



Posting Date: 01-11-2022

NOTICE OF REGULAR MEETING OPERATIONS COMMITTEE/BOARD OF DIRECTORS (OPERATIONS)

(Per paragraph 3 on page 10 under subsection *Committee Meetings* of the Board Handbook: The Board, as a practice, generally does not take final action on items during committee meetings, unless District staff determines the urgency of the item requires immediate action that cannot be delayed until a subsequent regular bi-monthly Board meeting.)

MEETING DATE: 01-14-2022

TIME: Meeting begins at **9:30 a.m. (Public)**

LOCATION: This meeting will be held virtually, pursuant to Assembly Bill (AB) 361.

To participate online, go to <https://us06web.zoom.us/j/86596810177>. You can also participate by phone by calling **1-669-900-6833** and entering the **webinar ID#: 865 9681 0177**

PARTICIPATION DURING MEETINGS: During the public comment periods, the public may comment by clicking the “raise hand” button on the bottom of the Zoom screen; if you are joining by phone and would like to comment, press *9 and we will call on you as appropriate.

EMAILED PUBLIC COMMENTS: You may submit your comments in advance of the meeting by emailing them to BoardComment@MarinWater.org. All emailed comments received by 7:30 a.m. on the day of the meeting will be provided to the Board of Directors prior to the meeting. All emails will be posted on our website. (Please do not include personal information in your comment that you do not want published on our website such as phone numbers and home addresses.)

AGENDA ITEMS	RECOMMENDATIONS
Call to Order and Roll Call	
Adopt Agenda	Approve
Public Comment <i>Members of the public may comment on any items not listed on the agenda during this time. Comments will be limited to three minutes per speaker, and time limits may be reduced by the Committee Chair to accommodate the number of speakers and ensure that the meeting is conducted in an efficient manner.</i>	

MARIN WATER BOARD OF DIRECTORS: LARRY BRAGMAN, JACK GIBSON, CYNTHIA KOEHLER, LARRY RUSSELL, AND MONTY SCHMITT

AGENDA ITEMS	RECOMMENDATIONS
Calendar	
1. Minutes of the Operations Committee/Board of Directors (Operations) Meeting of December 17, 2021 (Approximate time 1 minute)	<i>Approve</i>
2. Fireflow Improvement Program – Fiscal Year 2021 (Approximate time 10 minutes)	<i>Information</i>
3. Pipeline Extension Agreement – 350 Redwood Highway, San Rafael – Merrydale Townhomes (Approximate time 20 minutes)	<i>Review and Refer for Board Approval</i>
4. Further Discussion of Drought Restrictions (Approximate time 20 minutes)	<i>Information</i>
5. Review of Capital Program (Approximate time 30 minutes)	<i>Review and Refer for Board Approval</i>
Adjournment (10:51 a.m. - Time Approximate)	

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

In accordance with the Americans with Disabilities Act (ADA) and California Law, it is Marin Water's policy to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are a person with a disability and require a copy of a public hearing notice, an agenda, and/or agenda packet in an appropriate alternative format, or if you require other accommodations, please contact Board Secretary Terrie Gillen at 415.945.1448, at least two days in advance of the meeting. Advance notification will enable the Marin Water to make reasonable arrangements to ensure accessibility.

AGENDAS ARE AVAILABLE FOR REVIEW AT THE CIVIC CENTER LIBRARY, CORTE MADERA LIBRARY, FAIRFAX LIBRARY, MILL VALLEY LIBRARY, MARIN WATER OFFICE, AND ON THE MARIN WATER WEBSITE (MARINWATER.ORG)

FUTURE BOARD MEETING:

- ❖ Tuesday, January 18, 2022
Board of Directors' Meeting
5:30 p.m.¹


Board Secretary

¹ Closed Session begins at or after 5:31 p.m. and Open Session begins at or after 7 p.m.



Item Number: 01
Meeting Date: 01-14-2022
Meeting: Operations
Committee/Board of Directors
(Operations)

Approval Item

TITLE

Minutes of the Operations Committee/Board of Directors (Operations) Meeting of December 17, 2021

RECOMMENDATION

Approve the adoption of the minutes.

SUMMARY

On December 17, 2021, the Operations Committee/Board of Directors (Operations) held its regular monthly meeting. The minutes of the meeting are attached.

DISCUSSION

None

FISCAL IMPACT

None

ATTACHMENT(S)

1. Minutes of the Operations Committee/Board of Directors (Operations) Meeting of December 17, 2021

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Communications & Public Affairs Department	 Terrie Gillen Board Secretary	 Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT
OPERATIONS COMMITTEE /BOARD OF DIRECTORS (OPERATIONS) MEETING**

MINUTES

Friday, December 17, 2021

Via teleconference

(In accordance with Assembly Bill 361)

DIRECTORS PRESENT: Larry Bragman, Jack Gibson, Cynthia Koehler, Monty Schmitt, and Larry Russell

DIRECTORS ABSENT: None

CALL TO ORDER: Chair Russell called the meeting to order at 9:30 a.m.

ADOPT AGENDA:

On motion made by Director Bragman and seconded by Director Gibson, the board approved the adoption of the agenda. The board took the following roll call vote:

Ayes: Directors Bragman, Gibson, Koehler, Schmitt, and Russell

Noes: None

There was no public comment on the adoption of the agenda.

PUBLIC COMMENT

There were no public comments.

CALENDAR ITEMS:

Item 1. Minutes of the Operations Committee/Board of Directors (Operations) Special Meeting of November 19, 2021

On motion made by Director Gibson and seconded by Director Koehler, the board approved the minutes by the following roll call vote:

Ayes: Directors Bragman, Gibson, Schmitt, and Russell

Noes: None

Abstain: Director Koehler

There were no public comments.

Item 2. East Blithedale Avenue Pipeline Replacement Project

Introduced by Engineering Division Manager Crystal Yezman and presented by Associate Civil Engineer Zak Talbott, this item was brought forth to the committee. Conversation ensued between the directors and staff.

There were no public comments.

On motion by Director Koehler and seconded by Director Schmitt, this item was referred to a future board meeting for approval.

Item 3. Kastania Pump Station Rehabilitation Project Update

This item, also introduced by Engineering Division Manager Yezman, but presented by Engineering Construction Manager Mark Kasraie, was presented to the board. Discussion followed.

There was one public comment.

This item was an informational item. The board did not take any formal action.

ADJOURNMENT


There being no further business, the Operations Committee/Board of Directors (Operations) meeting adjourned at 10:15 a.m.

Board Secretary

Informational Item

TO: Operations Committee/Board of Directors (Operations)

FROM: Crystal Yezman, Director of Engineering 

THROUGH: Ben Horenstein, General Manager 

DIVISION NAME: Engineering

ITEM: Fire Flow Improvement Program – Fiscal Year 2021

SUMMARY

During Fiscal Year (FY) 2021, the District invested \$3.4 million in fire flow funds for the completion of two Fire Flow Improvement Pipeline Replacement Projects, which replaced approximately 3,784-feet of fire flow deficient pipe in San Rafael and the MMWD Watershed. The District's annual investment for the life of the Fire Flow program has been approximately \$4.5 million, with \$16.7 million invested during Fiscal Years 2017, 2018, 2019 and 2020.

DISCUSSION

The District initiated the Fire Flow Master Plan (FFMP) in Fiscal Year (FY) 1997-98 to increase the water distribution system's ability to provide water for fire protection and to strengthen the system to increase its survivability during a seismic event. The 15-year improvement program concluded in Fiscal Year 2011-12 and was funded by the Fire Flow Fee, an annual fee of \$75 assessed to parcels within the District's service area.

In May 2012, the District extended the Fire Flow Improvement Program (FFIP) for an additional 19 years through Resolution No. 8135. The extension is designed to allow the completion of fire flow projects that were on the original FFMP list but could not be completed as part of the original program due to inflationary impacts on constructions costs, and the completion of projects in new areas identified by the Marin County Fire Chiefs Association that were not included in the original FFMP. The extended FFIP will support the replacement of 52 miles of fire flow deficient distribution piping and continues to be funded by the \$75 annual Fire Flow Fee which provides approximately \$4.5 million (M) annually, and will remain in effect through April 2031.

In FY 2021, the District invested \$3.4 M in fire flow funds in support of the replacement of approximately 3,784-feet of fire flow deficient pipe in San Rafael and the MMWD Watershed as shown in Table 1.

Table 1 - FFIP FY 2021

FY 2021			
Project Name	Location	Length of Pipe Replaced (ft)	Age of Original Pipe (years)
FFIP Fifth Avenue PRP	San Rafael	3,173	93
FFIP Porteous Tunnel Emergency PRP	MMWD Watershed	611	94
Pipe Replaced FY 2021 =		3,784	

Total FFIP investments in FY 2021 was \$3.4M. On average, the annual FFIP expenditure has been \$4.9M, and revenue has been \$4.5M. Through June 30, 2021, the district has invested a cumulative total of \$116.7M in support of the FFMP and the FFIP. The work completed includes replacement of over 93.5 miles of pipeline as well as various seismic improvements at the treatment plants, transmission tanks and pump stations.


FISCAL IMPACT

None

Review and Refer for Board Approval

TO: District Operations Committee/Board of Directors

FROM: Crystal Yezman, Director of Engineering 

THROUGH: Ben Horenstein, General Manager 

DIVISION NAME: Engineering

ITEM: Pipeline Extension Agreement – 350 Redwood Hwy., San Rafael – Merrydale Townhomes

SUMMARY

An extension of the District's existing facilities is required to serve a new 45-unit residential development located across Highway 101 from the Civic Center in San Rafael. Both potable and recycled water mains, services and hydrants will be installed for the development within a newly created private driveway.

DISCUSSION

On October 16, 2017, Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted plans to the City of San Rafael for a Pre-Application review of a proposed demolition of existing buildings and redevelopment of a 2.28-acre site at 350 Merrydale Road/3833 Redwood Highway with nine new buildings containing a total of 44 residential townhome units, including parking, landscaping and creekside enhancements.

After addressing comments from the City of San Rafael planning staff, a formal application was submitted on April 25, 2018, for a Conceptual Design Review of the construction of 45 for-sale townhome units in nine buildings and associated site improvements (i.e., the current project).

Upon completion of its design review and environmental review processes, on December 10, 2019, the City of San Rafael Planning Commission approved the 350 Merrydale Road Project (Project) and recommended the San Rafael City Council adopt the Project's Initial Study/Mitigated Negative Declaration (IS/MND) and approve the Project's Mitigation Monitoring and Reporting Program (MMRP), both prepared pursuant to the California Environmental Quality Act (CEQA). The City of San Rafael was the Project's Lead Agency under CEQA.

On February 3, 2020, the San Rafael City Council held a public hearing on the proposed Project, accepted and considered all oral and written public testimony and the written report provided by the City's Community Development Department and adopted the IS/MND and approved the MMRP for the proposed Project.

On February 18, 2020, the San Rafael City Council approved the Project and the Merrydale Homes – Planned Development District. The existing 2.28-acre property (APNs: 179-041-27 & 179-041-28) will be redeveloped with 45 for-sale townhome units in nine buildings and associated site improvements.

The San Rafael Fire Department has set the fire flow requirement for the project at 1,000 gallons per minute (gpm) with 20 psi residual pressure. Water service and fire protection for the Project will require the installation of approximately 340' of 6" water main (potable), 360' of 4" water main (recycled), 2-6" potable hydrants, 1-6" recycled hydrant, 4-1 1/2", 5-1" and 1-5/8" potable services and 10 recycled services (9-3/4" and 1-5/8"). The total water entitlement required for the project is 6.69 acre-feet: 6.30 acre-feet for the residential units, 0.01 acre-feet for a community room and 0.38 acre-feet for the common area landscaping (see Attachment 1). Applying the property's existing entitlement of 2.25 acre-feet, the purchase of 4.17 acre-feet of water entitlement is required.

The District has required the installation of individual recycled services for each building to provide recycled water for toilet flushing in each living unit and the community room. A separate recycled service will provide irrigation water for common areas.

ENVIRONMENTAL REVIEW

The District is a Responsible Agency as defined in §15381 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) with respect to the proposed Pipeline Extension Agreement (PEA) for the 350 Merrydale Road Residential Townhome Development Project. The District has discretionary authority to approve or deny the PEA, which constitutes a project under CEQA (§15378), and is therefore subject to environmental compliance. Prior to reaching a decision on the PEA, the District's Board must consider the environmental effects of the Project as shown in the Project's IS/MND.

BACKGROUND:

The City of San Rafael, as CEQA Lead Agency, commissioned preparation of an IS/MND for the proposed Project. Consistent with the requirements of the CEQA Guidelines, a MMRP was also prepared outlining the procedures/steps and requirements for implementing all mitigation measures identified in the IS/MND.

Copies of the IS/MND were submitted to the Governor's Office of Planning and Research (OPR) and made available for a mandatory 30-day review period by pertinent agencies and interested

members of the public. This public review period commenced on November 8, 2019, and concluded on December 10, 2019. Public notice was posted at the Project site regarding the proposed MND prepared for the Project. Notices were published in a local newspaper of general circulation in the area and mailed to surrounding property owners within 400 feet, pertinent agencies (including responsible and trustee agencies), organizations, and special interest groups pursuant to CEQA Guidelines Section 15072.

City staff evaluated comments received from public agencies, utilities, organizations, special interest groups and persons who reviewed the IS/MND and MMRP. City staff responded to these comments verbally at a City Planning Commission public hearing on December 10, 2019, and summarized the responses in a memorandum to file dated December 10, 2019. No changes or modifications were deemed necessary to the IS/MND. The Planning Commission approved the Project on December 10, 2019, and recommended the City Council adopt the IS/MND and approve the MMRP.

As discussed above, the San Rafael City Council adopted the IS/MND and approved the MMRP on February 3, 2010. Subsequently, on February 18, 2020, the San Rafael City Council approved the Project and the Merrydale Homes – Planned Development District.

On February 20, 2020, a Notice of Determination (NOD) was filed with the Marin County Clerk. The NOD was posted for a period of 30 days, ending on March 21, 2020. This posting concluded the City's review of the Project under CEQA.

CEQA FINDINGS:

Section 15096(h) of the Guidelines states "The Responsible Agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary."

On behalf of the District, Environmental Science Associates (ESA) reviewed the Project's IS/MND and MMRP to determine if the environmental impacts of constructing and operating a proposed water service from District facilities in Merrydale Road was contemplated in the IS/MND. ESA found that the environmental effects of water supply attributable to the Project were adequately addressed and the impact to water supply [under CEQA] would be less than significant if purchase of additional water entitlement occurred and the Project complied with all indoor and outdoor requirements of District Code 13 for water conservation. However, the physical environmental effects of the installation of connects to the existing District water service in the Merrydale Road right-of-way were not expressly addressed in the IS/MND evaluation. Given the substantial ground disturbance that would be associated with demolition activities and construction of the Project on the site in general (e.g., installation of site drainage, dry utilities, foundations), it may be fairly assumed that the on-site water service would be constructed during this period of ground disturbance and would not create additional

environmental impact beyond that considered in the IS/MND or require additional mitigation measures.

RECOMMENDATION AND FILING OF NOTICE OF DETERMINATION:

Staff has reviewed the IS/MND and MMRP for the Project and finds that it addresses all potential impacts associated with the extension of water and fireflow to the Project site. Staff has also prepared a draft Pipeline Extension Agreement for the project developer setting forth the requirements for the work, to include compliance with District Standards and the MMRP, payment for staff services, and installation of the needed improvements. Staff recommends that the Committee review and refer this item to a regular Board meeting for (1) adoption of a resolution of the Board of Directors certifying review of the Initial Study/Mitigated Negative Declaration and the Mitigation and Monitoring Program for the Project and approving a Pipeline Extension Agreement for the 350 Merrydale Road Residential Townhome Development Project.

FISCAL IMPACT

None

ATTACHMENT(S)

1. Subdivision Overview
2. Draft Pipeline Extension Agreement
3. [Link to IS/MND for 350 Merrydale Road Residential Townhome Development Project, 350 Merrydale Road, San Rafael, CA, Assessor's Parcel Nos: 179-041-27 and 28](#)
4. Notice of Determination for IS/MND on 350 Merrydale Road Residential Townhome Development Project, 350 Merrydale Road, San Rafael, CA, Assessor's Parcel Nos: 179-041-27 and 28,
5. Resolution No. 14762 by the City of San Rafael Adopting the IS/MND for the 350 Merrydale Road Residential Townhome Development and Mitigation Monitoring and Reporting Program
6. Memorandum, Review of CEQA Documentation for the 350 Merrydale Road Residential Townhome Development Project
7. Vicinity Map
8. Site Map

ATTACHMENT 1

SUBDIVISION OVERVIEW:

APPLICANT: Michael Hooper of Campus Properties LLC

TYPE OF DEVELOPMENT: Subdivision

FIRE DEPARTMENT: San Rafael Fire Department

FIRE MARSHALL: Robert Sinnott

FIRE FLOW REQUIRED: 1,000gpm

PIPING: 340" of 6" & 360' of 4" (recycled)

HYDRANTS: 2-6", 1-6" recycled **Calculated Flow:** 1,250-1,500 **Residual:** 20 psi

SERVICES: 4 – 1 1/2", 5 – 1", 1 - 5/8", 9 – 3/4" recycled, 1 – 5/ 8" recycled, 9 – 4" firelines

SYSTEM: Lucas Valley Tank **Elevation:** 347

ELEVATION OF PROPERTY: Min: 0' Max: 10'

PRESSURE: Max: 146psi Min: 142psi

ESTIMATED ANNUAL CONSUMPTION: 0.14af/45 (multi-unit) = 6.30af + 0.01af for community room + 0.38af for landscape irrigation **TOTAL:** 6.69 acre-feet

EXISTING HISTORICAL ENTITLEMENT: 2.52af

LEAD AGENCY: City of San Rafael

TENTATIVE MAP APPROVED: February 3, 2020

CEQA: Mitigated Negative Declaration

**MARIN MUNICIPAL WATER DISTRICT
PIPELINE EXTENSION AGREEMENT**

**(MMWD – RIDGEWOOD PROPERTIES)
350 MERRYDALE RD, SAN RAFAEL – MERRYDALE TOWNHOMES**

THIS AGREEMENT is made and entered into this Xst day XXXX, 2022, by and between **MARIN MUNICIPAL WATER DISTRICT**, hereinafter called "District"; and **RIDGEWOOD PROPERTIES**, hereinafter called "Applicant" as follows:

For valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

Section A. Recitals

1. Applicant has requested a pipeline extension to provide water service to Assessor's Parcel Nos. 179-041-27 and -28 as shown on a map entitled, "Assessor's Map Book 179, Page 4, Scale 1"=100', dated July 25, 2012."
2. District has determined that service to said project will require the installation of 340' of 6" pipe, 360' of 4" pipe, 3-6" hydrants, 4-1 1/2" services, 5-1" services, 9-3/4" services, 2-5/8" services and 9-4" firelines and other facilities as set forth in plans prepared therefor.
3. Prior to final approval by the City or County of a Subdivision Map, Precise Development Plan, Parcel Map or other land use application and recordation of a final map for the project, the Applicant shall enter into an agreement with the District and complete financial arrangements for water to each lot, unit or parcel of the project;
4. District has determined that the above mentioned replacement lies within the boundaries of San Rafael Fire Department.

Section B. General Provisions

1. **Installation According to District Plans and Specifications:** The pipeline extension applied for and all work done in connection therewith shall be done under the supervision of and to the satisfaction of District, and shall be installed in accordance with detailed plans and specifications or supplemental plans as they may be prepared from time to time therefor by District, in addition to the Mitigation Monitoring and Reporting Program for Applicant's project. District shall have absolute discretion in determining the kind and quality of the work and materials. As the work progresses, District reserves and shall have the right to amend and adapt plans and specifications to meet conditions as they develop. Any extra costs arising from any such revision of plans will be charged to and paid for by Applicant.

ATTENTION IS CALLED TO THE STANDARD SPECIFICATIONS OF DISTRICT WHICH ARE REFERRED TO AND ARE INCORPORATED HEREIN BY REFERENCE AS THOUGH SET FORTH AT LENGTH. APPLICANT AND CONTRACTOR AGREE THAT ALL WORK SHALL BE DONE ACCORDING TO THE PROVISIONS OF THE STANDARD SPECIFICATIONS AND THAT APPLICANT, CONTRACTOR OR HIS SUBCONTRACTORS ARE FULLY BOUND TO ALL PROVISIONS OF THE STANDARD SPECIFICATIONS.

2. **Financial Arrangements:** Prior to issuing written certification to the City, County or State that financial arrangements have been made for construction of the required water facilities, the Applicant shall complete such arrangements with the District in accordance with Paragraph 6.

3. **Construction Scheduling:** Prior to release or delivery of any materials by the District or scheduling of construction inspection by the District, the Applicant shall:

- a. Deliver to the District prints of the utility plans approved by the City or County to enable the District to prepare final water facilities contract drawings.
- b. Grant or cause to be granted to the District without cost and in form satisfactory to the District, title to all real property and rights-of-way required by Paragraph 10.
- c. Deliver to the District a written construction schedule to ensure timely withdrawal of guaranteed funds for ordering of materials to be furnished by the District and scheduling of inspection or construction.

4. **Method of Performance of Work:** Work done under this agreement shall be performed as hereinafter indicated:

Items of Work:

Water mains to be installed byA
Fire hydrants to be installed byA
Service connections to be installed byA
Firelines to be installed byA

Methods of Doing Work:

- (A) Private contract to be let by Applicant or performed by Applicant's own forces.
- (B) Public contract to be let by District or performed by District's own forces.

5. **Estimated Cost of Work:** The estimated cost of the pipeline replacement applied for as determined by District is as follows:

	Column 1: Materials,Fees, and Charges	Column 2: Installation Costs	Column 3: Total
Pipeline Installation	\$12,537	\$75,500	\$88,037
Hydrant Installation	\$11,400	\$18,000	\$29,400
Service Installation	\$16,320	\$41,110	\$57,430
Fireline Installation	\$32,211	\$90,000	\$122,211
Recycled Pipeline Installation	\$7,444	\$79,500	\$86,944
Recycled Hydrant Installation	\$5,700	\$9,000	\$14,700
Recycled Service Installation	\$13,320	\$59,130	\$72,450
District Labor & Equipment	\$40,900	\$0	\$40,900
Connection Fee	<u>\$156,154</u>	<u>\$0</u>	<u>\$156,154</u>
TOTAL	\$295,986	\$372,240	\$668,226

Said cost estimates are made solely for the convenience of District in determining required deposits, bonds, and guarantees. District makes no representations whatever, and assumes no responsibility whatever, regarding the accuracy of said estimates.

6. **Financial Arrangements to Be Made by the Applicant** shall consist of the following:

Materials, Fees and Charges

The Applicant shall pay to the District the total estimated cost of Materials, Fees and Charges set forth in Paragraph 5, Column 1, \$295,986.

Installation Costs

Under Method A: Applicant agrees to hire a private contractor to install the facilities, and therefore, shall provide financial guarantees satisfactory to the District in the form of a performance bond in the amount of \$372,240 guaranteeing installation of the facilities and furnishing of bulk material. Applicant's contractor shall furnish a maintenance bond in the amount of \$93,060 guaranteeing the cost of maintaining, repairing, or replacing the facilities during the first two (2) years following completion of all facilities and acceptance by the District.

In addition, the Contractor shall furnish the following insurance requirements:

- a. Workers' Compensation Insurance.
- b. Public Liability - combined single limit of not less than \$1,000,000.
- c. Policy shall specifically name Marin Municipal Water District, its officers, officials, agents, employees and volunteers as an additional insured and shall provide that said coverage is primary to any insurance carried by the District.
- d. A policy statement indicating that there shall be not less than 30 days written notice prior to cancellation.

The Applicant or Contractor may substitute a check written to the District in lieu of a performance or maintenance bond.

7. **Review of Estimates:** All estimated costs set forth in this agreement shall be subject to periodic review and revision at the District's discretion. In the event the Applicant has not completed financial arrangements with the District in accordance with Paragraph 6 within 6 months from the date of this agreement, all estimated fees, costs and charges set forth in Paragraph 5 shall be reviewed and revised if necessary. In the event Applicant has not secured final land use approval for the project from the City or County, recorded a final map and diligently commenced construction of improvements required by those agencies and the District prior to expiration of one year from the date of this agreement, the District may, at its option, either retract financial certifications issued to City, County and State agencies and terminate this agreement or require amendment of this agreement and revision of all costs contained herein. The Applicant shall pay any balance due upon demand or furnish a guarantee of such payment satisfactory to the District.

8. **Extensions of Time:** All extensions of time granted by the City or County for the Applicant to comply with conditions of land use approval or to construct improvements pursuant to a subdivision improvement agreement shall require concurrent extensions of this agreement and shall be cause for review and revision of all water facilities costs set forth in Paragraph 5 hereof. The Applicant shall apply to the District for extension of this agreement prior to approval of the Applicant's request for such extensions by either the City or the County.

9. **Delay or Failure to Complete:** If the District determines that there has been undue delay in completion of any work to be performed by Method A, or a failure to complete the same within a reasonable time, it may demand that Applicant forthwith either complete all such work or pay to District the District's estimate of the entire amount required to complete all such work. District's determination upon the question of undue delay or failure to complete shall be final and binding upon Applicant. If Applicant fails to comply with said demand within a reasonable time, District may take possession of all parts of the project and may complete it at the expense and for the account of Applicant.

10. **Property and Rights-of-Way:** Applicant must furnish District all necessary and suitable real property and rights-of-way required by Chapter 11.40 of the Marin Municipal Water District Code at least 30 days prior to start of construction, as follows:

"A deed from the fee owner(s) to District granting a pipeline and access right-of-way over the route of all facilities not falling within publicly dedicated and accepted streets. If, for any reason, such deed cannot be obtained, District will accept a final court decree (to be obtained at Applicant's sole cost and expense) establishing such pipeline and access right-of-way".

11. **Changes in Estimated Costs - Additional Deposits:** At any time or times prior to completion of installation of the facilities, whether or not the plans and specifications have been changed, District may revise its estimate of any item of estimated cost payable by Applicant to District. If a revised estimate is greater than the amount previously paid, Applicant must pay the excess to District within 30 days after District requests an additional deposit. If the revised estimate is less than the amount previously paid, District will credit the difference to any account then owed by Applicant, or if no such account exists, will refund said difference to Applicant as provided in Paragraph 14.

12. **No Work to be Done Prior to Compliance:** No work shall be performed nor installation made prior to Applicant's delivery to District of all fees, charges, deposits, bonds, and guarantees required by Paragraph 6 nor prior to Applicant's furnishing to District all property and rights-of-way required by Paragraph 10, nor after 30 days has elapsed from District's request for additional deposit pursuant to Paragraph 11 unless said additional deposit has been made.

13. **Termination for Failure to Deliver Deposits, Bonds, Etc.:** Failure to deliver to District any fees, charges, deposit, bond, guarantee, property, or right-of-way, required by Paragraph 6 or 10 within the times set forth in said paragraphs, or failure to commence installation of facilities within the time set forth in Paragraphs 7 and 20, shall constitute a material breach of this agreement for which this agreement may be terminated by District without prior notice.

14. **Payment of Actual Costs:** Upon completion of installation of the facilities, District will determine the actual amount of its costs and expenses thereby incurred. If the actual amount exceeds the estimate previously paid, Applicant will pay to District the amount of such excess promptly upon demand. If the actual amount is less than the estimate previously paid, District will, upon completion and acceptance of the facilities, credit any excess money to any account then owed by Applicant or refund it. District's determination of such costs and expenses shall be final and binding provided that such determination shall be made upon the basis of generally accepted accounting principles consistently applied and shall be free of arithmetical error. In the event a performance bond or certificate of deposit is being held, it likewise will be released to Applicant upon acceptance of the work by District to the extent that it has not been used or required.

15. **No Interest on Deposits:** No interest shall accrue to or be paid to Applicant for any funds deposited with District pursuant to this agreement except insofar as required by Government Code 53079.

16. **Right to Approve Contractor:** In the event installation is to be made or work done under Method A, District reserves the right to approve or disapprove of the contractor or forces to be used; and no installation may be made except by those approved by District.

17. **Applicant's Responsibility:** Applicant shall take all responsibility for work under this agreement; shall bear all cost or loss resulting to him or to District on account of the nature or character of the work, through timeliness with which Applicant's contractor pursues the work, or because of the nature of the ground in or on which the work is done is different from what is assumed or expected, or on account of the weather, flood, earthquake, landslide, subsidence, unforeseen difficulties, accidents, or any other causes; and Applicant shall assume the defense of, and indemnify and save harmless District and its officers, agents, and employees from all claims of any kind arising from the approval of, letting of bids for the performance of work under this agreement, and the District's approval of this Agreement for the benefit of Applicant, including, but not limited to, any challenges under the California Environmental Quality Act, claims for personal injury, death, property damage, loss of use, and loss of business, and including all such claims as may be asserted by officers, agents or employees of Applicant, his contractor or subcontractors, District, or third parties.

Applicant agrees to provide in any contract entered into with any other party for the performance of work under this agreement, that all work be done pursuant to terms of the Standard Specifications of District and in compliance with the mitigation

measures set forth in the approved Mitigation Monitoring and Reporting Program for the Project, and that such other party indemnify and save harmless District and its officers, agents, and employees from all claims of any kind arising from performance of said contract or this agreement, including claims for personal injury, death, property damage, loss of use and loss of business, and including all such claims as may be asserted by officers, agents, or employees of Applicant, his contractor or subcontractors, District, or third parties for failure to so provide in any contract let by Applicant.

Applicant agrees to comply with that section of the Standard Specifications requiring public liability insurance which is primary and underlying to District's insurance and specifically naming District as an additional insured.

Before work is commenced, Applicant shall furnish District with a certificate of insurance demonstrating compliance with the worker's compensation insurance and public liability insurance requirements set forth in the Standard Specifications.

18. **Prevailing Wages:** Pursuant to Section 1770 et seq of the Labor Code of the State of California, the Contractor and all subcontractors under him shall pay not less than the prevailing wage rate. The Contractor shall forfeit to the District a penalty, \$25 for each laborer, workman, or mechanic employed for each calendar day or portion thereof such laborer, workman, or mechanic is paid less than the prevailing wage rate for any work done under this contract by him or by any subcontractor under him. Contractor shall submit to the District completed certified payrolls on a weekly basis.

19. **Grade Established:** No work shall be performed or installation made until street subgrades have been established and until curbs and gutters have been installed.

20. **Commencement of Installation:** Applicant must commence installation of the facilities provided for herein within one year after execution of this agreement. Applicant shall give notice to District at least two work days before initially commencing work under this agreement. District shall be notified when work is stopped and when it is started again.

21. **Furnishing of Materials:** All materials will be supplied by District at District's Corporation Yard or Pipe Yard and at replacement cost. Risk of loss of, or damage to materials shall pass to Applicant at the time and place of delivery. Replacement cost will be based on the "moving average unit price" method employed by District.

22. **Inspection by District:** District shall provide an inspector to inspect the installation of facilities. The cost of inspection shall be charged against the job. No part of the facilities installed by Applicant shall be covered or obstructed until same has been inspected and approved by the District inspector.

23. **Acceptance:** District assumes no obligation as to maintenance of the facilities included in this agreement until such time as they are formally accepted.

Applicant will be notified in writing of acceptance of the work at such time as all facilities are satisfactorily installed in accordance with the plans and specifications and all paving work is completed. Any cost incurred by District necessitated by emergency or other repairs prior to final acceptance by District will be charged against Applicant.

24. **Title:** Immediately upon acceptance, all right, title and interest in the pipeline extension and all other facilities herein mentioned shall vest in District.

25. **Fire Hydrants:** All fire hydrants will be turned over to the local public agency having control of public fire protection in the area, to be operated and maintained by it the same as other hydrants in the area.

26. **Area Not to be Served Before Acceptance:** Nothing herein contained and no temporary service from any facility herein provided for and no installation provided for herein shall be construed as an agreement or undertaking on the part of District to serve Applicant's property prior to the time this contract shall have been performed in its entirety by Applicant and the facilities shall have been accepted by District.

27. **No Refunds:** No refunds will be made from the sale of the water from this extension.

28. **Dispute Resolution:** Any dispute or claim in law or equity between District and Applicant or Contractor arising out of this agreement, if not resolved by informal negotiation between the parties, shall be mediated by referring it to the nearest office of Judicial Arbitration and Mediation Services, Inc. (JAMS) for mediation. Mediation shall consist of an informal, non-binding conference or conferences between the parties and the judge-mediator jointly, then in separate caucuses wherein the judge will seek to guide the parties to a resolution of the case. If the parties cannot agree to a mutually acceptable member from the JAMS panel of retired judges, a list and resumes of available mediators numbering one more than there are parties will be sent to the parties, each of whom will strike one name leaving the remaining name as the mediator. If more than one name remains, JAMS arbitrations administrator will choose a mediator from the remaining names. The mediation process shall continue until the case is resolved or until such time as the mediator makes a finding that there is no possibility of resolution.

At the sole election of the District, any dispute or claim in law or equity between District and Applicant or Contractor arising out of this agreement which is not settled through mediation shall be decided by neutral binding arbitration and not by court action, except as provided by California law for judicial review of arbitration proceedings. The arbitration shall be conducted in accordance with the rules of Judicial Arbitration and Mediation Services, Inc. The parties to an arbitration may agree in writing to use different rules and/or arbitrators.

This provision is intended to be severable. If this provision is determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, it shall be severed from this agreement and shall not affect the validity of the remainder of the agreement.

29. **Merger:** This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms of the agreement, pursuant to California Code of Civil Procedure Section 1856, and as a complete and exclusive statement of the terms of the agreement. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

30. **Attorney's Fees:** In the event of legal action by District to collect any sums due from Applicant hereunder, the prevailing party shall be entitled to reasonable attorney's fees to be set by the court.

31. **Interest on Unpaid Accounts:** Any monies owed the District shall begin accruing interest sixty days after the first billing date. Said interest will be the rate District earns on its investments plus one percent, but shall in no event exceed 10% per annum.

32. **Time of the Essence:** Time is of the essence.

33. **Non-Transferable:** This agreement applies only to the parcel(s) of land hereinabove described and may not be transferred to any other parcel(s) of land.

34. **Deadline to Activate Service:** The service connections covered under this agreement must be put to the use for which application was made within eight years of the completion of the facilities installed pursuant to this agreement. If activation is not achieved in the time specified, the District will cause the service to be abandoned and will refund the connection fees, less the cost of abandoning the service, to the owner of record or his designee.

35. **Water Conservation:** Applicant shall install high-efficiency toilets not to exceed 1.28 gallons per flush, showerheads that use not more than 2.0 gallons of water per minute, kitchen and lavatory faucets that use not more than 1.5 gallons of water per minute, and pressure-reducing valves set to maintain a maximum of 60 p.s.i. static pressure at the regulator outlet. Drought-tolerant landscaping and drip irrigation shall be used except where demonstrated to be infeasible. The installation of a gray water recycling system designed to reuse the maximum practicable amount of gray water on site is also required. All water conservation measures shall comply with the provisions of District rules and regulations in effect at the time water service is granted.

36. **Landscaping:** Final landscape and irrigation plans must be submitted and reviewed by District for compliance with District's current landscape water conservation ordinance. All plans must pass ordinance review before water service is granted to any portion of this project.

37. **System Protection:** Applicant shall install and maintain backflow protection on water services if deemed necessary by District.

38. **High Pressure:** Water service to said project will be granted only under the District's "High Pressure Application".

39. **Service Connections:** The individual service connections under this agreement will be granted under the District's rules and regulations in effect at the time service is granted.

40. **Satisfaction of District:** Whenever, in this agreement, the satisfaction of District must be met and District or its Board of Directors makes a determination in good faith of satisfaction or dissatisfaction, such determination shall be final and binding upon all parties hereto.

**RIDGEWOOD PROPERTIES
454 LAS GALLINAS AVE STE 284
SAN RAFAEL CA 94903**

By _____
Name and Title

MARIN MUNICIPAL WATER DISTRICT

By _____
President, Board of Directors

By _____
Secretary

Notice of Determination

21-20-040

Appendix D

To:

☐ Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ County Clerk
County of: Marin
Address: 3501 Civic Center Dr, Suite 234
San Rafael, CA 94903

From:

Public Agency: City of San Rafael
Address: 1400 5th Ave, Community Dev Dept
San Rafael, CA 94901
Contact: Raffi Boloyan, Planning Manager
Phone: (415) 485-3095

Lead Agency (if different from above):

Address: FEB 20 2020

Contact: SHELLY SCOTT
Phone: MARIN COUNTY CLERK
BY: C. Lantz, Deputy

FILED

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): #2019119040

Project Title: 350 Merrydale Rd

Project Applicant: Michael Hooper/Campus Properties

Project Location (include county): 350 Merrydale Rd/3833 Redwood Hwy (APN's 179-041-27 + -28)

Project Description:

Located in City of San Rafael, Marin County. Project requests a Planned Development Rezoning, Environmental and Design Review Permit, Use Permit and Tentative Subdivision Map, with Exception to roadway width, to allow the demolition of existing one story buildings and construction of 9 new three story buildings containing 45 residential townhome units and 94 parking spaces on a 2.28 acre site, with associated site, landscaping and lighting improvements.

This is to advise that the San Rafael City Council has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on 02/18/2020 and has made the following determinations regarding the above
(date)
described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

City of San Rafael, Community Development Dept, 1400 5th Ave, 3rd Fl, San Rafael, CA 94901

Signature (Public Agency): [Signature] Title: Planning Manager

Date: 2/19/2020

Date Received for filing at OPR:



State of California - Department of Fish and Wildlife
2020 ENVIRONMENTAL FILING FEE CASH RECEIPT
DFW 753.5a (REV. 12/01/19) Previously DFG 753.5a

Print

Start Over

Finalize & Email

RECEIPT NUMBER:

21 — 02/20/20 — 040

STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF SAN RAFAEL	LEAD AGENCY EMAIL	DATE 02/20/20
COUNTY/STATE AGENCY OF FILING Marin	DOCUMENT NUMBER	
PROJECT TITLE 350 MERRYDALE RD		

PROJECT APPLICANT NAME CITY OF SAN RAFAEL	PROJECT APPLICANT EMAIL raffi.boloyan@cityofsanrafael.org	PHONE NUMBER (415) 485-3095
PROJECT APPLICANT ADDRESS 1400 5th AVE, CDD	CITY SAN RAFAEL	STATE CA
	ZIP CODE 94901	

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,343.25	\$ 0.00
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,406.75	\$ 2,406.75
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,136.50	\$ 0.00
 <input type="checkbox"/> Exempt from fee		
<input type="checkbox"/> Notice of Exemption (attach)		
<input type="checkbox"/> CDFW No Effect Determination (attach)		
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)		
 <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)		
	\$850.00	\$ 0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$ 50.00
<input type="checkbox"/> Other		\$

PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☐ Other

TOTAL RECEIVED \$ 2,456.75

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

MARIN COUNTY CLERK; O. LOBATO, ARCC SUPERVISOR

Assessor-Recorder-Co. Clerk
County of Marin
SHELLY SCOTT
Assessor-Recorder-Co. Clerk

1 FISH/GAME NEGATIVE DECLARATION 2406.75
1 COUNTY CLERK ADMIN FEE 50.00

Total Charges 2456.75
CHECK 11535 2406.75
CHECK 11526 50.00
Total Tendered 2456.75
Change .00

2/20/2020 10:27:37 AM 2020022000085
Printed: Feb 20 2020 10:28AM by OL ARC1TLJH2
Thank you!
Online Anytime. www.marincounty.org



Requested By Public

RESOLUTION NO. 14762

RESOLUTION OF THE CITY OF SAN RAFAEL CITY COUNCIL ADOPTING AN INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR A REZONING (ZC19-002), ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED18-100), TENTATIVE MAP (18-006), MASTER USE PERMIT (UP18-039), AND SUBDIVISION EXCEPTION (EX19-012) FOR THE DEMOLITION OF THE EXISTING ONE-STORY BUILDINGS ON SITE AND CONSTRUCTION OF NINE (9) THREE-STORY RESIDENTIAL BUILDINGS WITH A TOTAL OF 45 "FOR SALE" MULTI FAMILY RESIDENTIAL UNITS (INCLUDING 9 BELOW-MARKET-RATE (BMR) UNITS), 94 PARKING SPACES, WITH NEW LANDSCAPING AND CREEKSIDE ENHANCEMENTS ON AN EXISTING 2.28 ACRE PARCEL LOCATED AT 350 MERRYDALE RD/3833 REDWOOD HWY (MERRYDALE TOWNHOMES) (APN'S: 179-041-27 AND 179-041-28)

WHEREAS, on October 16, 2017, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted plans for a Pre-Application review of a proposed demolition of existing buildings and redevelopment of a 2.28 acre site at 350 Merrydale Road/3833 Redwood Hwy with nine new buildings containing a total of 44 residential townhome units, including parking, landscaping and creekside enhancements; and

WHEREAS, on January 18, 2018, City Planning staff provided comments on the pre-application, with additional comments from other City departments and relevant outside Agencies; and

WHEREAS, on April 25, 2018, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted an application for a Conceptual Design Review for the construction of 45 for-sale townhome units, and associated site improvements; and

WHEREAS, on July 17, 2018, the Design Review Board held a duly noticed public hearing on the conceptual design of the proposed project and provided recommendations to the applicant; and

WHEREAS, on November 8, 2018, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted a formal application for Planned Development (PD) Rezoning (ZC18-002), Environmental and Design Review Permit (ED18-100), Tentative Map (TS18-006), Master Use Permit (UP18-039) and Subdivision Exception (EX19-012); and

WHEREAS, on July 25, 2019, the applicant held a Neighborhood Meeting at the project site, which was duly noticed by the City to residents and property owners within 400 feet of the project site; and

WHEREAS, on August 6, 2019, the Design Review Board held a duly noticed public hearing on the proposed project, accepting all oral and written public testimony and the written report of the Department of Community Development; and

WHEREAS, as required by the California Environmental Quality Act (CEQA) Guidelines, staff determined that the proposal is defined as a 'project,' making it subject to environmental review. Pursuant to CEQA Guidelines Section 15063, an Initial Study was prepared to determine the potential environmental impacts of the project. The Initial Study is supported by several technical studies and reports (traffic, noise, biological, geotechnical, air quality, cultural resources, hydrology, fire flow analysis, and storm water control plan); and

WHEREAS, as demonstrated in the preparation of an Initial Study, all potentially significant effects on the environment identified in the Initial Study can be mitigated to less-than-significant levels with implementation of the recommended mitigation measures; including impacts to Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources. Therefore, consistent with CEQA Guidelines Section 15070, the Initial Study supports and recommends the adoption of a Mitigated Negative Declaration; and

WHEREAS, consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared, which outlines the procedures/steps and requirements for implementing all mitigation measures identified in the Initial Study/Mitigated Negative Declaration. The MMRP is attached hereto as Attachment A and incorporated by reference; and

WHEREAS, the subject site was posted with a public notice regarding the Mitigated Negative Declaration prepared for this project and notices were published in a local newspaper of general circulation in the area and mailed to surrounding property owners within 400 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups pursuant to CEQA Guidelines Section 15072; and

WHEREAS, copies of the Initial Study/Mitigated Negative Declaration were submitted to the State Office of Planning and Research (OPR) and made available for a 30-day review period by pertinent agencies and interested members of the public, commencing on November 8, 2019 and concluding on December 10, 2019; and

WHEREAS, the City has evaluated the comments received by public agencies, utilities, organizations, special interest groups and persons who have reviewed the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, including two letters/emails received from California Department of Transportation (Caltrans) and State Department of Toxic and Substance Control (DTSC), commenting on the adequacy of the Initial Study/Mitigated Negative Declaration. Staff responded to these comments verbally at the hearing on December 10, 2019 and summarized the responses in a memo to file dated December 10, 2019. No changes or modifications were deemed necessary to the Initial Study/Mitigated Negative Declaration; and

WHEREAS, on December 10, 2019, the Planning Commission held a public hearing on the proposed project, the planning applications for the 45-unit residential townhome development at 350 Merrydale Road/3833 Redwood Hwy and the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, accepting all oral and written public testimony and the written report of the Department of Community Development. On a vote of 6-0-1 (Commissioner Samuzdi absent), the Planning Commission adopted Resolution No. 19-11, recommending that the City Council adopt the IS/MND and approve a Mitigation Monitoring and Reporting Program; and

WHEREAS, on February 3, 2020, the City Council held a duly-noticed public hearing on the proposed project, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

WHEREAS, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department of the City of San Rafael;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Rafael does hereby adopt the Mitigated Negative Declaration and approves the Mitigation Monitoring and Reporting Program as presented in Attachment "A" based on the findings that:

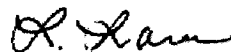
- a) The City exercised its independent judgment in evaluating the Mitigated Negative Declaration and the Mitigated Negative Declaration has been considered in conjunction with comments received during the public review period and at the public hearings. Based on this review, the City Council finds and determines that: 1) there is no substantial evidence that the project will have a significant impact on the environment; and 2) revisions have been made to the project and have been included in the project as mitigation measures which reduce the potential impacts to a less-than-significant level.
- b) A Mitigation Monitoring and Reporting Program has been prepared for adoption to ensure implementation of, and compliance with, all conditions required to mitigate any impact to a level of less than significant. All mitigation measures have also been included as conditions of the project's approval by separate Resolution.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on the 3rd day of February 2020, by the following vote to wit:

AYES: COUNCILMEMBERS: Colin, Gamblin, McCullough & Mayor Phillips

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Bushey



LINDSAY LARA, City Clerk

Attachment A Mitigation Monitoring and Reporting Program

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM 350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
I. AESTHETICS					
I(d). Mitigation Measure AES-1: Prior to the Building Permit final inspection, the project applicant shall submit to the satisfaction of the Community Development Department Director, a post-installation photometric lighting study showing that the lighting on site complies with the approved lighting levels per ED18-100 and the requirements of SRMC 14.16.227. The project applicant shall also demonstrate to the Building Department that outdoor lighting fixtures meet the requirements of the California Energy Code (known as Part 6, Title 24 of the California Code of Regulations)	Require as a condition of approval	Planning Division Building Division	Incorporate as condition of project approval Planning Division verifies appropriate plan/study obtained prior to issuance of building permit	Deny project Deny issuance of building permit	
III. AIR QUALITY					
III (b). Mitigation Measure AQ-1: Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level.	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Building Division	Incorporate as condition of project approval Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny project Deny issuance of building permit	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated
Negative Declaration
Attachment I. A-1

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM 350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
--------------------	--------------------------	---------------------------	--	----------------------------------	--

The contractor shall implement the following best management practices that are required of all projects:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. 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.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
5. 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.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM 350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>					
<p>III(b). Mitigation Measure AQ-1a: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent.</p> <ul style="list-style-type: none"> The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement. Use of equipment that includes alternatively fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and 	<p>Require as a condition of approval</p> <p>Project sponsor provides equipment list prior to issuance of building permits</p>	<p>Planning Division</p> <p>Public Works Division / Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment I, A-3

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM **350 Merrydale Road**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
demonstrated to reduce community risk impacts to less-than-significant.					
III(c) Mitigation Measure AQ-2: Include high-efficiency particulate filtration systems in residential ventilation systems.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
The significant exposure for new project receptors is judged by two effects: (1) increased cancer risk, and (2) annual PM2.5 concentration. Exposure to cancer risk from U.S. Highway 101 are significant. Cancer risk is based on exposure to exhaust emissions while annual PM2.5 concentrations are based on the exposure to PM2.5 resulting from emissions attributable to truck and auto exhaust, the wearing of brakes and tires and re-entrainment of roadway dust from vehicles traveling over pavement. PM2.5 exposure drives the mitigation plan. Reducing PM2.5 exposures to less than significant would also reduce cancer risk to less than significant levels. The project shall include the following measures to minimize long-term annual PM2.5 exposure for new project occupants:	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	

1. Install air filtration in residential dwellings. Air filtration devices shall be rated MERV 13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration
 Attachment I. A-4

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM **350 Merrydale Road**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
--------------------	--------------------------	---------------------------	--	----------------------------------	--

circulated into the dwelling units shall be filtered, as described above.

2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HV AC) air filtration system shall be required.
3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

IV. BIOLOGICAL RESOURCES

IV(a). Mitigation Measure BIO-1: Pre-construction nesting bird and bat surveys

The nesting season is defined here as being from February 1 to August 31 and therefore work should commence between September 1 and January 31.

- If this is not possible, and project activities are initiated during the nesting season, then a nesting

Require as a condition of approval.	Planning Division	Incorporate as condition of project approval. Project applicant conducts pre-construction survey before permit issuance.	Deny project
Project sponsor designates qualified professional prior to start of construction and obtains approvals from appropriate agencies	Planning / Building Division	Planning / Building Division verifies	Deny issuance of building permit

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration
 Attachment 1. A-5

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
--------------------	--------------------------	---------------------------	--	----------------------------------	--

bird survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of project activities.

- If nests are identified, a no-disturbance buffer should be implemented to avoid impacts to nesting birds and should remain in place until all young are fledged or the nest otherwise becomes inactive.
- Buffers typically range from 25 feet to 500 feet depending on the species.
- If work is to be initiated within the bat breeding/ winter roosting season, an assessment of existing buildings should be performed prior to construction activities to determine if a roost is present.
- If a roost is observed, construction activities should be postponed until a qualified biologist determines the bats are excluded from the roost location.

survey conducted prior to issuance of building permit

V. CULTURAL RESOURCES

V(b). Mitigation Measure CULT-1: Protect Archaeological Resources Identified during Construction: The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the

Require as a condition of approval
Project sponsor designates qualified professional pursuant to

Planning Division
Planning /Building

Incorporate as condition of project approval

Project sponsor to halt work
Deny issuance of building

Deny project

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment 1. A-6

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM **350 Merrydale Road**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).	NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Division	immediately upon discovery of unknown resources Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit	permit	
V(c). Mitigation Measure CULT-2: Protect Human Remains Identified During Construction: The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner's determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant ("MLD"). A qualified archaeologist, Project proponent, County of Marin, and MLD shall make all	Require as a condition of approval Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Planning / Building Division	Incorporate as condition of project approval Project sponsor to halt work immediately upon discovery of unknown resources Planning / Building Division verifies appropriate professionals/approvals obtained prior	Deny project Deny issuance of building permit	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated
Negative Declaration
Attachment I. A-7

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
--------------------	--------------------------	---------------------------	--	----------------------------------	--

reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.

VII. GEOLOGY AND SOILS

VII(a)(II). Mitigation Measure GEO -1: Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in Section 4 of the May 8, 2018 ENGEO report.

VII(a)(III). Mitigation Measure GEO-2: Prior to a grading or building permit submittal, the project

Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
Project sponsor prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer	Public Works Division	Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny issuance of building permit
Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment 1, A-8

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM 350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer for review and approval. In order to reduce the effects of the potentially expansive soils and/or liquefaction settlement, foundations should be designed to withstand minimum differential movements. Foundation design recommendations are presented in Section 4 of the May 8, 2018 ENGEO report.	Project sponsor prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer	Public Works Division	Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny issuance of building permit	
VII(b). Mitigation Measure GEO-3: Prior to a grading or building permit submittal, the project sponsor shall prepare a site drainage system prepared by a qualified and licensed civil engineer and submit the report to the City Engineer. The site drainage system will demonstrate the ability to collect surface water and discharge into an established storm drainage system. The project Civil Engineer of Architect is responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the City of San Rafael Public Works Department (DPW) Grading and Construction Erosion and Sediment Control Plan Permit Application Package and the Regional Water Quality Control Board standards.	Require as a condition of approval Project sponsor prepare a design-level drainage system design prepared by a qualified and licensed civil engineer and submit the report to the City Engineer	Planning Division Public Works Division	Incorporate as condition of project approval Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny project Deny issuance of building permit	

VII(c). Implementation of GEO-1 & GEO-2

See MM GEO-1 and

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment 1. A-9

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM **350 Merrydale Road**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
	GEO-2 above				
VII(d). Mitigation Measure GEO-4: Soils shall be moisture conditioned to above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed.	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Building Division	Incorporate as condition of project approval Public Works / Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny project Deny issuance of building permit	
VII(f). Mitigation Measure GEO-5: Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy,	Require as a condition of approval Project sponsor shall designate qualified paleontologist, consult with agencies as appropriate prior to issuance of building permits	Planning Division Building Division	Incorporate as condition of project approval Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted. Planning / Building Division contacted and appropriate agencies	Deny project Halt building permit	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated
Negative Declaration
 Attachment 1. A-10

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
and biostratigraphy; and 5) experience collecting			alerted to discoveries		

If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated
Negative Declaration
Attachment 1. A-11

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
--------------------	--------------------------	---------------------------	--	----------------------------------	--

contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."

IX. HAZARDS AND HAZARDOUS MATERIALS

IX(a). Mitigation Measure HAZ-1: Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a hazardous building materials survey for all structures

Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
Project sponsor obtains	Building	Building Division	Deny issuance

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment I. A-12

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM 350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
proposed for demolition or renovation as part of the project. All lead-based paint and asbestos-containing materials (ACM) shall be abated by a certified contractor in accordance with local, state, and federal requirements. All hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. A completion of abatement activities report shall be prepared by a qualified professional and submitted to the City prior to permit approval.	approvals from appropriate agencies prior to issuance of building permits	Division	verifies appropriate approvals obtained prior to issuance of building permit	of building permit	
IX(b). Mitigation Measure HAZ-2: Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a Soil Management Plan to develop protocols and procedures for handling potentially impacted soils or underground structure/equipment that may be encountered during grading operations and other construction activities as part of the project. If impacted soils or underground structure/equipment are encountered during construction activities, all construction shall stop, and a qualified and licensed professional shall be contacted to conduct a site visit to make observations and prepare recommendations for proper handling of soils and/or structures/equipment	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Building Division	Incorporate as condition of project approval Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny project Deny issuance of building permit	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated
 Negative Declaration
 Attachment I. A-13

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM 350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
X. HYDROLOGY AND WATER QUALITY X(a). Mitigation Measure HYDRO-1: Prior to issuing a grading or building permit, the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and/or Erosion and Sediment Control Plan (ESCP) in accordance with the requirements of the statewide Construction General Permit and the City of San Rafael Department of Public Works. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD). The SWPPP shall include the minimum Best Management Practices (BMPs) required for the identified risk level. The SWPPP shall be designed to address the following objectives:	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor submits SWPPP/ESCP to San Rafael Department of Public Works prior to issuance of building permits	Public Works Division	Public Works Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	

- 1) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled;
- 2) Where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
- 3) Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity. The erosion

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration
 Attachment I. A-14

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM 350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>and sediment control plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, as necessary;</p> <p>4) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.</p> <p>5) BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.</p>					
<p>X(a). Mitigation Measure HYDRO-2: Prior to a certificate of occupancy, the Project applicant shall verify that operational stormwater quality control measures that comply with the requirements of the current Phase II Small MS4 Permit have been implemented. Responsibilities include, but are not limited to:</p> <p>1) Designing BMPs into Project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings.</p>	<p>Require as a condition of approval</p> <p>Project sponsor submits Phase II Small MS4 Permit to San Rafael Department of Public Works prior to issuance of certificate of occupancy</p>	<p>Planning Division</p> <p>Public Works Division</p>	<p>Incorporate as condition of project approval</p> <p>Public Works verifies appropriate approvals obtained prior to issuance of certificate of occupancy</p>	<p>Deny project</p> <p>Deny issuance of certificate of occupancy</p>	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration
 Attachment I. A-15

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
2) The proposed project shall incorporate site design measures and Low Impact Development design standards, including minimizing disturbed areas and impervious surfaces, infiltration, harvesting, evapotranspiration, and/or bio-treatment of stormwater runoff.					
3) The Project applicant shall establish an Operation and Maintenance Plan. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Phase II Small MS4 Permit.					
4) Funding for long-term maintenance of all BMPs shall be specified.					

XIII. NOISE

XIII(a). Mitigation Measure NOISE-1: Implementation of the following measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance.

- Construction activities shall be limited to the hours specified in the City of San Rafael's Municipal Code (7 am to 6 pm on weekdays and 9 am to 6 pm on Saturdays). No construction activities are permitted on Sundays and holidays.
- Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible.

Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment I. A-16

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
--------------------	--------------------------	---------------------------	--	----------------------------------	--

Construct temporary noise barriers to screen stationary noise-generating equipment, such as the concrete saw, when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.

c. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

d. Unnecessary idling or internal combustion engines should be strictly prohibited.

e. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.

f. Utilize "quiet" air compressors and other stationary noise sources where technology exists.

g. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

h. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

i. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment I. A-17

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
--------------------	--------------------------	---------------------------	--	----------------------------------	--

coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

XVII. TRANSPORTATION

XVII(a). Mitigation Measure TRANS-1: The project sponsor shall construct a pedestrian sidewalk, subject to the availability of right-of-way and the feasibility of the drainage design, on the west side of Redwood Road directly adjacent to the project driveway connecting to the existing sidewalk.

Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Public Works Division	Public Works Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit

XVIII. TRIBAL CULTURAL RESOURCES

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment I. A-18

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM **350 Merrydale Road**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
XVIII(a). Mitigation Measure TRIBAL-1: Implementation of the unanticipated discovery measures outlined in Section V(b) and (d) above, address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50 feet of the resource(s) and the project applicant would comply with all relevant State and City policies and procedures prescribed under PRC Section 21074.	Require as a condition of approval Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Planning /Building Division	Incorporate as condition of project approval Project sponsor to halt work immediately upon discovery of unknown resources Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit	Deny project Deny issuance of building permit	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration
 Attachment 1. A-19



1425 N. McDowell Boulevard
Suite 200
Petaluma, CA 94954
707.795.0900 [phone](#)
707.795.0902 [fax](#)

Item Number: 03

Attachment: 06

esassoc.com

memorandum

date December 9, 2021

to Joseph Eischens, Marin Municipal Water District

from David D. Davis, AICP

subject Review of CEQA Documentation for the 350 Merrydale Road Residential Townhome Development Project

Attachments

1. Vicinity Map
2. MMRP
3. Preliminary Utility Plan

Introduction

This memorandum concerns the environmental documentation for the 350 Merrydale Road Residential Townhome Development Project (Project) in the Marin County Civic Center area in the northern portion of the City of San Rafael. On behalf of Ridgewood Properties, the Campus Property Group is moving forward with development of 45 townhomes and stacked flats and is seeking to secure a pipeline extension agreement (PEA) and water service from Marin Municipal Water District (MMWD or District). The City of San Rafael adopted the Mitigated Negative Declaration (IS/MND) and Mitigation and Mitigation Monitoring and Reporting Program (MMRP) for the project on February 3, 2020, and approved the overall project on February 18, 2020. Water service and fire protection for the development will require pipeline extensions from MMWD's existing facilities in Merrydale Road.

ESA has reviewed the Project's IS/MND and associated approval documents. This memorandum includes background information on the Project, compliance documentation prepared pursuant to the California Environmental Quality Act (CEQA), and approval actions for the Project, and review of CEQA and project approval documentation completed for the Project with a focus on the specific actions to be taken by MMWD.

MMWD is a Responsible Agency as defined in the CEQA Guidelines with respect to the proposed Project. The District has discretionary authority to approve or deny the PEA, which constitutes a project under CEQA (§15378) and is therefore subject to environmental compliance. Prior to reaching a decision on the PEA, the Board must consider the environmental effects of the elements of the Project subject to the PEA request [and under MMWD jurisdiction] as shown in the Project's IS/MND documentation. In the case of the 350 Merrydale Project, the elements subject to MMWD jurisdiction is one potable water main and one recycled water main extending from MMWD's existing service in Merrydale Road. Both mains would extend east from the MMWD service and be within the central access street within the Project site.

Assuming all adopted mitigation measures and conditions of approval assigned to the Project by the City of San Rafael are implemented, there would be no significant impacts attributable to the 350 Merrydale Road Residential Townhome Development Project associated with issuance of a PEA for a pipeline extension from MMWD's existing facilities in Merrydale Road.

Attachment 1 presents a vicinity map for the 350 Merrydale Road Project site.

Project History and CEQA Background

- On October 16, 2017, Michael Hooper of Campus Property Group, on behalf of the property owner, Ridgewood Properties, submitted plans for a Pre-Application review of a proposed demolition of existing buildings and redevelopment of a 2.28-acre site at 350 Merrydale Road/3833 Redwood Highway with nine new buildings containing a total of 44 residential townhome units, including parking, landscaping and creekside enhancements.
- On January 18, 2018, City of San Rafael planning staff provided comments on the Pre-Application, including comments from other City departments and relevant outside agencies, including MMWD.
- On April 25, 2018, Mr. Hooper, on behalf of Ridgewood Properties, submitted a formal application to the City for a Conceptual Design Review for the construction of 45 for-sale townhome units and associated site improvements.
- On July 17, 2018, the City's Design Review Board (DRB) held a public hearing on the conceptual design of the proposed Project and provided recommendations to the Applicant (i.e., Campus Properties).
- On November 8, 2018, Mr. Hooper, on behalf of Ridgewood Properties, submitted an application for PD Rezoning (ZC19-002) requesting to establish the required development standards for the proposed redevelopment of the site to allow the construction of 45 residential "for sale" condominium units, including parking, landscaping and creekside enhancements. Applications were also submitted for Environmental and Design Review Permit (ED18-100), Tentative Subdivision Map (TS18-006), Subdivision Exception (EX19-012), Use Permit (UP18-039) and Environmental Review/Initial Study (IS18-001), which were processed concurrent with the Rezoning application, as required by the City's Zoning Ordinance. The City of San Rafael would be the Project's Lead Agency under CEQA.
- On August 6, 2019, the DRB held a public hearing on the proposed Project, accepting all oral and written public testimony and the written report provided by the City's Department of Community Development.
- Concurrently, as required by CEQA Guidelines, City staff determined that the 350 Merrydale Road proposal is defined as a "project," making it subject to environmental review. Pursuant to CEQA Guidelines Section 15063, an Initial Study (IS) was prepared to determine the potential environmental impacts of the Project. The IS was supported by several technical studies and reports (i.e., traffic, noise, biological, geotechnical, air quality, cultural resources, hydrology, fire flow analysis, storm water control plan).
- The IS found that all potentially significant effects on the environment identified in that evaluation could be mitigated to less-than-significant levels with implementation of the recommended mitigation measures. Consistent with CEQA Guidelines Section 15070, the IS supported and recommended the adoption of a MND.
- Consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) was prepared outlining the procedures/steps and requirements for implementing all mitigation

measures identified in the IS/MND. The MMRP is attached hereto as Attachment 2 and incorporated by reference.

- Public notice was posted at the Project site regarding the proposed MND prepared for the Project. Notices were published in a local newspaper of general circulation in the area and mailed to surrounding property owners within 400 feet, pertinent agencies (including responsible and trustee agencies), organizations, and special interest groups pursuant to CEQA Guidelines Section 15072.
- Copies of the IS/MND were submitted to the Governor’s Office of Planning and Research (OPR) and made available for a mandatory 30-day review period by pertinent agencies and interested members of the public. This public review period commenced on November 8, 2019, and concluded on December 10, 2019.
- City staff evaluated comments received from public agencies, utilities, organizations, special interest groups and persons who reviewed the IS/MND and MMRP, including two letters/e-mails received from California Department of Transportation (Caltrans) and State Department of Toxic and Substance Control (DTSC). City staff responded to these comments verbally at a City Planning Commission public hearing on December 10, 2019, and summarized the responses in a memorandum to file dated December 10, 2019. No changes or modifications were deemed necessary to the IS/MND. The Planning Commission approved the Project and recommended the City Council adopt the IS/MND and approve the MMRP.
- On February 3, 2020, the San Rafael City Council held a public hearing on the proposed Project, accepting and considering all oral and written public testimony and the written report of the City’s Community Development Department and adopted the IS/MND and approved the MMRP.
- Subsequently, on February 18, 2020, the San Rafael City Council approved the Project and the Merrydale Homes – Planned Development District.
- On February 20, 2020, a Notice of Determination (NOD) was filed with the Marin County Clerk. The NOD was posted for a period of 30 days, ending on March 21, 2020. This posting concluded the City’s review of the Project under CEQA.

Review of CEQA Documents Completed for the Project with respect to the Pipeline Extension Agreement

This section is based on review of the following documents:

- *350 Merrydale Road Residential Townhome Development Project, 350 Merrydale Road, San Rafael, CA, Assessor’s Parcel Nos: 179-041-27 and 28, Initial Study/Mitigated Negative Declaration.* City of San Rafael, November 8, 2019. Includes Mitigation Monitoring and Reporting Program.
- *350 Merrydale Road, San Rafael, California, Architectural Plans.* Campus Property Group, WHA, BKF Engineers, and Ripley Design Group, September 20, 2019.
- *Tentative Map for 350 Merrydale Road.* BKF Engineers, October 24, 2019.
- Resolution No. 14762 Adopting the Initial Study/Mitigated Negative Declaration and Approving the Mitigation Monitoring and Reporting Plan for 350 Merrydale Road, San Rafael, APN’s 179-041-27 and 179-041-28. City of San Rafael, February 3, 2020.

- Ordinance No. 1979 Approving a Planned Development Rezoning from Planned Development (PD) District (PD1594) to a Revised PD (ZC19-002) at 350 Merrydale Road/3833 Redwood Highway (Merrydale Townhomes) (APN's 179-041-27 and 179-041-28). City of San Rafael, February 24, 2020.
- *Notice of Determination for 350 Merrydale Rd.* State Clearinghouse Number 2019119040. City of San Rafael, February 19, 2020.

Consistency of 350 Merrydale Road Residential Townhome Development Project with the Project Evaluated in the CEQA Documentation. Campus Property Group, on behalf of Ridgewood Properties, is currently moving forward with the 350 Merrydale Project and has filed a request for the PEA with MMWD. The Project involves the construction of 45 townhomes and stacked flats in nine buildings at 350 Merrydale Road in San Rafael.

Based on the review of the documents cited above, the Project is moving forward as currently planned with no substantive revisions or changes in design. The Project appears to reflect the residential development proposed on the site at 350 Merrydale Road is consistent with that evaluated in the IS/MND adopted by the City of San Rafael.

Water Service. Regarding water service, the IS/MND states that the Project would connect to existing MMWD water service in the Merrydale Road right-of-way with four laterals within the Project site. MMWD currently provides water service to the existing buildings on the Project site. The evaluation under IS Checklist Question XIX.b concluded that the current water entitlement for the existing buildings on site would not be sufficient to serve the Project. This evaluation determined that the impact to water supply [under CEQA] would be less than significant if purchase of additional water entitlement occurred and the Project complied with all indoor and outdoor requirements of MMWD Code 13 for water conservation. It is noted, however, that the current Project utility plan shows on-site water service would be provided by one potable water main and one recycled water main. These mains would extend east from the existing MMWD service in Merrydale Road and be within the central on-site access street (shown as "Street A" on Attachment 3). This represents a reduction in physical connections to the MMWD service (i.e., four lateral connections to two water main connections).

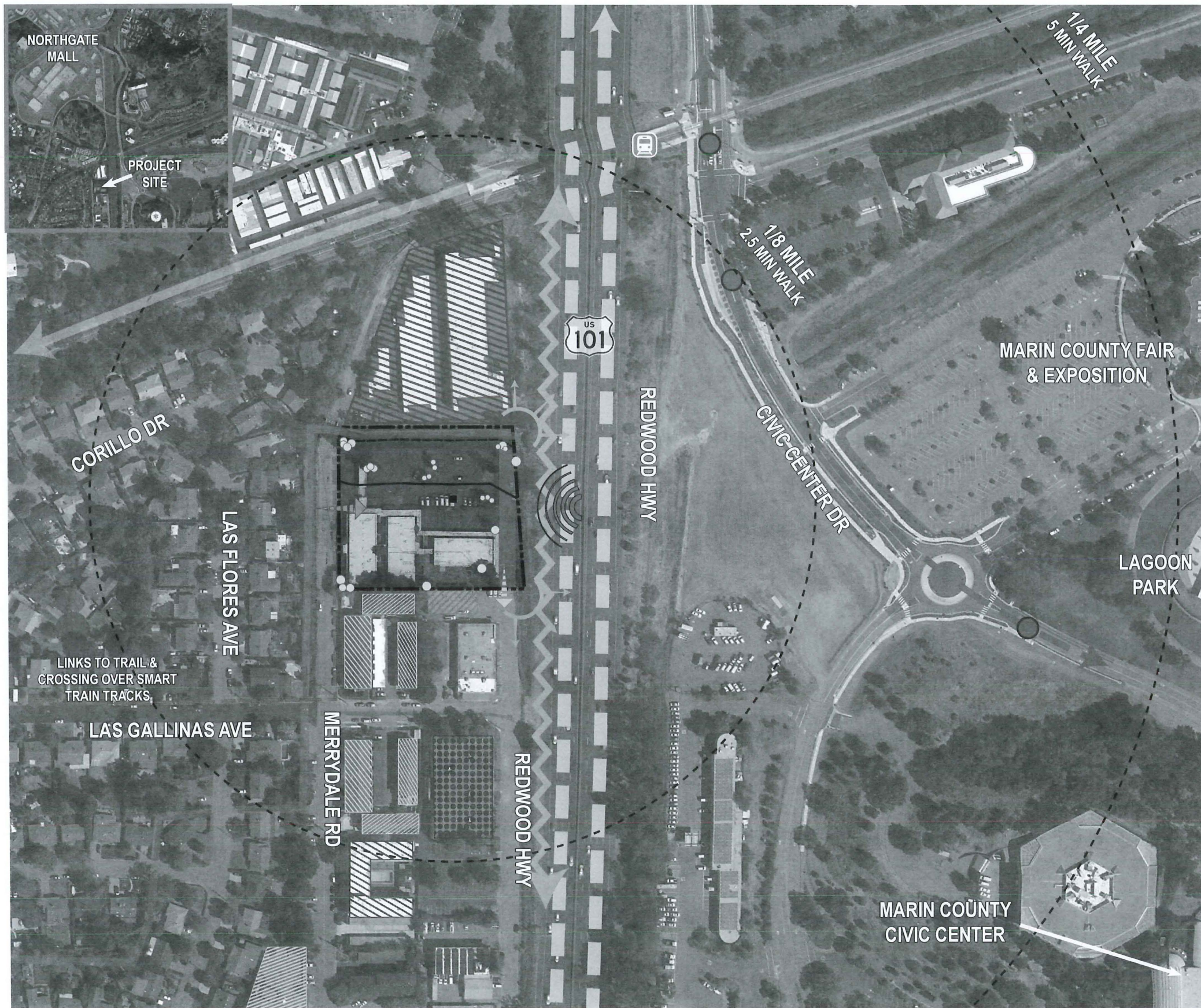
Significant Impacts/Recommendation. The physical environmental effects of the installation of the four laterals connecting to the existing MMWD water service in the Merrydale Road right-of-way were not expressly addressed in the IS/MND evaluation. The change in on-site water service occurred after the City's adoption of the IS/MND and approval of the MMRP. However, this change in utility design reduces the in-street connections to the existing MMWD service in Merrydale Road from four [laterals] to two [mains]. This would be a reduction in potential environmental impact and can be considered within the scope of the evaluation and impact findings of the adopted IS/MND.

Given the substantial ground disturbance that would be associated with demolition activities and construction of the Project on the site in general (e.g., installation of site drainage, dry utilities, foundations), it may be fairly assumed that the potable and recycled water mains would be constructed during that phase of ground disturbance and would not create additional environmental impact beyond that considered in the IS/MND or require additional mitigation measures. For its own CEQA administrative record, ESA *recommends* that MMWD requests and receives written commitment from the Applicant (i.e., Campus Property Group/Ridgewood Properties) that all appropriate mitigation measures in the approved MMRP are applied to, and implemented for, the construction of the potable water main and the recycled water main.

As documented in the NOD filed for the Project and elsewhere, the San Rafael City Council determined that the Project in its approved form would not have a significant effect on the environment, and that mitigation measures identified in the MMRP were made a condition of approval for the Project. As noted above, the change in water service design is within the scope of the evaluation and impact findings presented in the adopted IS/MND.

Accordingly, the mitigation measures included in the Project's MMRP would be sufficient to reduce any significant environmental impact resulting from the redesigned on-site water service to less-than-significant levels. The MMRP approved for the Project contains mitigation measures to mitigate significant impacts in the following topical areas: Aesthetics, Air Quality, Biological Resources, Cultural/Tribal Cultural Resources, Geology and Soils (including Paleontological Resources), Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation.

Assuming all adopted mitigation measures and conditions of approval assigned to the Project by the City of San Rafael are implemented as appropriate for the installation of on-site water service (i.e., one potable water main, one recycled water main), there would be no significant impacts attributable to the 350 Merrydale Road Residential Townhome Development Project associated with issuance of a PEA for pipeline extensions from MMWD's existing facilities in Merrydale Road.



SITE BOUNDARY



SITE BOUNDARY

SITE CONSTRAINTS

- US 101 (REDWOOD HWY) - TOTAL 9 LANE HIGHWAY
- HIGHWAY NOISE
- 2-STORY COMMERCIAL BUILDING
- PUBLIC STORAGE
- 2-STORY APARTMENT BUILDINGS
- 3-STORY APARTMENT BUILDINGS
- DANDY'S MARKET
- FUTURE 3-STORY OAKMONT ASSISTED LIVING PROJECT (89 UNITS)
- CREEK
- MAINTENANCE EASEMENT
- ROAD AND UTILITY EASEMENT
- EXISTING TREES
- MINIMUM CREEK SETBACK (25 FT)
- POSSIBLE CREEK SETBACK (100 FT)

SITE OPPORTUNITIES

- SMART - MARIN CIVIC CENTER STATION
- EXISTING PEDESTRIAN PATH TO SMART - MARIN CIVIC CENTER STATION
- PEDESTRIAN & BIKE TRAIL
- MARIN TRANSIT LINE & BUS STOPS
- EXISTING BERM TO MITIGATE HIGHWAY NOISE
- VIEW OPPORTUNITIES
- PRIMARY ENTRANCE
- SECONDARY ENTRANCE / EXIT
- TO NORTHGATE MALL ± 1/2 MILE AWAY

OPPORTUNITIES AND CONSTRAINTS MAP 350 MERRYDALE ROAD

SAN RAFAEL, CALIFORNIA

MITIGATION MONITORING AND REPORTING PROGRAM**MITIGATION MONITORING AND REPORTING PROGRAM**
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
I. AESTHETICS					
I(d). Mitigation Measure AES-1: Prior to the Building Permit final inspection, the project applicant shall submit to the satisfaction of the Community Development Department Director, a post-installation photometric lighting study showing that the lighting on site complies with the approved lighting levels per ED18-100 and the requirements of SRMC 14.16.227. The project applicant shall also demonstrate to the Building Department that outdoor lighting fixtures meet the requirements of the California Energy Code (known as Part 6, Title 24 of the California Code of Regulations)	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
		Building Division	Planning Division verifies appropriate plan/study obtained prior to issuance of building permit	Deny issuance of building permit	
III. AIR QUALITY					
III (b). Mitigation Measure AQ-1: Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level.	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division	Incorporate as condition of project approval	Deny project	
		Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated
 Negative Declaration
 Attachment I. A-1

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>The contractor shall implement the following best management practices that are required of all projects:</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). 5. 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. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with 					

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>					
<p>III(b). Mitigation Measure AQ-1a: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent.</p> <ul style="list-style-type: none"> • The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement. • Use of equipment that includes alternatively fueled equipment (i.e., non-diesel) would meet this requirement. • Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and 	<p>Require as a condition of approval</p> <p>Project sponsor provides equipment list prior to issuance of building permits</p>	<p>Planning Division</p> <p>Public Works Division / Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
demonstrated to reduce community risk impacts to less-than-significant.					
<p>III(c) Mitigation Measure AQ-2: Include high-efficiency particulate filtration systems in residential ventilation systems.</p> <p>The significant exposure for new project receptors is judged by two effects: (1) increased cancer risk, and (2) annual PM2.5 concentration. Exposure to cancer risk from U.S. Highway 101 are significant. Cancer risk is based on exposure to exhaust emissions while annual PM2.5 concentrations are based on the exposure to PM2.5 resulting from emissions attributable to truck and auto exhaust, the wearing of brakes and tires and re-entrainment of roadway dust from vehicles traveling over pavement. PM2.5 exposure drives the mitigation plan. Reducing PM2.5 exposures to less than significant would also reduce cancer risk to less than significant levels. The project shall include the following measures to minimize long-term annual PM2.5 exposure for new project occupants:</p> <p>1. Install air filtration in residential dwellings. Air filtration devices shall be rated MERV 13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air</p>	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated
 Negative Declaration
 Attachment I, A-4

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>circulated into the dwelling units shall be filtered, as described above.</p> <p>2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HV AC) air filtration system shall be required.</p> <p>3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.</p>					

IV. BIOLOGICAL RESOURCES

<p>IV(a). Mitigation Measure BIO-1: Pre-construction nesting bird and bat surveys</p> <p>The nesting season is defined here as being from February 1 to August 31 and therefore work should commence between September 1 and January 31.</p> <ul style="list-style-type: none"> If this is not possible, and project activities are initiated during the nesting season, then a nesting 	<p>Require as a condition of approval.</p> <p>Project sponsor designates qualified professional prior to start of construction and obtains approvals from appropriate agencies</p>	<p>Planning Division</p> <p>Planning / Building Division</p>	<p>Incorporate as condition of project approval. Project applicant conducts pre-construction survey before permit issuance.</p> <p>Planning / Building Division verifies</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	<p>File #: <u>ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/</u> Title: <u>Resolution Recommending Adoption of Mitigated Negative Declaration</u> Attachment L, A-5</p>
---	--	--	--	---	--

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>bird survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of project activities.</p> <ul style="list-style-type: none"> • If nests are identified, a no-disturbance buffer should be implemented to avoid impacts to nesting birds and should remain in place until all young are fledged or the nest otherwise becomes inactive. • Buffers typically range from 25 feet to 500 feet depending on the species. • If work is to be initiated within the bat breeding/ winter roosting season, an assessment of existing buildings should be performed prior to construction activities to determine if a roost is present. • If a roost is observed, construction activities should be postponed until a qualified biologist determines the bats are excluded from the roost location. 	prior to issuance of building permits		survey conducted prior to issuance of building permit		

V. CULTURAL RESOURCES

V(b). Mitigation Measure CULT-1: Protect Archaeological Resources Identified during Construction: The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
	Project sponsor designates qualified professional pursuant to	Planning /Building	Project sponsor to halt work	Deny issuance of building
File #: <u>ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/</u> Title: <u>Resolution Recommending Adoption of Mitigated Negative Declaration</u> <u>Attachment L, A-6</u>				

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).	NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Division	immediately upon discovery of unknown resources Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit	permit	
V(c). Mitigation Measure CULT-2: Protect Human Remains Identified During Construction: The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner's determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant ("MLD"). A qualified archaeologist, Project proponent, County of Marin, and MLD shall make all	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Planning /Building Division	Project sponsor to halt work immediately upon discovery of unknown resources Planning / Building Division verifies appropriate professionals/approvals obtained prior	Deny issuance of building permit	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment 1. A-7

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.			to issuance of building permit		

VII. GEOLOGY AND SOILS

VII(a)(ii). Mitigation Measure GEO -1: Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in Section 4 of the May 8, 2018 ENGEO report.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
	Project sponsor prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer	Public Works Division	Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny issuance of building permit
VII(a)(iii). Mitigation Measure GEO-2: Prior to a grading or building permit submittal, the project	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
File #: <u>ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/</u> Title: <u>Resolution Recommending Adoption of Mitigated Negative Declaration</u> <u>Attachment 1, A-8</u>				

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer for review and approval. In order to reduce the effects of the potentially expansive soils and/or liquefaction settlement, foundations should be designed to withstand minimum differential movements. Foundation design recommendations are presented in Section 4 of the May 8, 2018 ENGEO report.	Project sponsor prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer	Public Works Division	Public Woks / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny issuance of building permit	
VII(b). Mitigation Measure GEO-3: Prior to a grading or building permit submittal, the project sponsor shall prepare a site drainage system prepared by a qualified and licensed civil engineer and submit the report to the City Engineer. The site drainage system will demonstrate the ability to collect surface water and discharge into an established storm drainage system. The project Civil Engineer of Architect is responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the City of San Rafael Public Works Department (DPW) Grading and Construction Erosion and Sediment Control Plan Permit Application Package and the Regional Water Quality Control Board standards.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor prepare a design-level drainage system design prepared by a qualified and licensed civil engineer and submit the report to the City Engineer	Public Works Division	Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny issuance of building permit	
VII(c). Implementation of GEO-1 & GEO-2	See MM GEO-1 and				

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
	GEO-2 above				
VII(d). Mitigation Measure GEO-4: Soils shall be moisture conditioned to above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Public Works / Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	
VII(f). Mitigation Measure GEO-5: Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy,	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor shall designate qualified paleontologist, consult with agencies as appropriate prior to issuance of building permits	Building Division	Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted. Planning / Building Division contacted and appropriate agencies	Halt building permit	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated
Negative Declaration
Attachment 1. A-10

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>and biostratigraphy; and 5) experience collecting vertebrate fossils in the field.</p> <p>If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.</p> <p>The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:</p>			<p>alerted to discoveries</p>		

"The subsurface of the construction site may

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated
Negative Declaration
Attachment 1. A-11

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."					

IX. HAZARDS AND HAZARDOUS MATERIALS

IX(a). Mitigation Measure HAZ-1: Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a hazardous building materials survey for all structures	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
	Project sponsor obtains	Building	Building Division	Deny issuance
File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/ Title: Resolution Recommending Adoption of Mitigated Negative Declaration Attachment 1. A-12				

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
proposed for demolition or renovation as part of the project. All lead-based paint and asbestos-containing materials (ACM) shall be abated by a certified contractor in accordance with local, state, and federal requirements. All hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. A completion of abatement activities report shall be prepared by a qualified professional and submitted to the City prior to permit approval.	approvals from appropriate agencies prior to issuance of building permits	Division	verifies appropriate approvals obtained prior to issuance of building permit	of building permit	
IX(b). Mitigation Measure HAZ-2: Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a Soil Management Plan to develop protocols and procedures for handling potentially impacted soils or underground structure/equipment that may be encountered during grading operations and other construction activities as part of the project. If impacted soils or underground structure/equipment are encountered during construction activities, all construction shall stop, and a qualified and licensed professional shall be contacted to conduct a site visit to make observations and prepare recommendations for proper handling of soils and/or structures/equipment	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
--------------------	--------------------------	---------------------------	--	----------------------------------	--

X. HYDROLOGY AND WATER QUALITY

X(a). Mitigation Measure HYDRO-1: Prior to issuing a grading or building permit, the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and/or Erosion and Sediment Control Plan (ESCP) in accordance with the requirements of the statewide Construction General Permit and the City of San Rafael Department of Public Works. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD). The SWPPP shall include the minimum Best Management Practices (BMPs) required for the identified risk level. The SWPPP shall be designed to address the following objectives:

- 1) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled;
- 2) Where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
- 3) Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity. The erosion

Require as a condition of approval

Planning Division

Incorporate as condition of project approval

Deny project

Project sponsor submits SWPP/ESCP to San Rafael Department of Public Works prior to issuance of building permits

Public Works Division

Public Works Division verifies appropriate approvals obtained prior to issuance of building permit

Deny issuance of building permit

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>and sediment control plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, as necessary;</p> <p>4) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.</p> <p>5) BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.</p>					
<p>X(a). Mitigation Measure HYDRO-2: Prior to a certificate of occupancy, the Project applicant shall verify that operational stormwater quality control measures that comply with the requirements of the current Phase II Small MS4 Permit have been implemented. Responsibilities include, but are not limited to:</p> <p>1) Designing BMPs into Project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings.</p>	<p>Require as a condition of approval</p> <p>Project sponsor submits Phase II Small MS4 Permit to San Rafael Department of Public Works prior to issuance of certificate of occupancy</p>	<p>Planning Division</p> <p>Public Works Division</p>	<p>Incorporate as condition of project approval</p> <p>Public Works verifies appropriate approvals obtained prior to issuance of certificate of occupancy</p>	<p>Deny project</p> <p>Deny issuance of certificate of occupancy</p>	

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
2) The proposed project shall incorporate site design measures and Low Impact Development design standards, including minimizing disturbed areas and impervious surfaces, infiltration, harvesting, evapotranspiration, and/or bio-treatment of stormwater runoff.					
3) The Project applicant shall establish an Operation and Maintenance Plan. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Phase II Small MS4 Permit.					
4) Funding for long-term maintenance of all BMPs shall be specified.					

XIII. NOISE

XIII(a). Mitigation Measure NOISE-1: Implementation of the following measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. a. Construction activities shall be limited to the hours specified in the City of San Rafael's Municipal Code (7 am to 6 pm on weekdays and 9 am to 6 pm on Saturdays). No construction activities are permitted on Sundays and holidays. b. Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration
Attachment 1. A-16

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>Construct temporary noise barriers to screen stationary noise-generating equipment, such as the concrete saw, when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.</p> <p>c. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</p> <p>d. Unnecessary idling or internal combustion engines should be strictly prohibited.</p> <p>e. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.</p> <p>f. Utilize "quiet" air compressors and other stationary noise sources where technology exists.</p> <p>g. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</p> <p>h. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.</p> <p>i. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance</p>					

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated
Negative Declaration
Attachment 1. A-17

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</p>					
XVII. TRANSPORTATION					
<p>XVII(a). Mitigation Measure TRANS-1: The project sponsor shall construct a pedestrian sidewalk, subject to the availability of right-of-way and the feasibility of the drainage design, on the west side of Redwood Road directly adjacent to the project driveway connecting to the existing sidewalk.</p>	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Public Works Division	Public Works Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	
XVIII. TRIBAL CULTURAL RESOURCES					

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
XVIII(a). Mitigation Measure TRIBAL-1: Implementation of the unanticipated discovery measures outlined in Section V(b) and (d) above, address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50 feet of the resource(s) and the project applicant would comply with all relevant State and City policies and procedures prescribed under PRC Section 21074.	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Planning /Building Division	Project sponsor to halt work immediately upon discovery of unknown resources	Deny issuance of building permit	
			Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit		

PUBLIC STORAGE PROPERTIES VIII, INC.
APN 179-041-22 & 25

GALLINAS CREEK (SOUTH)

NOTE:

PROPOSED WATER MAIN FACILITIES (MAINS, LATERALS, SERVICES, FIRE HYDRANTS, ETC.) ARE NOT SHOWN AND ARE SUBJECT TO MARIN MUNICIPAL WATER DISTRICT (MMWD) DESIGN

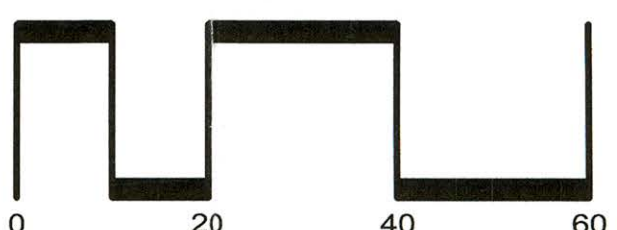
LEGEND

EXISTING	PROPOSED	
		PROJECT BOUNDARY
		CURB, GUTTER & SIDEWALK
		STORM DRAIN PIPE
		SANITARY SEWER PIPE
		STORM DRAIN MANHOLE
		SANITARY SEWER MANHOLE
		SANITARY SEWER CLEANOUT
		CATCH BASIN/FIELD INLET
		FIRE SERVICE
		WATER SERVICE
		SANITARY SEWER

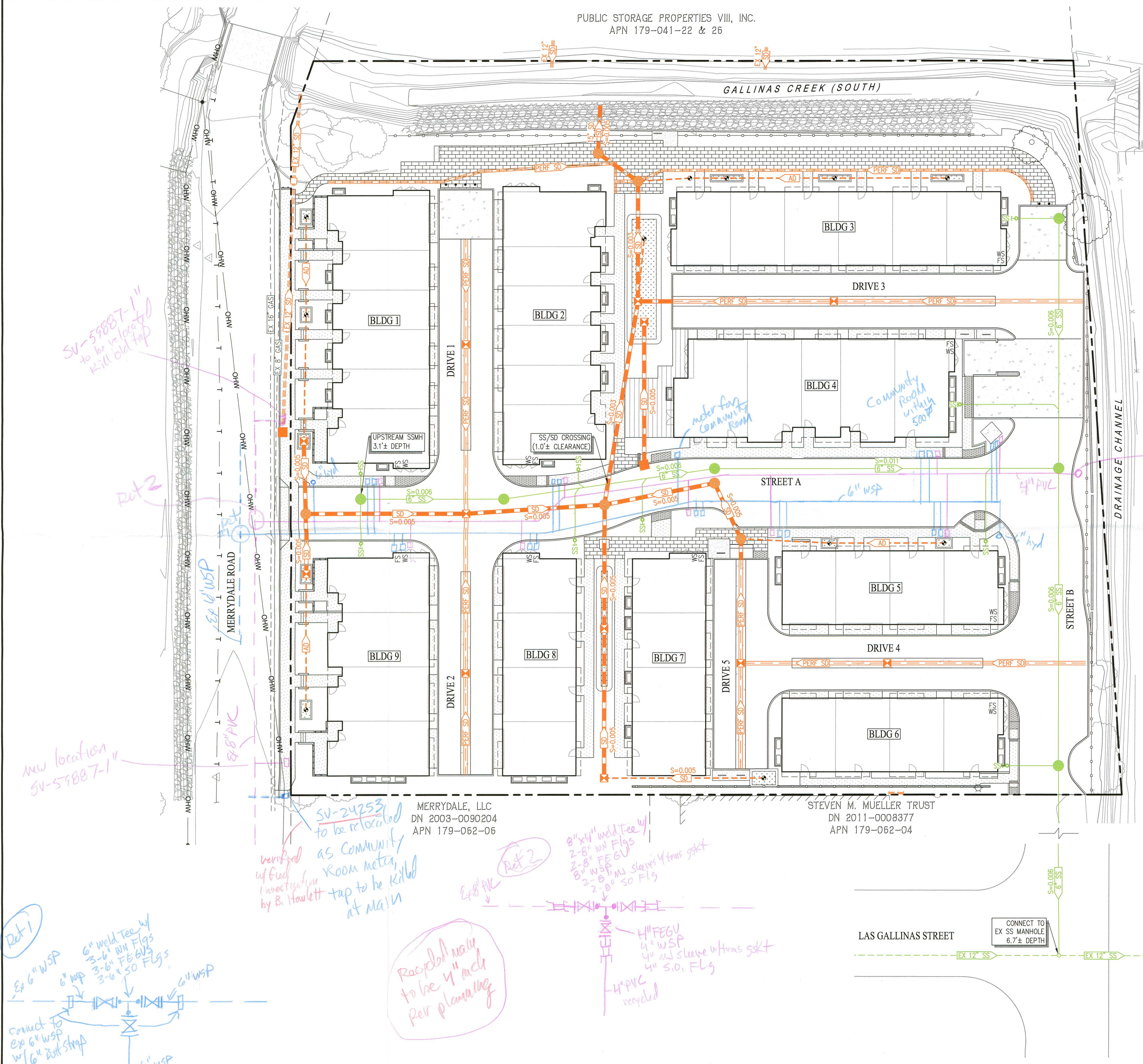
(FOR MMWD REFERENCE)
PROPOSED UTILITY EXHIBIT
350 MERRYDALE ROAD

CITY OF SAN RAFAEL MARIN COUNTY CALIFORNIA

SCALE: 1" = 20' DATE: MAY 24, 2021



SAN RAMON (925) 866-0322
ROSEVILLE (916) 788-4456
WWW.CBANDG.COM
CIVIL ENGINEERS SURVEYORS PLANNERS





Vicinity Map - 350 Merrydale Rd - SR

Item Number: 03
Attachment: 07



Legend

- Parcel Note
 - easement
 - centerline
- Parcel
- Condominium Common Area
- Mobile Home Pad
- Community
- Marin County Legal Boundary
- Other Bay Area County

Notes

1,080.6 0 540.30 1,080.6 Feet

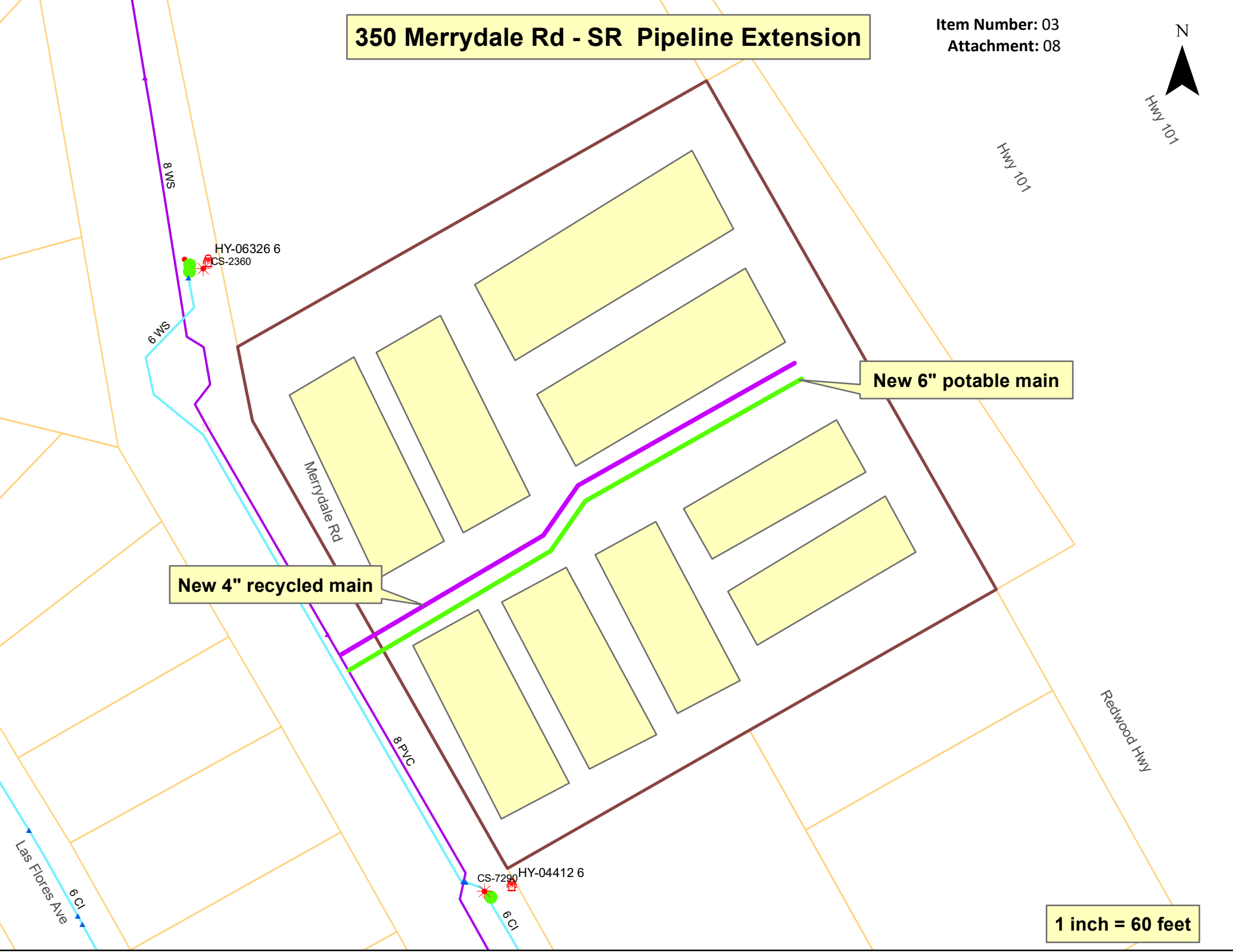
NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

350 Merrydale Rd - SR Pipeline Extension

Item Number: 03
Attachment: 08



New 4" recycled main

New 6" potable main

1 inch = 60 feet

Informational Item

TO: Operations Committee/Board of Directors (Operations)

FROM: Ben Horenstein, General Manager



DIVISION NAME: Office of the General Manager

ITEM: Further Discussion of Drought Restrictions

SUMMARY

At the January 4th Board meeting, staff presented a review of current drought restrictions in place that the Board adopted over the past year in response to the severe drought. Since the adoption of these drought-related restrictions, significant rainfall over the past three months has increased local reservoir storage from historically low levels in October 2021 to 123% of average as of January 4, 2022. Staff will provide the Board a presentation to further discuss approaches forward in light of the improved storage levels.

DISCUSSION

Since October 2021, the District has received substantial rainfall, increasing total reservoir storage to above average levels for this time of year. As of January 4, 2022, total reservoir storage was 74,319 acre-feet (AF) or 123% of average for this date, which warrants reconsideration of the drought requirements. Staff will provide the Board a review of drought-related water use restrictions and actions taken over the last year responding to historic drought conditions and recommendations moving forward.

Over the past year, the Board has taken a number of actions to respond to historic drought conditions impacting District operations. As the drought conditions continued in 2021 and the District's water supply decreased to historic low levels, the Board was able to act quickly to adopt a series of urgency ordinance pursuant to Water Code sections 350 et. Seq. and 71640 et. Seq. and under the declared water shortage emergency. A summary of adopted drought restrictions is provided below.

RESOLUTION NO. 8624—VOLUNTARY CONSERVATION (ADOPTED FEBRUARY 16, 2021)

- Declared initial drought conditions
- Called for district customers to voluntarily reduce their water usage & participate in the district's conservation programs

RESOLUTION NO. 8630—DECLARED WATER SHORTAGE EMERGENCY AND IMPLEMENTING MANDATORY CONSERVATION MEASURES (ADOPTED APRIL 20, 2021)

- Declared a drought emergency due to projected reservoir levels to be below 30,000 AF as of December 1, 2021

ORDINANCE NO. 449 – MANDATORY WATER CONSERVATION MEASURES (ADOPTED APRIL 20, 2021)

Comprehensive list of mandatory water conservation measures, water waste prohibitions and water use restrictions as well as an enforcement program, to address the current drought and water supply shortage¹:

- Prohibited Nonessential Uses:
 - Washing of sidewalks, walkways, driveways, parking lots, and all other hard surfaced areas by direct hosing
 - Customer leaks
 - Decorative water fountains or pools
 - Irrigation overspray or runoff
 - Excess water runoff flowing onto public right-of-way
 - Garden hose without a shut-off nozzle
 - Landscape irrigation between 9:00 AM and 7:00 PM
 - Application of potable water for irrigation during and within 48 hours after rainfall
 - Irrigation of public street medians
 - Powerwashing of buildings and homes
 - Washing of vehicles, except at commercial carwash facilities
 - Use of private fire lines for any purpose other than fire suppression and necessary testing
 - Golf course irrigation, with potable or raw water of any areas, beyond the greens and tee areas
 - Dust control, compaction, sewer flushing, street cleaning, or any other use which can be met with disinfected tertiary recycled water
- Non-recirculating systems for conveyer carwashes and single pass cooling systems are prohibited for new connections
- Reverse osmosis water purifying systems must be installed with an automatic shutoff unit

¹ Many of these requirements are part of the District's existing water conservation measures and will remain in place even after emergency drought response requirements are rolled back.

ORDINANCE NO. 450 – IRRIGATION LIMITED TO 2 DAYS PER WEEK (ADOPTED MAY 4, 2021)

- Limit overhead sprinkler irrigation systems to two days per week
- Limit drip irrigation to three days per week
- Spot-watering by hand is exempt from any specific day limitations
- Recreational pool and spa covers are required when not in use

ORDINANCE NO. 452 – IRRIGATION LIMITED TO 1 ASSIGNED DAY PER WEEK (ADOPTED JULY 6, 2021)

- Limit overhead sprinkler irrigation systems to one day per week as designated by the District.
- Limit drip irrigation to two days per week;
- Spot-watering by hand is exempt from any specific day limitations.
- Continue to discourage new plantings by customers.

ORDINANCE NO. 453 – POTABLE WATER LANDSCAPE INSTALLATION RESTRICTIONS FOR NEW WATER SERVICE CONNECTIONS (ADOPTED JULY 20, 2021)

- The use of potable water for the installation of any new landscaping is prohibited for all new water service connections until after the termination of the current Water Shortage Emergency
- New water service connection defined as new, additional, expanded or increased-in-size potable water service connections, meters, and service lines approved as of July 21, 2021
- During the Water Shortage Emergency, applications for new water service connections will be approved only if the Applicant acknowledges in writing that either:
 - The proposed project does not include any new landscaping that will be irrigated using potable water, or
 - No new landscaping that will be irrigated with potable water will be installed in connection with the proposed project until after the termination of the Water Shortage Emergency
- Landscaping shall include fountains and ponds.

ORDINANCE NO. 454 – LIMITS ON WATER USE AND ASSOCIATED PENALTIES (ADOPTED SEPTEMBER 21, 2021)

- Limits on water use:
 - Single-family residential water accounts limit water use during bimonthly billing period to no more than 21 CCFs of water during the winter service period and no more than 59 CCFs of water during the summer service period
 - Single-family residential irrigation water accounts limit water use during each bimonthly billing period to 0% of current baseline during the winter service period and to 50% during the summer service period
 - Commercial irrigation water accounts limit water use during bimonthly billing period to 0% of current baseline during the winter service period and to 85% during the summer service period
- Any water use in excess of the limits will be charged a penalty per CCF of water use in excess of the limits

ORDINANCE NO. 455 – PROHIBIT IRRIGATION DURING WINTER MONTHS & RE-FILLING POOLS (ADOPTED OCTOBER 19, 2021)

- Prohibit overhead sprinkler and drip irrigation December 1st – May 31st
- Limit overhead sprinkler irrigation system to one day per week as designated by the District and drip irrigation to two days per week from June 1st – November 30th
- Spot-watering by hand is exempt from any specific day limitations
- Continue to discourage new plantings by customers
- Prohibit re-filling/filling completely drained pools

FISCAL IMPACT

None

ATTACHMENT(S)

None

Informational Item

TO: Operations Committee/Board of Directors (Operations)

FROM: Crystal Yezman, Director of Engineering
Charles McBride, Finance Director

THROUGH: Ben Horenstein, General Manager

DIVISION NAMES: Engineering and Finance

ITEM: Review of Capital Program

SUMMARY

Staff will review the current status at capital infrastructure program and identify priority projects that could be funded through the issuance of revenue bonds.

DISCUSSION

Staff will review the impact of the recent drought on capital reserves, the status of current and planned projects, and detail priority projects that could move forward with additional funding. Specifically, staff will present details on the funding needs for Transmission System Improvements, Advanced Metering Infrastructure, Pine Mountain Tunnel Replacement Project, and other priority projects.

Prior to the drought, during 2020-2021, staff presented to the Board over three workshops, the development of a ten-year financial plan. Most recently, staff presented a discussion on the capital project needs of the District at the December 9, 2021 Finance and Administration Committee meeting.

This meeting will continue the discussion of options from the December 9, 2021 Finance and Administration Committee meeting and address questions raised by the Board regarding how revenue bonds would impact future cost of service and rate setting, potential bond issuance rates for various bond amounts, and resulting debt payment.

FISCAL IMPACT

None, at this time

ATTACHMENT(S)

None