

RESOLUTION NO. 13477

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL CERTIFYING THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL AIRPORT RECREATIONAL
FACILITY PROJECT, LOCATED SOUTH OF SMITH RANCH ROAD AT 397-400 SMITH RANCH
ROAD

(APN 155-230-10, 11, 12, 13, 14, 15 & 16)
ZC05-01, UP05-08, ED05-15

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

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

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

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

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

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

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

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

WHEREAS, on January 24, 2012, the Planning Commission held a duly-noticed public hearing on the San Rafael Airport Recreation Facility Project FEIR, accepting all oral and written public testimony and the written report of the Community Development Department staff addressing questions and comments provided at the November 15, 2011 meeting, and adopted resolution no. 11-16 on a 6-0 vote (member Paul absent due to conflict of interest) recommending certification of the San Rafael Airport Recreation Facility Project FEIR; and

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

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

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

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

WHEREAS, on December 3, 2012, the City Council held a duly-noticed public hearing on certification of the San Rafael Airport Recreation Facility Project FEIR, accepting oral and written 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.

NOW, THEREFORE BE IT RESOLVED that the City Council hereby certifies the San Rafael Airport Recreational Facility FEIR inclusive of the Errata (Attachment A) based upon the following findings required by CEQA Guidelines Section 15090:

1. The San Rafael Airport Recreational Facility FEIR has been prepared and completed in compliance with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual by following the appropriate format, content, technical analysis of the potential impact areas and project alternatives identified in the initially-authorized scope of work. Further, all prescribed public review periods and duly noticed hearings were held for the project Notice of Preparation, Notice of Completion for public review of the DEIR and Notice of Availability following publication of the FEIR.
2. The FEIR reflects the independent judgment and analysis of the City of San Rafael Community Development Department and the Planning Commission. The Planning Commission has reviewed and considered all information contained in the FEIR prior to making its recommendation on the project, and concludes that the FEIR:
 - a. Appropriately analyzes and presents conclusions on the impacts of the San Rafael Airport Recreational Facility project.
 - b. Analyzes a reasonable range of alternatives to the San Rafael Airport Recreational Facility project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any significant effect of the project.
 - c. Identifies or recommends mitigation measures to substantially lessen, eliminate or avoid the otherwise significant adverse environmental impacts of the San Rafael Airport Recreational Facility project.
 - d. Includes findings and recommendations supported by technical studies prepared by professionals experienced in the specific areas of study, and which are contained within the document and/or made available within the project file maintained by the City of San Rafael Community Development Department, the custodian of all project documents.
3. The information contained in the FEIR is current, correct and complete for document certification. As a result of comments submitted on the DEIR, the FEIR presents some additional information and recommendations to expand, clarify and support the findings of the specific studies and topic areas, which, as a result, was cause for minor revisions in the DEIR text and recommended mitigation measures. The extent of changes to the document would not meet the threshold for re-circulation of the DEIR, as prescribed in CEQA Guidelines Section 15088.5. New information has been added to the DEIR and does not deprive the public of meaningful opportunity to comment upon the substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. In particular, the new information presented in the FEIR does not disclose or result in:
 - a. A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented.

- b. A substantial increase in the severity of the impacts that were disclosed and analyzed in the DEIR.
 - c. Any new feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen significant environmental impacts of the project, but which the project's proponents refuse to adopt. This includes consideration of the no project alternative "No Project/No Build" variant that has been added in the FEIR assessing the status quo.
 - d. A finding that the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
4. The FEIR presents factual, quantitative and qualitative data and studies, which find and support the conclusion that the project will result in several potentially significant impacts that necessitate mitigation. Complete and detailed findings pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091 have been provided below, as required before the City considers action on the merits of the project evaluated by the FEIR.
5. The City is taking an action to certify the FEIR for the project, recognizing it as an informational document for assessment of the San Rafael Airport Recreational Facility project. The CEQA Guidelines recognize that an environmental document is prepared for public disclosure of potential project impacts and that it is used as an informational document to guide decision-makers in considering project merits. Certification of the FEIR, as presented, would not result in a land use entitlement or right of development for the project site. The FEIR document must be reviewed to determine whether it adequately assesses the impacts of the project, and whether the circumstances presented in Public Resources Code section 21166, as amplified by its corresponding CEQA Guidelines Sections 15162 to 15163 are present with respect to the project to determine whether a Subsequent EIR, a Supplement to the EIR, or Addendum to the EIR need be prepared or if further environmental review under CEQA is not required. Certification of the FEIR prior to consideration of and taking action on project entitlements does not prejudice or bias review or actions on the proposed development project.

I, ESTHER C. BEIRNE, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City on the 17th day of December, 2012, by the following vote, to wit:

AYES: Councilmembers: Connolly, Heller, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Jeanne M. Sporciani, Deputy City Clerk
for: ESTHER C. BEIRNE, City Clerk

ATTACHMENT:
A "Errata"

ATTACHMENT A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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