

CITY OF



*San Rafael*

Community Development Department – Planning Division

P. O. Box 151560, San Rafael, CA 94915-1560

PHONE: (415) 485-3085/FAX: (415) 485-3184

**Meeting Date:** May 12, 2009

**Agenda Item:**

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

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

## REPORT TO PLANNING COMMISSION

**SUBJECT: 397-400 Smith Ranch Road (San Rafael Airport Recreational Facility)** – Review of Draft Environmental Impact Report (DEIR) prepared for proposed recreational sports facility at the San Rafael Airport; APN: 155-230-10,11,12,13,14,15,16); Planned Development-Wetland Overlay (PD1764-WO) Zone; Bob Herbst, Applicant; San Rafael Airport, LLC, Owner; Case Number(s): (ZC05-01, UP05-08, ED05-15)

### EXECUTIVE SUMMARY

The City of San Rafael is the lead agency responsible for overseeing environmental review for a new recreational facility use proposed on approximately 9.1-acres of the 119.52-acre San Rafael Airport property. The project site is located adjacent to the North Fork of Gallinas Creek south of McInnis Park and Smith Ranch Road. The proposal includes construction of a 71,300-square-foot, indoor sports fields and courts building, with a 14,400 square foot mezzanine level containing viewing deck seating, a café, offices and meeting rooms, a lighted outdoor soccer fields and a warm-up field, a 184 space paved parking lot, an unpaved overflow parking area, a new site access driveway, and fencing, landscaping and drainage improvements. Planning applications include a Zone Change to amend the PD District uses, Use Permit to establish conditions of the use, and Environmental and Design Review Permit to approve the new building and related improvements.

In 2006 the Planning Commission reviewed an Initial Study/Mitigated Negative Declaration previously prepared for the project. As a result of Planning Commission hearings and public input on the IS/MND, the City concluded an EIR needed to be prepared for the project with expanded analysis of Biological Resources and Hazards (Airport Safety), and assess project alternatives. A Draft Environmental Impact Report (DEIR) has been prepared based on the scope of work developed and approved by the City Council on October 16, 2006. The scope of work was also expanded following a Notice of Preparation mailed on October 10, 2007.

The DEIR document (State Clearinghouse No. 2006012125) consists of two volumes, Volume I: the Draft EIR text - Impact Analysis sections, and Volume II: Technical Appendices, supporting studies and materials. The DEIR concludes that the project would result in potentially significant environmental impacts associated with aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards, hydrology and water quality, noise, and traffic. Mitigation measures have been identified for all potentially significant environmental impacts. The project would not result in any significant unavoidable impacts. A minimum 45-day public review period has been observed (extended to 60 days).

### RECOMMENDATION

It is recommended that the Planning Commission take the following action:

1. Accept public comment and testimony on the DEIR.

2. By motion, direct staff to prepare a Final Environmental Impact Report and respond to all comments received.

**PROPERTY FACTS**

<b>Address/Location:</b>	397-400 Smith Ranch Road	<b>Parcel Number(s):</b>	155-230-10 thru -16
<b>Property Size:</b>	9.1-acres of 119.5-acre site	<b>Neighborhood:</b>	Smith Ranch

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	<b>Airport/Recreation</b>	<b>PD1764-WO &amp; W</b>	<b>Airport &amp; Assoc. Use</b>
North:	Park/Open Space, Conservation, Low Density Residential	P/OS	McInnis Park, North Fork Gallinas Creek
South:	Park/Open Space, Conservation, Low Density Residential	Unincorporated	South Fork Gallinas Creek, Santa Venetia Residential
East:	Park/Open Space, Conservation, Low Density Residential	Unincorporated	South Fork Gallinas Creek, Santa Venetia Residential, baylands
West:	Medium Density Residential	PD1626-WO & PD1399	Contempo Marin & Captains Cove Residential

**Site Description/Setting:**

The airport property consists of a single, 119.52-acre parcel (Parcel B on Parcel Map 70 Civic Center North) which was recorded in December 1983. A southerly, undeveloped, 43-acre portion of airport property is within County jurisdiction (unincorporated). However, all airport improvements are within the City of San Rafael jurisdiction. The airport facility primarily operates for small private aircraft flights and aircraft storage hangars. Existing development consists of: 100 airport hangars totaling 210,000 square feet in area; 12 non-aviation light industrial business uses totaling 22,500 square feet in area; a 50-foot-wide by 3500-foot-long paved runway and overrun taxiway oriented southwest to northeast; and two residential units. The airport is relatively level containing former submerged tidelands situated at 0-3 feet elevation above mean seal level, which are bordered by the North and South Forks of Gallinas Creek. This area is protected by a perimeter levee system extending 12,000 linear feet and connecting with the Contempo Marin levee system, which as a whole, provides flood protection to the area. The levees are 9-feet above mean sea level.

The recreation facility project area proposed development of approximately 9.1-acres located at the northeasterly quadrant of the airport property, within assessors tax parcel APN: 155-230-12. The project site is accessed by a private paved roadway that extends from Smith Ranch Road, which crosses Gallinas Creek via 25-foot wide wood bridge deck. Delineated wetlands (under jurisdiction of US Army Corps of Engineers) are located between the proposed recreational building and uses and the levee along the North Fork of Gallinas Creek. Drainage from the eastern portion of the site and project area is collected and transported through an existing drainage ditch that runs parallel to the north side of the airport runway. The ditch carries runoff to an existing pump-house near the northeastern corner of the airport site, where it is pumped into the creek.

The 441-acre McInnis Regional Park and golf course is located just northeast of the site. Sonoma-Marin rail right-of-way runs along the southwest to northeast boundary and separates the site from the

Contempo Marin and Captains Cove residential neighborhood areas. The unincorporated Santa Venetia residential neighborhood is located to the south. US Highway 101 is located approximately 1-mile to the west. Other prominent visual features in the area include Marin County Civic Center, which is 1-mile to the southwest, the nearby San Pedro Ridge and Mount Tamalpais. San Pablo Bay is located to the west. The DEIR Chapter 3 also contains a detailed description of the setting (DEIR pages 3-1 thru 3-4).

## BACKGROUND

The San Rafael Airport recreation facility project has a long history. Key milestones for the proposed project application are summarized in the following chronology:

- March 1, 2005: The City received planning applications for the development of a new 85,700 square foot recreational building with two outdoor fields on a portion of the San Rafael Airport property.
- July 19 and November 8, 2005: The Design Review Board reviewed the project and at the November meeting they recommended approval of the project design.
- January 27, 2006: The City of San Rafael published an Initial Study/Draft Mitigated Negative Declaration (IS/MND) for the proposed project and observed a 30-day public review period for comment.
- February 28 and March 28, 2006: The Planning Commission conducted public hearings on the IS/MND and project. At the March 28 meeting, the Commission took action continuing the project with direction that staff review the comments and testimony and return with additional analysis.
- June 21, 2006: Staff issued a letter to interested residents informing them that staff and the City Attorney concluded an Environmental Impact Report (EIR) must be prepared for the project, which would utilize the studies and information contained in the draft IS/MND with additional analysis of habitat and airport safety issues, as well as feasible alternatives to the project. It was determined that an EIR scoping meeting would not be held given that so much public input into the application had already been provided.
- September 26, 2006: The Planning Commission reviewed a draft scope of work for preparation of an Environmental Impact Report (EIR) prepared by consultant Lamphier-Gregory, along with a request from the applicant that the scope of work be revised to include evaluation of the following proposed project revisions:
  - Revised hours of operation to include operations during 4.P.M. to 6 P.M. peak traffic hours.
  - Addition of lights to outdoor playing fields.
  - Modification to types and placement of the outdoor fields.
- October 16, 2006: The City Council adopted Resolution 12137 authorizing an agreement with Lamphier-Gregory to prepare an EIR for the project based on the revised scope of work. The consultant contract included the following work by subconsultants:
  - Biological habitat analysis
  - Airport safety and hazards analysis
  - Peer review of noise analysis

During January through April 2007, the biological consultant conducted focused Clapper Rail surveys in conformance with US Fish and Wildlife Draft Survey Protocol for the California Clapper Rail. The completion of the DEIR was temporarily suspended from December 2006 through July 2007 to allow the protocol surveys and report to be completed. This study included survey consultation with US Fish and Wildlife Service (USFWS).

## PROJECT DESCRIPTION

The project proposes construction of a new, private recreational facility located on approximately 9.1-acres of undeveloped land on the San Rafael Airport site, between the airport runway and North Fork Gallinas Creek. The facility consists of a 36-foot tall, 85,700-square-foot recreational building housing two indoor soccer fields and two sport courts, a mezzanine level with ancillary viewing, café, office and meeting room uses, and an outdoor soccer field and warm-up field. The use proposes to operate 7 days per week, with its longest hours of operation from 9AM to 12PM. Improvements would include a 184 space paved parking lot and access roadway, gravel overflow parking area, upgraded bridge crossing over Gallinas Creek, exterior lighting, landscaping and drainage. The applicant anticipates up to 700 daily users within the indoor facilities and 300 daily users for the outdoor field, plus up to 12 equivalent full-time employees. Features proposed to be incorporated into the project design include building flood-proofing, solar roof panels, energy efficient field lighting and new bridge deck to accommodate two-lanes of traffic.

The project includes requests for the following zoning entitlements:

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

The DEIR Chapter 3 contains the applicant's Project Objectives (DEIR pages 3-9 thru 3-11) and detailed description of the proposed use including hours, anticipated number of daily users, lighting and design details, construction characteristics and anticipated (two-year) construction timeframe (Project Description, DEIR pages 3-9, 3-11 thru 3-21).

## DRAFT ENVIRONMENTAL IMPACT REPORT

### Notice of Preparation (NOP)

Consistent with the California Environmental Quality Act (CEQA) Guidelines, on October 10, 2007 the City prepared and published a Notice of Preparation (NOP) of an Environmental Impact Report for the San Rafael Airport Recreational Facility, to obtain updated comments from responsible and trustee agencies and interested parties. Following the required 30-day public review period, comments received were forwarded to the EIR consultant.

As noted above, the decision to prepare an EIR was previously made following hearings on the project by the Planning Commission. A formal scoping meeting was not required nor conducted given the amount of public input provided at the previous public hearings on the project and the draft Initial Study/Mitigated Negative Declaration. As a result of the public hearings and public input, it was determined that the EIR would focus on the following topic areas:

- Land Use and Planning
- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Historic Resources
- Geology and Soils
- Hazards

- Hydrology and Water Quality
- Noise
- Transportation and Traffic
- Other Environmental Effects
- Alternatives

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

The scope of work was further expanded in response to recently enacted environmental legislation, to include the following topic area:

- Climate Change

### **Notice of Completion and Publication of DEIR**

The Draft EIR was completed and a Notice of Completion (NOC) was distributed on March 11, 2009 pursuant to Section 15372 of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Availability and Public Hearing was also mailed to all interested and affected parties, including property owners within 1,000 feet of the subject property. In addition, the NOC was published in the Marin IJ, and was posted on the property and at the nearby McInnis Park. Publication and mailing of the notices and distribution of the DEIR initiated a minimum 45-day public review period, during which time all interested parties, persons and agencies are encouraged to submit comments on the adequacy of the DEIR.

The DEIR has been made available for review online at the City of San Rafael website ([www.cityofsanrafael.org/community\\_development](http://www.cityofsanrafael.org/community_development)), at the San Rafael and Marin County Civic Center Public Libraries, and at San Rafael City Hall in the City Clerk and Planning Division offices. A limited number of printed copies have been available for loan, and electronic CD copies of the document have been available for purchase. Staff also held an informational meeting on March 25<sup>th</sup> to inform representatives of neighborhood and interested groups about the DEIR review process and conclusions. On April 23, 2009, a supplemental notice was distributed to all parties, and the State Clearinghouse, reporting that the review and comment period was extended to May 12, 2009 (61 days).

### **Draft EIR Summary and Conclusions**

All impacts must be mitigated to the extent feasible. The City would be required to adopt a Statement of Overriding Considerations pursuant to Section 15093(a) of the CEQA Guidelines before approving any project having unavoidable significant effects. In this case, the DEIR does not identify any potentially significant, unavoidable impacts associated with the project (significant environmental impacts for which there is no mitigation or that cannot be mitigated to less-than-significant levels). However, a number of potential environmental effects have been identified that, with the implementation of mitigation, would result in less-than-significant effects in the following environmental impact categories:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils

- Hazards
- Hydrology and Water Quality
- Noise
- Transportation and Traffic

The potential impacts and proposed mitigation measures are summarized in Section 2 (Executive Summary) of the DEIR (DEIR pages 2-1 thru 2-36). There were no potentially significant impacts identified that require mitigation in the areas of Land Use and Planning, Climate Change, or Other Environmental Effects. The following is a summary of the analyses, conclusions and mitigation proposed for each environmental impact category evaluated under each referenced DEIR chapter. A summary of the project Alternatives that were scoped and studied is also provided.

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

#### Summary of Analysis

The land use and planning section provides an overview of the site location, existing and surrounding uses, history and currently permitted entitlements and land use restrictions. The currently approved land use entitlements permit a private, state regulated airport with 100 hangars and 12 non-aviation industrial businesses. A project would result in a significant land use impact if it physically divides or disrupts a community, is in conflict with the General Plan, any other planning program or conservation plan. The San Rafael General Plan 2020 contains goals and policies applicable to the site and environmental characteristics found on the site. The PD zoning implements the General Plan land use designation. Additionally, the General Plan and –WO zoning regulations specify development setbacks that are required from wetlands and creeks.

#### Impact Conclusions

The proposed project has been evaluated for consistency with the San Rafael General Plan 2020, which designates the site as Airport/Recreation. Based on the General Plan consistency matrix attached as Appendix C to the DEIR and the analysis in this section of the DEIR, impacts were identified as less-than-significant based upon: a) recreational uses may be conditionally permitted; and b) the project provides the minimum required 50-foot setbacks from designated wetlands north of the building and 100-foot setbacks from the top of bank of Gallinas Creek (see DEIR Figure 3-3, Site Plan).

#### Mitigation Measures

None recommended or required.

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

#### Summary of Analysis

The aesthetics section describes the flat land characteristics of the property, and its relationship to a regional park (McInnis Park) and surrounding hillsides and ridgelines. The site currently maintains public views to the historically significant Marin County Civic Center building, the nearby San Pedro Ridge and Mount Tamalpais in the distance. Views and lighting are specifically subject to review for conformance with General Plan 2020 Policies CD-5 (Views) and CD-19 (Lighting), Zoning Code Section 14.25.050.F.4 (Exterior Lighting), and the San Rafael Design Guidelines lighting criteria. Project impacts are determined to be significant if the project would: a) have a substantial adverse affect on a scenic vista; b) damage scenic resources; c) substantially degrade the existing visual character or quality of the site and its surroundings; or d) create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. The threshold for a significant impact on public views was identified as the loss of one-half the view of the resource (e.g., project impairing one-half of the view). Lighting impacts were considered potentially significant if average intensity exceeds 1.0-foot-candle or significant spillover into adjacent areas occurs.

Four prominent public views were identified for the project, and photo-simulations were prepared to evaluate the project's potential aesthetic effects (DEIR Figures 5-2, 5-3, 5-4 and 5-5). These views include 2 vantage points looking south across the site from McInnis Park and 2 views looking west across the site from the creek and path. Photometric studies were also prepared to evaluate light and glare (DEIR, Figures 5-6 and 5-7).

#### Impact Conclusions

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

*Lighting Impacts.* While the lighting levels 12.2 foot-candle (max.) intensity is considered a relatively low level as compared to urban development within the City, the project's average intensity of 2 foot-candles has been considered potentially significant based on the 1 foot-candle threshold that has been established for this site due to its location in an undeveloped area.

#### Mitigation Measures

Two mitigation measures have been required to mitigate impacts to less-than-significant levels.

- *MM Aesth-1a* requires Design Review Board approval of the lighting plan and establishes performance measures including a 90-day review of lighting following installation, that field lighting is turned off at 10PM, and site lighting be turned off by 12:30AM. Staff notes that this mitigation requires that outdoor field use end earlier, at 10PM, whereas the project proposes to operate outdoor fields until 11PM on weekdays and 12AM on the weekend. (DEIR page 5-35)
- *MM Aesth-1b* requires Design Review Board approval of final colors and landscaping details to ensure potential daytime glare impacts are minimized and that the gaps in the tree row along the north side of the building are filled-in, as proposed. (DEIR page 5-35)

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

#### Summary of Analysis

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

The primary sources of contamination would result from project related vehicle traffic, construction and building fuel consumption for heating and cooling systems. Impacts would be potentially significant if it would: a) conflict with the BAAQMD Air Quality Plan; b) violate an air quality standard; c) increase a criteria pollutant for a non-attainment area; d) expose sensitive receptors to pollutants; or e) create objectionable odors affecting substantial numbers of people. A project that exceeds a level of development intensity adopted under the local General Plan that has been assessed in the BAAQMD Air Quality Plan is considered to be significant. Also, development that generates more than 2,000 daily vehicle trips (ADT) could be significant.

The General Plan includes policies AW-2 (Land Use Compatibility), AW-3 (Air Quality and Other Processes) and AW-4 (Particulate Matter Pollution Reduction) to ensure excellent air quality is achieved by promoting compatible land uses, buffers and setbacks, particulate matter controls, and design that will encourage alternate modes of transportation. Generally, a use that is consistent with the City General Plan may be concluded to be consistent with the BAAQMD air quality plan. Although the project would remain consistent with the General Plan and would not exceed 2,000 ADT, air quality modeling was conducted for the project using the URBEMIS 2007 modeling program. URBEMIS is a modeling software tool that is used to measure such impacts for compliance with air district rules. This modeling was completed to as a conservative measure to confirm the proposed new development would remain in compliance with the BAAQMD Air Quality Plan, given that the General Plan 2020 EIR land use analysis did not specifically assess the proposed recreational land use.

#### Impact Conclusions

*Operational Impacts.* Based on the results of the URBEMIS modeling and number of anticipated 1,701 daily trips (below the BAAQMD established threshold), long term project operations would not exceed BAAQMD established daily thresholds.

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

#### Mitigation Measures

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

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

#### Summary of Analysis

The airport property contains ruderal grasslands north of the airport runway, which are within the project site area. Additionally, six jurisdictional wetland areas have been delineated on the north side of the proposed development (see DEIR page 7-27, Figure 7-1). The grasslands, including the area containing the nearby delineated wetlands, are disked and mowed regularly to prevent potential wildlife and aircraft collisions. This practice is in keeping with FAA recommended practices, and may continue. The US Army Corps of Engineers established a jurisdictional delineation of the wetlands (to the north of the building), and a Streambed Alteration Permit has been issued by the Department of Fish and Game for the proposed bridge deck replacement. Initial biological studies were prepared by WRA, biological consultants and submitted with the planning applications.

The North Fork of Gallinas Creek contains habitat for fish and wildlife. The General Plan 2020 contains several polices for protection of environmental resources that were considered in the DEIR analysis, including CON-1, CON-2, CON-4 through CON 6, CON-9 through CON-11, CON-13 and CON-14. The Federal and State Endangered Species Acts protect threatened or endangered species and their habitats. Project impacts would be potentially significant if it would have a substantial adverse effect on or result in loss or harm to a protected species or habitat.

Monk and Associates biological consultants were hired to re-evaluate potential impacts on special status plant and animal species (Appendix E); initially evaluated by WRA. Protocol surveys were conducted from February through July 2007, and two pairs of California clapper rails were observed or heard on the north side of Gallinas Creek. Threatened steelhead trout species also have been identified as potentially occurring in the area. Additionally, migratory birds and other sensitive species that have a low potential



for occurring in the area were identified and discussed in the Monk and Associates study. (See DEIR page 7-50, Figures 7-2 through 7-5 for known species locations)

### Impact Conclusions

The project as designed provides the minimum required 50-foot setback from identified wetlands and a recommended 100-foot from creeks (see DEIR page 3-22, Figure 3-3 – Site Plan). No sensitive plant species would be affected by the project. The DEIR evaluates the potential impact of project construction and operation on raptors that may nest in trees, fish species that may occur in the creek, migratory birds, and the identified clapper rails. Mitigations measures are recommended to address potential impacts to sensitive clapper rail and fish species anticipated to occur and the species that, although not found, still could occur given that they are known to occur in the region. The measures are primarily proposed to assure that the project would not affect breeding and/or migratory patterns of protected species.

### Mitigation Measures

- MM Bio-1a and 1b (Anadromous Fish) reduce potential impacts of the project on federally listed fish species to less-than-significant by restricting bridge pile driving activities, and requiring a stormwater pollution prevention program and stormwater management plan to be prepared. (DEIR page 7-62). While the streambed alteration permit would allow work to start July 15, measure 1a further restricts all bridge work to occur between August 1 and October 15. Pile driving is further not permitted before September 1.
- MM Bio-2a through 2e (California Clapper Rail) reduce potential project impacts on the clapper rail and black rail habitat identified on the North Fork of Gallinas Creek by requiring installation of barrier fencing (construction and permanent), a permanent conservation area north of the proposed building and fields, recommended levee maintenance timeframes, adhering to construction timeframe limits, and establishing an event curfew. (DEIR pages 7-66 thru 7-69) Construction timeframes in these measures are consistent with MM Bio-1a. The event curfew, however, requires that outdoor events end by 10PM to mitigate noise, which is up to 2 hours earlier than proposed by the applicant (see DEIR page 3-13, Table 3-1).
- MM Bio-3a and 3b establish lighting controls and lighting curfew to ensure light and glare avoids adversely impacting adjacent habitat and nocturnal wildlife. (DEIR page 7-70). Measure MM Bio-3b mirrors the 10PM event curfew established under MM Bio-2.
- MM Bio-4a through 4c (Nesting Raptors) reduces the potential impacts bridge and facility construction could have on nesting raptors by limiting construction to the “avoidance window” specified under MM Bio-1 (although the recreational facility may begin work as early as July 1), and requiring preconstruction surveys a minimum of 30 days before commencement of work. (DEIR pages 7-71 and 7-72)
- MM Bio-5 through MM Bio-8 protect against the potential occurrence of other sensitive species of concern that have a low potential for occurring on the site; i.e., the Western Burrowing Owl, Common and Special-Status Nesting Birds, Salt Marsh Harvest Mouse, Suisun shrew and San Pablo vole, and Pallid and other Bat species. Pre-construction surveys are required, with performance measures identified if a discovery is made. (DEIR pages 7-73 through 7-80).
- MM Bio-9 is required to assure the streambed alteration agreement requirements would be satisfied for the bridge replacement work. (DEIR page 7-81)

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

A cultural resources study was conducted by Richard Greene, Archaeological Resource Service, and is contained in DEIR Appendix F. Review of historic mapping shows the project area was once part of the San Pablo bay marsh system and was regularly inundated by tidal action, until the Army Corps of Engineers constructed levees around the area during the 1930's. In general terms, a project impact would be potentially significant if it would cause a substantial adverse change or result in loss or destruction of a culturally or historically significant resource.

Impact Conclusions

The site is not historically significant. The likelihood of finding any prehistoric, archaeological, or historic resources is considered low given the historic characteristics of the site. Regardless, the potential for uncovering unidentified cultural resources is presumed to exist. Standard mitigation measures found in the CEQA Guidelines have been recommended to guard against the potential that resources could be discovered during site grading.

Mitigation Measures

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

**Geology and Soils (Chapter 9, DEIR pages 9-1 through 9-34)**Summary of Analysis

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

Impact Conclusions

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

Mitigation Measures

- MM Geo-1 is being required to assure the recommendations of the geotechnical report are implemented at the time of construction.

**Hazards (Chapter 10, DEIR pages 10-1 through 10-26)**Summary of Analysis

This section of the DEIR evaluates the project in context of safety and environmental hazards that may be present on-site and that the project may pose to others. An aeronautical safety review was prepared

by Mead & Hunt, aeronautical consultants (Appendix H) to analyze the potential impact of the project on the airport operations, and potential of airport hazards to users of the facility. A review of local and state lists of hazardous waste sites was also conducted and is provided in Appendix H.

The airport is identified as having 15,000 annual, private small aircraft trips (takeoffs and landings) on the single airport runway, and does not have an air traffic control operator. The study identified several basic safety zones around the runway, using the *California Airport Land Use Planning Handbook*. The recreational facility is in Zone 5 – Sideline Zone, which encompasses the close-in area lateral to the runway which is not normally overflowed and has a low risk of an aircraft accident. The safety study estimated a peak intensity of 475 people on-site using the proposed recreational facilities (Mead & Hunt, page 7). The project would have a potential significant impact if the activity would conflict with airport operation, or exceed thresholds for activity within safety zones identified in the airport hazards study. Additionally, potential impacts would result if a project would create objectionable odors affecting a substantial population, or would be located on a site containing hazardous materials, or in close proximity to a hazardous waste site. DEIR Figures 10-1 and Figure 10-2 show the airport layout and safety zones.

### Impact Conclusions

*Airport Safety Hazards to People.* The airport safety hazard analysis establishes a threshold of 100 people per acre as being an acceptable safety threshold in the project area north of the runway. Concentrations of people over 200 people per acre would be considered potentially significant. The report concludes the 1.6-acre recreational building would have the greatest concentration of people, and that the anticipated occupancy amount would slightly exceed the 200 people per acre threshold criterion. The report identifies that the mitigation for exceeding the single-acre criterion would be to incorporate risk-reduction design features into the building. The risk-reduction design features are identified in the report, and need to be incorporated into the design of the building to mitigate this impact.

*Airport Safety Hazards to Flight.* Based on review of project plans, the airport safety hazard study concluded that portions of parked cars, proposed fencing, trees, lighting and building corners could slightly encroach (less than 2-feet) within the required 'ascending clear zone,' as shown on the Figure 3-4, site section. The area of these encroachments are shown on Figure 10-2.

*Exposure to Hazardous Materials and Substances.* There are no known sources of contamination on the site. Review of historic aerials and information do not show any historic uses on the project site that could have resulted in contamination, and no historic uses occurred prior to installation of levees in the 1930's. There are no toxic waste sites or waste generators located in the area, as indicated in DEIR Appendix H, which includes a review of the State Department of Toxic Substances Envirostar Database. The site is also not on a list of hazardous materials site maintained by the San Rafael Fire Department.

### Mitigation Measures

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

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

### Summary of Analysis

A hydrologic analysis was prepared by Oberkamper & Associates, which included evaluation of drainage (runoff increases, volume and velocity) and potential for levee breach (see DEIR Appendix I). The flat site is located in low lying baylands protected by levees. The additional amount of runoff created by the

project is relatively minimal, and would drain into existing swales and ditches on the north and south side of the building, and empties into the creek via an existing pump-station. Impacts would be potentially significant if it would violate water quality standards, substantially alter drainage patterns, degrade water quality, or expose people or structures to loss or damage from flooding.

#### Impact Conclusions

Construction activities would potentially impact water quality. Runoff over the parking lot could carry contaminants to the waterway. Increasing runoff discharge into the creek could have a cumulative impact on water quality. Lastly, a levee breach could result in flooding of the site that would affect the structure and its occupants. The following measures have been identified to reduce these impacts to less-than-significant levels.

#### Mitigation Measures

- MM Hyd-1a through f require plans to be submitted with building permits that would assure erosion, siltation and water runoff will be treated to avoid contaminating the waterway. This will include providing grassed swales to filter pollutants from runoff, preparing stormwater pollution prevention and stormwater management plans (SWPPP, SWMP) and maintaining paved areas clear of debris for the duration of the project use. (DEIR pages 11-23 through 11-25)
- MM Hyd-2a and 2b require the building to be flood proofed and watertight to an elevation of +7 feet NGVD so that it is impermeable to penetration of water, and specifying criteria for finalizing hydrology and grading plans to support final design of improvement plans. (DEIR pages 11-32 and 11-33)

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

#### Summary of Analysis

DEIR Appendix J contains the noise study prepared by Illingworth & Rodkin. A peer review of this noise study was completed by Geir and Geir. The analyses assessed existing noise conditions, which primarily result from airport use. Project-generated noise was found to be primarily attributed to vehicle traffic and outdoor games. Construction noise was also evaluated. McInnis Park located within 300-feet, and the residential uses to the west and south. Santa Venetia is located 750 feet south of the outdoor warm up field and Contempo Marin is located 1,000 feet from the recreation building. The access driveway runs along the boundary of Contempo Marin and Captains Cove. A noise impact would be significant if the project increases noise levels noise-sensitive receptors exceeding thresholds, and if construction created significant ground-borne vibrations. The intermittent high noise levels generated by aircraft takeoffs is not deemed significant to the outdoor fields use.

#### Impact Conclusions

*Operational Noise.* The DEIR has identified that the outdoor soccer field may cause the noise levels at Santa Venetia to exceed the 40 dBA Ldn (nighttime) threshold established by the City General Plan by 1 decibel. Monitoring of the use is recommended and if impacts result, the fields would be closed earlier at 9PM or a noise wall would be required. Construction vehicles and pile driving also may disrupt field use at McInnis Park.

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

#### Mitigation Measures

- MM N-1 requires outdoor field use to be monitored, and if an increase in noise is experienced, outdoor fields would be closed by 9PM on weekdays. Alternatively, a noise wall could be implemented. (DEIR page 12-21)

- MM N-2 and MM N-3 address construction noise through limiting pile driving activities and assuring construction vehicles are maintained and operated appropriately. (DEIR pages 12-24 and 12-25)

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

#### Summary of Analysis

The traffic analysis for the project was prepared by Fehr and Peers, transportation consultants, and is contained in Appendix K. The study evaluated five signal-controlled intersections (Figure 13-1) along the Smith Ranch Road/Lucas Valley arterial, which would be affected by project traffic. The study also assessed the Yosemite Rd and Silveira/Smith Ranch intersections to determine if signal warrants would be met (Appendix K - Attachment A). The DEIR identifies baseline traffic, baseline with project, general plan, and general plan with project conditions. The analysis also discusses the proposed access, pedestrian and alternative modes, transit, and parking facilities.

The General Plan 2020 establishes a level of service standard D for intersections within the study area. An impact would be significant if it causes the level of service standard to be exceeded, or contributes to an existing intersection that falls below the LOS D standard during peak hours. Peak hours are the periods of 7AM to 9AM and 4 to 6PM peak hours.

#### Impact Conclusions

The project generates 268 PM peak hour trips, with 135 trips in and 133 trips out (DEIR Table 13-3). Based on distribution and assignment of this number of vehicle trips, it was concluded that the project would not cause the LOS D threshold to be exceeded. Additionally, the project would be required to pay its fair share traffic mitigation fee in the amount of \$1,137,926.00, which funds traffic improvements identified by the General Plan 2020 for cumulative development. As this traffic mitigation fee has been established and is required citywide, it is imposed as a condition of project approval in-lieu of a mitigation measure. Signal warrants at study intersections were also not met, as detailed in the Appendix K.

The DEIR analysis also concluded that short-term vehicle queuing (before dance and gymnastics classes) could cause vehicles to backup onto Smith Ranch Road. This is in the event that the bridge deck is not replaced with a wider 2-lane roadway surface, as proposed by the applicant. Mitigation is deemed necessary to ensure that impacts would remain less-than-significant should the bridge work not be pursued.

#### Mitigation Measures

- MM Traf-1 requires a Traffic Management Plan to be prepared and implemented to resolve potential queuing impacts, in the event the 2-lane bridge is not installed. (DEIR page 13-28)

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

#### Summary of Effects

The additional study areas looked at in the DEIR which had either no impact or required no mitigation measures include Agricultural Resources, Mineral Resources, Population & Housing, Public Services, Recreation, Utilities & Services, Cumulative impacts, and Growth Inducing Impacts.

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

#### Summary of Analysis

SB 97 (Greenhouse Gas Emissions) and AB32 (Global Warming Solutions Act), were adopted during preparation of this EIR. Local Projects contribution to global warming is considered too speculative, and no thresholds have yet been established by state to evaluate or measure projects impacts on global warming. The DEIR provides a general response as to ways in which the project may control its

contribution to GHG emissions through implementing practicable available control measures. The potential affect of global warming on the project is also discussed.

### Impact Conclusions

The project is required to comply with all applicable standards and regulations, including local ordinances encouraging green building design and energy conservation. The project would incorporate energy efficient design techniques to achieve US Green Building Council's LEED certification in compliance with current local regulations, which will lessen the project impacts.

Sea level rise may occur as a result of global warming, which could potentially affect the project site and the greater area that is protected by levee systems. This is beyond the project scope, and such an impact if realized would need to be addressed on a regional basis. FEMA has been updating flood maps to address new mapping standards, and would be responsible for evaluating this on a regional basis.

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

#### Summary of Alternatives

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

- No Project
- Reduced Development Intensity
- Alternative Location

The No Project alternative maintains the existing airport operation regulated under a Master Use Permit with 100-based aircraft and 12 non-aviation businesses operating between the hours of 7AM to 6PM. Private and public recreational uses would also remain a potential use consistent with the December 1983 property restrictions. This scenario would not include a recreation building and associated indoor uses. Without building or bridgework construction, the comparative analysis of this scenario identifies that impacts in biological, geology, hazards, hydrology and noise would be reduced to levels below the project.

The Reduced Development Intensity alternative retains the existing single-lane bridge deck, eliminates nighttime lighting and use of outdoor fields, and assumes a smaller indoor sports facility by eliminating the two court uses. The comparative analysis of this alternative identifies that impacts in biological, hazards and noise would be reduced to levels below the project.

The Alternative Location alternative concludes an alternative site within the City would require similar level of analysis, and would not necessarily achieve greater environmental protection.

### **COMMENTS / CORRESPONDENCE**

Comments on the DEIR should be focused on the scope of the environmental issues addressed in the DEIR, and not on the merits of the project. Following close of the public review period, staff and the EIR consultant will review all comments received and respond to the comments in a Final EIR. The FEIR and project merits will return to the Planning Commission at a future public hearing, at which time the Commission would make its recommendation to the City Council whether to certify the FEIR, and whether to approve the project.

Comments received on the DEIR as of May 8, 2009 are attached as Exhibit 4. Staff has received written comments from several residents, neighborhood and interest groups, Golden Gate Bridge and Highway

Transportation District, Department of Toxic Substances Control and Las Gallinas Valley Sanitary District.

## NEXT STEPS

Following the DEIR hearing, staff will work with the consultant to prepare a response to all comments. The project would be scheduled for a future public hearing before the Planning Commission to consider whether to recommend certification of the FEIR and consider the merits of the project. The Planning Commission will provide their recommendation to the City Council.

## OPTIONS

The Planning Commission has the following options:

1. Direct staff, by motion, to respond to comments on the DEIR and prepare the FEIR (staff recommended);
2. Extend the public review period and continue the hearing; or
3. Direct staff to prepare a revised DEIR and re-circulate for public review.

## EXHIBITS

1. Vicinity Map
  2. Reduced Site Plan
  3. Notice of Completion
  4. Correspondence received to date
- Draft Environmental Impact Report (*previously distributed to the Planning Commission*)