed prior to commencing construction of the main building structure.
46. The applicant shall be responsible for all costs associated with mitigation monitoring and shall remit an initial deposit in the amount of \$5,000.00 for mitigation monitoring and condition compliance. Staff shall bill time against this deposit amount during project review and implementation of the project and monitoring of project conditions, to assure compliance with conditions and mitigation measures has been achieved.
47. Any outstanding Planning Division application processing fees shall be paid prior to issuance of construction permits.
48. Prior to issuance of a building permit for the recreational facility building, the finished grade of the building pad and setbacks from wetlands and creeks shall be certified by a Licensed Surveyor to confirm height and setback limitations shown on construction plans will be met.
49. Pursuant to **MM AQ-2 Greenhouse Gas Reduction Strategies Compliance**, the project as proposed by the applicant shall comply with the City of San Rafael Green Building Ordinance and

ordinances and regulations adopted to implement the City Sustainability Element and City qualified 2009 Climate Change Action Plan, Appendix E (i.e., required strategies). Additionally, the applicant shall implement the GHG Reduction Strategy checklist's *Recommended Elements*, as proposed by the project applicant and required as a condition of approval to comply with City Municipal Code Requirements. Additional strategies may be required to ~~shall~~ be implemented, to the extent feasible, as determined by City of San Rafael Building, Planning and Public Works in order to further reduce the project generated GHG emission.

50. The project shall be implemented as proposed to qualify for US Green Building Council's LEED program (Leadership in Energy and Environmental Design). The project shall include the following:
 - a. Use state-of-the-art high efficiency field lighting combined with ample natural lighting to reduce electrical usage.
 - b. Install photovoltaic solar panels to produce clean electricity.
 - c. Use ET Water or equivalent smart irrigation controllers to minimize water use and eliminate irrigation runoff into Gallinas Creek.
 - d. Use MUSCO Green Generation Lighting or equivalent, which uses 50-percent less lighting than traditional systems, for illumination of the outdoor sports field. The light poles shall use adjustable lamps and shield cutoffs to conceal light sources from view off-site and direct all lighting downward and away from adjacent wetlands.
 - e. The outdoor synthetic all-weather field turf shall utilize state-of-the-art technologies and materials to minimize runoff and ensure the most environmentally friendly and stable in-fill products are used (e.g., cryogenic crumb rubber) that meet CPSC, EPA, CDC, HUD and other state and national requirements.
51. Porous or pervious pavement, porous asphalt or pavers, shall be used to the maximum extent feasible. Ensure material is ADA compliance and durable for weight of emergency vehicles and appropriate for site soils conditions and intended use areas.
52. The parking lot design shall include landscaping with shade tree cover, tree wells and tree spacing in compliance with the landscape requirements of SRMC Chapter 14.18.130.
53. Except as conditioned herein, building techniques, materials, elevations, landscaping, infrastructure and appearance of this project, as presented for approval, shall be the same as required for the issuance of a building permit. Any future additions, expansions, remodeling, etc. shall be subject to the review and approval of the Planning Division. Modifications that are deemed minor shall be reviewed and approved by the Community Development Director as part of the building permit application. All other modifications may be referred to the Design Review Board and/ or Planning Commission for review and action.
54. The applicant shall implement mitigation measure **MM Bio-2b: Permanent Conservation Area**. The Project Applicant shall designate the 100-foot upland buffer area on the Project site adjacent to the North Fork of Gallinas Creek as a permanent "conservation area" that will be protected through recordation of a declaration of covenants, conditions and restrictions on the property. A draft deed

restriction shall be submitted for review and approval, and recorded prior to occupancy, that specifies the prohibited and allowed uses of the buffer areas. The allowed uses would include the continued maintenance of the fields and levees, while the prohibited uses would prohibit any future development or land disturbance (outside of that required for routine maintenance and levee repairs) within the 100+-foot creek protection buffer that is designated as a conservation area. Access to the area shall be restricted to facility personnel, and the area shall be protected with permanent barrier fencing and signage.

55. The Design Review Board shall review and approve the proposed final building materials, color scheme, lighting and landscape plans for the entire project to ensure that the Design Review Permit criteria established in the San Rafael Municipal Code Title 14 (zoning), Chapter 25 (Design Review) are satisfied, including provision of appropriate materials and non-reflective and/or tinted glass to minimize potential daytime glare impacts; pursuant to Mitigation Measure **MM Aesth-1b**.

- a. Construction plans shall be submitted for review and approval showing building architectural details and final construction details to confirm the quality of the building finishes, heights, and appearance of the project as indicated in the approved plans.
- b. Final landscaping, irrigation and site plan details shall be submitted as approved by the City Council with the following modifications/additional details:
 - i. Actual location of all perimeter-screening trees shall be shown on the landscape plan.
 - ii. Replacement trees to fill in any gaps in perimeter screening with a native or compatible species suitable for site conditions and exhibiting fast growing screening characteristics. This requirement only applies for new trees proposed to fill in the gaps of the existing Eucalyptus trees along the inside of the northern and southern levees on the perimeter of the Airport site.
 - iii. Show the area where gaps in the Eucalyptus row shall be filled in to screen views of the building with native or compatible species. Replacement species shall be consistent with City tree guidelines.
 - iv. Provide details on all new fencing.
- c. The landscape plan submitted for issuance of building permit shall include the MCSTOPPP measures required for treating storm water quality. Plans shall incorporate details and specifications for storm water collection design and filtration features, and shall be subject to final approval by the City of San Rafael Public Works Department. Storm water filtration features shall include:
 - i. Stormwater inlets shall be placed in landscape areas rather than at the edge or low point in paved parking lot areas.
 - ii. Landscape areas surrounding inlets shall be graded in a swale and landscaped to promote filtration.

- iii. Direct parking lot runoff into landscape swales and inlets. Raised concrete curbs shall be designed with frequent cuts to allow free-flow from paved areas to swales.
- d. Final design, details, colors and materials of the clear-span bridge shall be provided. Mesh, or another appropriate material, shall be included on the bridge railing along the western side of the bridge to minimize headlights from shining on adjacent properties to the west.
- e. Design Review Board Lighting Approval shall be required Pursuant to Mitigation Measure **MM Aesth-1a**. Prior to issuance of building permits, the Project Proponent shall prepare an exterior lighting plan for all areas of the Project site subject to compliance with the photometric analysis prepared for the site, for the review and approval of the Design Review Board. The plan shall meet the following performance standards and include the following information:
 - i. Sufficient exterior lighting to establish a sense of well-being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance. Type (lighting standard) and placement of lighting shall be to the satisfaction of the Police Department and Department of Public Works;
 - ii. A minimum of one foot-candle at ground level overlap provided in all exterior doorways and vehicle parking areas, and on outdoor pedestrian walkways presented on a photometric plan;
 - iii. A maximum of one (1) foot-candle intensity at the property line and edge of designated "conservation area";
 - iv. Vandal-resistant garden and exterior lighting;
 - v. A lighting standard that is shielded to direct illumination downward and to limit casting light and glare on adjacent properties;
 - vi. Exterior lighting on a master photoelectric cell, which is set to operate during hours of darkness;
 - vii. The plan shall include a note requiring a site inspection 90 days following installation and operation of the lighting. The post construction inspection by the City shall allow adjustments in the direction and/or intensity of the lighting, if necessary;
 - viii. Outdoor field lighting shall be set to turn off 15 minutes after the last scheduled game, and by 10 P.M. at the latest;
 - ix. Security level lighting shall be set to turn off in parking areas and pedestrian walkways one-half hour after close of the facility, e.g. by 12:30 A.M.

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

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

57. Until sufficient fees have been collected to implement the traffic improvements identified for build-out under General Plan 2020, the City Public Works Department will continue to monitor signal timing in the area, specifically at study intersections #3 (Smith Ranch Road/US 101 Northbound Ramps) and #4 (Lucas Valley Road/US 101 Southbound Ramps), to ensure traffic flow is optimized and that there are no significant impacts to traveler safety as a result of queuing impacts, and that the City will continue to work with Caltrans in these efforts (Mitigation Measure **MM:Traf-1**). Further, the Department of Public Works should continue to monitor the intersection of Yosemite Road with Smith Ranch Road in order to determine whether any traffic controls or improvements would be warranted in the future, particularly for left turns onto Smith Ranch Road.

58. Affordable housing in-lieu fee shall be paid prior to the issuance of a building permit consistent with the requirements established by Section 14.020.I of the Zoning Ordinance. The in-lieu fee shall be \$17,822 and is based on 0.07 (average number of affordable units required for an 85,700 square foot recreational facility) times \$254,600 (in-lieu fee per full affordable unit). This fee amount is subject to adjustment and shall be calculated based on the current fee amount at time of building permit submittal.
59. A construction logistics plan shall be submitted demonstrating how construction conditions shall be met. The plan must be approved by the Community Development Director and shall include the conditions of approval and mitigation measures that are applicable to the construction of the project.
60. Protective barrier fencing shall be installed during construction to protect wetland areas. Plans showing the fencing, signage and barrier details shall be included on project plans. The fencing shall be a minimum four-foot orange mesh protected by hay bales and signage designed to avoid intrusion by construction workers and equipment.
61. Pursuant to **Mitigation Measure MM AQ-1a, 1b, and 1c**, the following requirements shall be noted on the final building permit plans prepared for the project and implemented during all phases of construction activities to reduce PM₁₀ emissions per the BAAQMD's recommendation.
- a. All active construction areas shall be watered at least twice daily. A water truck or equivalent method shall be in place prior to commencing grading operations.
 - b. All trucks hauling soil, sand, and other loose materials shall be covered and maintain at least one foot of freeboard.
 - c. All unpaved access roads, parking areas and staging areas at construction sites shall be paved, watered three times daily, or applied with non-toxic soil stabilizers
 - d. All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers and adjacent public streets shall be swept if visible soil material is carried onto them. This shall also include Smith Ranch Road (from the entrance to the site west ¼ mile daily (with water sweepers) if visible soil material is carried onto adjacent public streets. All inactive construction areas (previously graded areas inactive for ten days or more) shall be treated with hydro-seed or non-toxic soil stabilizers
 - e. Any exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered and watered twice daily or non-toxic soil binders shall be applied to any exposed stockpiles
 - f. All construction traffic on unpaved roads shall be limited to speeds of 15 mph. Prior to the commencement of any grading, appropriate signs shall be placed on site to identify the maximum speed
 - g. Excavation and grading activity shall be suspended when wind gusts exceed 25 miles per hour
 - h. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
 - i. The Project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site
 - j. A dust control coordinator shall be designated for the Project. The name, address and telephone number of the dust coordinator shall be prominently posted on site, and shall be kept on file at the Planning Division. The coordinator shall respond to dust complaints promptly (within 24 hours) and shall have the authority to take corrective action.

- k. The above requirements shall be noted on the grading plans or building permit plans prepared for the Project prior to issuance of any permit
62. Mitigation Measure **MM AQ-1b: Plan Notations** shall be implemented. Prior to approval of the final improvement plans and specifications, the City of San Rafael shall confirm that the plans and specifications stipulate that, ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications, to the satisfaction of the City. The City inspector shall be responsible for ensuring that contractors comply with this measure during construction
63. Mitigation measure **MM AQ-1c: Construction Contract Specifications** shall be implemented. Prior to issuance of grading permits or approval of grading plans, the Applicant shall include in the construction contract standard specifications a written list of instructions to be carried out by the construction manager specifying measures to minimize emissions by heavy equipment. Measures shall include provisions for proper maintenance of equipment engines, measures to avoid equipment idling more than two minutes and avoidance of unnecessary delay of traffic on off-site access roads by heavy equipment blocking traffic.
64. Provide plan details to implement mitigation measure **MM Bio-2a: California Clapper Rail and California Black Rail – Perimeter Fence**. To ensure that the marsh habitat and the upland buffer along the North Fork of Gallinas Creek is protected, a fence shall be installed around the perimeter of the proposed Project area, and human access into this buffer area will be prohibited except as required by maintenance/operation personnel for continued levee maintenance and other required airport operational practices currently established. The exact location and size of the fence shall be determined by a qualified biologist. The fence will be a minimum of ten-feet tall (which may consist of a standard 6-foot tall cyclone fence with a 4-foot netting extension) for the purpose of preventing balls from the soccer fields from entering the marsh. Retrieval of items from the fenced area shall be done by authorized recreation facility personnel only. In addition, signs will be posted stating that public access into the buffer area is strictly prohibited owing to the sensitivity of the marsh habitat and to ensure the continued use of this habitat by special-status wildlife species. Without a fence, there is no realistic expectation that the marsh habitat along the North Fork of Gallinas Creek and the adjacent upland areas will remain protected.
65. Provide plan details and information to satisfy mitigation measure **MM Bio-2d**, requiring installation of protective fencing during construction.
66. Provide plan details and information to implement mitigation measure **MM Bio-3a: Nocturnal Lighting**. Lighting of the outdoor soccer field located near the North Fork of Gallinas Creek will be designed to have focused illumination areas that will ensure that there is no direct lighting of off-site areas, such as the North Fork of Gallinas Creek. All lighting fixtures on the perimeter of the Project shall be outfitted with hoods and cut-off lenses so that the light source itself is not visible to the naked eye from neighboring properties, thereby avoiding indirect light "trespassing" into adjacent habitat areas. This shall be verified by the Design Review Board when it reviews the final lighting plans prior to the issuance of building permits, and verified again at the Project site during the inspection occurring 90 days following lighting installation, as required by **MM Aesth-1a**.
67. Provide plan details and information to implement mitigation measure **MM Bio-7: Salt Marsh Harvest Mouse, Suisun Shrew and San Pablo Vole – Perimeter Fence**. To ensure that the buffer

along the North Fork of Gallinas Creek is protected, a fence will be installed around the perimeter of the proposed recreational facility to prohibit human access to this area except as otherwise allowed for maintenance activities associated with the airport. A four-foot black mesh exclusion fencing shall be installed along the outside edge of the creek buffer zone (100 feet from the North Fork of Gallinas Creek) to prevent the Suisun shrew, the salt marsh harvest mouse and the San Pablo vole from entering the work areas. The exact placement of the fence shall be determined by a qualified biologist. In addition, signs will be posted stating that public access into the marsh and adjacent uplands is strictly prohibited to ensure the continued use of the protected area by sensitive wildlife species.

68. Implement mitigation measure **MM Haz-2: Elimination of Flight Hazards**. In order to ensure that the proposed Project does not expose aircraft to hazards associated with the operations of the proposed Project, the Project Applicant shall demonstrate compliance with the following on detailed construction plans:

- a. Limit height of proposed structures to assure clearance of the 7:1 Transitional Surface (aka, 'ascending clear zone')
- b. Redesign, modify or relocate the row of parking stalls nearest to the airfield in accordance with federal and state requirements so that no penetration into the ascending clear zone would result; e.g., maintaining a minimum clearance of 10' above parking areas and driveways.
- c. Add obstruction lights to the following features to make them more conspicuous to pilots:
 - i. Southwesterly and southeasterly corners of building
 - ii. Southwesterly and southeasterly ends of the fence fronting the airfield
 - iii. Most easterly field light along the southeastern edge of the outdoor soccer field
- d. Tall trees shall be trimmed and maintained to ensure that they do not constitute an airspace obstruction (or, alternatively, shorter species can be planted).
- e. Outdoor parking lot lights and outdoor soccer field lights, in particular, shall be shielded so that they do not aim above the horizon. Additionally, outdoor lights should be flight checked at night to ensure that they do not create glare during landings and takeoffs.
- f. Construction cranes and other tall construction equipment shall be lowered at the end of each day.
- g. Incorporate the two mitigation measures for enhanced exiting and fire sprinkler systems (as currently required in the FEIR).
- h. Post maximum occupancy signage at 480 people inside the building (note: this occupancy level accommodates the maximum occupancy level of 345 people anticipated to be inside the recreational building during peak usage).

- i. Post maximum occupancy signage at 336 people for the outdoor soccer field area (note: this occupancy level accommodates the maximum occupancy anticipated for the soccer field and is set at the low end of the 2011 Handbook's acceptable intensity range).
 - j. Post maximum occupancy signage for 104 people in the outdoor warm-up area (note: this occupancy level exceeds the range anticipated for use of the warm-up field and is set at the low end of the 2011 Handbook's acceptable intensity range).
 - k. Post clearly marked exit gates and fencing around the outdoor field areas to further enhance safety in outdoor field areas.
 - l. Install and maintain fencing (chain link or equivalent) between the recreation and airport facilities to prevent trespass by children onto the airfield and protect the site from any potential accident from planes that could veer off the runway; with a barrier that complies with FAA Advisory Circular 150/5370-10B, Standards for Specifying Construction of Airports, Item F-162, Chain Link Fences.
 - m. Prohibit installation of fixed-seating, including temporary bleachers, around the outdoor field areas' to avoid creating confined spaces and higher than anticipated per-acre intensity occupancy levels.
 - n. Prohibit conduct of any special events that would draw a large number of people to the site that would exceed the above-noted occupancy limits established for the recreation facility use.
69. The plan shall be modified to provide at least 60-feet of additional setback from the airport runway to the southern edge of the outdoor warm-up field. Therefore, the total setback from the centerline of the 50-foot wide runway to the edge of the southern line of the warm-up field shall be at least 220-feet.
70. The walkway proposed along the new access roadway shall provide an 8 foot to 10 foot walkway in order to accommodate a multi-use bicycle/pedestrian path. The access road, which shall include two minimum 10-foot travel lanes and the multi-use path, shall not exceed 30 feet in width. The existing access road shall provide its 25-foot minimum paved width, as indicated on plans. Roadway improvements shall be completed to the satisfaction of the City Planning Division and Department of Public Works to assure safe and convenient access is provided and maintained for the duration of this use.
71. Provide details showing decals that must be applied to window surfaces in order to minimize potential of bird strikes.
72. Pursuant to Mitigation Measure **MMHaz-2**, prior to issuance of building permits or authorization to construct, the applicant should submit a *Notice of Proposed Construction or Alteration* (Form 7460-1) to the Federal Aviation Administration (FAA) and obtain from the FAA a determination of "No Hazard to Air Navigation." Construction cranes and other tall construction equipment should be noted on the form.

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

Community Development Department – Building Division

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

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

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

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

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

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

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

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

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

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

104. On site fire hydrants will be required.

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

Public Works Department - Land Development Division

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

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

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

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

110. If there are any existing bridge piles within the creek that are no longer needed for the bridge crossing, these should be removed to promote better flow characteristics of Gallinas Creek.
111. Provide a 20-scale engineered site plan and template of vehicles utilized to design the turning movements within the facility, as shown on sheet A-2. Modification to the geometry of the parking lot; turn around and existing and proposed access road may be necessary to accommodate adequate vehicle movements for large vehicles such as garbage trucks, delivery trucks and fire equipment.
112. Mitigation measure **MM Geo-1 (Geotechnical Engineering Recommendations)** shall be implemented. Prior to the issuance of the building permit or grading permit, the following recommendations contained in the Geotechnical Report prepared by John C. Hom & Associates, dated May 9, 2005 and November 23, 2005, shall be incorporated into the Project design. Prior to issuance of a grading or building permit, written verification of conformance with these recommendations shall be submitted by the Project geotechnical engineer to the City of San Rafael:
- a. A soil profile Type Se in accordance with the 2006 International Building Code shall be used in the design of the proposed Project.
 - b. All areas to be graded should be stripped of any debris and organic materials. The organic material should be removed off-site and disposed of. Excavation should then be performed to achieve any finished grades
 - c. Where fill is required, the exposed surface should be scarified to at least 6 inches, moisture-conditioned and compacted to at least 90-percent relative compaction per ASTM D-1557 test procedure. Where soft soils are encountered, treatment of the soft soils with lime maybe required. The fill should be placed in lifts of 8 inches or less in loose thickness, moisture conditions and compacted to at least 90 percent compaction. The fills materials should be should have a plastic index of 15, or less, and be no larger than 6 inches
 - d. Finished slopes are to be no steeper than 2-horizontal to 1-vertical (2:1). If steeper slopes are necessary, they should be retained. The finished slops should be planted with deep-rooted ground cover.
 - e. The proposed structure should be supported by 10-12 inch square driven piles which are pre-cut and pre-stressed concrete or steel piles. These piles should be driven continuously through the Bay Mud, the stiff soils and to refusal in bedrock (penetrate into bedrock no more than 10 feet). Ten and 12-inch piles should be driven with a hammer and maintained in good operating condition with a minimum rated energy of 20,000 and 30,000-foot pounds per blow, respectively. The piles should not deviate from vertical by more than ¼ inch per foot. Indicator piles should be driven near the corners of the building and interior of the building to determine pile depths and production piles should be ordered based on the indictor piles. The refusal blow count would depend on the hammer that is utilized and the structural capacity of the pile. The piles should be driven at least 5 feet into bedrock. The pile driving subcontractor should submit to the Soils Engineer specification of the pile hammer and equipment to be used

- f. Down draft would occur on the piles due to consolidation of Bay Mud. The down drag forces should be deducted from the structural capacity of the piles. For 10 and 12-inch concrete piles, drag loads should be 22 and 28 tons respectively. For different sized piles, the down draft should be proportionate with the cross sectional perimeter of the pile
 - g. To resist lateral loads, a passive pressure of 250 pcf should be used
 - h. Slab on grade should not be used for the mezzanine structure. Instead, supported slabs should be used. The slab subgrade should be firm and non-yielding. In areas where slab on grade is used, such as exterior walkways, the slab on grade should be tied to foundations and reinforced to span from grade beam and/or pile to grade beam and/or pile. The upper 6 inches of slab subgrade should be compacted to at least 90 percent relative compaction. Slabs should be underlain by at least 4 inches of clean, free-draining crushed rock or gravel. If migration of moisture through the slabs would be objectionable, a vapor barrier should be installed between the slab and the rock. Two inches of sand may be provided above the vapor barrier. Expansive soils shall be maintained at an elevated moisture content of at least two (2) percent above optimum until the slab is poured. Exterior slabs should be separated from foundations because of potential differential settlement.
 - i. Areas outside the structural envelope that receive fill will experience differential settlement and utilities from the structure to the street shall be designed to accommodate this. Sewer lines shall be provided with swing points. Gas, water and electrical lines shall be provided with flexible lines with sufficient slack to accommodate anticipated settlement.
 - j. Driveway and ramp approaches from the street to the building will also experience settlement. Driveway slabs shall be provided with hinge joints and reinforced to structurally span the settlement.
 - k. Surface water drainage should be diverted away from slopes and foundations. Gutters should be provided on the roofs and downspout should be connected to closed conduits discharging into the landscaped area where possible, per City standards
 - l. Roof downspouts and surface drains must be maintained entirely separate from sub-drains and foundation drains. The outlets should discharge onto erosion resistant areas of the landscaping where possible, per City standards.
113. The Project geotechnical engineer shall conduct inspections during construction of the Project to confirm that the recommendations are properly incorporated. Prior to final occupancy of the building, the Project geotechnical engineer shall submit written verification that the Project was constructed in accordance with the recommendations identified in the geotechnical reports.
114. Mitigation measure **MM Hyd-1a (Erosion Control Plan)** shall be implemented. Prior to issuance of a grading permit, a California Registered Civil Engineer retained by the Project Applicant shall prepare and submit a detailed erosion control plan (ECP) and narrative to the Stormwater Program Manager of the City of San Rafael for review and approval. The ECP shall be

designed to control and manage erosion and sediment, control and treat runoff, and promote infiltration of runoff from new impervious surfaces resulting from construction activities in order to minimize erosion and runoff to the maximum extent feasible. At a minimum, the ECP and written narrative shall include the following:

- a. A proposed schedule of grading activities, monitoring, and infrastructure milestones in chronological format
- b. Identification of critical areas of high erodibility potential and/or unstable slopes; contour and spot elevations indicating runoff patterns before and after grading
- c. Identification and description of erosion control measures on slopes, lots, and streets, based on recommendations contained in the *Erosion and Sediment Control Field Manual* published by the San Francisco Regional Water Quality Control Board (RWQCB), the Association of Bay Area Governments' *Manual of Standards for Erosion and Sediment Control*, or equivalent document, as required by the City of San Rafael *General Plan 2020 Policy S-1922* (Erosion). Measures could include, but are not limited to stabilizing the entrances, using straw wattles, installing silt fences, using erosion control blankets, and covering all exposed soil with straw mulch or a trackifier
- d. The location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, including measures to control dust
- e. Identification and description of soil stabilization techniques (such as short-term biodegradable erosion control blankets and hydroseeding) to be utilized;
- f. A description of the location and methods of storage and disposal of construction materials
- g. The post-construction inspection of all drainage facilities for accumulated sediment, and the cleaning of these drainage structures of debris and sediment
- h. The first 3/4 -inch of runoff from the first 1-inch of rainfall must be treated; and
- i. A copy of the City's Best Management Practices sheet included within project plans

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

115. Mitigation measure **MM Hyd-1b (NPDES Permit)** shall be implemented. Prior to issuance of a grading or building permit, whichever occurs first, and following the preparation of Project site grading plan, the Applicant shall comply with NPDES General Construction Activities Storm Water Permit Requirements established by the Clean Water Act (CWA), including the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall identify specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water

quality from stormwater runoff. In addition to complying with the standards established by the CWA for preparation of a SWPPP, the SWPPP shall also comply with the directions for preparing a SWPPP contained in the latest edition of the *Guidelines for Construction Projects*, published by the San Francisco Regional Water Quality Board (RWQCB). Furthermore, in conjunction with the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), and as required by the City's *General Plan 2020* Policy S-21 (RWQCB Requirements), the Project Applicant shall consult with City staff and implement recommended measures that would reduce pollutants in stormwater discharges from the site to the maximum extent practicable.

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

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

118. Mitigation measure **MM Hyd-1e: Drainage Swales** shall be implemented. Where grassed swales are to be used to filter pollutants from runoff, they shall consist of a dense, uniform growth of fine-stemmed herbaceous plants best suited for filtering pollutants and tolerant to the water, climatological, and soil conditions of the development area. In addition, the swale design shall include, but not be limited, to the following:

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

The Project Applicant shall submit a final site plan, design, construction details, and maintenance program for the proposed grassed swale(s) to the City's Engineering Services Manager for review and approval prior to issuance of a grading or building permit, whichever occurs first.

119. Mitigation measure **MM Hyd-2a: Flood-proofing** shall be implemented. In order to provide for one foot of freeboard elevation above the base 100-year flood elevation of +6.0 NGVD (+8.67 NAVD), the portions of the building below +7.0 NGVD (+9.67 NAVD) shall be flood proofed according to the following specifications per FEMA *Technical Bulletin 3-93* (see Appendix I):

- a. The building must be watertight to the floodproof design elevation of +7 NGVD (9.67 NAVD). Floodproofing to any elevation less than 1 foot above the BFE will have a serious negative impact on the flood insurance rating for the building. Generally a minimum of 1 foot of freeboard is recommended. Additional freeboard is warranted for sites where predicted flood depths may be inaccurate, such as sites within large drainage areas and rapidly urbanizing areas.
- b. The building's walls must be "substantially impermeable to the passage of water." FEMA has adopted the U.S. Army Corps of Engineers (ACOE) definition of substantially impermeable from the ACOE publication "Flood Proofing Regulations." This document states that a substantially impermeable wall "shall not permit the accumulation of more than 4 inches of water depth during a 24-hour period if there were no devices provided for its removal. However, sump pumps shall be required to control this seepage." Flood resistant materials, described in Technical Bulletin 2, "Flood-Resistant Materials Requirements," must be used in all areas where such seepage is likely to occur.
- c. The building's utilities and sanitary facilities, including heating, air conditioning, electrical, water supply, and sanitary sewage services, must be located above the BFE, completely enclosed within the building's watertight walls, or made watertight and capable of resisting damage during flood conditions.
- d. All of the building's structural components must be capable of resisting specific flood-related forces. These are the forces that would be exerted upon the building as a result of floodwaters reaching the BFE (at a minimum) or floodproofing design level.
- e. The construction plans must be signed and stamped by either a registered engineer or architect, certifying that the building and materials are designed to comply with the requirements and guidelines of the flood proofing methods established by FEMA.

120. **MM Hyd-2b: Finalize Hydrology Report and Grading and Drainage Plans.** A final hydrologic report and final grading and drainage plans shall be prepared by the Applicant and submitted for review and approval by the Building Division and Department of Public Works prior to issuance of permits authorizing grading, construction and installation of on-site improvements. The final construction plans shall be prepared based on the preliminary hydrologic report, grading plan and drainage plans that have been submitted for the project zoning entitlements and which have been reviewed by Building and Public Works for the purpose of identifying their respective requirements that would apply to this project, and confirm that their respective requirements could be satisfied based on the preliminary plans and reports submitted for zoning review. The final plans shall incorporate responses required to address requirements of the Building and Public Works Department; as necessary to assure construction plans and details shall comply with all codes, standards, and requirements currently imposed and enforced by the Building Division and Department of Public Works. This shall include submittal of the following:

- a. Preliminary drainage calculations shall be verified and confirmed by the project Civil Engineer with plans submitted for final construction documents. The final hydrology report shall contain updated pre- and post-construction runoff calculations to support the final improvement plan details shown on the final construction documents.

- b. Final grading and drainage plans shall be prepared by a registered engineer and the final building pad/finished floor grade shall be verified and certified by a licensed surveyor to assure the required finish grade and building flood proofing elevations are achieved.

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

Public Works Department – Storm Water Pollution Prevention Division

- 129. Notice of Intent is required from the State.
- 130. Attach "Best Management Practices" sheet to building permit plans.
- 131. The first ¾" of the first 1" of rainfall must be treated prior to discharge into public drainage system. Show the method for compliance.
- 132. Roof leaders must be directed to landscaping for treatment. The first ¾" inch of rainfall must be treated prior to going to the storm drain system
- 133. The refuse area shall be provided for trash, recycling and landscape recycling containers to serve the needs of the site. Refuse enclosure areas and details shall be prepared in consultation with the waste service provider, indicated on project plans and shall be covered, bermed and plumbed to the sanitary sewer.

Fire Department

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

- a) Include the following notes on the building plans:
 - i. Fire Sprinkler/Standpipe system places (Deferred Submittal to the Fire Prevention Bureau)
 - ii. Fire Alarm system plans (Deferred Submittal to the Fire Prevention Bureau)
 - iii. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)

- b) As the building is over 30 feet in height, an aerial fire apparatus clear access roadway with minimum unobstructed width of 26-feet is required parallel to one entire side of the building. The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building. Minimum width of fire apparatus access road is 20-feet and minimum inside turning radius of fire apparatus road is 28-feet. A fire apparatus access plan shall be prepared for review, showing the location of the following:
 - i. Designated aerial fire apparatus road
 - ii. Red curbs and no parking fire lane signs
 - iii. New fire hydrants
 - iv. Fire Department Connection (FDC)
 - v. Double detector check valves
 - vi. Street address sign
 - vii. Recessed Knox Box
 - viii. Fire Alarm annunciator panel

- c) Required fire apparatus turn-around shall be approved by the Fire Department.

- d) No overhead utility or power lines are allowed on-site, particularly within the fire apparatus access roadway or between the roadway and building.

- e) Alternate means and methods to address these current Fire Department standards shall be subject to review and approval of the Fire Prevention Bureau.

- f) On-site hydrants are required for this project; wet barrel Clow model 960. Location of hydrants shall be determined by the plan reviewer, Fire Inspector David Heida. Please contact David Heida to arrange a plan review meeting, at (415) 458-5004.

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

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

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

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

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

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

Police Department

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

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

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

Marin Municipal Water District

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

Las Gallinas Valley Sanitary District

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

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

Conditions Required During Construction and Grading

Community Development Department – Planning Division

151. The Project Contractor shall implement the following control measures pursuant to mitigation measure **MM AQ-1a** (Construction Impacts) during construction activities to reduce PM₁₀ emissions per the BAAQMD's recommendation:
 - All active construction areas shall be watered at least twice daily. A water truck or equivalent method shall be in place prior to commencing grading operations.
 - All trucks hauling soil, sand, and other loose materials shall be covered and maintain at least one foot of freeboard.
 - All unpaved access roads, parking areas and staging areas at construction sites shall be paved, watered three times daily, or applied with non-toxic soil stabilizers.
 - All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers and adjacent public streets shall be swept if visible soil material is carried onto them. This shall also include Smith Ranch Road (from the entrance to the site west ¼ mile daily (with water sweepers) if visible soil material is carried onto adjacent public streets. All inactive construction areas (previously graded areas inactive for ten days or more) shall be treated with hydroseed or non-toxic soil stabilizers.
 - Any exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered and watered twice daily or non-toxic soil binders shall be applied to any exposed stockpiles
 - All construction traffic on unpaved roads shall be limited to speeds of 15 mph. Prior to the commencement of any grading, appropriate signs shall be placed on site to identify the maximum speed.
 - Excavation and grading activity shall be suspended when wind gusts exceed 25 miles per hour.
 - Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

- The Project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
- A dust control coordinator shall be designated for the Project. The name, address and telephone number of the dust coordinator shall be prominently posted on site, and shall be kept on file at the Planning Division. The coordinator shall respond to dust complaints promptly (within 24 hours) and shall have the authority to take corrective action.
- The above requirements shall be noted on the grading plans or building permit plans prepared for the Project prior to issuance of any permit.

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

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

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

- a. Except for pile driving, all work associated with the new bridge, including the demolition of existing bridge deck, installation of the new deck, and other bridge improvements, shall be restricted to August 1 to October 15;
- b. Pile-driving work shall be further restricted to between the dates of September 1 and October 15, when migrating anadromous fish would not be expected to be in Gallinas Creek. This “avoidance window” was selected to avoid the breeding season of several other special-status species as well, as detailed below.
- c. As required by CDFG in the Streambed Alteration Agreement (SBAA), work activities associated with the pile-driving shall not begin unless there is no rain in the forecast, and all erosion control measures are in place pursuant to a detailed Storm Water Pollution Prevention Plan (SWPPP) prepared for the project.
- d. Any conditions of the SBAA imposed by the CDFG shall also become conditions of the Project approval.

- e. Compliance with Best Management Practices for sediment and erosion control as detailed in the SWPPP and ECP prepared for the project shall be taken to prevent silt-laden or contaminated runoff from entering the stream. Measures to control runoff from entering the stream could include the placement of fiber rolls and silt fences, containing wastes, dry sweeping instead of washing down impervious surfaces, and providing proper washout areas for the construction contractor.
- f. Sandbags shall be installed at the top of bank to prevent fluids, sediment, or construction related debris from entering Gallinas Creek.
- g. A hammock, or similar material, shall be deployed over the creek during reconstruction of the bridge to capture any construction debris that could fall into the creek during the proposed bridge work.
- h. All construction debris shall be removed from the work area following completion of the bridge improvements.

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

- The SWPPP and SWMP will be designed to ensure that there are no significant impacts to water quality in the North Fork of Gallinas Creek resulting from Project construction or post-construction storm water discharges.
- Prior to being discharged, storm water generated on the Project site, including the parking lots, shall be treated via a comprehensive set of onsite treatments BMPs to remove urban contaminants from the runoff.
- Since the proposed Project will increase the amount of impervious surface on the Project site, the SWMP shall also address storm water detention and shall ensure that the volumetric flow rate of water discharged into the North Fork of Gallinas Creek does not exceed the pre-project rate. Treated storm water will continue to be discharged at constant rates up to the existing pump station capacity of 500,000 gallons per hour/18.5 cubic feet per second.

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

- a. Pile driving associated with the recreational facility building shall not commence until September 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. Interior work shall be allowed without timing limitations. Construction shall not commence on the recreational facility Project 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.

- b. To account for California clapper rails or black rails, and other special-status birds, that occur and nest in the marsh habitats along the creek in the immediate area of the bridge, all work associated with the new bridge, including the demolition of existing bridge deck, installation of the new deck, and other bridge improvements, shall be restricted to August 1 to October 15. The bridge pile-driving dates shall be further restricted to September 1 and October 15 when potentially occurring anadromous fish would not be expected to occur in the channel. This “avoidance window” is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction activities would disrupt breeding attempts. This mitigation measure provides conservation measures that are consistent with the ISP Best Management Practices.
- c. Noise abatement measures shall include restricting construction to the daylight hours and limiting the use of high decibel construction equipment (70-90 dBA) to areas at least 200 feet from the North Fork of Gallinas Creek. This restriction does not apply to pile-driving activities, provided these activities occur during the “avoidance window” provided above. Consequently, noise from the Project site construction will not disrupt nocturnal wildlife species’ activity patterns, and daytime high decibel construction noise will be buffered by the established noise abatement zone along the North Fork of Gallinas Creek.
- d. Finally, four-foot black mesh exclusion fencing shall be installed along the outside edge of the creek buffer zone (100 feet from the North Fork of Gallinas Creek) to prevent sensitive species, such as clapper rails and black rails, from entering the work areas. The exact location of this fence shall be determined by a qualified biologist. The fence shall be installed prior to the time any site grading or other construction-related activities are implemented. The fence shall remain in place during site grading or other construction-related activities.

156. Implement mitigation measure **MM Bio-4a: Nesting Raptors – Bridge Construction**. The bridge reconstruction component of the project shall occur between the dates of August 1 and October 15, and the pile-driving activities shall be restricted to September 1 to October 15, as otherwise specified above. This “avoidance window” is outside of the raptor breeding season, thereby eliminating the potential that bridge reconstruction activities would disrupt nesting raptors in the area.

157. Implement mitigation measure **MM Bio-4b: Nesting Raptors – Recreation Facility Construction**. Exterior construction of the recreational facility shall be allowed between July 1 and February 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 to account for late nesting raptors.
158. Implement mitigation measure **MM Bio-4c: Nesting Raptors – Pre-construction Nesting Surveys**. Pre-construction nesting surveys shall be conducted as follows:
- A pre-construction nesting survey shall be conducted by a qualified biologist during the breeding season (February through July) of the year construction of the project will commence. The nesting survey shall be conducted within 30 days prior to commencing of construction work. The raptor nesting surveys shall include examination of all habitats and trees within 500 feet of the entire Project site, including near the bridge, not just eucalyptus trees on the northern boundary of the Project site.
 - If a nesting raptor species is identified, a 300-foot radius buffer around any active nest site that is located on or within 300 feet of the Project site shall be fenced with orange construction fencing. If the nest is off the Project site, the Project site shall be fenced where this buffer intersects the project area. This 300-foot buffer may be reduced in size if a qualified raptor biologist determines that the nesting raptors are acclimated to people and disturbance, and/or otherwise would not be adversely affected by construction activities. At a minimum, however, the non-disturbance buffer shall be a radius of 100 feet around the nest site. When construction buffers are reduced from the 300 foot radius, a qualified raptor biologist shall monitor distress levels of the nesting birds until the young fledge from the nest. If at any time the nesting raptors show levels of distress that could cause nest failure or abandonment, the raptor biologist shall have the right to re-implement the full 300-foot buffer. Instances when the buffer could be reduced in size would be if the raptors were well acclimated to disturbance and/or if there were physical barriers between the nest site and the construction project that would reduce disturbance to the nesting raptors.
159. No construction or earth-moving activity shall occur within the non-disturbance buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1. Regardless, the resource agencies consider September 1 the end of the nesting period unless otherwise determined by a qualified raptor biologist. Once the raptors have completed the nesting cycle, that is the young have reached independence of the nest, no further regard for the nest site shall be required and no other compensatory mitigation is required.
160. Implement mitigation measure **MM Bio-5a: Western Burrowing Owl – Nesting Surveys**. Pre-construction nesting surveys for Western burrowing owl shall be conducted as follows:
- a. Pre-construction Survey. A preconstruction survey of the Project site shall be conducted by a qualified biologist within 30 days prior to any ground disturbing activities to confirm the absence or presence of burrowing owls. If more than 30 days lapse between the time of the

preconstruction survey and the start of ground-disturbing activities, another preconstruction survey must be completed. This process shall be repeated until the Project site habitat is converted to non-habitat (e.g., developed for recreational uses). If western burrowing owls are not present, no further mitigation is required.

- b. If burrowing owls are found on the Project site during the non-breeding season (September 1 through January 31), impacts to burrowing owls shall be avoided by establishing a fenced 160-foot buffer (50 meters) between the nest site (i.e., the active burrow) and any earth-moving activity or other construction-related disturbance on the Project site.
- c. If burrowing owls are detected on the site during the breeding season and appear to be engaged in nesting behavior, a fenced 250-foot buffer (75 meters) shall be installed between the nest site (i.e. the active burrows or ground nests) and any earth-moving activity or other disturbance on the Project site. This 250-foot buffer may be removed once it is determined by a qualified raptor biologist that that young have fledged (that is, left the nest). Typically, the young fledge by August 31st. This fence removal date may be earlier than August 31st, or later, and would have to be determined by a qualified raptor biologist. Once the qualified raptor biologist confirms that there are no owls inside any active burrows, these burrows may be collapsed.

161. Implement mitigation measure **MM Bio-5b: Western Burrowing Owl – Passive Relocation**. If occupied western burrowing owl burrows are found within 160 feet of the proposed Project work area during the non-breeding season, and may be impacted, passive relocation measures shall be implemented according to the Burrowing Owl Consortium Guidelines (BOC 1993) and as recommended by a qualified biologist. Rather than capturing and transporting burrowing owls to a new location (which may be stressful and prone to failure), passive relocation is a method where the owls are enticed to move on their own accord. The biologist shall consult with CDFG prior to initiating passive relocation measures. Passive relocation shall not commence before September 30th and shall be completed prior to February 1st of any given year. After passive relocation, the Project site and vicinity will be monitored by a qualified biologist daily for one week and once per week for an additional two weeks to document where the relocated owls move. A report detailing the results of the monitoring will be submitted to CDFG within two months of the relocation

162. Implement mitigation measure **MM Bio-5c: Western Burrowing Owl – Habitat Delineation**. If burrowing owls are found occupying burrows on the Project site, a qualified raptor biologist shall delineate the extent of burrowing owl habitat on the site. To mitigate for impacts to burrowing owls, the applicant shall implement mitigation measures recommended by the CDFG which state that six and a half acres (6.5 acres) of replacement habitat must be set-aside (i.e., protected in perpetuity) for every occupied burrow, pair of burrowing owls, or unpaired resident bird. Protecting burrowing owl habitat in perpetuity will off-set permanent impacts to burrowing owl and their habitat. For example, if two pairs of burrowing owls are found occupying burrows on the Project site, 13 acres of mitigation land must be acquired. Similarly, if one pair and one resident bird are identified, 13 acres of mitigation land must be acquired. The protected lands shall be adjacent to occupied burrowing owl habitat and determined to be suitable in consultation with CDFG. Land identified to off-set impacts to burrowing owls must be protected in perpetuity either by a conservation area restriction or via fee title acquisition. A detailed mitigation and monitoring plan shall be developed for the burrowing owl mitigation area. This plan shall be prepared by the project biologist in consultation

with CDFG. The applicant will provide an endowment fund to the Grantee of the Conservation Area Restriction for the long-term management of the burrowing owl mitigation lands.

163. Implement mitigation measure **MM Bio-6a: Common and Special-Status Nesting Birds – Bridge Construction**. The bridge reconstruction component of the project shall occur between the dates of August 1 and October 15, and the pile-driving activities will be restricted to September 1 to October 15, as otherwise specified above. This “avoidance window” is outside of the breeding season, thereby eliminating the potential that bridge reconstruction activities would disrupt nesting birds.
164. Implement mitigation measure **MM Bio-6b: Special-Status Nesting Birds – Nesting Surveys**. A nesting survey shall be conducted within 15 days prior to commencing construction work. If special-status birds, such as saltmarsh common yellowthroat and San Pablo song sparrow, are identified nesting near the bridge reconstruction component of the Project, a 50-foot radius buffer must be established around the nest site by installing bright orange construction fencing. Similarly, if great blue herons, great egrets, snowy egrets, or black-crowned night herons are found nesting near the bridge or near the Project site area, a 200-foot radius around the nest site(s) must be fenced with bright orange construction fencing. If nests are found off the Project site but within the appropriate buffer, the portion of the buffer on the Project site shall be fenced with bright orange construction fencing. No construction or earth-moving activity shall occur within a buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1. This date may be earlier than August 1, or later, and would have to be determined by a qualified ornithologist.
165. Implement mitigation measure **MM Bio-6c: Common Nesting Birds – Nesting Surveys**. If common (that is, not special-status) passerine birds (that is, perching birds such as western scrub jays and northern mockingbird) are identified nesting within the project area or immediately adjacent to the Project site, a 50-foot buffer demarcated by orange lath staking installed every 20 feet around the buffer shall be established. No grading/construction activities shall occur in the established buffer until it is determined by a qualified biologist that the young have fledged and have attained sufficient flight skills to leave the area. Typically, most passerine birds can be expected to complete nesting by July 1, with young attaining sufficient flight skills by early July. Swallows species are the exception typically fledging and attaining sufficient flight skills in mid-July.
166. Implement mitigation measure **MM Bio-8: Pallid Bat (and Other Bat Species)**. In order to avoid impacts to roosting bat habitat, preconstruction surveys shall be conducted prior to any tree removal on the Project site to ensure that direct take of this species would not occur. A biologist with experience conducting bat surveys shall conduct this survey. If no bats are found during the survey, tree removal shall be conducted within one month of the survey. If a maternity colony is found during the surveys, no eviction/exclusion shall be allowed during the breeding season (typically between April 15 and July 30). If a non-reproductive group of bats are found, they shall be passively evicted by a qualified biologist and excluded from the roost site prior to work activities during the suitable time frame for bat eviction/elusion (*i.e.*, February 20 to April 14 and July 30 to October 15). CDFG shall approve any and all bat eviction activities prior to implementation of such activities. Any conditions for the project imposed by CDFG as a condition for removal of bats would become a condition of project approval.

167. Implement mitigation measure **MM Bio-9: Impacts to CDFG Jurisdiction – Banks of the North Fork of Gallinas Creek**. Construction of the proposed bridge shall be restricted to the terms and activities consistent with the approved CDFG 1602 Lake and Streambed Alteration Agreement (Notification Number: 1600-2006-0266-3), including but not limited to the following:
- a. All work associated with the new bridge, including the demolition of existing bridge deck, installation of the new deck, and other bridge improvements, shall be restricted to August 1 through October 15 to account for California clapper rails or black rails, and other special-status birds, that could nest in the marsh habitats along the creek in the immediate area of the bridge. This “avoidance window” is outside of the California clapper rail, California black rail, and other special-status birds breeding seasons, thereby eliminating the potential that bridge reconstruction activities would disrupt breeding attempts. The work on the bridge deck may be extended beyond the October 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.
 - b. 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.
 - c. No work shall occur below the top-of-bank or the normal high-water mark (i.e., the mean higher high tideline) of the stream.
 - d. All conditions in the authorized SBAA shall also be made a condition of the project.
168. Implement mitigation measure **MM CR-1a: Monitoring**. A qualified archaeological monitor shall be present during pre-construction and construction activities that involve earth disturbance, such as land clearing, excavation for foundations, footings, and utilities. Land clearance and soil excavation shall occur only under the direction of the project archaeologist, and soil shall not be removed from the site without the approval of the project archaeologist.
169. Implement mitigation measure **MM CR-1b: Discovery**. In the event that archaeological features, such as concentrations of artifacts or culturally modified soil deposits including trash pits older than fifty years of age, are discovered at any time during grading, scraping, or excavation within the property, all work shall be halted in the vicinity of the find, the Planning Division shall be notified, and a qualified archaeologist shall be contacted immediately to make an evaluation. If warranted by the concentration of artifacts or soils deposits, further work in the discovery area shall be monitored by an archaeologist.
170. Implement mitigation measure **MM Haz-2: Elimination of Flight Hazards**. In order to ensure that the proposed Project does not expose aircraft to hazards associated with the operations of the proposed Project, the Project Applicant shall be designed, constructed and/or operated in compliance with the following requirements:

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

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

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

- a. Construction activities on the site shall be limited to the hours specified in the San Rafael Noise Ordinance.
- b. Construction equipment shall utilize the best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) in order to minimize construction noise impacts. These controls shall be used as necessary to reduce heavy equipment noise to 72 dBA (Leq) at 100 feet to ensure acceptable noise levels are maintained at the closest (southernmost) softball field. If such equipment noise levels cannot be achieved, the Project sponsor shall coordinate operation of heavy equipment to avoid hours when the closest (southernmost) softball field is being used for practices or games to the maximum extent feasible
- c. The applicant shall contact the County Parks and Open Space Director and General Manager to obtain game and practice field schedules and schedule work to avoid games and practices on the closest field, to the maximum extent feasible. In addition, the applicant shall contact the program manager for McInnis Park to advise them of the pending construction project in order to help facilitate a schedule that would avoid most game and practice times
- d. If impact equipment such as jack hammers, pavement breakers, and rock drills is used during construction, hydraulically or electric-powered equipment shall be used to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools themselves shall also be used, where feasible.
- e. A Noise Disturbance Coordinator shall be designated to respond to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. The construction schedule and telephone number for the Noise Disturbance Coordinator shall be conspicuously posted at the Project construction site.

172. Implement mitigation measure **MM N-3: Pile Driving Noise**. For proposed pile driving, quieter procedures shall be used such as pre-drilling holes to the maximum depth feasible and using more than one pile driver to shorten the total pile driving duration. To minimize disruption of recreational activities on the closest (southernmost) field at McInnis Park, the applicant shall contact the County

Parks and Open Space Director and General Manager to obtain game and practice field schedules and schedule work to avoid games and practices on the closest field, to the maximum extent feasible. In addition, the applicant shall contact the program manager for McInnis Park to advise them of the pending construction project in order to help facilitate a schedule that would avoid most game and practice times. The applicant shall also provide the County with contact information for noise complaints.

Conditions Required Prior to Occupancy

Community Development Department – Planning Division

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

Fire Department

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

Police Department

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

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

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

The foregoing Resolution was introduced and adopted at the regular City Council meeting held on the ___ day of December, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

SAN RAFAEL CITY COUNCIL

GARY O. PHILLIPS, Mayor

ATTEST:

ESTHER C. BEIRNE, City Clerk

Attachment A

Existing Permitted Non Aviation Uses at San Rafael Airport.

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

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

