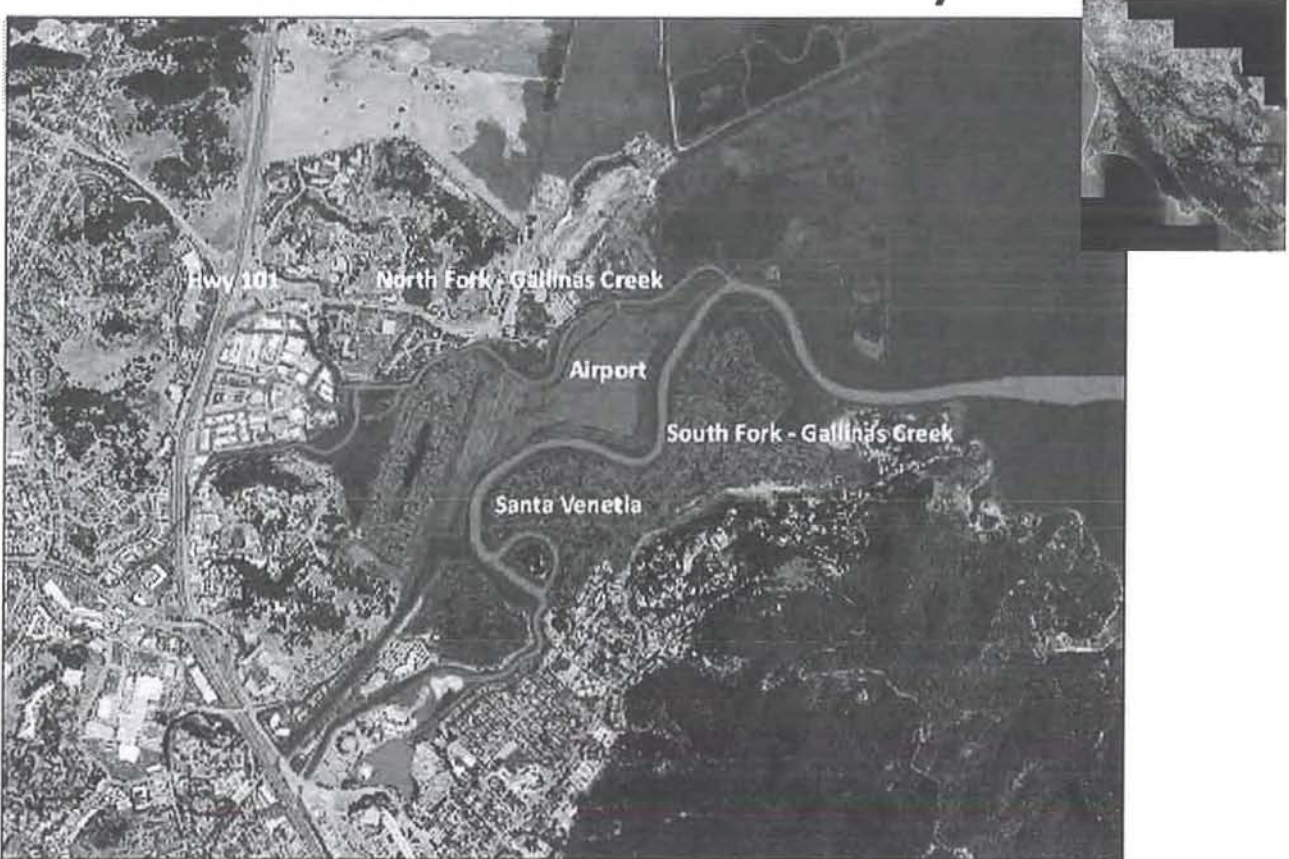


1.4 Meter Sea Level Rise by 2100



Total Inundation of 3.25 m during Mean Higher High Water (MHHW) event (1.4m + MHHW datum)
Sources: Pacific Institute and County of Marin Community Development Agency, GIS Division

TABLE 4:
Wildlife Species with Special Population Status in Gallinas Creek Watershed

Species	Status	Habitat Requirements	Potential Effect of Restoration Activity
Alder's Hummingbird, <i>Selasphorus sasin</i>	AWL	riparian forest	P provide nesting habitat
American Avocet, <i>Recurvirostra americana</i>	MCSS	marsh with open ground	O-P flooding of nests at high tides may occur less frequently
Band-tailed Pigeon, <i>Columba fasciata</i>	AWL	mature forest	P increase foraging and nesting availability
Black-owneded Night-Heron, <i>Nycticorax nycticorax</i>	MCSS	large trees, open marsh	O-N Black Rails and Harvest Mice more concealed at high tides
Black-necked Stilt, <i>Himantopus mexicanus</i>	MCSS	marsh with open ground	O-P flooding of nests at high tides may occur less frequently
California Black Rail, <i>Larvaeus jamakeensis columbianus</i>	ST	tidal salt marsh	O-P may become less conspicuous to predators at high tide
California Clapper Rail, <i>Rallus longirostris obsolitus</i>	FE-SE	tidal salt marsh	O-P quantity of suitable habitat may increase
California Red-legged Frog, <i>Rana aurora draytonii</i>	SSC	ponds and streams	P would likely increase habitat availability
Feathered Yellow-legged Frog, <i>Rana boylei</i>	SSC	still water along streams	P would likely increase habitat availability
Godwit, <i>Anas strepera</i>	MCSS	marsh with vegetation clumps	O-P flooding of nests at high tides may occur less frequently
Great Blue Heron, <i>Ardea herodias</i>	MCSS	large trees, open marsh	O Black Rails and Harvest Mice more concealed at high tides
Great Egret, <i>Ardea alba</i>	MCSS	large trees, open marsh	O Black Rails and Harvest Mice more concealed at high tides
Long-eared Myotis bat, <i>Myotis evotis</i>	SC	buildings, crevices, snags	O-P may become less conspicuous to predators at high tide
Long-legged Myotis bat, <i>Myotis volans</i>	SC	under bark or hollow trees	O-P would likely increase feeding habitat availability
Northem Harrier, <i>Circus cyaneus</i>	SSC	marsh or open grassland	O-P flooding of nests at high tides may occur less frequently
Northem Pintail, <i>Anas acuta</i>	MCSS	marsh with vegetation clumps	O-P flooding of nests at high tides may occur less frequently
Northem Shoveler, <i>Anas clypeata</i>	MCSS	marsh with vegetation clumps	O-P flooding of nests at high tides may occur less frequently
Nuttall's Woodpecker, <i>Picoides nuttalli</i>	AWL	Oak woodland	P increase foraging and nesting availability
Oak Titmouse, <i>Baeolophus inornatus</i>	AWL	Oak woodland	P increase foraging and nesting availability
Osprey, <i>Pandion haliaetus</i>	SSC	island structures, open water	P prey would likely become more available as fish habitat improves
Ruddy Duck, <i>Oxyra jamaicensis</i>	MCSS	marsh with vegetation clumps	O-P flooding of nests at high tides may occur less frequently
Salt Marsh Harvest Mouse, <i>Reithrodontomys sawyeri</i>	FE-SE	tidal salt marsh	O-P may become less conspicuous to predators at high tide
Saltmarsh Common Yellowthroat, <i>Geothlypis trichas sinuosa</i>	SSC	tidal salt marsh	O-P quantity of suitable habitat may increase
San Pablo Song Sparrow, <i>Melospiza melodia samuelis</i>	SSC	tidal salt marsh	O-P quantity of suitable habitat may increase
Snowy Egret, <i>Egretta thula</i>	MCSS	large trees, open marsh	O-N Black Rails and Harvest Mice more concealed at high tides
Steinbeed, <i>Anchoerhynchus myiias</i>	FT	streams, salt to fresh water	O-P could provide unobstructed passage to freshwater habitat increasing habitat availability
Townsend's Big-eared bat, <i>Plecotus townsendii</i>	SSC	ceilings, caves, attic spaces	O-P would likely increase feeding habitat availability
Virginia Rail, <i>Rallus limicola</i>	MCSS	marsh with vegetation clumps	O-P may become less conspicuous to predators at high tide
Western Pond Turtle, <i>Clemmys mammosata</i>	SSC	still water along streams	O-P would likely increase habitat availability
Yuma Myotis, <i>Myotis yumanensis</i>	SC	bee cavities and attic spaces	O-P would likely increase feeding habitat availability

Legend

MCSS= Marin County Breeding Species of Special Concern

SC= Federal Species of Special Concern

FE= Federally Threatened

SE = State Endangered

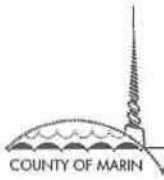
FT = Federally Threatened

SSC=State Species of Special Concern

AWL= Audubon Watchlist 2002

O = Neutral; N = Negative; P = Positive

The 2002 Audubon Watchlist. National Audubon Society. <http://audubon2.org/webpp/watchlist/viewwatchlist.asp>
 California Endangered and Threatened Species Lists. California Department of Fish and Game. www.dfg.ca.gov/hcp/species/species.shtml
 Shufeld, David W. The Marin County Breeding Bird Atlas. Bessie Books. Point Reyes Bird Observatory. Bolinas. 1993



DEPARTMENT OF PUBLIC WORKS

People serving people.

Robert Beaumont
DIRECTOR

March 21, 2012

Administration
PO Box 4186
San Rafael, CA 94913-4186
415 473 6528 T
415 473 3799 F
415 473 3232 TTY
CRS Dial 711
www.marincounty.org/pw

Mr. Kraig Tambornini, Senior Planner
City of San Rafael Community Development
1400 Fifth Avenue, Third Floor
San Rafael, CA 94901

RECEIVED
MAR 23 2012
PLANNING

RE: San Rafael Airport Recreational Facility
397-400 Smith Ranch Road
Comments on Report to Planning Commission for March 27, 2012

Accounting

Dear Mr. Tambornini:

Airport

The Marin County Public Works Department has reviewed the subject report and recommended conditions of approval for the San Rafael Airport Recreational Facility project and has a few comments.

Building Maintenance

Capital Projects

Maintenance of the site perimeter levee system is discussed in the staff report and there are a few related proposed levee maintenance conditions of approval. Public Works would like to clarify that neither the County of Marin nor the Marin County Flood Control and Water Conservation District are responsible for levee maintenance around the San Rafael Airport site, including portions of the levee on State tidelands where the County of Marin is a public trust lands administrator.

Certified Unified Program Agency (CUPA)

Communications Maintenance

County Garage

Reference to the county's responsibility to maintain the levees to 9' MSL is not accurate. The county is not responsible for maintaining any part of the subject levee system; please remove the reference in the proposed conditions of approval of "joint monitoring and maintenance of the entire levee system." We do, however, concur with the basic condition that the developer is responsible to maintain the levee system consistent with the City's General Plan 2020, Policy S-20. Any work on the levee outside of the City of San Rafael's jurisdiction may, depending on the scope and quantity of material involved, require a grading permit from County Public Works.

Disability Access

Engineering & Survey

Flood Control & Water Resources

Land Development

Should you have any questions or would like to discuss further, please contact me at (415) 473-2754. Thank you for your consideration.

Purchasing

Real Estate

Very truly yours,

Reprographic Services

RECEIVED
MAR 26 2012
PLANNING

Road Maintenance

Eric Steger
Assistant Director

Stormwater Program

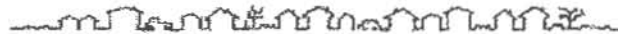
C: Bob Beaumont, Director

Transportation & Traffic Operations

Waste Management

f:\admin\2012\directors\steger\san rafael airport 3-21-12 letter.docx

NORTH SAN RAFAEL COALITION OF RESIDENTS



POST OFFICE BOX 6642, SAN RAFAEL, CALIFORNIA. 94903

CELEBRATING OUR 25TH ANNIVERSARY: TOGETHER WE ARE BETTER!

WWW.94903COMMUNITY.ORG

May 24, 2012

Planning Commission
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Re: Shekou Wetlands -- soccer facilities proposal

Ladies and Gentlemen:

Wetlands are indispensable and fragile natural resources subject to flooding, erosion, soil-bearing capacity limitations and other hazards. Destruction of or damage to wetlands threatens public safety and the general welfare.¹

Recreational programs and park facilities play a critical role in determining our quality of life. The North San Rafael Coalition of Residents is committed to ongoing improvements to address the PUBLIC recreational needs of its residents.

Deed of Restriction. No Public Benefit.

The North San Rafael Coalition of Residents urges you to honor the planning concepts, intent and agreement that resulted in the 1983 restrictive covenant and now actively work to maintain or reinforce the deed restriction. There is no over-riding public benefit for the creation of private pay-to-play recreation facilities that justifies or outweighs the damages and risks of this project in this location. In fact, it creates a public liability and public safety danger. If this were a municipal airport, it would not be allowed by common sense, law or ethics.

Transfer of density among properties shall not be permitted except in cases where there are unique or special circumstances (such as preservation of wetlands...) which would cause severe environmental impacts if the transfer were not allowed.²

The following provision of the attached airport property Declaration of Restrictions was stricken: "Any other related uses agreed to by the City, County and owner." This confirms the intent of

¹ San Rafael Municipal Code Chapter 14.13

² San Rafael Municipal Code Chapter 14.16

the makers for “(f) private and public recreational uses,” not future development of a private club in a massive building.

As is well-known, the Shekou Wetlands are historic baylands and the site contains and is surrounded by sensitive wetlands and regularly floods heavily. Members of the public have been reminding the North San Rafael Coalition leadership that the San Rafael Municipal Code prohibits development on wetlands.

To allow or support removal of the restrictive covenant would set a dangerous precedent for lifting covenants aimed at transferring densities to protect environmentally-sensitive areas of the County. If our representatives can't hold the line on this piece of property---in which a very clear density transfer was granted and known by all parties---how will we protect other areas? The intent of the restrictive covenant is well understood and there is no superseding advantage for the public good that can rationalize any development.

The public needs to have a clear understanding of what is and what isn't going to be honored in the planning process for it to properly participate in the process and concede rights for one property or place public monies in others. We urge you to consult public legal counsel on the precedent-setting nature of removing the restrictive covenant in this situation.

We are a nation of laws; not of lawyers...so we urge the Planning Commission to avoid even the appearance of favoritism and/or exceptionalism in applying San Rafael ordinances. To do so for any purported business or revenue purpose results in the inappropriate fiscalization of land use. This rationalization is especially misguided when it does not take into account the value of the existing natural assets and their role in the ecosystem. What is the fiscal value of the function of a large wetland? What is the financial value of an endangered species? What are the rights of nature?

The original and current owners of the Airport and the Civic Center North properties have already benefitted from their portion of the covenant which allowed greater densities than would have otherwise been granted on the Civic Center North properties. The Airport site has also benefitted from lower assessment value due to the restrictions of the covenant.

Now that the owner/manager has all of the densities that they were entitled to, they are asking for yet more development. Instead, let the public keep their benefit from the density transfer---that is: the restrictions for recreation (not development) as was originally promised, documented, agreed and recorded.

Low Intensity? Security? Business Plan? Risk. Public Liability.

Low-intensity use is not 288-car parking, 700-800 vehicle trips per day, a building large enough to hangar a 737 aircraft, liquor license, outdoor lighting, emergency access road, noise until

midnight, pile-driving hundreds of supports for a building that cannot protect its users, etc. Low-intensity recreational use can encompass outdoor daytime soccer fields, if they can be proven to be safely used³ 160' from the runway, emergency access is created without disturbing endangered species, the levees are improved, vehicle traffic is prohibited, nighttime use is prohibited altogether with natural grass fields (artificial grass increases runoff, among other disadvantages) and monitored noise. This is the most good for the most people, nature and the site.

The security of the Airport also must be resolved since it is not now open to the public and there is no other access to the site. The proposed zoning change is not justified. In addition, the proposed business use is not financially viable, but rather is heavily-subsidized, unsustainable and should not be allowed.

In fact, to approve the proposed project creates a huge risk for taxpayers in the event of yet another solo or mass accident or levee failure and provides no over-riding public benefit nor fulfills any over-riding public interest. The highest and best use for the property is flood control in the heart of the watershed with a seasonal airport. The good of the many outweighs the good of the few.

The City has the great long-term responsibility to address and apply the following on behalf of the public:

14.13.060 - Conditions of approval. In approving a use permit, the planning commission may impose reasonable conditions. If a use adversely affects existing wetlands, such as altering hydrological conditions, the use permit application may be denied, or mitigation measures may be required. Where fill is proposed, wetland restoration or creation shall be required, accordant with Section 14.13.080 Where applicable, and as a condition of approval prior to issuance of a building permit, the following may be required by the planning department:

A. Verification of Corps concurrence with the applicant's determination of wetland boundaries; and/or, B. A Section 404 or Section 10 permit (or its equivalent successor) from the U.S. Army Corps of Engineers; and/or, C. A letter from the California State Department of Fish and Game stating compliance with its Wetlands Policy; and/or, D. A Certificate of Conformance With Water Quality Standards issued by the State Water Resources Control Board; and/or, E. A permit from the Bay Conservation and Development Commission.

14.16.330 - Transfer of density among properties. "Unique or Special Circumstances. Transfer of density among properties shall not be permitted except in cases where there are unique or special circumstances (such as preservation of wetlands...) which would cause severe environmental impacts if the transfer were not allowed." The entire airport site has been

³ <http://www.aircraftone.com/aircraft/accidents/20031009X01695.asp>

underwater as many recall. Long-range weather forecasts predict Marin weather will be warmer and wetter. The deed restriction should be upheld for recreation (not structures).

14.25.050 – “Review criteria: Sensitive areas such as highly visible hillsides, steep, unstable or hazardous slopes, creeks and drainageways, and wildlife habitat should be preserved and respected. Alternative design solutions which minimize grading, retain more of the project site in its natural state, minimize visual impacts, protect significant trees, or protect natural resources result in a demonstrably superior project with greater sensitivity to the natural setting and compatibility with and sensitivity to nearby structures.” Wildlife has been dismissed with faulty interpretation of scientific studies, visual impacts have not been studied or mitigated, an entire grove of trees (which aide in flood control) would be removed, a massive building reflects no sensitivity to the natural setting and does not demonstrate any sense of place or compatibility with the stated purpose of the building or the design standards of the City of San Rafael. In fact, it looks like a maintenance building for an industrial operation which is applicant’s self-described land use. See <http://www.sanrafaelairport.com>.

14.25.050 - Views. “Major views of the San Pablo Bay, wetlands, bay frontage, the Canal, Mt. Tamalpais and the hills should be preserved and enhanced from public streets and public vantage points.” This Code is not addressed by applicant in the placement of the building which blocks public views from at least two adjacent public locations.

15.09.055 - Credit for private recreation facility. *Since we are unable to locate a definition of “facilities” in the City’s Municipal Code, we can turn to Section 15.09.055 for guidance and understanding of recreation:*

“The proposed private park and recreational facilities are designed for active use, and are reasonably adaptable for use for park and recreation purposes, including recreational community gardening, children’s play apparatus areas, picnic areas, hiking, jogging, and bicycle trails and paths, or landscaped exercise areas, taking into consideration such factors as size, shape, topography, geology, access, and location...” None of the active use descriptions above require massive buildings and parking lots.

“Open space land intended for the protection of environmentally sensitive areas or to protect views and ridgetops or hillside areas not suitable for active recreation use shall not be credited, regardless if passive recreation use (trails, pedestrian access) is allowed in those areas...” The proposed project lacks all public access and use.

15.06.110 - Grading and drainage.

“A. Unique or Special Circumstances. Transfer of density among properties shall not be permitted except in cases where there are unique or special circumstances (such as preservation of wetlands...) which would cause severe environmental impacts if the transfer were not allowed.

Wetlands are indispensable and fragile natural resources subject to flooding, erosion, soil-bearing capacity limitations and other hazards. Destruction of or damage to wetlands threatens public safety and the general welfare.”

14.13.010 - Specific purposes. Wetlands are indispensable and fragile natural resources subject to flooding, erosion, soil-bearing capacity limitations and other hazards. Destruction of or damage to wetlands threatens public safety and the general welfare. In addition to the general purposes listed in Section 14.01.030 and the purposes of the underlying zoning district, the purposes of the wetland overlay district include the following:

- A. To preserve and enhance the remaining wetlands in San Rafael by encouraging their use only for purposes compatible with their natural functions and environmental benefits;
- B. To prohibit in wetlands and discourage at adjacent upland sites those development activities that may adversely affect wetlands;
- C. To design development to avoid or minimize adverse impacts on wetland habitat;
- D. To encourage restoration of wetland sites;
- E. To prevent loss of life, property damage and other losses and risks associated with flooding by providing floodwater passage for stormwater runoff and floodwaters that coincide with high tides;
- F. To protect property values by preventing damage from erosion from storms and high tides;
- G. To contribute to improved water quality by preventing or reducing increases in pollution caused by any means;
- H. To protect and enhance wildlife habitat, including that of rare, threatened and endangered plant and animal species;
- I. To provide sites for education and scientific research;
- J. To provide opportunities for recreational activities compatible with wetland habitat.

The proposed project is incompatible with its wetland environment.

(d) Stormwater Pollution Prevention Plan (SWPPP). An SWPPP shall be required for all subdivisions of land where the total land area is five (5) acres or greater. The city engineer may require a SWPPP on subdivision sites of less than five (5) acres, where such sites are located in environmentally-sensitive areas, are in hillside areas, or are adjacent to a watercourse, creek or wetland.

Chapter 17.10 - DUMPING, DREDGING AND CONSTRUCTION WITHIN TIDAL WATERWAYS. 17.10.010 - San Rafael tidelands, shorelines, waterways, canals, beaches, or salt marshes are vital natural resources which can provide great benefits to present and future human generations. They offer scenic views, open space, recreational activities such as fishing, swimming, boating, walking, wildlife habitats, opportunities for water transportation and sites for homes and for water-oriented resorts and industries. They fulfill an indispensable role in preserving the climate and air purity of the city. These benefits could be destroyed or seriously diminished by uncontrolled filling, excavation or construction. Therefore, it is the purpose of this title to encourage the fullest development of these potential benefits with a minimum of physical disturbance and to set forth the standards and procedures by which filling, excavation and construction in tideland areas will be controlled.

(6) Within creeks, estuaries and rivers the applicability of this title shall extend downstream from certain defined points as follows: (B) The north fork of Las Gallinas Creek: Highway 101 eastward,

17.10.030 - Prohibitions. Notwithstanding the provisions of any other city ordinance, it is unlawful for any person, firm, corporation or public agency to permit, cause to permit, do or cause any of the following:

(a) Dump, deposit or construct within or fill with materials, dirt, earth, mud, garbage, untreated sewage, solid waste, vessels or parts of vessels of any kind, or any material whatsoever in or on any of the tidelands designated in Section 17.10.020, except in compliance with Section 17.10.040

(b) Excavate, dredge or remove any dirt, earth, mud, sand, gravel or any other material from any of the tidelands designated in Section 17.10.020, except in compliance with Section 17.10.040

(c) Construct or place any pier, dock, wall, bulkhead, breakwater or other structure on any of the tidelands designated in Section 17.10.020, except in compliance with Section 17.10.040

Duty to Inspect. Process. Government Advocacy.

Further...

The Planning Commissioners are required to complete a 360 degree personal examination of the site, in this case requiring water travel. How has it been demonstrated that this requirement has already been met before the May 29, 2012 merits hearing and the Planning Commission ruling? If this matter is appealed, how can the adjudicators become familiar with the site without taking a kayak/canoe trip around the property?

The attached email written by the past City Manager, Rod Gould, on June 21, 2005, does not serve the greater public interest. On the contrary, it is a questionable use of public office to lobby on behalf of specific projects or advocate for individual applicants or industries without a specific City Council resolution. With this proposal, the Planning Commission has an opportunity to respond with guidance on best practices for local government.

The Airport. Sequential Development Prohibited under CEQA.

This small airport has already been expanded since 1988 by the addition of \$3 million dollar program of building 40 hangars, offices, commercial lease operations, nonprofit event sponsorship, goat-grazing, diking, draining & mowing of wetlands, dumping of fill, fence installations, road-building on levees, a runway extension, housing and more. The small recreational airport used to have minimal impact on the Shekou Wetlands, on the bird- and other wildlife which inhabit them. Then, in 1998, the airport was marketed as "open to the public⁴," a violation of its use permit. Now, rather than continuing as a facility for recreational flyers, it is currently being marketed by applicant as an Industrial Park on its website and "a great location for business travel, including private jets." How are these considered approved uses? <http://www.sanrafaelairport.com/>. The airport has also been used for nonprofit events in violation of its use permit and with disregard for public safety (fire suppression and egress). This demonstrates a pattern that can be expected to continue if this ill-advised project is approved.

The Airport is self-described as:

San Rafael airport is located in central Marin county near us highway 101 (Smith Ranch road exit) It is formerly known as Smith Ranch airport and Marin Ranch airport. The airport is only a 25 minute drive from San Francisco the east bay and Sonoma County. It enjoys good weather and is typically fog free with little or no cross wind. These brand new executive hangars are part of an extensive airport renovation which includes runway widening to 45 feet (length with overrun 3000+ feet), gated access with card-key security, new landscaped entry with ample guest parking, new industrial-grade electrical service, new fire protection, and new drainage improvements.

Further development of the site would require significant fill, bridge building, extensive pile-driving and night lighting---and it is likely that the effect of the development would be to disrupt and push out existing waterfowl and other wildlife. Wetlands around the Bay and in Marin already have been significantly destroyed. The citizens of Marin and San Rafael have repeatedly shown their support for wetlands protections and do not want to see further losses in their backyards. Any and all proposals for changes on this site should be subject to re-examination

⁴**"New Airport Opens** The old "Smith Ranch Airport" has become Marin Ranch Airport, now open to the public. They are located in Marin County, (this side of Gnos). This is a place to get a seaplane rating or to go canoeing, biking or hiking. There is also a golf course next door. If you fly in, let us know what you think." **The Flyer** newsletter August 1998. <http://www.wvfc.org/news/98aug.html> West Valley Flying Club.

and a community impact report that includes regional impacts, failure to fulfill past mitigation orders and evaluation of sequential development. **Sequential development is prohibited under CEQA.**

Finally, we encourage you to work continuously to improve the City's policies and practices with respect to development. Should government officials lobby for specific applicants? There has been little input from the key users of the airport; however, to date it advises against the proposal. In addition, the community needs more time (the same amount as the staff/applicant/consultants require would be acceptable) to prepare and respond. For this proposal, staff and consultants took from 11/15/11 to 1/17/12 to prepare 55-page report. The public was given from 1/17/12-1/24/12 or one week to respond, which is hardly adequate under any standard. The project, the City staff, the stakeholders, the public and the environment deserve better.

In Conclusion.

In summary, the deed restrictions should not be lifted. In sensitive areas, the decision-makers must perform a 360° examination of the proposed site. All the existing users must be consulted. Exterior night lighting standards must be applied uniformly and light pollution must be eliminated. Noise studies must be ordered. The scientists (whose work is then interpreted by non-scientific consultants) must be consulted directly by the Planning Commission. The economic cost/benefit and risk to the City must be analyzed and made public; a study that includes the value of natural assets and their multiple roles. In addition, a community impact report should be required with such a complex proposal on such a sensitive site. The applicant must be brought into compliance for incomplete past mitigations. Unpermitted uses must cease and penalties must be assessed and paid. Proper levee studies must be prepared to ensure safety of life and property.

To recap:

Deed of Restrictions must be upheld

Zoning limitations with respect to wetlands should be enforced

Building limitations with respect to wetlands should be applied

Airport safety/operating standards must preserve safety zones for amateur flyers

Proximity to and destruction or disruption of endangered species habitat insufficiently mitigated during construction and for the life of the proposed facilities

Building architect failed to publicly disclose role as planning commissioner

Building lacks Context Sensitive Design (CSD) as the art of creating projects that meet the needs of the users, the neighboring communities, and the environment.

It integrates projects into the context or setting in a sensitive manner through careful planning, consideration of different perspectives, and tailoring designs to particular project circumstances.

Inappropriate advocacy/lobbying by public officials shows favoritism/lacks authority
Sequential development is prohibited under CEQA
The proposed development/facilities are not “water-oriented” per Code requirement
Visual/view concerns have not been addressed
Business plan is unsustainable; proposal fails to limit future uses of building/facilities
Proximity to Gallinas Creek on two sides, a protected asset, have not been addressed
Destruction of trees and greenhouse gas production are unacceptable.
Exposing adults and youth to leaded aviation gasoline is unacceptable.
Liquor sales unacceptably associate alcohol, athletics and youth
Signage, including advertising/commercial team sponsorship, is not addressed
Levee hazards/climate change/sea level concerns not addressed
Development of facilities at the site is contrary to Climate Action Plan
Public liability of levee failure not addressed
Airport hazards/safety zone incursions cannot be avoided
Obstructions to navigation (proposed building and anticipated truck traffic)
Proposed building is not survivable if hit by aircraft
Water quality/runoff concerns/pumping operations
Noise/public address system operations regulated
Light pollution prevented
Hours of operation should be limited to business hours 9:00a.m. to 5:00pm
Traffic impacts/lack of public transit/bicycle access resolved
Emergency access impacts mitigated to less than significant
Alternative sites not fully considered/re-use of existing buildings elsewhere with transit
(for example: The Vine, nearby, on the way to the SkatePark)
Past failures to mitigate/code enforcement failures must be corrected by City and applicant
History of unpermitted uses must be memorialized
Privatization of recreation does not serve the public interest; rather, it damages it
Fiscalization of land use (during a recession or otherwise) is inappropriate
To attract business, the San Rafael land use policies must not show favoritism or practice
exceptionalism. Stability and predictability are required.

Wetlands are indispensable and fragile natural resources subject to flooding, erosion, soil-bearing capacity limitations and other hazards. Destruction of or damage to wetlands threatens public safety and the general welfare.¹⁵

The North San Rafael Coalition of Residents urges you to honor the planning concepts, intent and agreement that resulted in the restrictive covenant and now actively work to maintain or reinforce the deed restriction. Reject this proposal on its lack of merits. There is no over-riding

public benefit for the creation of private pay-to-play recreation facilities that justifies or outweighs the damages and risks of this project in this location.

Thank you very much for your attention to this matter.

Respectfully submitted,

NORTH SAN RAFAEL COALITION OF RESIDENTS

By 
Carolyn S. Lenert, Chair

Encs: Rod Gould Email
Declaration of Restrictions

cc: Mr. Paul Jensen, Director of Community Development w/o encs.
San Rafael City Council w/encs.

OFFICIAL RECORDS COUNTY OF MARIN

83062935

RECORDED AT REQUEST OF

AGENCY SHOWN

AT MIR. PARCEL B M.

DEC 1 5 1933

Official Records of Marin County, Calif.

William Steiner
FEE \$ 1.10 RECORDER

RECORDING REQUESTED BY:

AFTER RECORDING MAIL TO:

DECLARATION OF RESTRICTIONS

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

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

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

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

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

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

RECORDED AT THE OFFICE OF THE RECORDER
OF THE COUNTY OF MARIN
James Duff
FEE PAID 8/13/56 DEPUTY

OFFICIAL RECORDS COUNTY OF MARIAN

83062935

83062935

- (a) Existing uses consisting of an airport and related uses.
- (b) Public utility uses as approved by the appropriate government agencies, including flood control, sanitary sewer, gas and electric, and public safety facilities.
- (c) Airport and airport related uses.
- (d) Roadways.
- (e) Open space.
- (f) Private and public recreational uses.
- ~~(g) Any other related uses agreed to by the City, County, and Owner.~~

2. Run With Land. This declaration of restrictions

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

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

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

Dated: Dec 9, 1983

OWNER - FIRST NATIONAL STATE BANK

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

STATE OF NEW JERSEY } ss:
COUNTY OF ESSEX }

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

Ruth V. Croyle

RUTH V. CROYLE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March 7, 1984

83062935

Dated: Dec. 14, 1983

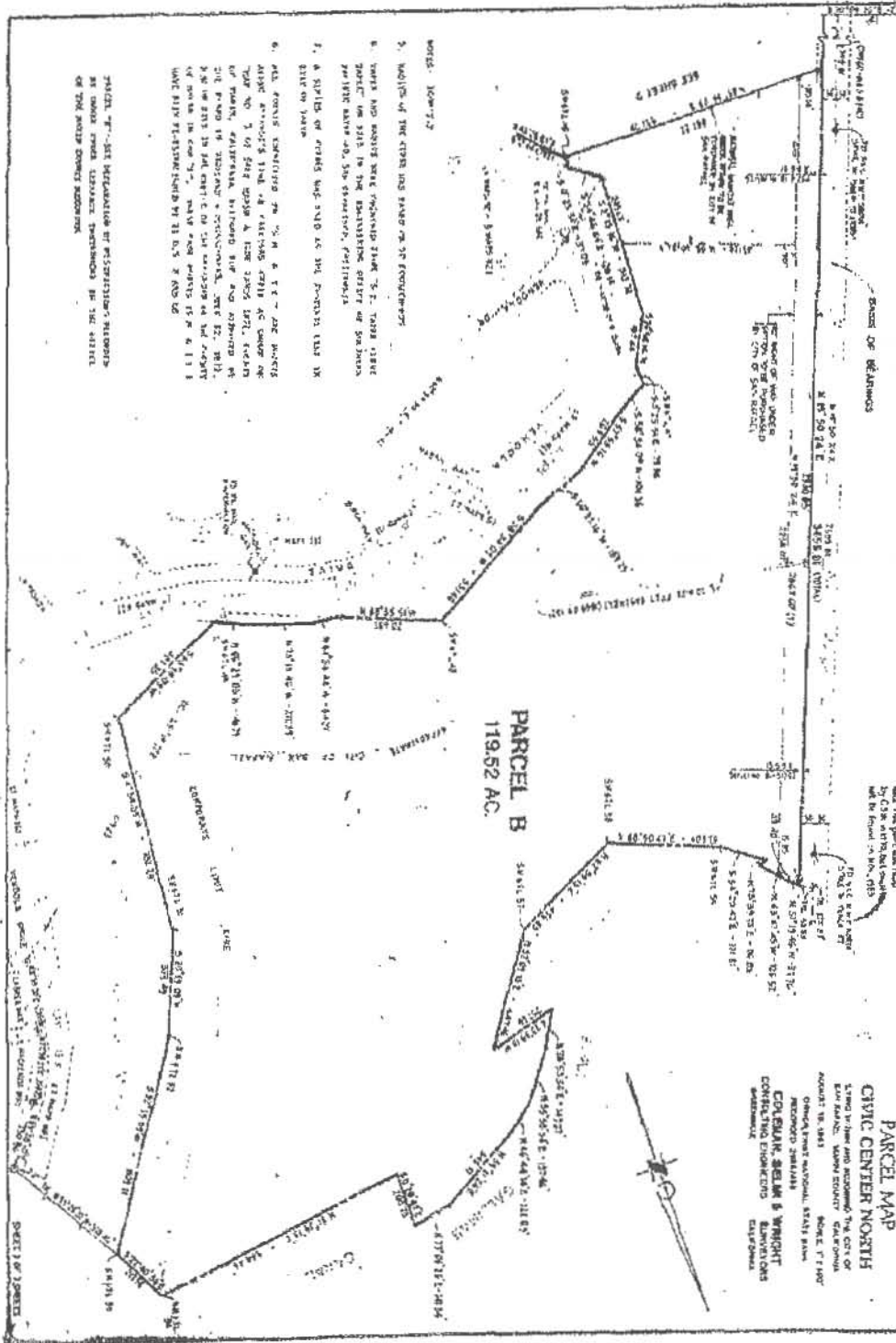
CITY

Lawrence E. Molyneux
LAWRENCE E. MOLYNEUX, Mayor
ATTEST: by *Jeanne M. LeDuc*
JEANNE M. LE DUC, City Clerk
COUNTY

Dated: Dec. 14, 1983

COUNTY

by *Bob Panniquiere*
by _____



Raffi Boloyan

From: Rod Gould
Sent: Tuesday, June 21, 2005 10:31 AM
To: 'Robert Herbst'
Cc: Bob Brown; Bill Scharf; Raffi Boloyan
Subject: RE: Indoor Soccer Facility

Dear Bob, I am flabbergasted that the County would put up barriers to your excellent project. Your letter to Susan Adams is well put and compelling on all points. I have a call into Mark Rieseinfeld to ask for his reasons for this initial opposition. He promised to get back to me, but is deep in transition to retirement on the 30th. We on City staff are very supportive of your project. So is the City Council. I believe that the Planning Commission will also see its many merits. Nonetheless, change comes very hard in Marin. We have received a petition from Captaln's Cove residents objecting to traffic and parking impacts that we will answer. We will reach out to the County to try to get it to step back and assess all that your project offers. Thank you and Joe for bringirg it forward. It will make a lasting dent in the severe need for additional field space (especially all-weather fields) in North Marin and beyond. -Rod

-----Original Message-----

From: Robert Herbst [mailto:rherbst@jhsproperties.net]
Sent: Thursday, June 16, 2005 5:09 PM
To: Rod Gould
Cc: Raffi Boloyan
Subject: FW: Indoor Soccer Facility

Dear Rod,

As you may know, we have made our final submission for the airport recreational facility. Joe and I both greatly appreciated the supportive message you left a few months ago when we made our original submission.

We've run into a little friction from the County regarding the project, from a somewhat unexpected source: the County parks and rec people. We thought they would be supportive of new fields and facilities, but so far that has not been the case. Their McInnis Park staff member (Stephen Peterle) has stated he is opposed to the project, and he has written a negative letter to City Planning. I spoke with Mark Rieseinfeld who is the acting Parks and Open Space Director (the position is currently unfilled) today, and followed up with the attached email. I wanted to bring you and Mayor Boro into the loop on this (could you please forward this email to him?). Any help or advice in establishing a positive dialogue with the County parks and rec people is greatly appreciated.

Kind Regards,

Bob Herbst

May 24, 2012

Michael Perani
109 Labrea Way
San Rafael CA 94903

San Rafael City Council
1400 Fifth Avenue
San Rafael CA 94915

Dear City Council,

I will preface my comments on the merit of the San Rafael Airport's proposal to develop a soccer complex on their property with some background information about myself to put my thoughts in context. I have lived 40 of my 50 years in Marin with most of those in San Rafael.

When I was a child the San Rafael Little League had an agreement with San Quentin prison to allow their teams to play on the immaculately kept fields outside the main prison complex. Every baseball game was punctuated by a trip through the inspection station at San Quentin's main gate.

As an adult I have continued to be affiliated with youth sports serving on the board of directors of the Dixie Terra Linda Little League and serving as a team manager for several seasons. I have also had the opportunity for many pleasant interactions with the Dixie Youth Soccer Association through my son's involvement in that program since he was a small child. Believe me when I say the call for improved facilities for youth sports rings true in my ear.

I am also the chairman of the Marin County Flood Zone 7 advisory board. This body makes recommendations to the Marin County board of supervisors regarding flood control issues in Santa Venetia. I have been a founding member of the effort to establish the Gallinas Creek Watershed under the auspices of the Marin County Department of Public Works whose vision is to maintain and enhance what is universally regarded as the finest and most important watershed in the North Bay.

There is no question that San Rafael would benefit greatly from a sports complex on the scale of what is being proposed for the airport. That is not the issue. The issue is if the airport property is an appropriate location for a project of this scale. Simply put, it is not.

There will be many letters regarding the lunacy of pounding 50 concrete piles and developing an 85 thousand square foot building in an endangered species habitat. There will be many letters regarding the lunacy of placing a four story building which is ostensibly built for children more closely proximal to an active airport than any such facility in the United States. There will be many letters crying foul at the "expletive deleted" you attitude of the developers towards their immediate neighbors and their desire to run a business at all hours of the night destroying the character of their neighborhood. There will be many letters questioning the wisdom of placing a major infrastructure project in the property that is predicted to be underwater during our lifetimes owing to it being built on land that is already below sea level.

There may be a few letters about the uniqueness of this particular property to the health and well being of the Gallinas Creek watershed. This is one of them.

The airport property is located at the junction of the North and South forks of Gallinas Creek. It is, without question, the most important parcel in the entire Gallinas watershed. The purpose of the Gallinas Creek Watershed program is to coordinate between the many stake holders and jurisdictions that comprise the watershed, the City of San Rafael being one. A tectonic shift has taken place in the last few years in the way state and federal government funding programs have approached flood control, water conservation, wetlands preservation, habitat conservation and waste water treatment. It is extremely difficult to obtain funding to address any one of these issues independently. Funding decisions are made preferentially towards those projects which can achieve multiple benefits. The goal of the Gallinas Watershed program is to pursue grants on the order of tens of millions of dollars to preserve the jewel that we have in Gallinas Creek.

The construction of the sports complex will smother any grant requests in their crib.

Funding agencies do not like to see endangered species habitats destroyed. They particularly do not like endangered species populations in decline. They do not like seeing major infrastructure developments in low lying former wetlands, and they do not like dealing with people who seem to have no clue of the value of their natural resources. The City of San Rafael has the power to close the door for the entire Gallinas community should they elect to move this project forward.

To date the deliberations regarding the airport proposal have been exceedingly disconcerting. The behavior of the planning department can best be described as providing justification for a project that has already been approved. The purpose of writing an environmental impact report is to enumerate the impact of a project on its surroundings, not to explain away each and every legitimate objection. The purpose of consulting the department of transportation is to have input from experts who have dealt with many similar situations, not to

obfuscate their guidance. The purpose of having an open meeting process is to gather input in an effort to make a better decision, not to deflect any and all criticisms, valid or otherwise, of a project.

I understand that the owners of the airport were instrumental in advancing the candidacies of many people who will wind up making this decision. Having influence is to be expected, that is the nature of politics in the US, but to conduct a process that so blatantly disregards all the checks and balances in collective decision making is a grave concern, particularly when so many constituencies will be effected by a poor decision.

Sincerely,

Michael Perani



Kamman Hydrology & Engineering, Inc.

7 Mount Lassen Drive, Suite B-250 San Rafael, CA 94903

Telephone: (415) 491-9600

Facsimile: (415) 680-1538

E-mail: info@KHE-inc.com

Mr. Kraig Tambornini
Planning Division
Community Development Department
City of San Rafael
1400 Fifth Avenue
PO Box 151560
San Rafael, California 94915-1560

SUBJECT: Merits Comments SAN RAFAEL AIRPORT RECREATIONAL FACILITY
397-400 SMITH RANCH ROAD, SAN RAFAEL, CALIFORNIA,
San Rafael Airport Soccer Facilities

Dear Mr. Tamborini:

The City should reject the proposed rezoning and Soccer facility because it will directly and adversely impact special status species in the adjacent marshlands, poses undue risks to the users and environment, and will be an economic loss to the City and County.

The proposed project occupies a site that is historic bay land, surrounded on three sides by intertidal channels, and is at site grade comparable to the adjacent marshland. This proposed project should be considered as a coastal development project, and rejected as unnecessary on that basis. County, State and Federal planning guidelines for coastal Baylands require consideration of the costs and impacts of necessary infrastructure improvement. These costs, when considered in the climate change context of Sea Level Rise will exceed the potential value of the project for the City. The clear economic trend is the basis for regional, national and international movement toward policy of coastal retreat.

I believe a better value to the community would be realized by restoring functional wetland. Returning this parcel to bay land would reduce the infrastructure burden on the county, provide flood storage capacity for adjacent communities, and expand valuable habitat for resident endangered species.

Sincerely,

Rachel Z. Kamman, PE
Principal
Kamman Hydrology & Engineering, Inc.

807 Hacienda Way
San Rafael, CA 94903
May 24, 2012

Mr. Craig Tamborini, Senior Planner
City of San Rafael, Community Development Dept.
P.O. Box 151560
San Rafael, CA 94915-1560

Re: San Rafael Airport Recreational Facility

Dear Mr. Tamborini:

The soccer complex may be a good idea but NOT in environmentally sensitive wetlands.

I can list half a dozen reasons why the proposed complex is a tragic offense. All of the environmental, safety, light and noise issues have been "swept under the rug" and glossed over with weak or absent mitigations.

I ask you would you want this monstrous complex less than 600 feet from where you live?

I strongly urge you not to approve this project.

Sincerely,

Paula H. Kotzen

Robert Dobrin
215 Vendola Drive San Rafael CA 94903 robertd@vendola.org

May 24, 2012

San Rafael Planning Commission
c/o Mr. Kraig Tambornini
City of San Rafael
PO Box 15160
San Rafael CA 94915-1560

Mr. Tambornini and Members of the Planning Commission;

Thank you for the opportunity to comment on the merits of the San Rafael Airport Sports Facility.

General Plan Discussion

General Plan Policies S-20 and S-20a

The project is inconsistent with General Plan Policy S-20 and S-20a in that maintenance of the entire perimeter levee system has not been planned, nor has any effort been made to evaluate or pursue an assessment or maintenance district to fund levee upgrading. Please note the County of Marin Department of Public Works (County DPW) has indicated in separate comment letters they have no responsibility for the levees.

General Plan Policy S-20 and S20a are copied below.

S-20. Levee Upgrading.

When waterfront properties are developed or redeveloped, require levee upgrading, as appropriate, based on anticipated high tide and flood conditions, to maintain an appropriate levee height.

S-20a. Levee Maintenance Funding.

Coordinate with property owners to ensure adequate levee heights. Evaluate potential ways for affected private property owners to fund levee maintenance such as Assessment or Maintenance Districts.

General Plan Goal 28

The project is inconsistent with Goal 28 of the General Plan

San Rafael residents deserve to feel safe and secure wherever they live, work and play.

The letter from the Department of Transportation, Division of Aeronautics (Division) letter and their published Airport Land Use Handbook clearly articulates the dangers of placing a group recreation facility next to an active runway.

Land Use Element

The introduction to the General Plan Land Use Element pledges responsiveness to regional and statewide planning organizations including the California Department of Transportation.

San Rafael's local planning efforts must also be responsive to regional and statewide planning agencies such as the Association of Bay Area Governments (ABAG), the Marin County Congestion Management Agency and the California Department of Transportation (Caltrans). [emphasis added]

Group Recreation, Stadiums and Fixed Seating

The Staff report for the subsequently cancelled March 27 Merits Hearing suggests the project is not a group recreation facility because it does not contain bleachers. Therefore, Mead and Hunt contends the 2011 Airport Land Use Handbook's recommended prohibition of group recreation facilities does not apply. The 2011 Handbook also prohibits Stadiums with fixed seating. The handbook's intent is clearly to prohibit stadiums *with* fixed seating and group recreation facilities *without* fixed seating.

Further, the March 27 Staff Report itself states:

"The meeting room would be available for private ancillary recreational activities such as birthday parties and similar group events or meetings, and would be offered as complimentary use of local seniors for activities and for neighborhood groups who need meeting space."

The project proposes to host Soccer Clinics, a "Lil' Kickers" Program along with School & Group Activities. All of these proposed activities can be considered school and/or daycare facilities, both of which should also be prohibited in these runway safety zones.

The images below were copied from the Proponent's LetMarinPlay.com web site.



- Youth and adult clinics
- Goalkeeper clinics
- Team trainings



Nationally renowned child and player development program for ages 18 mos.-12 years.



- School field trips
- Home School PE
- Mother's Club play-dates

Finally, the 2011 handbook does not indicate that a group recreation facility would be appropriate at this location even if density requirements are met.

Use Permit Comments

Whistles

Although this project should be denied, if the project is recommended for approval, the use of sports whistles should be strictly regulated and not permitted after 7:00 pm. These whistles emit

anywhere from 90 to 115 db, and have not been studied as part of the noise analysis. Use permit condition number 40 should be revised to regulate the use of whistles, horns, drums and musical instruments of all varieties.

Hours of Operations

The proposed hours of operations, particularly on the lighted outdoor field, should end no later than 9:00 pm. This is congruent with other Marin County outdoor fields. Although the proponent claims it is economically infeasible to build the outdoor field without late night hours, profitability of the operator should not trump common sense.

Recreation Must be Defined as Field Sports Recreation

The Project is being sold based on the need for Sports Recreation. Use Permit Condition 33 provides for Indoor and Outdoor Recreation without limit. The condition needs additional definition limiting use to participatory sports such as Soccer and related field sports. Without such definition, the proprietor might argue that other activities, such as spectator sports, slot machines, paint ball, archery, target practice, balls and parties meet the definition of indoor and outdoor recreation.

Food Service, Picnics and Parking Lot "Tailgate" parties

Outdoor food and beverage will attract wildlife that creates a hazard to aviation and endangers the animals well being. The use permit must specifically address onsite food and beverage prohibitions.

Obstruction Lights

The FEIR has no analysis of Obstruction lights and their impact on wildlife and other visual impacts. Although these lights have been identified with a manufacturer's specification sheet, there has been no environmental analysis.

Proposed new Mitigation is vague, unenforceable and unworkable

The March 27 Staff Report includes this proposed new mitigation:

(S)uspend airport operations when a special event is taking place at the Airport Recreational Facility which is expected to attract more people than permitted in the Use Permit.

This mitigation is new and is the first public notice the project will be used for events other than the stated goal of providing team sport recreational opportunities. Consequently the project has not been properly analyzed under CEQA for lack of a proper project description.

The plan to close the airport at times when the intensity of use exceeds limits needs further clarification. The San Rafael airport does not participate in the NOTAM program (Notices to Airman) program that disseminates information to pilots about closed runways so it is entirely unclear how closures will be communicated.

The mitigation is vague with no performance standards or parameters. What does "airport operations" mean? Will airplanes be allowed to fuel and taxi? Will the runway be closed while the event is taking place? When will it close and when will it open? How will it be closed? How will

pilots be notified? What about planes that may be returning or need to make an emergency landing?

Recall this airport operator contends all flight operations are exempted from regulation by the City due to an FAA exemption.

The project will create additional safety hazards

The proponents professed need for strict vegetation management in order to discourage wildlife hazards and bird strikes has been discussed at length during the EIR process, however similar concerns have not been expressed about the potential wildlife and bird attractant potential caused by the proposed recreational facility.

In fact, the proposed use would add a natural turf “warm-up” field and landscaping that would attract wildlife within 160 feet of the runway. In addition, the use permit enumerates the sale of food and drink at the facility with the potential to attract birds and wildlife. Outdoor Picnics and Parking lot tailgating must also be considered. (see discussion of use permit).

The Table reproduced below indicates indoor and outdoor recreation facilities have the potential to attract wildlife. This table is reproduced from the Airport Cooperative Research Program (ARCP) and was prepared by Mead and Hunt and sponsored by the Federal Aviation Administration.

Table 1.2-9. Land use compatibility chart for parks and recreation activities.

Land Uses	Noise Sensitivity	Concentration of People	Tall Structures	Visual Obstructions	Wildlife & Bird Attractants
Parks and Recreation Activities					
Commercial Recreational Uses (i.e., facilities used for physical exercise, recreation, or culture)					
<i>Outdoor</i> (i.e., campgrounds, tennis/swimming facilities, drive-in theaters, skating rinks, pavilions, amphitheaters)	I	P	P	I	P
<i>Indoor</i> (i.e., physical fitness centers, health clubs, bowling alleys, skating rinks, billiard halls, arcades, indoor theaters)	P	I	P	I	P
<i>Golf</i> (i.e., golf driving ranges, outdoor miniature golf, 9+ hole courses)	I	N	N	P	I
Utility Uses (i.e., amusement/theme parks, fairgrounds, racetracks, sports arenas)	I	I	I	I	I
Parks (i.e., aquatic, mini, private, sports, neighborhood, school, community)	I	P	I	P	P
Casino	N	I	P	I	I

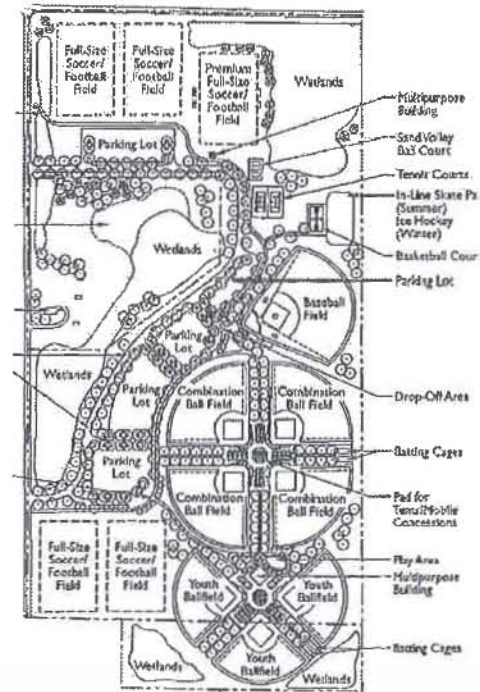
I = Impact; P = Possible Impact; N = No Impact

Source: Mead & Hunt, Inc.

The ACRP points out that facilities which accommodate higher intensities of human activity often attract wildlife with increased litter and trash receptacles that lead to incompatible land uses. This remains unstudied in the FEIR.

The ACRP later points out that the lack of open space at an outdoor sports complex makes it less compatible than a neighborhood park with open space:

Development sizes, which can vary greatly, play another important role in determining land use compatibility. A neighborhood park that incorporates open space may be considered more compatible than an outdoor sports complex with large areas for parking and limited open space, as shown in Figure 1.2-21. (reproduced at right)



Source: APA Planning and Urban Design Standards

Figure 1.2-21. Outdoor sports complex.

Finding of Fact are not Factual

Finding 6 Hazards-Chapter 10 (a), (b) and (c) are not factually correct.

No mention is made of the new information made available in the 2012 California Airport Land Use Handbook regarding the location of this project in defined Runway Safety Zones where a group recreation facility is prohibited. This in itself renders these findings false since the recommended prohibition constitutes a clear threshold of significance. The City was informed of this new information on March 9, 2012 by the Division.

Specifically, Finding 6 Hazards-Chapter 10 (c) is patently inconsistent.

The Significant Impact is described as follows:

Elements of the Project have heights that would extend into the navigable air-space above the San Rafael Airport, as defined by the Part 77 of the Federal Aviation Regulations. Any object which penetrates this volume of airspace is considered to be an obstruction...[emphasis added]

The Finding of Fact erroneously states:

...the height of structures would eliminate flight hazards by ensuring the height of structures and landscaping would remain clear of the 7:1 transitional Surface (ascending clear zone) add obstruction lights to specific locations on the building and fencing... these measures would reduce impacts to less than significant.

It is inconsistent to state that elements of the project have heights that extend into navigable air-space and then state the height of structures would remain clear of the 7:1 transitional surface.

Furthermore a careful reading of FAR-77 will show that significant portions of the parking lot violate the proposed transitional surface based on the heights of mobile objects expected to regularly traverse those roads.

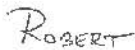
Unresolved CEQA Issues

There remain unresolved CEQA issues including the unanalyzed impacts of the chemicals used to clean field turf and the exposure of sensitive receptors to leaded gas emissions.

There is still no analysis of the obstruction lights. The locations of these lights and their impact on the the environment must be analyzed. Additionally, the Division letter suggests the possible closure of the airport if it fails to maintain aviation clear zones as required. Since this project has the potential to close the airport, the eventual use of the airport must be analyzed in the EIR.

All of these items require further analysis and recirculation of the EIR/

Sincerely

A handwritten signature in cursive script that reads "ROBERT".

Robert Dobrin



Santa Venetia Neighborhood Association

P.O. Box 4047 · San Rafael · CA · 94913-4047

May 24, 2012

San Rafael Planning Commission
c/o Mr. Kraig Tambornini
City of San Rafael
PO Box 15160
San Rafael CA 94915-1560

Mr. Tambornini and Members of the Planning Commission;

The Santa Venetia Neighborhood Association (SVNA) represents over 1,600 homeowners and renters in the unincorporated community of Santa Venetia. Although our homes and incomes are generally of modest size compared to most of Marin, we are justifiably proud of our neighborhood. Please consider the following comments on the Proposed San Rafael Airport Sports Facility.

The impacts of this project will be felt in Santa Venetia as much, if not more, than any other community. Santa Venetia is surrounded on three sides by the City of San Rafael, however we lie outside of the City's corporate limits. Thus we cannot vote in City elections or serve on the Planning Commission.

Presently, the City of San Rafael is considering the merits of a proposed 85,000 square foot private indoor sports facility with lighted outdoor playing fields adjacent to an active runway. The SVNA has, and will continue to comment on all facets of this project including deleterious effects on the environment, aviation safety, alcohol sales at a children's facility, noise and light pollution. The SVNA and members of our community have commented extensively on past land use activities involving the San Rafael Airport project as shown in Exhibit B. The City's analysis of the intent of the Declaration of Restrictions of this project continues to ignore the clear intent of the restriction to limit density and commercial development at the site. This intent is documented in the City of San Rafael's City Council Meeting Minutes of February 22, 1983 where it was stated the restrictions would prevent commercial development. These minutes are included as Exhibit A.

The Airport Sports facility is proposed on filled bay land in a flood plain surrounded on three sides by unincorporated areas of Marin County. Santa Venetia residents, by way of CSA 6 and Flood Control Zone 7 have recently committed \$140,000 toward planning for the Gallinas Creek Watershed in support of the County of Marin's priority watershed goals. The SVNA agrees with Marin County Watershed Planning Staff recommendations that an integrated watershed approach is our best hope for achieving both environmental and flood control goals to protect against sea level rise. The SVNA does not believe the proposed sports facility constitutes

Santa Venetia Neighborhood Association

Page 2 of 2

May 24, 2012

appropriate long term planning or furthers this goal. The SVNA offers these additional comments on the perimeter levees and airport safety.

The proposed project is protected by 12,000 linear feet of reclamation levees, of which approximately 4,000 feet are on land held in trust for the public by the County of Marin. The map attached as Exhibit C shows the extent of the public lands and the levees on Public Trust Land. At least twice in the last six years, these levees have required emergency repairs.

Intensification of use behind these levees would require the expenditure of additional public funds to protect private development that could otherwise be better spent on other public priorities. In an era of strained budgets, the County remains challenged to maintain existing infrastructure, let alone support new private development. These same constraints apply to the City of San Rafael.

The County Department of Public Works has indicated in comment letters for this project they have no obligation, funding or intention to maintain these levees to the heights required by the San Rafael General Plan and the proposed use permit to enable this project. It should also be noted the City has no obligation for any of the levees surrounding the project. Approval of this project will create or exacerbate the unfunded public burden for their maintenance.

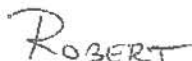
We agree with San Rafael General Plan policy S20a to require the private landowners be made responsible for the maintenance of the entire levee system surrounding their new developments. A better alternative would require the San Rafael Airport to secure the necessary permits to build and maintain a perimeter levee system to protect existing and any future improvements entirely on their own land.

Any such scheme for funding levee maintenance must preserve the Public Trust right to restore dyked baylands on public property to their natural state as habitat restoration and/or as a wetlands buffer to provide flood protection.

The SVNA agrees with the California Department of Transportation, Department of Aviation's March 9 letter and urges you to deny this project on safety grounds. We add that approval of this project will deprive pilots of aircraft in distress the opportunity to steer their craft to the sparsely populated north side of the runway. This will make the vacant land on the more populated south side of the runway a better alternative for emergency landings. In short, this project on the north side of the runway will make Santa Venetia homes more vulnerable to aircraft accidents.

The SVNA urges the City to reject this project.

Sincerely,



Robert Dobrin
President
Santa Venetia Neighborhood Association

Exhibit A: San Rafael City Council Minutes

SRCC Minutes (Regular) 2/22/83 Page 4

Condition 9, regarding the wording of the light and noise easement. All other issues are basically consistent with discussions. The County is recommending, and City staff has concurred, that a Joint Powers Agreement between the City and County be drawn up, which would establish a revised boundary to the Flood Control Zone which would cover a larger area, the Gallinas Creek watershed on the South Fork. The other point on which there is still disagreement between the County and the developer relates to the language of the light and noise easement, which the respective attorneys for the County and developer hopefully will be working out.

Ms. Macris stated that the County's recommendation is that the City Council approve the rezoning/prezoning, subject to the fourteen conditions recommended, with Conditions 3 and 9 to be discussed further, and including points 1 through 5 as outlined in the letter from the County Planning Department. It is felt that the other issues are basically consistent.

Attorney Bianchi added that a revised version of the light and noise easement agreement, with toned down language, has been submitted to the County. He feels that a notice in the CC&R's would be just as effective as granting an easement.

Mayor Mulryan recommended approving the action, with respective counsels from the County, applicants and City to work out the wording to protect the light and easement problem. Supervisor Roumiguere agreed that the wording should be worked out by the various counsels.

Supervisor Roumiguere urged annexation to Flood Control Zone #7, as outlined under Condition 3. He then addressed Condition 14, which has been worked out with the property owner's representative. This is an added condition which, basically, says that prior to approval of the final map of the project the property owner will sign and record a covenant binding themselves or successors, restricting the use of the 116 acre airport parcel to those uses restricting uses existing as of the date of the tentative map approval, and the following permitted uses:

- a. Public Utility uses as approved by the appropriate governmental agencies, which would include flood control, sanitary sewer, gas and electric and public safety facilities;
- b. Private and public recreational use;
- c. Continue to airport and airport related uses;
- d. The covenant to run with the land and be enforceable by the County of Marin and City of San Rafael, and include open space, wildlife habitat and other uses in accordance with those agreed to by the City and County in the future. This would mean that high density or commercial development would never take place on that parcel.

Mayor Mulryan asked if this is City or County property. Ms. Moore indicated that it is within the City except for fringe areas close to the creek, probably due to the modification of the creek. Mayor Mulryan asked if there is consent from the property owner on that, and Mr. Bianchi replied that has been worked out. Mayor Mulryan stated that the concept is excellent, except that if it is within the City, the matter should be in accordance with the approval of the City, and not with the County. He said he felt the concept is excellent.

Supervisor Roumiguere again urged annexation to Flood Control Zone 7, even though it means diversion of approximately \$20,000 in property tax monies from the City to the Flood Control Zone. Mayor Mulryan asked Ms. Moore about the maintenance by the County, which was not included in their initial proposal, and Ms. Moore replied that in the latest letter, dated February 18, from the County, they agreed that the Flood Control Zone will maintain the levees (with the exception of aesthetic considerations), the pumps, the inflow/outflow pipes, and the level of the lake. Mayor Mulryan asked how this could be assured, and Ms. Moore suggested that this could be covered in a Joint Powers Agreement. She recommended that the agreement could specify that City would agree to annexation to Flood Control Zone 7 "or a modified flood control zone", so long as the City/County coordination as outlined in the City staff recommendation of revised Condition 'e' is met within a specified period of time. In that way, the Joint Powers Agreement can be negotiated. Mayor Mulryan stated it could even remain at Flood Control Zone 7, so long as it is agreed who will do the maintenance. Mr. Roumiguere reassured the Council that there is no problem whatsoever about Flood Control Zone 7 doing the maintenance work. Otherwise, he feels it would not be fair to the City after giving up property taxes.

SRCC Minutes (Regular) 2/22/83 Page 4

File #: ZC05-01/APP05-08/E005-15
Title: City Council Minutes, 2/22/83
Exhibit: 3-5

Exhibit B

History of neighborhood's participation and involvement to ensure the *Intent of the 1983 Deed of Restrictions*:

1. 1983 Declaration of Restrictions (File #83062935, December 14, 1983)
2. Declaration of Robert Roumiguere regarding lawsuit to have Declaration of Restrictions lifted on Airport property Parcel B. (File #147042, October 20, 1991)
3. Court of Appeal of the State of California Affirmation of Declaration of Restrictions for Parcel B. (File #A070133, 1996)
4. Opposition to the Smith Ranch Airport's land deal offer to McInnis Park Master Plan in exchange to remove current deed restrictions on the use of the property. (DEIR McInnis Park Master Plan, June 19, 1991, Page 164)
5. Participation in Vision San Rafael 2010 with primary focus on Smith Ranch Neighborhood and Land Use Elements. (Vision North San Rafael 2010, November 1997) to be included in the SRGP 2020.
6. Participation in the Draft San Rafael General Plan 2020. (Policy Recommendations, July 12, 2001 and Housing Opportunity Sites, August 8, 2002).... *Just in case Airport designated for housing.*
7. Participation in Initial Study/Mitigated Negative Declaration, Senior Planner Dean Parsons, January 24, 2001
8. Participation in the 2002 Master Use Permit Process; Request for a Rezoning and Approval of Master Use Permit. (City Council Report, Agenda Item #14, March 19, 2001) (Please see attached Staff Report to Planning Commission)
9. Participation in the annual review of the Airport Use Permit (October 28, 2003 and January 11, 2005)
10. Participation in the Marin Countywide Plan Draft and Final Adoption November 6, 2007 - particular emphasis on the Airport Property including full endorsement of the Baylands Corridor to include Santa Venetia... *Airport Attorney's letter objection and ultimate exclusion to Baylands Corridor.*
11. Participation in helping defend our two creekside Neighbors (along with 50 as-of-yet to be named "John Does") against a lawsuit filed by Airport Operators in connection with the proposed Soccer Complex (ongoing)... *May 15, 2006 - "Protest on City Hall" at City Council Open Mic Time.*

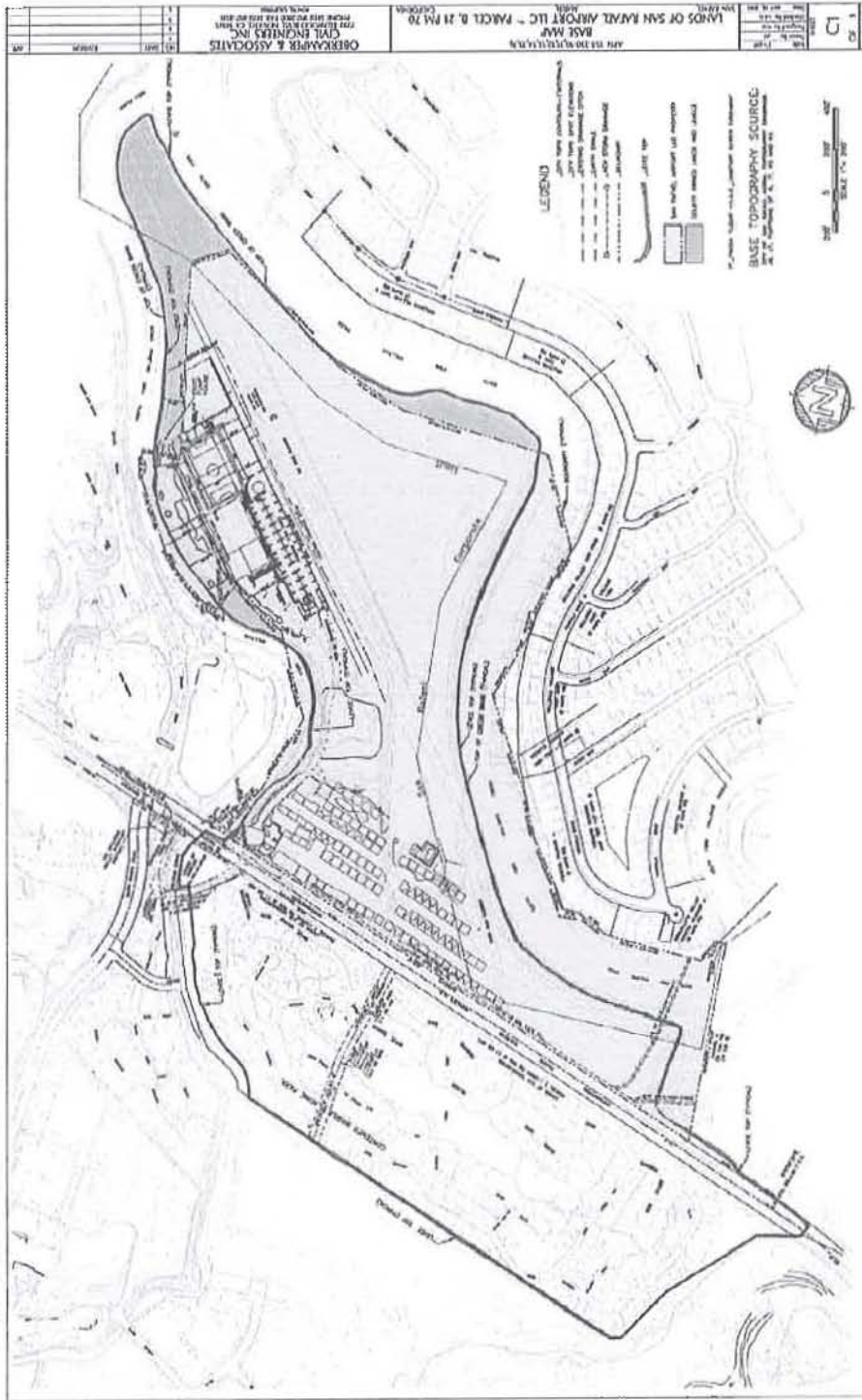
12. Participation and formation of the Friends of Gallinas Creek and Wetlands Group. (November 15, 2005)
13. Contributed to the Gallinas Creek Defense Council in order to properly address our concerns regarding Airport Recreation Facility to Planning Commission. (February 24, 2006)

Unbeknownst to us, the last challenge to modify or eliminate the Intent of the 1983 Deed of Restrictions was successful November 15, 2004:

1. **November 15, 2004** - Adoption of General Plan 2020 (FEIR page C&R-552, 553) - "the time period for challenging the adopted land use designations has lapsed." AND "The General Plan 2020 land use designation replaced the previous General Plan 2000 land use designation, which designated the Airport property (including the Project site) for Medium Density Residential/Low Density Residential/Neighborhood Commercial land uses with Golf Course and Declaration of Restriction policy notations. (General Plan 2000 Land Use Plan Exhibit GP-4a). The former General Plan 2000 Policy NG-7 that applied to the property referred back to the property Declaration of Restrictions that encumbers the property. The land uses established on the map were identified in the event the covenant were modified or eliminated. General Plan 2000 was adopted by Resolution No 7771 on July 18, 1988, and was in effect until adoption of General Plan 2020."
2. January 11, 2005 - Planning Commission's second and final annual review of Master Use Permit. - "... finding the project in substantial compliance with the condition of approval"
3. **March 15, 2005 - SVNA received notification of the Airport / Soccer Complex project.**
4. June 22, 2005 - First Public Neighborhood Meeting held.
5. July 19, 2005 - First Design Review Board Meeting held.
6. July 21, 2005 - San Rafael Park and Recreation Meeting and endorsement.

Conclusion: November 2004 - March 2005 — In 5 short months, the airport sports facility project was on the books, undoing the efforts of the public and neighborhoods for the last 21 years. (1983 - 2004)

FEIR Figure 3: Levee Ownership at Project Site and Vicinity



Kraig Tambornini

From: moore.thompson [moore.thompson@comcast.net]
Sent: Thursday, May 24, 2012 11:39 AM
To: Kraig Tambornini
Subject: Please consider.

Dear Mr. Tambornini,

Regarding the recreational complex proposed for the Smith Ranch Airport, we have these concerns:

This kind of development has a much bigger demand on our local services than that of a large store, entertainment facility, or even a hotel. This project would be bringing in 700 to 1000 persons daily with the addition of the full time employees. Some teams would be coming far from this location, so Highway 101 and Smith Ranch Road would be heavily impacted.

Although the power for the facility would be covered by their solar installations...from morning to late at night, there would be the heavy use of Marin's services of water, sewage, garbage and litter services...also, with so many persons visiting, the possible need for fire, police services and EMT services.

Smith Ranch Road has only one main access to HWY 101...if there was a major emergency, a fast exit of great numbers of those already on Smith Ranch Road would be a great challenge...adding the cars and emergency trucks to and from from this location would lead to possible grid-lock.

Thank you, for reviewing our sincere concerns,

Ann Thompson and Richard Moore
705 and 707 Hacienda Way
San Rafael, CA

Kraig Tambornini

From: Maria den Held [denheld35@hotmail.com]
Sent: Wednesday, May 23, 2012 3:29 PM
To: Kraig Tambornini
Subject: FW: Comments San Rafael Airport/Recreation Facility: Denial Request

From: denheld35@hotmail.com
To: ydenheld@hotmail.com
Subject: Comments San Rafael Airport/Recreation Facility: Denial Request
Date: Wed, 23 May 2012 15:23:37 -0700

Dear Mr. Tambomini,

My family and I have been residents of Santa Venetia for the last forty years. We moved here from Pacifica to enjoy the access to the bay and all the natural beauty and open space that this area has to offer. The opening of a Sports bar and Soccer Recreation Facility would spoil the peace and serenity we have enjoyed for so many years. The building would block the mountain landscape we all now enjoy. This would impact all the Santa Venetia residents on the waterside. There landscape and peaceful enjoyment would also be affected. The noise from patrons and the traffic would greatly increase and affect Contempo Marin, Marinwood, Lucas Valley, Terra Linda and Santa Venetia. We also believe that this would adversely affect wildlife and marine ecosystems that currently call Gallinas Creek their home. The other concern is alcohol consumption and the increase in police needed to patrol that area to maintain public safety. Currently, the airport traffic has increased and a 38 ft. tall building would be a hazard for planes landing and taking off. McGinnis Park already has team sports playing there on the weekends. The need for a high volume sports arena is not suitable in this area. This open space should be preserved as it was intended. Generations of Marin County residents and visitors would lose this pristine landscape and peaceful enjoyment. As long time Marin County residents we oppose the proposal to have this type of business come into the community.

Kraig Tambornini

From: Sarjit Dhaliwal
Sent: Wednesday, May 23, 2012 12:56 PM
To: Kraig Tambornini
Subject: FW: San Rafael Airport Sports Complex

For you.

From: Christine Strand [mailto:christinestrand@sbcglobal.net]
Posted At: Wednesday, May 23, 2012 11:52 AM
Posted To: Community Development Internet Mail
Conversation: San Rafael Airport Sports Complex
Subject: San Rafael Airport Sports Complex

May 23, 2012

Dear Commissioners,

I would like to voice my strong opposition to the building of a sports complex at the San Rafael Airport! On behalf of my friend who lives on Vendola Drive in Santa Venetia, this will be a huge sound disturbance to her neighborhood and the environment.

The way sound travels across the creek and wetlands, you can often hear the golfers, the quietest sport, at McInnis Park. In addition, the sports fields at McInnis have weekend and nightly soccer and baseball games that are audible at her residence on Vendola Drive. This project is slated to be so much closer, and with expanded hours of operation.

Has a proper study been done on what will the decibel levels will be in Santa Venetia and other surrounding homes? I do not believe so! This has always been a very quiet peaceful neighborhood alongside nature and wetlands.

According to the IJ, "In addition to the indoor facility, the applicant also plans to construct two outdoor sports fields — one lighted — with synthetic "field turf" instead of grass and two parking lots with almost 300 spaces.

An estimated 700 to 1,000 patrons plus 12 full-time employees would use the complex daily from 9 a.m. to 11 p.m. Sunday through Thursday and 9 a.m. to midnight Friday and Saturday. Outdoor soccer would likely be played until 10 p.m."

The Santa Venetia neighborhood would certainly suddenly become a very loud place if this plan ever comes to fruition. That is a drastic and invasive change to this neighborhood!! Screaming and lights 7 days a week instead of frogs and stillness as is now. Wow! Are you really considering allowing this??

I understand the sale of alcohol is also in the works for this facility?! This of course will add more decibels, and I question the advisability of a facility like this serving alcohol. Alcohol fueled adults driving children home is not a good scenario.

Also, there is the impact to the wildlife on the tidelands. This too will be drastic. The sound and lights and

5/23/2012

vehicle exhaust fumes will obviously have just as much impact on the wildlife as on the humans, disturbing them day and night.

Then there is the extremely ill-advised idea of having this facility right next to a runway!! Have planes crash landed on or near this space in the past? Do you have information on this? I hate to think of what would happen if a plane accidentally hit a building or a playing field full of children. This is just too close and asking for trouble!! The city of San Rafael should certainly be held liable for any damages were a crash to occur, for allowing this location. It is ridiculous to consider putting large groups of children as targets, so close to a runway. This is a such an obvious recipe for disaster.

Compared to the recent Lucas Grady Ranch project debacle, this sports complex development would have SO much more high impact negatively on SO many more homeowners and residents than the Grady project ever would have! Many more people would be using this facility daily, loud noise would be generated daily morning to night, this developer does NOT have a track record of environmental stewardship, there are obvious safety hazards with alcohol and with airplanes. And it would create very few jobs in the long run, few if any well-paid jobs.

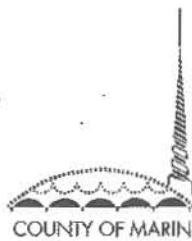
I realize you have probably been hearing from plenty of soccer moms and dads who would like more playing fields in Marin. But this is a very ill-advised project at this location for so many blatantly obvious reasons.

You need to know there are many who oppose this kind of development for Marin... where a way of life in a long-established neighborhood that has had quiet serene wetlands and hiking trails and kayaks and wildlife will suddenly be majorly transformed by loud raucous screaming, hundreds of cars, and new night lighting.

Though Santa Venetia homes are County land, and not San Rafael's jurisdiction, I would hope that San Rafael Planning will take into consideration their County neighbors, and the major negative impact this project would have on their daily lives and their property values.

I sincerely hope you will Reject this development at this sensitive location where it would have such a negative impact on the surrounding residents, homeowners, and ecosystems! And where large groups of kids would be put in harm's way right next to a runway that I am sure has had crash landings in the past.

Christine Strand
Long time Marin resident and homeowner
415-454-3547



BOARD OF SUPERVISORS

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Matthew H. Hymel
CLERK

Marin County Civic Center
3501 Civic Center Drive
Suite 329
San Rafael, CA 94903
415 473 7331 T
415 473 3645 F
415 473 6172 TTY
www.marincounty.org/bos

May 15, 2012

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

Re: San Rafael Airport Recreational Facility – permit # ZC05-01/UP05-08/ED05-18

Dear Mr. Tamborini:

On behalf of the Marin County Board of Supervisors, I write to respectfully offer our concerns regarding the above-referenced San Rafael Airport Recreational Facility permit application that is currently under review by your agency.

While our Board recognizes that the proposed project site lies outside of the County's jurisdictional boundaries, given its close proximity to unincorporated residential communities as well as County-maintained parkland, infrastructure and watersheds, the County of Marin has an interest in any proposed development at the site.

Our Board would like to respectfully request that the City of San Rafael ensure that the following issue areas are thoroughly addressed prior to any decisions being rendered on the permit application:

- Appropriate measures to minimize off-site runoff created by new impervious surfaces, including permeable parking areas and storm water catchment basins
- Potential impacts on and maintenance of existing private levees located adjacent to the project site
- Wetlands resources that may exist on the property
- Impacts to Las Gallinas Creek or protected species habitat located in proximity to the project site
- Appropriate hours of operation for the proposed outdoor fields to address noise and lighting impacts on adjacent residential communities
- Safety issues given the proposed project site's proximity to an airport runway
- Conditions associated with on-site advertising

Thank you for your consideration of our input.

Respectfully Submitted,

Steve Kinsey, President
Marin County Board of Supervisors

cc: The Honorable Mayor Gary O. Phillips
San Rafael City Council Members

RECEIVED

MAY 15 2012

COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

Kraig Tambornini
Planning Department
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901-1943

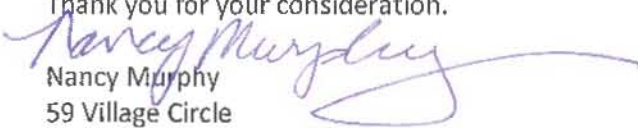
Attention: Planning Commission
San Rafael Sports Complex - Merits of the Project

I believe the Airport Soccer Complex is a bad choice for the McGinnis Park area. The noise and lights and traffic would be a terrible assault on the neighborhood. Not to mention the danger of children being so close to an airport. My elderly parents and sister live in Contempo Marin Mobile Park and have suffered years of worry and strife fighting huge rent increases. They may have dodged that bullet and now an assault on their Quiet Enjoyment.

An educational facility equipped to teach our children the importance of environmental protection using the waterways and wild life as examples would make much better sense.

The more we destroy our natural habitats, the more we become like everywhere else. Marin County is a unique and special place and if projects like this get ushered through in favor of making money instead of preserving the environment, we will all suffer.

Thank you for your consideration.


Nancy Murphy
59 Village Circle
San Rafael, CA 94903

Kraig Tambornini

From: Jeanette Smith [j1h1s@comcast.net]
Sent: Monday, May 14, 2012 12:36 PM
To: Kraig Tambornini
Subject: On the merits of the soccer project

Dear Mr. Tambornini, staff, Commission, and concerned parties,

I do not doubt that the city of San Rafael has worked hard to provide adequate recreational facilities for our population, especially our youth. And I appreciate the efforts you are making to address the concerns of families who look to the city to provide those opportunities. At a recent commission meeting I was shocked to see how many soccer fields within San Rafael that are closed. No wonder you are exploring the possibility of a privately operated facility that appears as if it could alleviate some of these concerns.

Aside from the serious issues of the endangered species in the area, the problems of building in areas subject to rising sea levels, and the impact of noise, lights, and traffic in an otherwise surprisingly quiet and splendid area, just how well will such a facility fulfill our desires to provide healthy recreational activities for our youth?

While the soccer playing adults would not doubt enjoy such a private facility, the presentation by the promoters of the development did cite numerous fields that are within traveling distance for our adult players. A bit further to be sure, but not out of range. The focus here is for our youth.

At least I hope that is our focus.

If indeed it is, I cannot help but wonder why we would establish playing fields for youth that are at such a distance and accessible only by car, particularly since we have neighborhood fields that would serve far more conveniently and, following municipal guidelines on alcohol consumption, far more appropriately.

In these times of tight budget constraints, it makes sense that we would look to private/public alliances to meet the needs of our communities. What does not make sense to me is supporting a private development whose operating hours and addition of alcohol on the premises suggests an interest more focused on adult activities than youth activities. I fear a sports-bar like atmosphere which counters all of the education we are doing in our schools to promote healthy life styles for our young people.

I realize that such adult activities will provide funds to subsidize those for the youth, but at how high a price to the very youth we aim to serve, particularly those youth who might not have ready access to private after school or weekend transportation to and from these fields.

For the sake of the serenity of this little bit of nature, the wildlife, the quiet, the dark skies, the safety concerns of airport proximity, the dubiousness of more building on below sea level ground, the mixed message of the hours and "cafe" operation, the traffic, the lack of proximity to local children, especially those in need of transportation, I urge you to weigh the merits of this project as a solution to the clear need for appropriate fields.

I can't help but wonder -- if we could calculate the cost to parents in time and money to get their kids to this proposed facility, or even more fundamentally, if we could calculate the cost to families who cannot afford the time to drive their youth, would not that money be better spent on maintaining the alcohol free, neighborhood fields now closed. Sadly, we don't have access to those funds; nevertheless, if we did, would we be investing them in this project?

Your answer to that question should drive your decision on the merits of the proposed airport/soccer combo facility.

With great respect to all who labor for the public benefit,

Jeanette Smith

Kraig Tambornini

From: Bob Spofford [spoffo41@comcast.net]
Sent: Monday, May 14, 2012 11:21 AM
To: Kraig Tambornini
Subject: San Rafael Airport Soccer Complex

Attachments: CA safety zone 3 and 5.pdf



CA safety
zone 3 and 5.p

Dear Mr. Tambornini:

I am writing to urge the Planning Commission to reject the San Rafael Airport Soccer Complex project as proposed on two grounds: a) Public safety risk and b) liability risk to the City. Both risks are based on the proximity of the complex to the airport's active runway.

As noted in the March 9, 2012 letter from the State Division of Aeronautics to the city, the soccer project will lie within Safety Zones 3 and 5 as defined in the 2011 California Airport Land Use Planning Handbook. Zone 5 is the "Sideline Zone" extending 500 feet to either side of the runway. "Group Recreational Uses" are PROHIBITED within this zone, yet elements of the soccer complex are planned to be as close as 165 feet from the runway, over 300 feet INSIDE this exclusion zone. (The pages from the 2011 handbook graphically summarizing these zones and their limitations are attached.)

The authors of the EIR attempted to dance around these restrictions by referring only to various allowed numbers of people per acre for these zones. Perhaps earlier versions of the Planning Handbook were ambiguous on this point, but the 2011 edition certainly is clear as can be: These population density levels apply only to allowed uses within these zones. "Prohibited" means just that. The idea that there could be an acceptable number of people per acre for a prohibited use is nonsensical.

Of course, in theory these state guidelines are only advisory for this project, because San Rafael Airport is not a public use airport. This is where the liability concern comes in. If, heaven forbid, there is an accident involving an airplane entering the soccer complex, the city would almost certainly be held negligent for having approved this project despite explicit state guidelines prohibiting such uses. The fact that the city did this in willful disregard of a letter from the state explicitly reinforcing this guideline would just add add icing to the damages.

Whether or not the state guidelines apply to a private airport is irrelevant. If city approval is required, as it is in this case, then the city would be negligent in ignoring clear, unambiguous state safety guidelines regardless of whether they are "required" or "advisory."

As a taxpayer, I do not want the city taking a reckless gamble like this with my money. The soccer complex should be rejected.

Sincerely,

Robert Spofford
61 Dunfries Terrace
San Rafael 94901

Nature of Risk

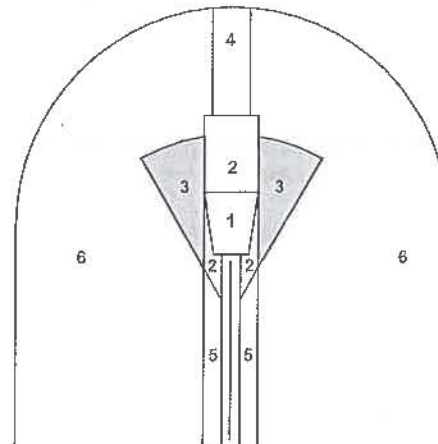
- Normal Maneuvers
 - Aircraft—especially smaller, piston-powered aircraft— turning base to final on landing approach or initiating turn to en route direction on departure
- Altitude
 - Less than 500 feet above runway, particularly on landing
- Common Accident Types
 - Arrival: Pilot overshoots turn to final and inappropriately cross controls the airplane rudder and ailerons while attempting to return to the runway alignment causing stall, spin, and uncontrolled crash
 - Departure: Mechanical failure on takeoff; low altitude gives pilot few options on emergency landing site; or, pilot attempts to return to airport and loses control during tight turn
- Risk Level
 - Moderate to high
 - Percentage of near-runway accidents in this zone: 4% - 8%



TURNING TO FINAL

Basic Compatibility Policies

- Normally Allow
 - Uses allowed in Zone 2
 - Greenhouses, low-hazard materials storage, mini-storage, warehouses
 - Light industrial, vehicle repair services
- Limit
 - Residential uses to very low densities
 - Office and other commercial uses to low intensities
- Avoid
 - Commercial and other nonresidential uses having higher usage intensities
 - Building with more than 3 aboveground habitable floors
 - Hazardous uses (e.g., aboveground bulk fuel storage)
- Prohibit
 - Major shopping centers, theaters, meeting halls and other assembly facilities
 - Children's schools, large daycare centers, hospitals, nursing homes
 - Stadiums, group recreational uses



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	3x the Average number of people per gross acre
Rural	See Note A	50 – 70	150 – 210
Suburban	1 per 2 - 5 ac.	70 – 100	210 – 300
Urban	See Note B	100 – 150	300 – 450
Dense Urban	See Note B	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.

Note B: Allow infill at up the average of surrounding residential area.

FIGURE 4D

Safety Zone 3 – Inner Turning Zone

4 DEVELOPING AIRPORT LAND USE COMPATIBILITY POLICIES

Nature of Risk

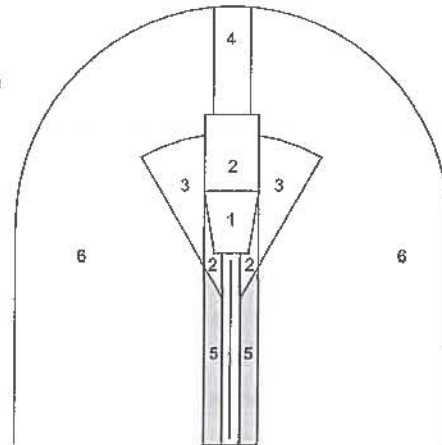
- Normal Maneuvers
 - Area not normally overflowed; primary risk is with aircraft (especially twins) losing directional control on takeoff, excessive crosswind gusts or engine torque
- Altitude
 - Runway elevation
- Common accident types
 - Arrival and Departure: Aircraft losing directional control and veering off the side of the runway
- Risk Level
 - Low to moderate
 - Percentage of near-runway accidents in this zone: 3% - 5%



INITIAL LIFT-OFF OR LANDING TOUCHDOWN

Basic Compatibility Policies

- Normally Allow
 - Uses allowed in Zone 4 (subject to height limitations for airspace protection)
 - All common aviation-related activities provided that FAA height-limit criteria are met
- Limit
 - Nonresidential uses similarly to Zone 3
- Avoid
 - Residential uses unless airport related (noise usually also a factor)
 - High-intensity nonresidential uses
- Prohibit
 - Stadiums, group recreational uses
 - Children's schools, large daycare centers, hospitals, nursing homes



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	3x the Average number of people per gross acre
Rural	See Note A	50 – 70	150 – 210
Suburban	1 per 1 - 2 ac.	70 – 100	210 – 300
Urban	See Note B	100 – 150	300 – 450
Dense Urban	See Note B	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.

Note B: Allow infill at up the average of surrounding residential area.

FIGURE 4F

Safety Zone 5 – Sideline Zone

State

CA

Zip Code

94903

Phone Number

4154921449

*** Email Address**

petergottschalk@comcast.net

Send To

CityClerk

*** Please enter your questions/comments below**

imagine for a moment that you are the pilot of a small plane landing at the San Rafael Airport, and suddenly your landing gear will not deploy. One option MIGHT be to do a 'pancake landing" in the grass next to the landing strip, BUT there is a field full of kids playing soccer next to the landing strip, so this option is out. What do you do? Land in the marsh? Land in the bay? Wait. Why are we putting pilots in this predicament?

What overriding consideration is SO important that we must place children in the path of vehicles routinely travelling at speeds in excess of 100 MPH? It IS a fact that most mishaps with small planes occur at landing and takeoff, in other words at the airport.

What sort of common sense suggests that an airport is a great spot for a sports complex? Is Marin County that constrained for suitable soccer field sites? I look at a map of Marin County and just shake my head. There must be a better answer.

Zip Code

94903

Phone Number

415-524-8817

*** Email Address**

getgwen@msn.com

Send To

CityClerk

*** Please enter your questions/comments below**

I do not think that the city should endorse a project that puts the public at risk, encourages drinking and driving, takes away from our wetlands and disturbs a neighborhood as much as the proposed soccer complex. The golf course is failing financially, why make another pink elephant right next door???

Kraig Tambornini

From: Rob Jackson [robjackson56@yahoo.com]
Sent: Wednesday, May 09, 2012 7:09 PM
To: Kraig Tambornini
Cc: Mary Hanley
Subject: Fw: Merit Comment on proposed Airport Sports Complex

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

From: Rob Jackson <robjackson56@yahoo.com>
To: "Kraig.Tambornini@cityofsanrafael.org" <Kraig.Tambornini@cityofsanrafael.org>
Sent: Wednesday, May 9, 2012 6:56 PM
Subject: Merit Comment on proposed Airport Sports Complex

Mr. Tambornini,

My name is Robert C. Jackson and I am a resident of Santa Venetia residing at 310 Vendola Drive. I have owned this property since 1989 and was raised in Mill Valley and went to Tamalpais High School, graduating in 1974. My wife is also a Tam graduate and Mill Valley native as well. We have raised our child here in Santa Venetia, attending the Gallinas School and graduating from Terra Linda High School in 2011.

This north San Rafael neighborhood is a wonderful place with the quiet environment adjacent to the marsh and creek being one of the greatest aspects of living here. It has been a blessing to be able to enjoy the sounds of the birdlife and general silence from the hubbub of the more urbanized core of Marin.

We knew of the proximity of the airport and the related noise issues when we bought here and accepted it as an existing situation that we were willing to live with. Several years later in the early 1990's when the McGuinness Park development proposal was brought about, we were concerned about the possible impacts this proposal may have had for us local residents, among them lighting and noise issues, not to mention traffic and environmental impacts. We were told that these impacts would be minimal, especially noise and lighting impacts.

Nearly twenty years later, I have to say that for me, noise has been the greatest issue as a result of the McGuinness development. In the summer months when the baseball and soccer season is happening, especially on the weekends, the crowd and player noise is significant. We can distinctly hear the umpires and crowds response to the game action. This is from clear across the airport property and both of the Gallinas Creeks.

I cannot see how this Soccer field complex proposal would not be a noisy operation with two outdoor fields in operation seven (7) days a week into, and especially during the evening hours. This would be unmitigatable and entirely too noisy for this area. I know how sound travels in this area from experience. Additionally the lighting issues would be incredibly right in our faces and would also be very hard to alleviate.

I officially reject this proposal and want to voice my concern and rejection based on multiple criteria including noise and lighting impacts, traffic access impacts, location of such a facility nearby an active

5/15/2012

airfield operation, environmental impacts to the local wildlife/estuary environments, not to mention the Covenant Restrictions that apply to the development of the property dating back to the granting of development rights to the Embassy Suites hotel project originally.

Please register my opinion and forward this letter to the Planning Commission per the Merits of this project considerations scheduled for May 29, 2012.

Yours , Robert C. Jackson
May 9,2012

Kraig Tambornini

From: jhrojas435@comcast.net
Sent: Monday, May 07, 2012 2:59 PM
To: Kraig Tambornini
Cc: jajamica123@prodigy.net; jhrojas435@comcast.net; rosenberggebauer@gmail.com; carolsmisc@sbcglobal.net; jill@morrisondesign.com
Subject: Soccer Facility

Dear Kraig Tambornini,

The Board of Directors of the Mont Marin/San Rafael Park Neighborhood Association wish to state our opposition to the Proposed Airport/Soccer Complex. We do not believe the location is suitable for this development due to the following reasons:

1. It would be located too close to the airport presenting a safety hazard for people using this facility
2. The size is much too large a structure adjacent to a marsh land habitat of endangered species (clapper rails)
3. The proposed time of operation-seven days a week, until midnight- in this location of residential property is unacceptable because of the bright lights and noise.
4. The presence of alcohol sales with unaccompanied minors in the area using the soccer fields, skate board park, miniture golf, and golf is asking for trouble.
5. The traffic along Smith Ranch Road would have a negative impact.
6. Mc linnis Park has two soccer fields that are for public use. There are other soccer fields in Marin which can be used. With the number of soccer fields in Marin County for local, public use, this is strictly a for profit operation at the expense of a beautiful and sensitive environment.

Sincerely,
John H. Rojas President
Jim Leonard
Carol Sheerin
Monica Rosenberg
Jill Morrison

Elaine Reichert
1605 Vendola Drive
San Rafael, CA 94903

RECEIVED
MAY 7 2012

MAY - 9 2012

Kraig Tambornini
San Rafael Community Development--Planning Department
City Hall, San Rafael, CA 94901

COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

To all Planners: Regarding Breaking A Promise

It's time to put the real issues regarding the Smith Ranch Airport on the table. It's also time to ask what it means for the City of San Rafael to make a promise and what it means for the City to break that promise.

The Applicant for the proposed Sport Complex and the City of San Rafael made a promise that **no commercial development would occur on the airport property**. This promise was made by **both** parties when the Applicant was allowed to fill seasonal wetlands and build Marin Lagoon Housing Estate and Embassy Suites Hotel. **In exchange for being allowed extra density building on these two sites, the applicant and the City of San Rafael made a promise that Parcel B, the Airport, would not be developed.**

Now the Applicant has **renamed** the Airport: **Smith Ranch Airport and Business Park**. This signals a clear intention on the part of the Applicant to expand commercial development on this parcel in clear violation of the agreement made with the City.

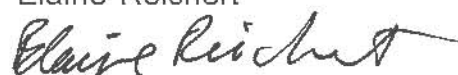
It's clear to see that once the Applicant has installed a road, sewer, water and utility infrastructure to serve the proposed sport complex, that additional commercial enterprises will soon follow along the Gallinas Creek banks.

While we cannot ask the Applicant to adhere to the promises made, it is incumbent upon the City of San Rafael to stand by the promise it made to protect Gallinas Creek and it's fragile habitat for endangered species.

Say NO to the proposed massive commercial sport complex. and other development that violates the promise made by the City of San Rafael. Thank you.

Sincerely,

Elaine Reichert



Kraig Tambornini

From: Larry Mulryan [lmulryan@comcast.net]
Sent: Wednesday, May 02, 2012 10:07 AM
To: Kraig Tambornini
Cc: Carolyn Lenert
Subject: San Rafael Airport

Dear Kraig,

I don't see how the City can seriously entertain the airport's proposal to broaden the usage of the airport property to include a large recreational facility. The use of this property is strictly limited to airport and airport related uses. This was specified by the City and agreed to by the present owner when he bought the property.

Larry Mulryan

Kraig Tambornini

From: rsmcgrath7@comcast.net
Sent: Wednesday, May 02, 2012 10:08 AM
To: Kraig Tambornini
Cc: maryinmarin@comcast.net; rich mcgrath; rsmcgrath7@yahoo.com
Subject: San Rafael Soccer Complex

May 2, 2012

To: Members of San Rafael Planning Commission

From: Shirley McGrath

Subject: San Rafael Soccer Complex

I realize the timing of this letter is not the best considering the disappointment of the county supervisors and residents over losing George Lucas' proposal for Grady Ranch due to what has been described as NIMBY associations.

However, the article in Monday's Independent Journal, reminded me of how important the issue of building a soccer field near an airport goes beyond this realm of thought.

Yes - I am concerned that the driving of pilings and the human activity will disturb the endangered species on the levy as well as the many other species that enjoy our unique area - myself included.

Yes - As a resident of Santa Venetia, I am concerned about the noise that will permeate my neighborhood as already demonstrated by the baseball games played at McGinnis Park during the summer.

Yes - I am concerned that the lighting will affect the wonderful balance of nature at Gallinas Creek as well as the ambiance on the deck in my own back yard.

Yes - I am concerned that when I take a walk on the levy I will have to look at a steel building that will detract from my views.

More broadly, I am concerned that the combination of alcohol with many more cars on the route to and from the complex would affect the safety of those traveling on Smith Ranch Road and Highway 101. I am very sensitive to this issue as a 5 year old girl I knew was killed on 101 in an accident in which her father was returning from a soccer match at which he'd consumed too much alcohol.

Also, as was shown by the soccer complex promoters, there are many soccer fields in Marin that are in a state of disrepair. It seems to make more sense to repair and use these existing sites to serve the communities in Marin, than to invest in new fields which would serve a limited, fee-based clientele.

Lastly, the article I referred to is headlined "Plane makes crash landing in Novato",

5/15/2012

Independent Journal, April 30, 2012. The crash occurred at 8:30 p.m. (a time when soccer games would be scheduled) at Gness Field. It was a Cessna airplane which I believe are flown out of the airport adjacent to this planned complex. During the landing, a wheel ripped off, causing the aircraft to skid to the side of the runway. The article does not mention how far the wheel went from the runway. My final concern is for the safety of those using this facility.

Again, I share my belief that a soccer complex in Marin might not be a bad idea, although I still wonder if our less fortunate citizens will be able to afford it. I definitely think it should be located some place other than a pristine environment with the dangers associated with an airport.

Shirley J. McGrath
107 LaBrea Way
San Rafael, Ca. 94903
415-492-1729

Kraig Tambornini

From: lynpayton@comcast.net
Sent: Tuesday, May 01, 2012 4:09 PM
To: Kraig Tambornini
Subject: Airport Soccer Field

Craig Tambornini
Senior Planner
City of San Rafael

May1, 2012

Dear Mr. Tambornini

My husband and I moved to Santa Venetia from San Anselmo 17 years ago from our family home where we had raised five children. We chose a home at 1125 Adrian Way which is situated alongside the Levee. My husband and I chose our new home because of the open space designation, the bird preserve and the blessed quiet of the area; our neighborhood has kept the qualities which drew us to choose this place that offers country peace yet is close to libraries, markets and all the services that provide pleasant modern living.

Today, there is danger of losing the precious and fast disappearing closeness to nature that inspired us to make Santa Venetia our home: The endangered clapper rail, which nests in the tall grasses on both sides of the creek, ducks, white tailed kites, marsh hawks, egrets, great blue herons, and numerous tidal birds, and occasionally, a family of otters swims up the creek all the way to the Civic Center lagoon. The noise generated from the soccer field will not only drive away the very birds and animals the preserve was created for but create a noise level that will bounce off the water and hills to make the lives of the residents miserable from morning to night. If this soccer field were proposed for Tiburon or Mill Valley the powerful residents of those and like areas in Marin would bring a lawsuit against the owner of the airport and possibly San Rafael.

I hope the planning commission can imagine this huge soccer complex with a bar that will be selling alcoholic drinks until late at night— why does a youth oriented soccer field need a place that sells alcohol—and that they will imagine their homes in the midst of the extreme noise and intrusion into their privacy which will be caused by cars leaving the large parking area and those playing soccer until 11:00 PM . This complex is not about serving the youth of Marin as Joe Shekou claims but a huge money maker that he wants to squeeze next to a runway where planes land all day and late into the evening.

Will it take a plane crash into a field of soccer players to convince the Planning Commission to refuse a permit for a soccer field on the airport grounds?

Sincerely, Lynn Payton
1125 Adrian Way
San Rafael, Ca 94903

May 1, 2012

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

Subject: San Rafael Airport Recreational Facility

Attn:
Kraig Tambornini,

The above referenced subject is of utmost importance and is coming before the community planning commission on May 29, 2012.

It is of grave importance because of the fatal impact the Sports Complex will have on the very sensitive **wildlife habitat** on that site.

I have lived across the canal from the site for fifty-six years and have seen all wildlife impacted already. The noise and the lights at night will indeed have a lethal impact on the wildlife of the area. I am assuming you on the commission care as much as the rest of us that we not eradicate the wildlife in San Rafael.

Also, the effect on the quality of life for us humans living in the area needs to be addressed. Noise, lights at night, to name a few.

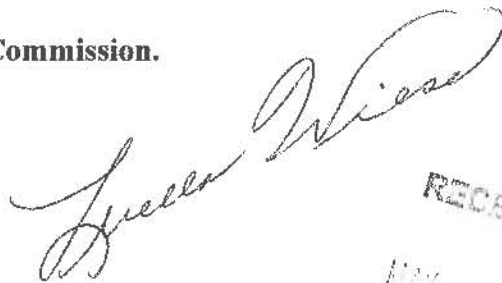
Any citizen of San Rafael should be concerned.

Especially the citizens on the Planning Commission.

Please do not approve this project.

**Luella Wiese
821 Vendola Drive
San Rafael, CA 94903**

Phone: 415-479-3173



RECEIVED
MAY - 5 2012
COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

Kraig Tambornini

From: Sarjit Dhaliwal
Sent: Monday, April 23, 2012 7:48 AM
To: Kraig Tambornini
Subject: FW: Stop the sports-complex development plans on Gallinas Creek.

For you.

Sarjit

From: John Mcfarland [mailto:mail@change.org]
Posted At: Friday, April 20, 2012 2:32 PM
Posted To: Community Development Internet Mail
Conversation: Stop the sports-complex development plans on Gallinas Creek.
Subject: Stop the sports-complex development plans on Gallinas Creek.

Greetings,

I just signed the following petition addressed to: City of San Rafael, California.

Stop the sports-complex development plans on Gallinas Creek.

I ask you to please reject the proposed massive, sports-complex development at the San Rafael Airport for the following reasons:

1. The project's proposal for a soccer field next to an airport runway violates Caltrans safety standards;
2. The Gallinas Creek's tidal marsh, adjacent to the project, is home to endangered species including the California clapper rail and salt marsh harvest mouse. The development would bring disturbances, an increased human presence, excessive noise, nighttime lighting and human-adapted predators to one of the few remaining refuges for clapper rails; and
3. The project requires a zoning change and would be carried out over the objections of local residents and conservation groups.

The Gallinas Creek marsh is a vital link between the Hamilton habitat restoration to the north and the pristine wetlands of China Camp State Park to the south. The airport parcel is an inappropriate location for a Walmart-sized sports facility. It has a land-use restriction agreement for low-density, low-impact recreation from a land swap for increased density development at nearby Marin Lagoon/Embassy Suites.

Furthermore, Marin County owns some of the levees protecting the airport and would be responsible for maintaining these to protect the complex from sea-level rise on a parcel already below sea level. This project flies in the face of good planning, considering the realities of climate change and sea-level rise. The site is more suitable for wetland and floodplain restoration.

There are more suitable places in already-developed environments where a soccer complex could be located, but very few undisturbed habitats left for California clapper rails. Please stand up for this endangered species, local residents who oppose the project and the county's own agreement that this

5/15/2012

land remain undeveloped: Reject this proposal. San Rafael and Marin County should work with the landowner and soccer club to find a location nearer to transportation and the kids who will use it and away from fragile wetlands.

Thank you.

Sincerely,

John Mcfarland
San Rafael, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/city-of-san-rafael-california-c-o-mr-kraig-tamborini-planning-division-stop-the-sports-complex-development-plans-on-gallinas-creek-in-san-rafael>. To respond, click [here](#)

Kraig Tambornini

From: Sarjit Dhaliwal
Sent: Monday, April 16, 2012 7:21 AM
To: Kraig Tambornini
Subject: FW: Stop the sports-complex development plans on Gallinas Creek.

Kraig,
This is for you.
Sarjit

From: Georgia Kahn [mailto:mail@change.org]
Posted At: Saturday, April 14, 2012 1:03 PM
Posted To: Community Development Internet Mail
Conversation: Stop the sports-complex development plans on Gallinas Creek.
Subject: Stop the sports-complex development plans on Gallinas Creek.

Greetings,

I just signed the following petition addressed to: City of San Rafael, California.

Stop the sports-complex development plans on Gallinas Creek.

I ask you to please reject the proposed massive, sports-complex development at the San Rafael Airport for the following reasons:

1. The project's proposal for a soccer field next to an airport runway violates Caltrans safety standards;
2. The Gallinas Creek's tidal marsh, adjacent to the project, is home to endangered species including the California clapper rail and salt marsh harvest mouse. The development would bring disturbances, an increased human presence, excessive noise, nighttime lighting and human-adapted predators to one of the few remaining refuges for clapper rails; and
3. The project requires a zoning change and would be carried out over the objections of local residents and conservation groups.

The Gallinas Creek marsh is a vital link between the Hamilton habitat restoration to the north and the pristine wetlands of China Camp State Park to the south. The airport parcel is an inappropriate location for a Walmart-sized sports facility. It has a land-use restriction agreement for low-density, low-impact recreation from a land swap for increased density development at nearby Marin Lagoon/Embassy Suites.

Furthermore, Marin County owns some of the levees protecting the airport and would be responsible for maintaining these to protect the complex from sea-level rise on a parcel already below sea level. This project flies in the face of good planning, considering the realities of climate change and sea-level rise. The site is more suitable for wetland and floodplain restoration.

There are more suitable places in already-developed environments where a soccer complex could be located, but very few undisturbed habitats left for California clapper rails. Please stand up for this endangered species, local residents who oppose the project and the county's own agreement that this

land remain undeveloped: Reject this proposal. San Rafael and Marin County should work with the landowner and soccer club to find a location nearer to transportation and the kids who will use it and away from fragile wetlands.

Thank you.

Sincerely,

Georgia Kahn
Novato, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/city-of-san-rafael-california-c-o-mr-kraig-tamborini-planning-division-stop-the-sports-complex-development-plans-on-gallinas-creek-in-san-rafael>. To respond, [click here](#)

Steve Stafford

From: jeff mckay [mailto:mail@change.org]
Posted At: Thursday, April 12, 2012 8:20 AM
Conversation: Stop the sports-complex development plans on Gallinas Creek.
Posted To: Community Development Internet Mail
Subject: Stop the sports-complex development plans on Gallinas Creek.

Greetings,

I just signed the following petition addressed to: City of San Rafael, California.

Stop the sports-complex development plans on Gallinas Creek.

I ask you to please reject the proposed massive, sports-complex development at the San Rafael Airport for the following reasons:

1. The project's proposal for a soccer field next to an airport runway violates Caltrans safety standards;
2. The Gallinas Creek's tidal marsh, adjacent to the project, is home to endangered species including the California clapper rail and salt marsh harvest mouse. The development would bring disturbances, an increased human presence, excessive noise, nighttime lighting and human-adapted predators to one of the few remaining refuges for clapper rails; and
3. The project requires a zoning change and would be carried out over the objections of local residents and conservation groups.

The Gallinas Creek marsh is a vital link between the Hamilton habitat restoration to the north and the pristine wetlands of China Camp State Park to the south. The airport parcel is an inappropriate location for a Walmart-sized sports facility. It has a land-use restriction agreement for low-density, low-impact recreation from a land swap for increased density development at nearby Marin Lagoon/Embassy Suites.

Furthermore, Marin County owns some of the levees protecting the airport and would be responsible for maintaining these to protect the complex from sea-level rise on a parcel already below sea level. This project flies in the face of good planning, considering the realities of climate change and sea-level rise. The site is more suitable for wetland and floodplain restoration.

There are more suitable places in already-developed environments where a soccer complex could be located, but very few undisturbed habitats left for California clapper rails. Please stand up for this endangered species, local residents who oppose the project and the county's own agreement that this land remain undeveloped: Reject this proposal. San Rafael and Marin County should work with the landowner and soccer club to find a location nearer to transportation and the kids who will use it and away from fragile wetlands.

Thank you.

4/12/2012

Steve Stafford

From: sharon lehrer [mailto:change.org]
Posted At: Wednesday, April 11, 2012 10:27 PM
Conversation: Stop the sports-complex development plans on Gallinas Creek.
Posted To: Community Development Internet Mail
Subject: Stop the sports-complex development plans on Gallinas Creek.

Greetings,

I just signed the following petition addressed to: City of San Rafael, California.

Stop the sports-complex development plans on Gallinas Creek.

I ask you to please reject the proposed massive, sports-complex development at the San Rafael Airport for the following reasons:

1. The project's proposal for a soccer field next to an airport runway violates Caltrans safety standards;
2. The Gallinas Creek's tidal marsh, adjacent to the project, is home to endangered species including the California clapper rail and salt marsh harvest mouse. The development would bring disturbances, an increased human presence, excessive noise, nighttime lighting and human-adapted predators to one of the few remaining refuges for clapper rails; and
3. The project requires a zoning change and would be carried out over the objections of local residents and conservation groups.

The Gallinas Creek marsh is a vital link between the Hamilton habitat restoration to the north and the pristine wetlands of China Camp State Park to the south. The airport parcel is an inappropriate location for a Walmart-sized sports facility. It has a land-use restriction agreement for low-density, low-impact recreation from a land swap for increased density development at nearby Marin Lagoon/Embassy Suites.

Furthermore, Marin County owns some of the levees protecting the airport and would be responsible for maintaining these to protect the complex from sea-level rise on a parcel already below sea level. This project flies in the face of good planning, considering the realities of climate change and sea-level rise. The site is more suitable for wetland and floodplain restoration.

There are more suitable places in already-developed environments where a soccer complex could be located, but very few undisturbed habitats left for California clapper rails. Please stand up for this endangered species, local residents who oppose the project and the county's own agreement that this land remain undeveloped: Reject this proposal. San Rafael and Marin County should work with the landowner and soccer club to find a location nearer to transportation and the kids who will use it and away from fragile wetlands.

Thank you.

Kraig Tambornini

From: Sarjit Dhaliwal
Sent: Monday, April 02, 2012 7:55 AM
To: Kraig Tambornini
Subject: FW: Stop the sports-complex development plans on Gallinas Creek.

For you.

Thank you.

Sarjit

From: Kate Garay [mailto:mail@change.org]
Posted At: Sunday, April 01, 2012 2:57 PM
Posted To: Community Development Internet Mail
Conversation: Stop the sports-complex development plans on Gallinas Creek.
Subject: Stop the sports-complex development plans on Gallinas Creek.

Greetings,

I just signed the following petition addressed to: City of San Rafael, California.

Stop the sports-complex development plans on Gallinas Creek.

I ask you to please reject the proposed massive, sports-complex development at the San Rafael Airport for the following reasons:

1. The project's proposal for a soccer field next to an airport runway violates Caltrans safety standards;
2. The Gallinas Creek's tidal marsh, adjacent to the project, is home to endangered species including the California clapper rail and salt marsh harvest mouse. The development would bring disturbances, an increased human presence, excessive noise, nighttime lighting and human-adapted predators to one of the few remaining refuges for clapper rails; and
3. The project requires a zoning change and would be carried out over the objections of local residents and conservation groups.

The Gallinas Creek marsh is a vital link between the Hamilton habitat restoration to the north and the pristine wetlands of China Camp State Park to the south. The airport parcel is an inappropriate location for a Walmart-sized sports facility. It has a land-use restriction agreement for low-density, low-impact recreation from a land swap for increased density development at nearby Marin Lagoon/Embassy Suites.

Furthermore, Marin County owns some of the levees protecting the airport and would be responsible for maintaining these to protect the complex from sea-level rise on a parcel already below sea level. This project flies in the face of good planning, considering the realities of climate change and sea-level rise. The site is more suitable for wetland and floodplain restoration.

There are more suitable places in already-developed environments where a soccer complex could be

5/15/2012

located, but very few undisturbed habitats left for California clapper rails. Please stand up for this endangered species, local residents who oppose the project and the county's own agreement that this land remain undeveloped: Reject this proposal. San Rafael and Marin County should work with the landowner and soccer club to find a location nearer to transportation and the kids who will use it and away from fragile wetlands.

Thank you.

Sincerely,

Kate Garay

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/city-of-san-rafael-california-c-o-mr-kraig-tamborini-planning-division-stop-the-sports-complex-development-plans-on-gallinas-creek-in-san-rafael>. To respond, [click here](#)

RECEIVED

MAR 27 2012

PLANNING

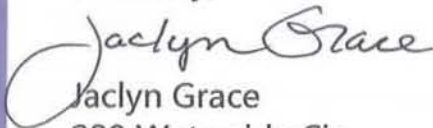
Community Development Department
Planning Division
City of San Rafael, CA 94915-1560

Dear Sir or Madam,

Please note that my husband, Neal and I are *completely opposed* to the proposed San Rafael Airport Recreational Facility Project and urge you strongly to veto this indoor and outdoor recreational facility. No amount of future income or benefit gained with this facility equals the negative damage to the wetlands and beautiful acreage. Please preserve Marin's nature and wildlife areas as our precious resources and vote against this project in reducing traffic, noise, congestion and damage to the area.

Thank you!

Sincerely,



Jaclyn Grace
200 Waterside Cir.
San Rafael, CA 94903

RECEIVED

MAR 27 2012

PLANNING

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

RECEIVED
MAR 19 2012
COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

March 13, 2012

Gentlepeople,

RE Sports Complex

I urge you to **deny** recommendation for the building of this large facility in this environmentally sensitive area. We have already taken too much of our wetland areas from the wildlife and have built far too much on land that is threatened with flooding.

Please recommend this area for more appropriate recreational use, such as it was originally intended to be used for. Enjoying and exploring nature, with perhaps an outdoor soccer field would be far more beneficial to the community.

Thank you,

Katherine Jain



5 Mt Tioga Court

San Rafael 94903

*** Email Address**

carolynrealestate@msn.com

Send To

CityClerk

*** Please enter your questions/comments below**

San Rafael Chamber of Commerce President
CEO Rick Wells and Board of Directors

Re: San Rafael Airport - proposed soccer complex

Ladies and Gentlemen:

This email requests the San Rafael Chamber of Commerce consider this additional information that was not available to you at the time your Board of Directors voted to support the proposed San Rafael Sports Complex at the San Rafael Airport.

The proposed project would be entirely located at the San Rafael Airport, and not "near" the airport as stated in the Chamber Press Release of March 6, 2012. In fact, the project is located in State of California established runway safety zones where group recreational facilities are not considered safe, especially for children. The State of California recommends prohibiting group recreation facilities in these runway safety zones.

The attached letter dated March 9, 2012 from the California Department of Transportation Division of Aeronautics to Planner Kraig Tambornini provides this critical guidance to the City of San Rafael for the ultimate land use decision.

It is, of course, appropriate for the Chamber to advocate this project for the reasons you state in your letter and press release, however it would seem natural that this support be predicated on a conclusion that the project is safe for users. That safety determination is clearly in question.

My request is that you revise your letter to the City of San Rafael and press release stating the Chamber supports the San Rafael Airport Sports Facility on the condition that it is found to be safe for users.

Thank you in advance for your prompt attention to this matter.

Very truly yours,

Carolyn

Carolyn Lenert

San Rafael Fire Commissioner (for I.D. only)

San Rafael Citizen of the Year

North San Rafael Coalition of Residents

P.S. Would it be a wise business practice to disclose that the operator of the Airport is a member of the Chamber Board and will benefit financially from this proposal and from your endorsement?

P.P.S. No wonder folks think my face is familiar. It is featured on your slideshow!!

Attach.

cc: Chamber Board of Directors w/attach.

San Rafael City Council w/attach.

San Rafael Planning Commission w/attach.

Web Site Technical Question

Other Topic

*** First Name**

Katherine

*** Last Name**

Da Silva Jain

Address 1

-

Address 2

-

City

San Rafael

State

CA

Zip Code

94903

Phone Number

-

*** Email Address**

jandkdj@yahoo.com

*** Please enter your questions/comments below**

I am very concerned about the proposed Airport to indoor stadium project and believe this type of building is NOT what was originally intended for 'recreational purposes in this environmentally sensitive area!

I also urge you to give your support to restore the Las Gallinas creek!

Thank you

Kraig Tambornini

From: Evan Marks [evanmarks5@gmail.com]
Sent: Monday, March 12, 2012 2:27 PM
To: Kraig Tambornini
Cc: Caston, Monica
Subject: Fwd: PC_IJ Publication SRAP March 27 12.doc
Attachments: PC_IJ Publication SRAP March 27 12.doc

Kraig,
Please add me to the distribution list for this project.

I spoke at the EIR hearing recently. I live at 803 Vendola and am VERY concerned about NOISE!!

My attempts to report and get action from either the County or City were entirely unsuccessful - each deferring enforcement to the other and no action being taken. When the lessee was reportedly way behind on payments to the City (IJ front page) I considered there were larger issues for the City to deal with!!

To whom do I report when there is excessive noise generated by the golf club - be it amplified music in the evening or leaf blowers and ball machinery at 5:00am on a Sunday?

Please advise the name, title and contact information of the person responsible.

As stated at the airport EIR hearing, the City of San Rafael has a very strict noise ordinance. Who is the enforcer of the ordinance when there is a complaint from the unincorporated community? My concern is that the EIR granted a variance from the ordinance, and now excess noise will be DOUBLY UNENFORCEABLE. Please reassure me that is not the case.

Sincerely, Evan Marks.

----- Forwarded message -----

From: Monica Caston <castonm@comcast.net>
Date: Mon, Mar 12, 2012 at 1:45 PM
Subject: Fwd: PC_IJ Publication SRAP March 27 12.doc
To: Evan Marks <evanmarks5@gmail.com>

not sure if you're on Kraig's list.

FYI

Begin forwarded message:

From: "Kraig Tambornini" <Kraig.Tambornini@cityofsanrafael.org>
Date: March 12, 2012 12:52:18 PM PDT

Kraig Tambornini

From: Jeff Miller [jmiller@biologicaldiversity.org]
Sent: Wednesday, May 02, 2012 1:33 PM
To: Kraig Tambornini
Cc: 'Joyce Clements'; 'Judy Schriebman'
Subject: RE: Airport Project Comments
Attachments: Gallinas project letters 5-2-12.xls

Kraig - here is the updated list of CBD members who have sent letters opposing the Gallinas Sports Complex.

This list was generated today, May 2, and includes all respondents.

4,110 people sent comments using this alert; of those, 2,486 reside in CA, the vast majority of those within 50 miles of the project site (that is who we sent the alert to: our members within 50 miles of San Rafael).

The commenters include 145 San Rafael residents; and 403 are Marin County residents.

Please note that this is not a petition; this is a list of everyone who has independently sent the City of San Rafael an official public comment by separate e-mail, in response to our action alert on the issue.

- Jeff

Jeff Miller
Conservation Advocate
Center for Biological Diversity
(415) 669-7357
351 California Street, Suite 600
San Francisco, CA 94104
www.biologicaldiversity.org

From: Kraig Tambornini [mailto:Kraig.Tambornini@cityofsanrafael.org]
Sent: Wednesday, May 02, 2012 10:35 AM
To: Jeff Miller
Subject: Airport Project Comments

Jeff:

If desired, please provide us with an updated list of respondents to your petition. The next hearing on this is scheduled for May 29, 2012. You may submit an updated list to me on or before that date. Please note the date and time your updated list is generated and whether it includes all respondents or those received during a specific period of time.

Thanks

Kraig Tambornini, Senior Planner

City of San Rafael, Community Development

5/15/2012

Kraig Tambornini

From: Art Reichert [art-earth-sky@comcast.net]
Sent: Saturday, May 19, 2012 2:25 PM
To: Kraig Tambornini
Subject: My Merits Hearing comments on the Proposed Soccer Complex

1. The site is unsafe.

The proposed site is within Airport Safety Zones 3 and 5. In these zones, the CA Airport Land Use Planning Handbook recommends prohibiting group recreational use; especially children's groups.

<!--[if !supportEmptyParas]--> <!--[endif]-->

According to the DEIR, "there have been six accidents and one incident at or in vicinity of the San Rafael Airport between 1983 and 2011. Most of the mishaps occurred on or near the runway. An *accident* is defined as an occurrence in which people on board or on the ground sustained serious or fatal injuries or in which the aircraft incurred substantial damage to the extent that it could no longer be considered airworthy." This equates to one accident every 4.3 years.

<!--[if !supportEmptyParas]--> <!--[endif]-->

The air safety analysis should also include accident data for years before 1983. This airport has been in operation for about 50 years; until accident data for all years of operation are included, the air safety analysis is incomplete.

<!--[if !supportEmptyParas]--> <!--[endif]-->

<!--[if !supportEmptyParas]--> <!--[endif]-->

2. The project violates the City's Climate Change Action Plan by being totally car-dependent.

<!--[if !supportEmptyParas]--> <!--[endif]-->

<!--[if !supportEmptyParas]--> <!--[endif]-->

3. We haven't heard from two key groups of stakeholders.

Over the past several years of Planning Commission hearings on the proposed soccer complex, two groups - who will be more impacted than anyone else - have been unusually quiet. One group is the neighbors on Vendola Dr. in Santa Venetia who live across the South Fork of Gallinas Creek from the airport. The other group - and the group whose personal safety is most affected by the proposed complex - is the pilots who use the airport (and store their planes there).

The Vendola Dr. residents have been quiet after the airport owner brought a suit against two of the most vocal opponents of the soccer complex. This suit also named 50 John & Jane Does who lived on Vendola Dr across the creek from the airport.

<!--[if !supportEmptyParas]--> <!--[endif]-->

I believe the pilots were subjected to similar intimidation tactics by the airport owner.

<!--[if !supportEmptyParas]--> <!--[endif]-->

Kraig Tambornini

From: Joyce Clements [coastalartworks@yahoo.com]
Sent: Saturday, May 19, 2012 4:14 PM
To: Kraig Tambornini
Subject: NO on the Proposed Airport/Sports complex

I am a resident of San Rafael. I am opposed to the proposed Airport Sports complex for many reasons.

The proposal is absurd to build this huge complex would be built in a wetland that will be flooded in less than 25 years, that three endangered species will be pushed to or over the brink of extinction, that the Gallinas Creek will be further contaminated by the plastic to be used on the playing fields and the detritus and contamination that will result from such dense and consistent use of the area, that lives will be put in danger by the proximity to an active airport, that the community will suffer loss of real estate value and quality of life from the noise and light pollution promised- and on and on.

Financially it only takes a back of the envelope analysis utilizing the information offered by the developer about this project to see that it is nothing but a ruse to open up this area to a different form of zoning and use. The numbers involved make absolutely no sense for a project aimed at profit. NONE.

Reject this proposal. San Rafael and Marin County should work with the landowner and soccer club to find a location nearer to transportation and the kids who will use it and away from fragile wetlands and to coordinate use and maintenance of existing fields.

Thank you.

Joyce Clements
Coastal Art Works
www.JoyceClements.com

Kraig Tambornini

From: Allison Kegley [zeusparadiso@gmail.com]
Sent: Thursday, May 17, 2012 7:04 PM
To: dist2@etmarinplay.com
Subject: traffic

You seriously need to put a traffic light at the crossroads of Yosemite drive and Smith Ranch otherwise you will really be negatively affecting a community that has been here for some time.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Thursday, May 17, 2012 7:01 PM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#299]

Name *

Allison Kegley

Email *

zeusparadiso@gmail.com

Message to the Planning Commission *

We recently moved to Captain's Cove last year. We are very concerned about the traffic issues this will cause. Please put a traffic light at the intersection of Smith Ranch Road and Yosemite Drive. It is already a bit of a difficult turn for us since Smith Ranch is sloped and it is hard to see over the hill. Also, we are worried about increased crime and what this may do to the value of our condo.

Kraig Tambornini

From: In Support of the San Rafael Airport Recreation Facility Project [no-reply@wufoo.com]
Sent: Tuesday, May 22, 2012 7:15 AM
To: dist2@letmarinplay.com; lmanchip@yahoo.com
Subject: Thank you for your time. [#300]

Name * Allison Kegley

Email * zcusparadiso@gmail.com

Message to the Planning Commission * What road will be used to access this complex? If you are planning on using the roads through the mobile home complex and Captains Cove, that is going to seriously impact those neighbors! I live in Captains Cove- just bought a condo here because I loved the tranquility of the area. Please don't disrupt that!

San Rafael, CA
May 19, 2012

RECEIVED

MAY 22 2012

COMMUNITY DEVELOPMENT
CITY OF SAN RAFAEL

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

Re: Notice of Public Hearing
Rezoning of Planned Development-Wetland Overlay (PD1764-WO)

After reading the aforementioned Notice of Public Hearing and considering that

1. petitioner is a private entity, I.e. San Rafael Airport,
2. their request for a revised PD District concerns the development of a private enterprise, I.e., private indoor and outdoor recreational facility ,
3. recreational facilities already exist in the immediate vicinity both public, in McInnis County Park, and private, in the YMCA, practically across the freeway, and in the Osher Marin Jewish Center across the creek in Santa Venetia,

I personally see no reason for granting such a rezoning of the public land with a loss of 16.6 acres of creek and wetlands.

Whatever recreational facilities the San Rafael Airport intends to develop should be scaled down and restricted to the land they already own or lease.

In my opinion, the establishment of the proposed and additional recreational facility in the area serve no direct public benefit. The petition should be rejected.

Best regards

Fred Modugno
San Rafael



fmodu@comcast.net

San Rafael, CA
May 19, 2012

RECEIVED

MAY 22 2012

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