

RESOLUTION NO. 22-03

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION CONDITIONALLY
APPROVING A USE PERMIT (UP21-001) AND AN ENVIRONMENTAL AND DESIGN
REVIEW PERMIT (ED21-002) FOR THE DEVELOPMENT OF THE TISCORNIA MARSH
RESTORATION PROJECT, EAST CANAL STREET
(CASE NOS. UP21-001, ED21-002)**

WHEREAS, the Tiscornia Marsh covers 23 acres of tidal marsh and Baylands, as well as over 2,000 lineal feet of shoreline levee that are bay ward of Albert J Boro Community Center and Pickleweed Park. The Tiscornia Marsh is owned by Marin Audubon Society; and

WHEREAS, over the past decades, the Tiscornia Marsh property has experienced considerable erosion along its bay ward edge, which is attributed to the wave action from the San Francisco Bay. As a result, approximately three acres of valuable tidal marsh has been lost due to erosion; and

WHEREAS, in June 2016, the Bay Area counties approved Measure AA, a parcel tax measure which places a \$12.00 per year tax on every parcel in the Bay Area. The purpose of the Measure AA tax is to generate funds for marsh restoration projects around the San Francisco and San Pablo Bays. The goal is to improve water quality, restore wildlife habitat, and to protect communities from increased flooding and sea level rise; and

WHEREAS, in 2018, Marin Audubon Society applied for and successfully secured a Measure AA grant to fund the design, permitting, and CEQA/environmental review for a restoration of the Tiscornia Marsh. The Measure AA application was endorsed by the San Rafael City Council on October 1, 2018 (adoption of City Council Resolution 14592). As part of the Measure AA application process, the restoration project was expanded to incorporate/include the City-owned, five-acre, diked marsh located north of the Pickleweed Park playfields; and

WHEREAS, on January 3, 2021, Marin Audubon Society applied for planning applications (Use Permit, UP21-001 and Environmental and Design Review Permit ED21-002) to seek City approval of the Tiscornia Marsh Restoration Project. Per the SRMC Title 14 (Zoning), these applications are required as the project is located within the PD (Planning Development) and WO- (Wetland Overlay) Districts; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines, the Tiscornia Marsh Restoration Project is subject to environmental review. It was determined that the project has the potential to result in potentially significant environmental effects, and the preparation of an Environmental Impact Report was recommended. Following the provisions of the CEQA Guidelines, and Environmental Impact Report was prepared to assess the impacts of the restoration project (Tiscornia Marsh Restoration Project Final Environmental Impact Report [FEIR]). The Planning Commission has: a) reviewed the FEIR finding it to be adequate and complete; and b) certified the FEIR by separate resolution; and

WHEREAS, prior to taking action to approve the planning applications for the project, the CEQA Guidelines require that the findings and recommendations of the FEIR be considered, and that all FEIR mitigation measures be incorporated into this action. To comply with this requirement, by separate resolution, the Planning Commission has adopted CEQA Findings of Fact and adopting a Mitigation Monitoring and Reporting Program (MMRP) to support action on the planning applications; and

WHEREAS, on January 11, 2022, the Planning Commission held a duly noticed public hearing on the planning applications filed for this project (UP21-001 and ED21-002), accepting all public testimony and the written report of the Community Development Department staff; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby conditionally approves Use Permit UP21-001 and Environmental and Design Review Permit ED21-002 for the Tiscornia Marsh Restoration Project based upon the following findings required by San Rafael Municipal Code (SRMC) Title 14 - Zoning:

Findings for Use Permit (UP21-001)

1. The proposed Tiscornia Marsh Restoration Project is in accord with the San Rafael General Plan 2040 (General Plan), the objectives of the Zoning Ordinance and the purposes of the PD-WO (Planned Development- Wetland Overlay), P/OS-WO (Parks/Open Space – Wetland Overlay), and P/OS (Parks/Open Space – Canalfront Review Overlay) zoning Districts in which the project site is located in that:
 - a. The proposed restoration project would not dramatically change the use of the property, which is undeveloped tidelands, tidal/seasonal marsh, and upland levee which are permitted uses in and consistent with the Water, Conservation, and Park, Recreation and Open Space General Plan land uses designations that are adopted for and applicable to the project site.
 - b. As outlined below, under the findings for approval of Environmental and Design Review Permit ED21-002, the restoration project would maintain and enhance the current undeveloped tidelands, tidal marsh, and upland levee uses, which would be consistent with and permitted by the PD-WO, P/OS-WO, and P/OS-C Districts.
 - c. The proposed restoration project would involve grading, including filling and dredging within the tidelands and tidal marsh areas, which is required to convert an existing diked marsh to a tidal marsh, and to raise the shoreline levee. This activity is necessary to achieve goal of the project, which is to enhance and expand a natural resource and to improve flood protection. The provisions of the SRMC Title 14 – Wetland Overlay (-WO) District require the approval of a Use Permit for this activity with required findings that this activity: 1) will be consistent with the policies of the General Plan; 2) would minimize and mitigate impacts to wetlands; and 3) would be supported by and following consultation with the appropriate regulatory agencies. As noted above, the activity would enhance and expand a natural resource, which would be consistent with the General Plan and the provisions of the -WO Overlay District. In addition, the Tiscornia Marsh Restoration Project FEIR has determined that environmental impacts from this activity can be mitigated to less-than-significant levels. Lastly, the appropriate regulatory agencies (California Department of Fish & Wildlife and US Fish & Wildlife Service) have been consulted and are supportive of the restoration project, subject to required permitting and specific conditions, which are incorporated herein.
2. As proposed and as conditioned, the tidelands, tidal marsh, seasonal marsh and raised levee that would result from the restoration project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. Rather, the project will enhance and improve the existing condition of the project site, resulting in improved native habitats and reduced flooding risk to the general area. Further, the project would

promote and facilitate the enhancement and expansion of existing natural resources and would raise and re-align the existing shoreline levee for greater flood protection and adaptation to projected sea level rise, which is critical to the protection of public safety and health to the community at large.

3. As proposed and conditioned, the enhanced and expanded tidelands, tidal marsh, seasonal marsh, and raised and re-aligned shoreline levee uses comply with each of the applicable provisions of the Zoning Ordinance (SRMC Title 14) in that:
 - a. SRMC Chapter 14.07 of the Zoning Ordinance sets forth requirements for uses and development within the PD (Planned Development) District. The provisions set forth in SRMC Section 14.07.020 state that no use other than an existing use or a temporary use shall be approved without a development plan that is adopted by ordinance of the City Council. As the proposed project will not dramatically change but would enhance the existing land use, no development plan is required. However, as provided in Section 14.07.020, approval of a Use Permit is required; Use Permit UP21-001 complies with this requirement.
 - b. SRMC Chapter 14.10 of the Zoning Ordinance sets forth general site and use regulations that are applicable to the P/OS (Parks/Open Space) District. The City-owned diked marsh portion of the project area is within the P/OS District. The proposal to convert this diked marsh to tidal marsh would be defined as a “wildlife preserve or sanctuary,” which is consistent with and a permitted use within the P/OS District.
 - c. SRMC Chapter 14.13 of the Zoning Ordinance sets forth general site and use regulations that are applicable to the -WO (Wetland Overlay) District. The project would be consistent with the purposes of the -WO District (SRMC Section 14.13.010) in that it would: 1) preserve and enhance wetlands; 2) contribute to improve water quality for the general area; 3) enhance wildlife habitat, particularly for rare and endangered species; and 4) expand public recreational activities (shoreline levee path) that would be compatible with the wetland habitat. Further, the project is consistent with the provisions and requirements of SRMC Section 14.13.050 as the planning applications being considered includes the subject Use Permit and a wetland restoration plan. Lastly, as conditioned, the project will be subject to a wetland management plan.
 - d. SRMC Chapter 14.15 of the Zoning Ordinance sets forth general site and use regulations that are applicable to the -C (Canalfront Review Overlay) District. The project would be consistent with the purposes of the -C District (Section 14.15.010) in that it would: 1) improve and enhance public views to the canal front; 2) protect the unique physical and social characteristics of the canal front area; and 3) would not impair or block the navigable channel of the San Rafael Canal.

Findings for Environmental and Design Review Permit (ED21-002)

1. As proposed and as conditioned, the Tiscornia Marsh Restoration Project, which includes the restoration and enhancement of tidelands and tidal marsh, the conversion of a dike marsh to tidal marsh and the raising and re-alignment of an existing shoreline levee, is in accord with the San Rafael General Plan 2040 (General Plan) in that:
 - a. The Land Use Map of the Land Use Element designates the project site area in three land use categories, Conservation, Water, and Park, Recreation and Open Space. These General Plan land use designations permit wetland preserves and sanctuaries, as well public access for recreational uses (shoreline path along levee). As proposed and conditioned, the project would be consistent with these land use designations.

- b. As proposed, the project would be consistent with and promote applicable goals and policies set forth in the Conservation and Climate Change Element. Specifically, the project would be consistent with Policies C-1.2 (Wetland and Sea Level Rise), C-1.3 (Wetland Protection and Mitigation), C-1.4 (Wetland Creation), C-1.12 (Native or Sensitive Habitats), and C-1.13 (Special Status Species) in that as designed it: 1) incorporates an “ecotone” marsh design and a raised and rea-aligned shoreline levee which are elements for combatting and adapting to projected sea level rise; 2) provides for not only wetland protection, but an enhancement and enlargement of wetlands; 3) expands the wildlife corridor; and 4) enhances habitat for wildlife, particularly habitat for rare and endangered species. Lastly, the project would be Policy PROS-1.17 (Public/Private Partnerships) in that it would combine contiguous like-sites owned by Marin Audubon Society and the City of San Rafael in achieving a cohesive and comprehensive restoration plan that would optimize opportunities for expanded wetland habitat and flood control protection.
 - c. As proposed, the project would be consistent with and promote applicable goals and policies set forth in the Neighborhoods Element. Specifically, the project would be consistent with Policies NH-3.2 (Canal Maintenance), NH-3.6 (Public Access), and NH-3.8 (Flood Control Improvements) in that as designed, it would: 1) not impair or block the access channel along the San Rafael Canal for continued navigation and maintenance; 2) serve as a potential receiver site for dredge spoils generated by canal channel maintenance; 3) continue to provide and would enhance public shoreline access along a raised and re-aligned levee; and 4) include elements that would improve flood control for the general area.
 - d. As proposed and conditioned, the project would be consistent with the applicable goals and policies set forth in the Noise Element. As determined by the Tiscornia Marsh Restoration Project FEIR, project construction will result in temporary noise and vibration impacts. The FEIR recommends mitigation measures to reduce these impacts to a less-than-significant level. Implementation of the mitigation measures ensures consistency with Noise Element policies N-1.6 (Traffic Noise) and N-1.11 (Vibration), as well as the provisions and regulations of the City’s noise ordinance (SRMC Chapter 8.13).
 - e. As proposed and as conditioned, the project would be consistent with the applicable goals and policies of the Safety and Resilience Element. Specifically, the project would be consistent with, among others, Policies S-3.4 (Mitigating Flooding and Sea Level Rise) and S-3.7 (Shoreline Levees) in that it includes project features such as the raising and re-alignment of the shoreline levee and the creation of an ecotone (horizontal levee) that are effective in combatting increased flooding and risk from projected sea level rise.
 - f. As proposed, the project would be consistent with the applicable goals and policies of the Community Design and Preservation Element. Specifically, as determined by the findings of the Tiscornia Marsh Restoration Project FEIR, the project would be consistent with Policies CPD-1.2 (Natural Features) and CDP-1.5 (Views) in that it would: 1) not result in any major visual changes to the natural features in the area; 2) not block views of the bay and other scenic vistas.
2. As proposed and as conditioned, the proposed project is consistent with the objectives and the provisions of the San Rafael Zoning Ordinance (SRMC Chapter 14). Specifically, the proposed wetland restoration project is consistent with the processes and site development regulations in the PD-WO (Planned Development- Wetland Overlay), P/OS-WO (Parks/Open Space – Wetland Overlay), and P/OS (Parks/Open Space – Canalfront Review Overlay) zoning Districts, in which the project site is located.

3. As proposed and as conditioned, the project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines set forth in SRMC Chapter 14.25 (Environmental and Design Review Permits) for the site in that:
 - a. As proposed, the site plan is acceptable for the site and intended use is generally harmonious with the other neighboring natural resources, as well as the variety of urban uses and improvements surrounding the project site. The project site plan has been designed to minimize impacts to adjacent properties, while maximizing opportunities for habitat enhancement, flood control and sea level rise protection, and public shoreline access.
 - b. As proposed and as conditioned, the project presents a competent design which has been prepared by environmental professionals (hydrologists and biologists) skilled in designing wetland restoration projects. The competency of the project design has been confirmed by the findings presented in the Tiscornia Marsh Restoration Project FEIR.
 - c. To address temporary impacts associated with project construction, as proposed and conditioned, the project proposes site access and circulation that promotes safe access for construction vehicles and apparatus without impairing street circulation.
4. As determined by the Tiscornia Marsh Restoration Project FEIR and as conditioned herein, the project design and improvements would not result in adverse environmental impacts in that:
 - a. Technical supportive studies prepared by qualified technical experts were prepared in environmental topic areas of, among others, biological resources, hydrology and water quality, historic resources, archaeological resources, geology/soils, hazards and hazardous materials, traffic/circulation, to assess the potential environmental impacts of the project.
 - d. Consistent with the California Environmental Quality Act (CEQA) Guidelines, the supportive technical studies were used in the preparation of an Tiscornia Marsh Restoration Project FEIR. This FEIR has concluded that all potentially significant environmental impacts of the project can be mitigated to a less-than-significant level.
 - e. Mitigation measures recommended in the FEIR, and supportive Mitigation Monitoring and Reporting Program (MMRP) have been incorporated as conditions of approval in this Environmental and Design Review Permit.
5. As proposed and as conditioned, the restoration project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. Rather, the project will enhance and improve the existing condition of the project site, resulting in improved native habitats and reduced flooding risk to the general area. Further, the project would promote and facilitate the enhancement and expansion of existing natural resources and would raise and re-align the existing shoreline levee for greater flood protection and adaptation to projected sea level rise, which is critical to the protection of public safety and health to the community at large.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Use Permit UP21-001 and Environmental and Design Review Permit ED21-002 subject to the following conditions:

Conditions for Use Permit UP21-001

1. This Use Permit (UP21-001) approves the Tiscornia Marsh Restoration Project for the 28-acre project site, which includes the following properties, uses, and activities:
 - a. The 23 acres of submerged tidelands, tidal marsh and levee owned by the Marin Audubon Society, located within the PD-WO (Planned Development – Wetland Overlay) District.
 - b. The five (5) acres of diked marsh owned by the City of San Rafael (Pickelweed Park marsh), located within the P/OS (Parks/Open Space) District. The area is approved to be restored to tidal action for a tidal marsh, and a new shoreline raised levee is approved for construction along the inland edges of the to be restored approved tidal marsh.
 - c. The approval of fill, dredging and general grading of submerged tidelands, tidal marsh, and diked marsh areas, which are defined as wetlands designated by US Army Corps of Engineers jurisdiction. This activity authorized through approval of this Use Permit pursuant to SRMC Section 14.13.050 (-WO Overlay District).
 - d. A new shoreline levee extending along the bay front. For the shoreline levee, this Use Permit approves public access for recreation use and maintenance. As required by Environmental and Design Review Permit ED21-002 conditions of approval, a public access easement over the privately-owned portion of the new shoreline levee shall be offered for dedication to the City of San Rafael.
2. This Use Permit (UP21-001) shall be valid for two (2) years from the date of Planning Commission approval or January 11, 2024 and shall become null and void unless a grading permit is issued, or a time extension has been granted.
3. The Zoning Administrator may review and approve minor amendments to the Use Permit.
4. The approved use and wetland restoration is subject to the provisions of SRMC Chapter 14.13, the Wetland Overlay (-WO) zoning district. SRMC Section 14.13.090 requires that a wetland management plan be prepared and implemented for all wetland creation and restoration. This requirement is addressed in Environmental and Design Review Permit ED21-002, condition 10, below. Following completion of the project, the created wetland may be subject to periodic review and monitoring by the City to ensure that it successfully achieves the goals and objectives outlined in the approved wetland management plan.

Conditions for Environmental and Design Review Permit ED21-002

General Conditions

1. This Environmental and Design Review Permit ED21-002 shall be valid for two (2) years from the date of Planning Commission approval or January 11, 2024 and shall become null and void unless a grading permit is issued, or a time extension has been granted.
2. The construction of the Tiscornia Marsh Restoration project shall be in substantial conformance with the preliminary plans prepared by Environmental Science Associates, Inc, (date stamped approved January 11, 2022) approved with Design Review Permit ED21-002. Plan modifications deemed not to be minor by the Community Development Director may require review by the Planning Commission.
3. Formal approval and authorization to incorporate the City-owned Pickleweed Park diked marsh into the Tiscornia Marsh Restoration project shall be granted by the City Council. This authorization shall be in a form acceptable to the City Attorney.

4. All activity is subject to a City Grading Permit filed with and issued by the Department of Public Works. A Tidelands Permit may be required, as determined by the City Engineer. Any and all above ground improvements or structures proposed in the final construction plans may be subject to the approval and issuance of a Building Permit, as determined by the Chief Building Official.
5. Unless addressed as a separate condition of approval, the project sponsor shall be responsible for implementing all mitigation measures presented in the Tiscornia Marsh Restoration Project Final Environmental Impact Report (FEIR, 2021) and the approved Mitigation Monitoring and Reporting Program (MMRP), on file with the Department of Community Development. Consistent with the City-adopted development fees, the project sponsor is required to pay a Mitigation Monitoring Fee, which shall be charged and collected through implementation of the MMRP.

Prior to the Issuance of a Grading Permit and/or Tidelands Permit

Community Development Department

6. Plans submitted for a grading permit shall include a plan sheet, which incorporates the list of these ED21-002 conditions of approval.
7. The project sponsor shall secure all required approvals and/or permits from other regulatory agencies including, but not limited to the Bay Conservation and Development Commission (BCDC), US Army Corps of Engineers, Regional Water Quality Control Board (RWQCB), US Fish and Wildlife Service. Proof of permit issuance of approval shall be submitted to the City.
8. A final landscape and irrigation plan shall be submitted to Community Development Department for review and approval. This final plan shall be prepared to demonstrate:
 - a. Compliance with the Marin Water (MMWD) water conservation ordinance (MMWD Ordinance 430). The final plan shall be reviewed and approved by Marin Water staff prior to submittal to the City. Marin Water approval can be in the form of a letter and/or plan approval stamp.
 - b. Compliance with the San Rafael Shoreline Park Master Plan, October 1989 and Shoreline Enhancement Plan, August 1991. Consistent with the recommendations of these Plans, the final plans shall include and incorporate the following:
 - 1) Wildlife interpretive signs informing the public and visitors as to the purpose of the marsh restoration.
 - 2) Wayfinding signage guiding public access and use.
 - 3) Installation of viewing benches and trash receptacles with the number and location determined by the Public Works and Library and Parks Departments; and
 - 4) Installation of a four-foot-high vinyl clad chain link fence installed on the outboard slope of the new shoreline levee (placed above the mean high tide line). The purpose of this fence is to prohibit access to the marsh by dogs, similar animals, and humans.
 - 5) Installation of an all-weather asphalt path along the top of the new shoreline levee. The asphalt surface shall be ten feet (10') in width. A one-foot (1') wide strip of decomposed granite shall be installed on both sides of the asphalt path.
 - 6) Use of Blue-rock rip rap for the new shoreline levee for the outboard slope banks. Use of broken, recycled concrete with exposed rebar is not permitted for slope bank reinforcement.

9. Per SRMC Section 14.13.090, preparation of a final wetland management plan is required. A wetland management plan shall be prepared by a wetland specialist and submitted to the Community Development Department for approval. The wetland management plan shall include the required components outlined in SRMC Section 14.13.090 such as but not limited to: goals and objectives; restoration techniques and standards; planting plan; site preparation specifications; and a monitoring plan. Some of these components are required by other conditions included herein.

Department of Public Works

10. A survey of the project site shall be prepared by a licensed surveyor. The survey shall accurately determine and plot the boundary lines and elevations of all parcels comprising the project site area.
11. A detailed grading and drainage plan shall be prepared and submitted with the application for a grading permit. The plan shall be prepared by a registered civil engineer or hydrology engineer. The final grading and drainage plan shall be subject to review and approval by the City Engineer.
12. An engineered site plan shall be prepared by a licensed civil engineer based on the property survey required above. This engineered site plan shall include the following details and information:
 - a. The new and re-aligned shoreline levee designed with a minimum crest elevation of 13 feet based on the NAVD88 datum.
 - b. The future levee trail between the Pickleweed Park playfields and the current diked marsh area (to be breached for new tidal marsh) shall allow for a 20-foot-wide buffer from the edge of the playfield (soccer field) and the inboard toe of the levee slope.
13. No mass grading shall occur between October 15 and April 15, unless approved by the City Engineer.
14. A public access easement is required to be offered for dedication along the private portions of the new shoreline levee. The public access easement for shoreline levee shall be prepared and recorded with the County of Marin in a form acceptable to the City Attorney and City Engineer.
15. A detailed geotechnical investigation shall be submitted with the grading permit application. The final plans prepared for issuance of a grading permit shall comply with and address the recommendations presented in the detailed geotechnical investigation.
16. The construction staging area site shall be approved by the Department of Public Works and the Library and Parks Department. A site plan of the approved construction staging area shall be prepared and submitted to the Department of Public Works for approval. The plan shall include perimeter security fencing and a single-access gate.
17. A construction management plan shall be prepared to demonstrate that the project will comply with the following measures:
 - a. Compliance with the authorized construction hours per SRMC Chapter 8.13 (Noise). Authorized construction hours are specified below in a separate condition.
 - b. An approved construction staging area A construction staging plan is required (see condition 17, above)
 - c. Construction noise attenuation measures.

- d. Areas of material storage and stockpiling.
 - e. Signs to be posted at the entrance to the staging and construction areas providing information about construction, the names and contact information of the contractor and the City of San Rafael staff.
 - f. A construction vehicle route, traffic management plan, and construction logistics approved by the City Engineer.
18. The project sponsor shall prepare and submit a construction management plan to implement the following dust control measures during project construction:
- a. Water all active construction areas as necessary.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - e. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - f. Replant vegetation in disturbed areas as quickly as possible
 - g. Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the site.
 - h. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
19. The project proposes over 5,000 square feet of impervious surface coverage. A storm water control/erosion control plan shall be prepared in compliance with the MCSTOPPP requirements. The plan shall be submitted with the application for a grading permit and shall include written documentation and standard specifications that are provided by the County of Marin. The standard specifications can be accessed at the County of Marin website: [Http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-project](http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-project)
20. Plans submitted to for a grading permit shall include a specification sheet addressing pollution prevention. A standard specification sheet entitled, "Pollution Prevention – It's Part of the Plan" is available for this purpose and can be accessed at www.cityofsanrafael.org.
21. The project includes work within the City of San Rafael public right-of-way. The plans submitted with the grading permit shall show the location and type of utilities within the right-of-way and the "tie-in" locations for utility service to the site. Prior to any work within the City right-of-way, an encroachment permit shall be secured from the Public Works Department.
22. The construction contractor shall prepare and submit a Construction Traffic Control Plan to the Public Works Department for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must address, at a minimum, the following issues:
- a. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic.

- b. Provision of construction personnel at driveway on Spinnaker Point Drive leading to construction staging area to direct traffic, pedestrians, and bicyclists while trucks are turning into and out of the driveway.
- c. Notification of all construction activities with San Rafael City Schools at least two months in advance, so that it may make proper accommodations for any possible limitations to access at Bahia Vista Elementary School. San Rafael City Schools shall be notified of the timing, location, and duration of construction activities. The construction contractor shall be required to ensure that construction of the Proposed Project does not inhibit vehicle, bicycle, pedestrian, and/or school bus service through inclusion of such provisions in the construction contract.

(FEIR Mitigation Measure TRAN-1)

23. A copy of the executed construction contract shall be submitted to the City Engineer. The contract shall include a written list of instructions to be carried out by the construction manager specifying measures to minimize emissions generated by heavy construction equipment.

Prior to Commencement of Construction

24. To ensure protection of special status plant species, prior to commencement of construction, the following measures shall be completed and implemented:
- a. A qualified biologist shall conduct a properly timed specialstatus plant survey for Marin knotweed (*Polygonum marinense*), Suisun Marsh aster (*Symphotrichum lentum*), Congested-headed hayfield tarplant (*Hemizonia congesta* subsp. *congesta*), and Point Reyes bird's-beak (*Chloropyron maritimum* ssp. *palustre*) within the species' suitable habitat within the Project work limits. The survey shall follow the CDFW Protocols for Surveying and Evaluating Impacts on Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If special-status plant species are identified within the Project work limits, then the biologist shall establish an appropriate buffer area for each plant population to exclude activities that directly remove or alter the habitat of, or result in indirect adverse impacts on, the special-status plant species. A qualified biologist shall oversee installation of a temporary, mesh-type construction fence (Tensor Polygrid or equivalent) at least 4 feet (1.2 meters) tall around any established buffer areas to prevent encroachment by construction vehicles and personnel. The qualified biologist shall determine the exact location of the fencing. The fencing shall be strung tightly on posts set at maximum intervals of 10 feet (3 meters) and shall be checked and maintained weekly until all construction is complete. The buffer zone established by the fencing shall be marked by a sign stating: *"This is habitat of [list rare plant(s)] and must not be disturbed. This species is protected by [the ESA of 1973, as amended/CESA/California Native Plant Protection Act]."*
 - b. If direct impacts cannot be avoided, the City shall require the project sponsor to prepare a plan for minimizing the impacts by one or more of the following methods: (1) salvage and replant plants at the same location following construction; (2) salvage and relocate the plants to a suitable off-site location with long-term assurance of site protection; (3) collect seeds or other propagules for reintroduction at the site or elsewhere; or (4) payment of fees in lieu of preservation of individual plants, to be used for conservation efforts elsewhere. The City shall review and approve the plan.
 - c. The success criterion for any seeded, planted, and/or relocated plants shall be full replacement at a 1:1 ratio after 5 years. Monitoring surveys of the seeded, planted, or transplanted individuals shall be conducted for a minimum of 5 years, to ensure that the success criterion can be achieved at year 5. If it appears the success criterion would not

be met after 5 years, contingency measures may be applied. Such measures shall include, but not be limited to additional seeding and planting, altering, or implementing weed management activities, or introducing or altering other management activities.

- d. Any special-status plant species observed during surveys shall be reported to the CDFW and submitted to the CNDDDB and reported to USFWS, if federally listed.

(FEIR Mitigation Measures 3.4-5)

25. To ensure protection of fish and marine mammals during pile driving phases of construction, prior to the commencement of pile driving, the Project sponsor shall prepare a NOAA- and CDFW-approved sound attenuation monitoring plan to protect fish and marine mammals, and the approved plan shall be implemented during construction. This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities (if required based on projected in-water noise levels) and describe methods to reduce impact pile-driving in the aquatic environment to an intensity level less than 120 dB (RMS) continuous noise level for marine mammals at a distance of 1,640 feet. The plan shall incorporate, but not be limited to, the following elements:

- a. All in-water construction shall be conducted within the established environmental work window between June 1 and November 30, designed to avoid potential impacts on fish species.
- b. To the extent feasible, vibratory pile drivers shall be used for the installation of all support piles. Vibratory pile driving shall be conducted following the USACE "Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California." The USFWS and NMFS completed Section 7 consultation on this document, which establishes general procedures for minimizing impacts on natural resources associated with projects in or adjacent to jurisdictional waters.
- c. If NOAA sound level criteria for marine mammals are exceeded during vibratory hammer pile installation, a NOAA-approved biological monitor shall be available to conduct surveys before and during pile driving to inspect the work zone and adjacent waters for marine mammals. The monitor shall be present as specified by NMFS during impact pile driving and ensure that:
 - 1) The safety zones established in the sound monitoring plan for the protection of marine mammals are maintained.
 - 2) Work activities are halted when a marine mammal enters a safety zone and resumed only after the animal has left the area or has not been observed for a minimum of 15 minutes.

(FEIR Mitigation Measure 3.4-6)

26. A qualified archaeologist, defined as an archaeologist meeting the U.S. Secretary of the Interior's Professional Qualification Standards for Archeology, shall conduct a training program for all construction and field workers involved in site disturbance. On-site personnel shall attend a mandatory pre-Project training that shall outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered.

(FEIR Mitigation Measure CUL-1)

During Construction

27. Contractor Contact Information Posting: Prior to the commencement of construction, the project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street.
28. Construction Hours: Construction hours shall be limited as specified by Municipal Code Section 8.13.050.A which are 7:00 a.m. to 6:00 p.m., Monday through Friday and Saturday from 9:00 a.m. to 6:00 p.m. Construction shall not be permitted on Sundays or City-observed holidays. Construction activities shall include delivery of materials, arrival of construction workers, start-up of construction equipment engines, playing of radios and other noises caused by equipment and/or construction workers arriving at or on the site.
29. To mitigate potential impacts to pre-contact or historic-era archaeological resources encountered during project construction, the following measures shall be implemented:
- All construction activities within 100 feet shall halt, and a qualified archaeologist shall inspect the find within 24 hours of discovery and notify the City of the initial assessment. Precontact archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heataffected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls, and deposits of metal, glass, and/or ceramic refuse.
 - If the City determines, based on recommendations from a qualified archaeologist and a Native American representative (if the resource is pre-contact indigenous related), that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5) or a tribal cultural resource (as defined in Public Resources Code [PRC] Section 21080.3), the resource shall be avoided if feasible. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource, incorporating the resource within open space, capping, and covering the resource, or deeding the site into a permanent conservation easement.
 - If avoidance is not feasible, the City shall consult with appropriate Native American tribes (if the resource is pre-contact indigenous related), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).
(FEIR Mitigation Measure CUL-1)
30. If potential human remains are encountered during construction, all work shall halt within 100 feet of the find and the City shall be contacted by on-site construction crews. The City shall contact the Marin County coroner in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines that the remains are Native American, the coroner shall contact the NAHC. As provided in PRC Section 5097.98, the NAHC shall identify the person or persons believed to be the Most Likely Descendant (MLD). The MLD shall make recommendations for the means of treating, with appropriate dignity, the human remains and any associated grave goods, as provided in PRC Section 5097.98.
(FEIR Mitigation Measures CUL-2)

31. The following measures are required to ensure grading and site disturbance complies with the SRMC Chapter 11.12 (Trees), which addresses tree removal and protection:
- a. Any tree-related work (removal, planting, or pruning) shall adhere to the City of San Rafael Municipal Code Section 11.12. Specifically, written permit must be issued to cut, prune, break, injure, or remove any living tree in, upon, or along any public street, sidewalk, or walkway in the city or cut, disturb, or interfere in any way with the roots of any tree in, upon, or along any street, sidewalk, or walkway, or spray with any chemical or insecticide any tree in, upon, or along any public street, sidewalk, or walkway, or place any sign, poster, or other fixture on any tree or tree guard, or injure, misuse, or remove any device placed to protect any tree in, upon, or along any public street, sidewalk, or walkway in the city. Whenever any tree shall be cut down or removed in or from any sidewalk area, its butt and roots shall be dug up and removed, or cut level with the ground, as directed by the public works department.
 - b. In the erection or repair of any building or structure, guards shall be placed around all nearby trees in, upon, or along the public streets, sidewalks, and walkways within the city as shall prevent injury to them.

(FEIR Mitigation Measure 2.4-7)

32. The Project applicant and/or its construction contractors shall comply with the following applicable BAAQMD Basic Construction Mitigation Measures: BAAQMD Basic Construction Measures:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks and railcars transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - h. Post a publicly visible sign with the telephone number and person to contact at the City of San Rafael regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

(FEIR Mitigation Measure 3.3-1)

33. The Project applicant and/or its construction contractors shall be required to use off-road diesel construction equipment compliant with EPA Tier 4 nonroad engine standards. Before construction activities begin, the construction contractor and/or the Project applicant shall prepare an equipment list that identifies each piece of off-road equipment to be operated at the Project site by its equipment identification number and demonstrates that each piece of

equipment meets EPA Tier 4 nonroad engine standards. The list shall be made available at the construction site and shall be updated when new or replacement construction equipment is brought to the site.

(FEIR Mitigation Measure 3.3-2)

34. During construction, the following measures shall be implemented:

- a. A qualified biologist (4-year college degree in biology or related field and demonstrated experience with the species of concern) shall provide Worker Environmental Awareness Training (WEAT) to field management and construction personnel. Communication efforts and training shall take place during pre-construction meetings so that construction personnel are aware of their responsibilities and the importance of compliance. WEAT shall identify the types of sensitive resources located in the study area and the measures required to avoid impacts on these resources. Materials covered in the training program shall include environmental rules and regulations for the specific Project and requirements for limiting activities to the construction right-of-way and avoiding demarcated sensitive resource areas.
- b. If new construction personnel are added to the Project, the contractor shall ensure the new personnel receive WEAT before starting work. A sign-in sheet of those contractor individuals who have received the training shall be maintained by the Project proponent. A representative shall be appointed during the WEAT to be the contact for any employee or contractor who might inadvertently kill or injure a listed species or who finds a dead, injured, or entrapped individual.
- c. All vehicle operators shall limit speed to 15 miles per hour (mph) within the Project site.
- d. No erosion control materials shall contain any plastic or monofilament netting.
- e. To avoid attracting predators, all food-related trash items shall be bagged and removed daily.

(FEIR Mitigation Measure 3.4-1)

35. During construction, the following measures are required to minimize and/or avoid impacts to California Black Rail and California Ridgway's Rail:

- a. To minimize or avoid the loss of individual California black rail and California Ridgway's rail, construction activities, including vegetation management activities requiring heavy equipment, adjacent to the tidal marsh areas (within 500 feet [150 meters] or a distance determined in coordination with the USFWS or CDFW based on site specific conditions, shall be avoided during the breeding season from February 1 through August 31.
- b. If areas within or adjacent to rail habitat cannot be avoided during the breeding season, protocol-level surveys shall be conducted to determine rail nesting locations. The surveys shall focus on potential habitat that could be disturbed by construction activities during the breeding season to ensure that rails are not breeding in these locations.
- c. Survey methods for rails shall follow the Site-Specific Protocol for Monitoring Marsh Birds, which was developed for use by USFWS and partners to improve bay-wide monitoring accuracy by standardizing surveys and increasing the ability to share data (Wood et al. 2017). Surveys are concentrated during the approximate period of peak detectability, January 15 to March 25, and are structured to efficiently sample an area in three rounds of surveys by broadcasting calls of target species during specific periods of each survey round. Call broadcasts increase the probability of detection compared to passive surveys when no call broadcasting is employed. This protocol has since been adopted by the Invasive Spartina Project (ISP) and Point Blue Conservation Science to survey California Ridgway's rails at sites throughout San Francisco Bay Estuary

including at Tiscornia Marsh. The survey results and protocols from the ISP shall be used, or a survey protocol developed in coordination with CDFW and USFWS incorporating both species simultaneously and with the same level of effort as protocols currently in use by ISP shall be used. The survey protocol for California Ridgway's rail is summarized as follows:

- 1) Previously used survey locations (points) should be used when available to maintain consistency with past survey results. Adjacent points should be at least 200 meters apart along transects in or adjacent to areas representative of the marsh. Points should be located to minimize disturbances to marsh vegetation. Up to eight points can be located on a transect.
 - 2) At each transect, three surveys (rounds) are to be conducted, with the first round of surveys initiated between January 15 and February 6, the second round performed February 7 to February 28, and the third round March 1 to March 25. Surveys should be spaced at least 1 week apart, and the period between March 25 to April 15 can be used to complete surveys delayed by logistical or weather issues. A FESA Section 10(a)(1)(A) permit is required to conduct active surveys.
 - 3) Each point on a transect shall be surveyed for 10 minutes each round. A recording of calls available from the USFWS is broadcast at each point. The recording consists of 5 minutes of silence, followed by a 30-second recording of California Ridgway's rail vocalizations, followed by 30 seconds of silence, followed by a 30-second recording of California black rail, followed by 3.5 minutes of silence
- d. If no breeding California black rail or California Ridgway's rail are detected during surveys, or if their breeding territories can be avoided by 500 feet (150 meters) or a distance determined in coordination with the USFWS and CDFW based on site specific conditions, then Project activities may proceed at that location.
- e. If protocol surveys determine that breeding California black rail and/or California Ridgway's rail are present in the project area, the following measures would apply to Project activities conducted during their breeding season (February 1- August 31):
- 1) Construction activities would not occur within 500 feet of a detected Ridgway's rail or black rail call center.
 - 2) A USFWS- and CDFW-approved biologist shall be on site during construction activities occurring within 50 feet of any other suitable rail breeding habitat.
 - 3) All other biologists that may need to access the tidal marsh outside of the active construction period or be on site during construction for activities beyond 500 feet from suitable rail breeding habitat, shall be trained in black rail and Ridgway's rail biology, identification, and vocalizations, and shall be familiar with both species of rail and their nests.
 - 4) The qualified biologist/biological monitor shall have the authority to stop all work if a Ridgway's rail or black rail enters or is discovered within 50 feet of the active work zone. All nearby work shall halt and not continue until the Ridgway's rail or black rail leaves the area on its own accord or until approving agencies have been consulted. The no work zone shall be large enough as determined by the qualified biologist/biological monitor in order to avoid impacts to all special-status species. If a California black rail or California Ridgway's rail vocalizes or flushes, it is possible that a nest or young are nearby. If an alarmed bird or nest is detected, work shall be stopped, and workers shall leave the immediate area carefully and quickly. An alternate route shall be selected that avoids this area, and the location of the sighting shall be recorded to inform future activities in the area.
 - 5) All construction crews working in the marsh during rail breeding season shall be trained and supervised by a USFWS- and CDFW-approved rail biologist

- 6) If any activities shall be conducted during the rail breeding season in California black rail or California Ridgway's rail-occupied marshes, biologists shall have maps or global positioning system (GPS) locations of the most current occurrences on the site.

(FEIR Mitigation Measure 3.4-2)

36. To avoid and minimize impacts to nesting birds, during construction, the following measures shall be followed and implemented:
 - a. Removal of trees and scrub vegetation shall occur outside the bird nesting season (February 1 to August 31), to the extent feasible.
 - b. If removal of trees and vegetation cannot be fully accomplished outside of the nesting season, a qualified biologist shall conduct pre-construction nesting surveys within 7 days prior to the start of such activities or after any construction breaks of 10 days or more. Surveys shall be performed for the study area and suitable habitat within 250 feet of the Project site to locate any active raptor (birds of prey) nests or rookeries.
 - c. If active nests are located during the pre-construction bird nesting survey, the qualified biologist shall evaluate if the schedule of construction activities could affect the active nests and the following measures shall be implemented based on their determination:
 - 1) If construction is not likely to affect the active nest, it may proceed without restriction; however, a biologist shall regularly monitor the nest to confirm there is no adverse effect and may revise their determination at any time during the nesting season. In this case, the following measure would apply.
 - 2) If construction may affect the active nest, the biologist shall establish a no-disturbance buffer in coordination with CDFW. Typically, these buffer distances are 100 feet for passerines and 250 feet for raptors. These distances may be adjusted depending on the level of surrounding ambient activity (e.g., if the Project site is adjacent to a road or active trail) and if an obstruction, such as a building, is within line-of-sight between the nest and construction. For bird species that are federally and/or state-listed sensitive species (i.e., fully protected, endangered, threatened, species of special concern), a City representative or qualified biologist shall coordinate with the USFWS and/or CDFW regarding modifications to nest buffers, prohibiting construction within the buffer, modifying construction, or removing or relocating active nests that are found on the site.
 - 3) Any birds that begin nesting within the Project area and survey buffers amid construction activities are assumed to be habituated to construction-related or similar noise and disturbance levels. A qualified biologist shall coordinate with the USFWS and/or CDFW and determine if no work exclusion zones shall be established around active nests in these cases.

(FEIR Mitigation Measure 3.4-3)

37. To avoid and minimize impacts to the Salt Marsh Harvest Mouse and the Salt Marsh Wandering Shrew, during construction, the following measures shall be followed and implemented:
 - a. Ground disturbance to suitable salt marsh harvest mouse habitat (including, but not limited to pickleweed, and emergent salt marsh vegetation) shall be avoided to the extent feasible. Where salt marsh harvest mouse habitat cannot be avoided (such as for channel excavation, access routes and grading, or anywhere else that vegetation could be trampled or crushed by work activities), vegetation shall be removed to ground level from the ground disturbance work area plus a 5-foot buffer around the area, as well as

any access routes within salt marsh harvest mouse habitat, utilizing mechanized hand tools or by another method approved by the USFWS and CDFW. Vegetation height shall be maintained at or below 5 inches above ground. Vegetation removal in salt marsh harvest mouse habitat shall be conducted under the supervision of the USFWS- and CDFW-approved biologist. The number of biologists needed to effectively inspect vegetational removal for the presence of mice and nests depends on the site characteristics and vegetation removal methods and may be determined in coordination with approving agencies.

- b. To protect salt marsh harvest mouse from construction-related traffic, access roads, haul routes, and staging areas within 50 feet of salt marsh harvest mouse habitat shall be bordered by temporary exclusion fencing; or other wildlife exclusion fencing as specified in federal or state permits. The fence should be made of a material that does not allow salt marsh harvest mouse to climb or pass through, of a minimum above-ground height of 30 inches, and the bottom should be buried to a depth of at least 6 inches so that mice cannot crawl under the fence. Any supports for the salt marsh harvest mouse exclusion fencing (e.g., t-posts) shall be placed on the inside of the Project site. The last 5 feet of the fence shall be angled away from the road to direct wildlife away from the road. A USFWS- and CDFW-approved biologist with previous salt marsh harvest mouse experience shall be on site during fence installation and shall check the fence alignment prior to vegetation clearing and fence installation to ensure that no salt marsh harvest mice are present.
- c. Salt marsh harvest mouse marsh habitat that must be accessed by mini-excavators or other vehicles to complete Project construction (e.g., excavating smaller channels) shall be protected through use of low ground pressure (LGP) equipment, wooden or PVC marsh mats, or other method approved by the USFWS and CDFW following vegetation removal (see 2nd bullet, above).
- d. Construction activities related to restoration and infrastructure shall be scheduled to avoid extreme high tides when there is potential for salt marsh harvest mouse to move to higher, drier grounds, such as ruderal and grassland habitats. No Project activities shall be conducted within 50 feet of suitable tidal marsh or other salt marsh harvest mouse habitat within 2 hours before and after an extreme high tide event (6.5 feet or higher measured at the Golden Gate Bridge and adjusted to the timing of local high tides) or when the adjacent marsh is flooded unless wildlife exclusion fencing has been installed around the work area.
- e. All construction equipment and materials shall be staged on existing roadways and away from suitable salt marsh harvest mouse habitat when not in use. All construction equipment shall be visually inspected prior to work activities each day for signs of salt marsh harvest mouse or any other wildlife.
- f. Vegetation shall be removed from all non-marsh areas of disturbance (driving roads, grading, and stockpiling areas) to discourage the presence of salt marsh harvest mouse.
- g. A USFWS- and CDFW-approved biologist with previous salt marsh harvest mouse monitoring and/or surveying experience shall be on site during construction activities occurring in suitable habitat. The USFWS- and CDFW-approved biologist has the authority to stop Project activities if any of the requirements associated with these measures are not being fulfilled. If a harvest mouse is observed in the work area, construction activities shall cease in the immediate vicinity of the potential salt marsh harvest mouse. The individual shall be allowed to leave the area before work is resumed. If the individual does not move on its own volition, the USFWS-approved biologist would contact USFWS (and CDFW if appropriate) for further guidance on how to proceed.

- h. If the USFWS- and CDFW-approved biologist has requested work stoppage because of take of any of the listed species, or if a dead or injured salt marsh harvest mouse is observed, the USFWS and CDFW shall be notified within 1 day by email or telephone.
(FEIR Mitigation Measure 3.4-4)

38. During construction, the construction contractor shall be required to implement the following:
- a. The security fence shall be maintained around the construction staging area to screen views of the equipment, materials/stockpiles, vehicles, and debris. The security fence shall be removed when construction is completed.
 - b. Dumpsters shall be emptied regularly.
 - c. The construction staging area shall be keep clear or trash, weeds, and construction debris.
 - a. Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.
 - b. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - c. Limit vehicle traffic speeds on unpaved roads to 15 mph.
 - d. Replant vegetation in disturbed areas as quickly as possible.
 - e. Install sandbags or other erosion control measures to prevent silt runoff from public roadways.
- Compliance with this condition is subject to periodic inspections by City staff.

Prior to Completion of Final Restoration Construction

39. All landscaping and irrigation must be approved by MMWD prior to City approval. Verification of MMWD approval shall be submitted to the City.

Post Construction Monitoring

40. See Use Permit UP21-001 condition wetland management plan condition #4 for periodic post construction monitoring.

The foregoing resolution was at the regular City of San Rafael Planning Commission meeting held on the 11th day of January 2022.

Moved by Commissioner Saude and seconded by Commissioner Haveman.

AYES: Harris, Haveman, Mercado, Saude, Previtali & Chair Samudzi

NOES: None


ABSENT: None

ABSTAIN: None

ATTEST:



Leslie Mendez, Secretary



Shingai Samudzi, Chair