

ATTACHMENT 1

RESOLUTION NO. _____

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SAN RAFAEL AIRPORT RECREATIONAL FACILITY PROJECT, LOCATED SOUTH OF SMITH RANCH ROAD AT 397-400 SMITH RANCH ROAD
(APN 155-230-10, 11, 12, 13, 14, 15 & 16)
ZC05-01, UP05-08, ED05-15

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

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

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

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

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

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

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

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

WHEREAS, on January 24, 2012, the Planning Commission held a duly-noticed public hearing on the San Rafael Airport Recreation Facility Project FEIR, accepting all oral and written public testimony and the written report of the Community Development Department staff addressing questions and comments provided at the November 15, 2011 meeting, and considered a resolution recommending certification of the San Rafael Airport Recreation Facility Project FEIR; and

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the City Council certification of the San Rafael Airport Recreational Facility FEIR inclusive of the Errata (Exhibit A) based upon the following findings required by CEQA Guidelines Section 15090:

1. The San Rafael Airport Recreational Facility FEIR has been prepared and completed in compliance with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual by following the appropriate format, content, technical analysis of the potential impact areas and project alternatives identified in the initially-authorized scope of work. Further, all prescribed public review periods and duly noticed hearings were held for the project Notice of Preparation, Notice of Completion for public review of the DEIR and Notice of Availability following publication of the FEIR.

2. The FEIR reflects the independent judgment and analysis of the City of San Rafael Community Development Department and the Planning Commission. The Planning Commission has reviewed and considered all information contained in the FEIR prior to making its recommendation on the project, and concludes that the FEIR:
 - a. Appropriately analyzes and presents conclusions on the impacts of the San Rafael Airport Recreational Facility project.
 - b. Analyzes a reasonable range of alternatives to the San Rafael Airport Recreational Facility project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any significant effect of the project.
 - c. Identifies or recommends mitigation measures to substantially lessen, eliminate or avoid the otherwise significant adverse environmental impacts of the San Rafael Airport Recreational Facility project.
 - d. Includes findings and recommendations supported by technical studies prepared by professionals experienced in the specific areas of study, and which are contained within the document and/or made available within the project file maintained by the City of San Rafael Community Development Department, the custodian of all project documents.
3. The information contained in the FEIR is current, correct and complete for document certification. As a result of comments submitted on the DEIR, the FEIR presents some additional information and recommendations to expand, clarify and support the findings of the specific studies and topic areas, which, as a result, was cause for minor revisions in the DEIR text and recommended mitigation measures. The extent of changes to the document would not meet the threshold for re-circulation of the DEIR, as prescribed in CEQA Guidelines Section 15088.5. New information has been added to the DEIR and does not deprive the public of meaningful opportunity to comment upon the substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement. In particular, the new information presented in the FEIR does not disclose or result in:
 - a. A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented.
 - b. A substantial increase in the severity of the impacts that were disclosed and analyzed in the DEIR.
 - c. Any new feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen significant environmental impacts of the project, but which the project's proponents refuse to adopt. This includes consideration of the no project alternative "No Project/No Build" variant that has been added in the FEIR assessing the status quo.
 - d. A finding that the DEIR so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
4. The FEIR presents factual, quantitative and qualitative data and studies, which find and support the conclusion that the project will result in several potentially significant impacts that necessitate mitigation. Complete and detailed findings pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091 have been provided below, as required before the City considers action on the merits of the project evaluated by the FEIR.
5. The City is taking an action to certify the FEIR for the project, recognizing it as an informational document for assessment of the San Rafael Airport Recreational Facility project. The CEQA Guidelines recognize that an environmental document is prepared for public disclosure of potential project impacts and that it is used as an informational document to guide decision-makers in considering project merits. Certification of the FEIR, as presented, would not result in a land use

entitlement or right of development for the project site. The FEIR document must be reviewed to determine whether it adequately assesses the impacts of the project, and whether the circumstances presented in Public Resources Code section 21166, as amplified by its corresponding CEQA Guidelines Sections 15162 to 15163 are present with respect to the project to determine whether a Subsequent EIR, a Supplement to the EIR, or Addendum to the EIR need be prepared or if further environmental review under CEQA is not required. Certification of the FEIR prior to consideration of and taking action on project entitlements does not prejudice or bias review or actions on the proposed development project.

The foregoing resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 24th day of January 2012.

Moved by Commissioner _____ and seconded by Commissioner _____.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Paul A. Jensen, Secretary

Viktoriya Wise, Chair

ATTACHMENT:

Exhibit A "Errata"

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