

**MINUTE ITEM**

This Calendar Item No. ~~64~~ was approved as  
Minute Item No. 64 by the California State Lands  
Commission by a vote of 3 to ~~0~~ at its  
9-3-99 meeting.

**CALENDAR ITEM  
C64**

A 78  
S 35

AD 368

09/03/99  
G06-03  
K. Olin  
D. Plummer  
B. Stevenson

**REQUEST FOR AUTHORIZATION TO ENTER AGREEMENT FOR THE  
RELEASE OF FUNDS FROM THE SAN RAFAEL LAND BANK FUND FOR  
THE PURCHASE OF LAND IN THE CITY OF SAN RAFAEL**

**APPLICANTS:**

San Rafael Redevelopment Agency  
Attention: Nancy Mackle  
1313 Fifth Avenue  
P.O. Box 151560  
San Rafael, CA 94915-1560

City of San Rafael  
Attention: Clark E. Guinan, Jr.  
Assistant City Attorney  
City Hall  
San Rafael, CA 94915

**BACKGROUND:**

This calendar item is to request authority for the staff to enter an agreement with the City of San Rafael ("City") and the San Rafael Redevelopment Agency ("Agency") to spend \$732,735 from the San Rafael Land Bank Fund for the purchase of land within the City of San Rafael. The property to be purchased is shown on Exhibit A (attached to this calendar item and incorporated by reference as a part of it), and shall be referred to as the "Mahon Creek Property." When acquired, the property will take on the legal character of tide and submerged lands subject to the legislative grant to the City of San Rafael.

The City of San Rafael received in trust the tide and submerged lands within the City by legislative grant in 1923 (Chapter 83, Statutes of 1923, as amended). The granted lands included tide and submerged lands within the San Rafael Canal. Through Chapter 1741, Statutes of 1971, the Legislature authorized the settlement of ownership issues regarding certain land now above mean high tide in the San Rafael Canal. Using the authority conferred by Chapter 1741, the City and the State Lands Commission have entered several land title agreements along the San Rafael Canal with private

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parties. Through these agreements, private land title was made clear, and the City acquired land for access and other public uses and funds for the purchase of lands. Funds acquired through the settlements have been placed in an interest bearing account named the "San Rafael Land Bank Fund." At present, approximately \$830,000 is held in the Fund. Monies can be released from the Fund only through joint authorization by the City and the State Lands Commission. The City Council has approved in concept the expenditure of \$732,735 for the acquisition of the Mahon Creek Property, which is in the record ownership of the San Rafael Redevelopment Agency (Agency). The Mahon Creek Property is one segment of an overall public access and habitat area which will extend inland from the upper end of the San Rafael Canal, as described in the Mahon Creek Conceptual Plan. At present, the City has secured \$250,000 for a bike path through the area, and has been awarded a \$550,000 grant from the Metropolitan Transportation Commission for further improvements. This latter grant is subject to approval by Caltrans.

The staff of the State Lands Commission and the Office of the Attorney General have developed a draft Agreement with City and Agency staff to authorize the expenditure of \$732,735 from the Fund for the purchase of the Mahon Creek Property. The Agreement is on file with the State Lands Commission in Sacramento, and provides in general terms that:

1. The City is authorized to expend the sum of \$732,735 from the San Rafael Land Bank Fund for the purchase of the Mahon Creek Property.
2. The City shall receive and hold the Mahon Creek Property as land subject to the public trust and to its statutory grant.
3. The parties shall approve the documents implementing this transaction (such as the form of deed and escrow instructions). Title to the Mahon Creek Property will be insured through a title policy in a form and amount approved by the City and State.
4. Money received by the Agency from the sale shall be used by the Agency to improve the Mahon Creek Property by grading, landscaping, and a bicycle/pedestrian path pursuant to the Mahon Creek Conceptual Plan, or for similar improvements to other public trust lands within the City of San Rafael.

The staff supports the Agreement which has been negotiated, and the acquisition of the Mahon Creek Property as public trust lands subject to the grant to the City of San Rafael. The property is an important piece in an overall plan for public access, habitat, and other public trust uses in the City of San Rafael.

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**STATUTORY AND OTHER REFERENCES:**

- A. Public Resources Code section: Div. 6, Parts 1 and 2; Div.13.
- B. California Administrative Code section: Title 2, Div.3; Title 14, Div.6

**PERMIT STREAMLINING DEADLINE:**

N/A

**OTHER PERTINENT INFORMATION:**

- 1. An EIR was prepared and certified for the Mahon Creek Conceptual Plan by the San Rafael Redevelopment Agency. The State Lands Commission has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.
- 2. Findings made by the lead agency in conformance with the State CEQA Guidelines (Title 14, Cal. Adm. Code section 15091) are contained in Exhibit B, attached to this calendar item and incorporated by reference as a part of it.

**EXHIBITS:**

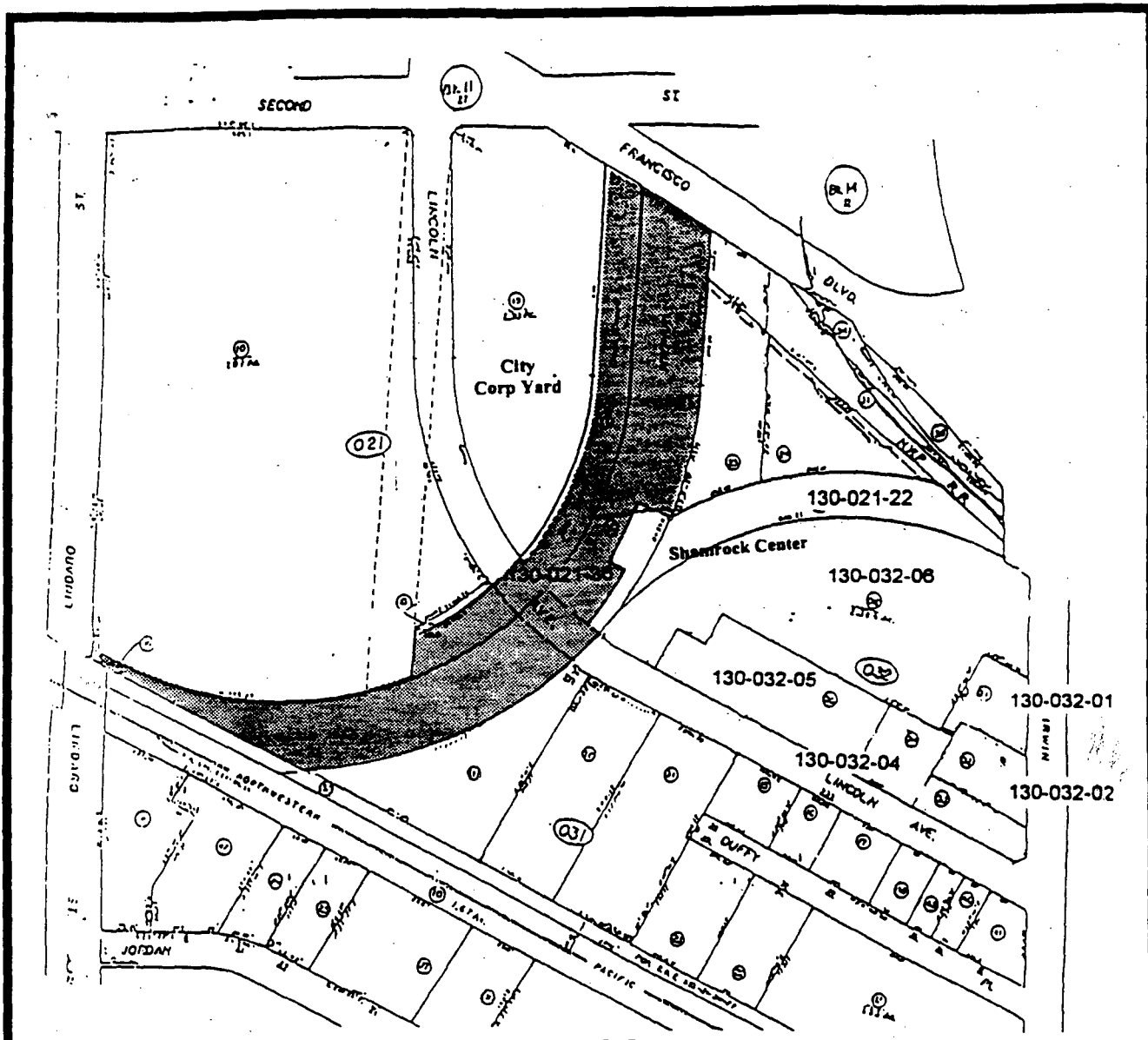
- A. Site Map of the Mahon Creek Property
- B. CEQA Findings Adopted by the San Rafael Redevelopment Agency
- C. Mitigation Monitoring Program

**IT IS RECOMMENDED THAT THE COMMISSION:**

- 1. FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE SAN RAFAEL REDEVELOPMENT AGENCY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
- 2. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH THE STATE CEQA GUIDELINES, SECTION 15096 (H), AS CONTAINED IN EXHIBIT B.
- 3. ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT C, ATTACHED TO THIS CALENDAR ITEM AND INCORPORATED BY REFERENCE AS A PART OF IT.

CALENDAR ITEM NO. C64 (CONT'D)

4. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE THE PROPOSED AGREEMENT FOR THE RELEASE OF MONIES FROM THE SAN RAFAEL LAND BANK FUND SUBSTANTIALLY IN A FORM SIMILAR TO THAT NOW ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION; AND
5. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGEMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.



**Property to be Purchased by City  
with Public Trust Funds**

**EXHIBIT A**

**G06-03  
Mahan Creek  
City of San Rafael  
Marin County**



This Exhibit is solely for purposes of generally defining the project area, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

**SAN RAFAEL REDEVELOPMENT AGENCY**

**RESOLUTION NO. 98-15**

**MOVED BY: MEMBER HELLER      SECONDED BY: MEMBER PHILLIPS**

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**RESOLUTION OF THE REDEVELOPMENT AGENCY ADOPTING THE  
MAHON CREEK FINAL CONCEPTUAL PLAN AND APPROVING THE  
MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, on October 21, 1996, the City of San Rafael Redevelopment Agency determined the need for a Mahon Creek Plan and retained the services of professional landscape consultants and wetlands evaluation consultants for the portion of Mahon Creek between B Street and the Highway 101 On-Ramp; and

**WHEREAS**, the Redevelopment Agency, as Lead Agency for the preparation and consideration of environmental documents for said project, completed an Initial Study, consistent with the California Environmental Quality Act (CEQA). The Initial Study concluded that the project has the potential to result in a significant environmental effect. A Notice of Preparation was distributed for a 30-day review, which included a public scoping hearing with the Planning Commission on April 29, 1997; and

**WHEREAS**, the Agency has prepared a Draft Environmental Impact Report (DEIR), Volume I - EIR Text and Appendices, dated September 17, 1997. The Agency observed a 45-day period for review of the document, which included a public hearing held by the Planning Commission on November 6, 1997; and

**WHEREAS**, a Final Environmental Impact Report (FEIR) Response to Comments document was completed and distributed to agencies, organizations and persons who commented on the DEIR and on March 24, 1998, the Planning Commission recommended certification of the FEIR; and

**WHEREAS**, on March 24, 1998, the Planning Commission held a duly noticed public hearing on the proposed adoption of the Mahon Creek Final Conceptual Plan, accepting testimony and the written report of staff and recommended Agency adoption of the Plan and the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, on April 20, 1998, the Redevelopment Agency held a duly noticed public hearing on the Final EIR for the Mahon Creek Conceptual Plan and certified the FEIR; and

**WHEREAS**, on April 20, 1998, the Agency held a duly notice hearing on the Mahon Creek Final Conceptual Plan, accepted public testimony, the staff report and the recommendation of the Planning Commission.

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**NOW, THEREFORE, BE IT RESOLVED**, that the San Rafael Redevelopment Agency finds that there is substantial evidence in the record showing that the project is consistent with the policies and programs of the San Rafael General Plan 2000, the provision of the San Rafael Zoning Ordinance (Title 14) of the Municipal Code. Further, the Agency finds that there is substantial evidence in the record that all impacts identified in the Final Environmental Impact Report have been or can be mitigated to a level of less-than-significant. The Redevelopment Agency hereby adopts the Mahon Creek Final Conceptual Plan and approves the Mitigation Monitoring and Reporting Program, based on the following findings:

1. The Final Conceptual Plan coordinates the actions of development activities in and adjacent to Mahon Creek;
2. The Plan combines and coordinates the functions of habitat, access, recreation and flood control that must all be accommodated in Mahon Creek;
3. The Plan sets standards and design intent statement that are the starting point for the incremental development activities relating to the long term improvement of the Creek;
4. The Plan is consistent with the policies and programs of the San Rafael General Plan 2000. Specifically, it is consistent with the:
  - a) Land Use Element (LU-36d Creeks and Drainageway) in that the Final Plan requires the replacement of wetland areas, provides improved habitat through the planting of appropriate species, provides a pedestrian and bike path that is located as far as possible from the top of creek and wetlands with fence and landscape buffers, and requires 50 and 25 foot setbacks from wetlands and creek top areas for the current creek configurations and any future changes.
  - b) Natural Resources Element (NE-13 Protection of Environmental Resources, NE-14 Wetlands, NE-15 Wetland Buffer Areas, NE-17 Creek/Drainageway Setbacks, NE-18 Enhancement of Drainageways) in that the Final Plan provides for wetland retention, construction of slopes suitable for habitat vegetation, setbacks of 50 feet for wetlands and 25 feet for creeks, landscape materials suitable for habitat improvements, requirements for fences, construction limitation and an ongoing maintenance program.
  - c) Safety Element (S-14 Flood Control Improvements Funding, S-19 Creeks and Drainage) in that the Plan provides the starting point for the development of projects which can then be proposed for funding<sup>as</sup> it prohibits the use of concrete lined channels. In Albert Park, where there is a known erosion problem, natural stabilization methods<sup>are</sup> to be explored.
  - d) Recreation Element (R-13 Bicycle Routes, R-25 San Rafael Canal and Bayfront Access) in that the Plan provides a pedestrian and bike path from Albert Park, a major recreational facility, to the Transportation Center and ultimately to a path on the edge of the San Rafael Canal;
  - e) Circulation Element (C-23 Bicycle Routes, C-28 Buffer Areas) in that the Plan provides the route as specified in General Plan Map GP-4c and it requires the path to be located as far as possible for the wetland and creek areas;

5. A Mitigation, Monitoring and Reporting Program has been developed to ensure implementation of and compliance with all conditions of approval required to mitigate impacts. The Mitigation, Monitoring and Reporting Program has been prepared in accordance with the provisions of the California Environmental Quality Act.

I, JEANNE M. LEONCINI, Agency Secretary of the San Rafael Redevelopment Agency, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a special joint meeting of the members of the City Council and Redevelopment Agency held on the 20th day of April, 1998, by the following vote:

**AYES:**           **MEMBERS:** Heller, Miller, Phillips and Chairman Boro

**NOES:**           **MEMBERS:** None

**ABSENT:**       **MEMBERS:** Cohen

**ABSTAIN:**      **MEMBERS:** None

  
\_\_\_\_\_  
Jeanne M. Leoncini, Agency Secretary



**MITIGATION MONITORING AND REPORTING PROGRAM**  
**Mahon Creek Conceptual Plan (City File # P-96-20)**  
**'B' Street to Hetherton Street on-ramp to Highway 101**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Monitoring and Compliance Record (Name/Date)
<p>4.1-b Wading in Mahon Creek:</p> <p>Implementation of the following mitigation measures would reduce water related hazards to a less-than-significant level, but would not eliminate water-related risks in their entirety:</p> <ol style="list-style-type: none"> <li>1. Signs indicating that the terrace steps within Albert Park and the entire Mahon Creek improvement area shall be posted at strategic locations to inform users of the trail system and Albert Park of safety rules and regulations.</li> <li>2. A temporary barrier shall be placed along the edge of the "lawn circle" during storm events to restrict access into Mahon Creek; or</li> <li>3. To mitigate impacts to a less-than-significant level, the City of San Rafael can restrict and/or prohibit wading along the edges of Mahon Creek within Albert Park and within the entire Mahon Creek improvement area.</li> </ol>	<p>City/Redevelopment Agency determines if wading in the creek is to be permitted. If wading is permitted, conceptual plan design is implemented to include terrace steps, signage and temporary barrier restricting access during storm events. If wading is to be prohibited, conceptual plan design shall be amended to replace terraced steps and access with a deck "overlook".</p> <p>Final detailed plans shall incorporate approved conceptual plan improvements, as determined in a., above.</p> <p>Signage and temporary barrier installed if plan design permits wading in the creek. If plan design prohibits wading in the creek, signs shall be installed informing public that wading is not permitted.</p> <p>If plan design is approved for wading in the creek, City/Redevelopment Agency installs temporary barrier at edge of terrace steps prior to winter storms (November).</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency, Planning Commission Park/Recreation Commission)</p> <p>Public Works Community Development</p> <p>Community Development</p> <p>Public Works</p>	<p>Present recommendation in staff report for approval of Conceptual Plan.</p> <p>Review detailed construction/grading plans.</p> <p>Site inspections completed.</p> <p>Public Works incorporates task into annual schedule of activities.</p>	<p>Prior to approval of Conceptual Plan.</p> <p>Prior to commencement of grading/construction.</p> <p>Prior to completion of grading/construction.</p> <p>November 1, every year.</p>	
<p>4.1-d Zoning Designations:</p> <p>It should be noted that no permit applications are being requested at this time. As such, prior to and/or concurrent with a request for an Environmental and Design Review Permit for implementation of specific improvements identified within the Final Mahon Creek Conceptual Plan, the City shall initiate a zone change to bring Parcels A, B, C, D and E into conformance with zoning designations that appropriately address land uses and design guidelines identified in the Final Mahon Creek Conceptual Plan.</p>	<p>Require as a condition of Conceptual Plan approval.</p> <p>City/Redevelopment Agency initiates rezoning.</p>	<p>City of San Rafael Community Development (City Council/Redevelopment Agency Planning Commission)</p> <p>Community Development (City Council/Redevelopment Agency, Planning Commission)</p>	<p>Draft and incorporate condition into staff report.</p> <p>Rezoning applications and property description (meets and bounds) prepared.</p>	<p>Prior to approval of Conceptual Plan.</p> <p>Following approval of Conceptual Plan, prior to completion of detailed plans.</p>	

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Asterisk represents agency that may be consulted by the City for review of documents, plans, etc. (e.g., RWQC1)\*

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mahon Creek Conceptual Plan (City File # P-96-20)

'B' Street to Hetherton Street on-ramp to Highway 101

Mitigation Measure	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Monitoring and Compliance Record (Name/Date)
<p>4.2-e Jurisdictional Waters:</p> <p>The RMI wetland report (RMI, 1996) recommended a selection of alternatives for mitigating impacts to jurisdictional waters. Upon USACE and RWQCB consideration and approval, the following mitigation measures would be implemented to reduce impacts to jurisdictional waters to a less-than-significant level:</p> <ul style="list-style-type: none"> <li>The Draft Conceptual Plan is designed to re-establish low and high salt marsh habitat at a 2:1 ratio (replacement : loss) at appropriate locations in the project area. These ratios will be achieved by re-establishing more gentle slopes along the channel than currently exist.</li> <li>As identified and included in the Draft Conceptual Plan, wetland mitigation for all project currently being considered along the Mahon Creek corridor shall be consolidated at one location, such as the approved Andersen Drive Extension mitigation area.</li> <li>As identified in the RMI wetland report (RMI, 1996) and in the approved wetland mitigation plan for the Andersen Drive extension, hydric vegetation along gently sloped creek banks shall be re-established using plugs and/or seeding. Gentle slopes (no steeper than 3:1) shall be established in selected areas to promote greater areas of wetlands. This design has the added benefit of increasing flood storage and could be considered a small restoration of the original salt marsh wetlands through which the creek historically meandered.</li> <li>As proposed in the Draft Conceptual Plan, wetland mitigation will integrate the proposed public pathways and ensure that sufficient buffering from human and domestic animal disturbance via native plantings, fencing and setbacks are included in final trail design.</li> </ul>	<p>City/Redevelopment Agency prepares development standards for incorporation into revised/Final Conceptual Plan. Development standards include RMI recommendations for wetland mitigation/enhancement, buffer setbacks from wetland and creek, bank vegetation, fencing, setbacks for public pedestrian/bicycle path and approved plant species list. Development standards include requirement to develop a creek/wetland maintenance and dredging program.</p> <p>Prepare detailed plans for construction/grading in accordance with the approved Conceptual Plan development standards.</p> <p>Permit applications filed with USACE, DFG and RWQCB, if activity involves jurisdictional waters.</p> <p>Construction/grading completed in accordance with approved, detailed plans and USACE and/or RWQCB permits.</p> <p>Prepare Creek Management Plan to include procedures for on-going maintenance and dredging.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency, Planning Commission)</p> <p>Public Works</p> <p>Public Works Redevelopment Agency</p> <p>Public Works USACE RWQCB DFG</p> <p>Public Works Community Development (City Council, Planning Commission)</p>	<p>Draft development standards and incorporate into revised Conceptual Plan.</p> <p>Review detailed construction/grading plans.</p> <p>Monitor schedule for processing and approval of permits from USACE and RWQCB.</p> <p>Site inspections completed.</p> <p>City/Redevelopment Agency staff initiates following completion of detailed plans.</p>	<p>Prior to approval of Conceptual Plan.</p> <p>Prior to commencement of grading/construction.</p> <p>Prior to commencement of grading/construction.</p> <p>Prior to completion of grading/construction.</p> <p>Following completion of grading/construction.</p>	

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**MITIGATION MONITORING AND REPORTING PROGRAM**  
**Mahon Creek Conceptual Plan (City File # P-96-20)**  
**'B' Street to Hetherington Street on-ramp to Highway 101**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Monitoring and Compliance Record (Name/Date)
<ul style="list-style-type: none"> <li>• The buffer zones shall be planted with non-invasive native species and/or seeded with a native seed mix that is non invasive to the wetland areas. A similar seed mix to that approved in the Andersen Drive mitigation plan will be used (Refer to Appendix D, RMI Report). The wetland buffer zones would be a minimum of 50 feet from delineated wetlands. A 25 foot setback from the top of a creek bank to any structure is required for other areas of Mahon Creek.</li> <li>• The buffer zones shall be designed so as to provide an upland refuge for wildlife during high tidal periods and high flood waters. This value shall be enhanced by planting suitable native shrubs for additional wildlife cover and for increased structural heterogeneity. Examples of suitable native planting species include coyote brush ( Baccharis pilularis), arroyo willow (Salix lasiolepis), coffeeberry (Rhamnus californica), and golden yarrow (Eriophyllum confertiflorum). The San Rafael Shoreline Enhancement Plan provides an additional list of suitable species for consideration.</li> <li>• On-going creek cleaning, maintenance and dredging activities shall be in compliance with Mitigation Measure 4.3-a.</li> </ul>					

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**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Mahon Creek Conceptual Plan (City File # P-96-20)  
 'B' Street to Hetherton Street on-ramp to Highway 101

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Monitoring and Compliance Record (Name/Date)
<p>4.2-f Nesting Waterfowl:</p> <p>Suitably 'dry' months for major grading are May through October. Should any construction activities take place from April 1 through July 31, these activities shall be preceded by pre-construction surveys for nesting waterfowl by a qualified ornithologist. Surveys should be conducted no more than 15 days prior to the start of construction. No construction activities (including vegetation removal, grading, etc.) That would result in disturbance to active waterfowl nests would proceed prior to the surveys. A qualified ornithologist would determine the extent of the construction-free zones around the active nests located near surveys.</p>	<p>Require as a condition of Conceptual Plan approval or incorporate into amendment to Conceptual Plan.</p> <p>Prepare pre-construction surveys for nesting waterfowl, if grading/construction is proposed to take place between April 1 and July 31.</p> <p>Prohibit construction activities while surveys are being conducted.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council, Planning Commission)</p> <p>Community Development Public Works</p> <p>Community Development Public Works</p>	<p>Draft and incorporate condition or plan amendment into staff report</p> <p>Establish a construction calendar, specifically identifying April 1 to July 31 survey periods.</p> <p>Monitor construction schedule.</p>	<p>Prior to approval of the Conceptual Plan.</p> <p>During preparation of final detailed plans.</p> <p>15 days prior to and during construction.</p>	
<p>4.3-a Erosion/Sedimentation from Construction and Maintenance Activities:</p> <p>Implementation of the following mitigation measure will reduce short-term construction impacts to a less-than-significant level.</p> <p>1. The contractor shall control site and season-specific erosion and sediment discharge through implementation of a Water Control/Diversion and Erosion Control Plan. The plan shall outline erosion control techniques/requirements (i.e. hay bales, sand bags, time of construction, etc.) identified by the resource agencies and the City of San Rafael.</p> <p>The City shall develop a long-term maintenance program to identify needed actions to maintain creek capacity and ensure accommodation of the 100-year storm event in the project reach. Procedures for dredging the creek shall be identified in a Creek Management Plan.</p>	<p>Require as a condition of Conceptual Plan approval, or amend Conceptual Plan.</p> <p>Prepare a Water Control/Diversion and Erosion Control Plan.</p> <p>Implement Water Control/Diversion and Erosion Control Plan.</p> <p>Prepare a Creek Management Plan. Plan to include procedures and steps to ensure that the creek continues to accommodate a 100-year storm event. Plan also incorporates a) maintenance access points along creek, b) equipment and method of dredging, c) timing of dredging and d) responsible parties.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency Planning Commission)</p> <p>Public Works</p> <p>Public Works RWQCB*</p> <p>Public Works Community Development (City Council, Planning Commission) RWQCB* DFG*</p>	<p>Draft and incorporate condition or amendment into staff report.</p> <p>City/Redevelopment Agency staff initiates during preparation of detailed plans.</p> <p>City/Redevelopment Agency staff initiates implementation of plan.</p> <p>City/Redevelopment Agency staff initiates following completion of detailed plans.</p>	<p>Prior to approval of Conceptual Plan.</p> <p>Prior to commencement of grading and construction.</p> <p>Prior to commencement of grading and construction.</p> <p>Following completion of grading and construction.</p>	

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**MITIGATION MONITORING AND REPORTING PROGRAM**

Mahon Creek Conceptual Plan (City File # P-96-20)

'B' Street to Hetherton Street on-ramp to Highway 101

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Monitoring and Compliance Record (Name/Date)
<p>4.3-a (Continued) 2. (Continued)</p> <p>The Creek Management Plan shall identify the following:</p> <ul style="list-style-type: none"> <li>A. Access points along the creek;</li> <li>B. Equipment and method of dredging, including sediment control measures;</li> <li>C. Timing of dredging activities (i.e., one time per every two years); and</li> <li>D. Responsible parties.</li> </ul>					
<p>4.3c Construction/Operational -Related Water Quality Degradation:</p> <p>Implementation of the following mitigation measure will reduce water quality impacts to a less-than-significant level.</p> <ol style="list-style-type: none"> <li>1. Implement Mitigation Measure 4.3-a(1).</li> <li>2. Native landscaping which minimize the need for fertilizers and pesticides shall be planted, where feasible. The irrigation of landscaping outside mitigation areas shall be controlled in order to prevent or reduce excess irrigation from discharge into Mahon Creek as nuisance flow.</li> <li>3. Trash containers shall be provided throughout the linear park. A program promoting common area litter control through removal of waste from receptacles on a regular basis shall be established.</li> </ol> <p>Protective vinyl-clad fencing shall be installed along segments of the creek not intended for human access. While the fencing is intended to restrict animals and people from entering the creek, it would also serve to catch debris and garbage.</p>	<p>Require the following as a condition of Conceptual Plan approval and incorporate into plan development standards:</p> <ol style="list-style-type: none"> <li>a) Preparation of a Water Control/Diversion and Erosion Control Plan.</li> <li>b) Establish native plant species list that requires minimal use of fertilizers and pesticides and minimal irrigation demands.</li> <li>c) Require installation of trash containers and signage for trash control.</li> <li>d) Install protective vinyl-clad fencing to catch debris and garbage.</li> </ol> <p>Prepare detailed plans for construction/grading in accordance with approved Conceptual Plan development standards.</p> <p>Construction/grading completed in accordance with approved detailed plans.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency, Planning Commission) RWQCB* DFG*</p> <p>Public Works Community Development</p> <p>Public Works</p>	<p>Draft development standards and incorporate into revised Conceptual Plan.</p> <p>Review detailed construction/grading plans.</p> <p>Site inspections completed.</p>	<p>Prior to Conceptual Plan approval.</p> <p>Prior to commencement of grading/construction.</p> <p>Prior to completion of grading/construction.</p>	

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**MITIGATION MONITORING AND REPORTING PROGRAM**

Mahon Creek Conceptual Plan (City File # P-96-20)

'D' Street to Hetherton Street on-ramp to Highway 101

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Monitoring and Compliance Record (Name/Date)
<p>4.3-d Water Quality Health Hazards:</p> <p>Prior to the development of the step terrace at the edge of Mahon Creek, within Albert Park, the following analysis and test program shall be established to ensure a less-than-significant impact (Note: should access to Mahon Creek be eliminated, no such test program would be required [refer to Mitigation Measure 4.1-b(3)]):</p> <p>1. Background levels of total Coliform and Fecal Coliform within Mahon Creek shall be tested in the immediate vicinity of the "lawn circle" within Albert Park. Should levels exceed state standards, access to Mahon Creek from the "lawn circle" shall be restricted with the use of temporary barriers and signage shall be posted identifying a health hazard. Periodic testing will then occur until acceptable levels have been identified.</p> <p>2. Testing of Total Coliform and Fecal Coliform shall occur immediately following any storm event. Should levels exceed state standards, access to Mahon Creek from the "lawn circle" shall be restricted and signage shall be posted identifying a health hazard. Periodic testing will then occur until acceptable levels have been identified.</p>	<p>City/Redevelopment Agency determines if wading in creek is to be permitted, as required by Mitigation Measure 4.1-b. If wading is to be prohibited, no mitigation is required. If wading is permitted, water quality testing shall be required as a condition of Conceptual Plan approval.</p> <p>City/Redevelopment Agency shall perform initial water quality tests in the immediate vicinity of the "lawn circle" within Albert Park. Testing shall measure background levels of total Coliform and Fecal Coliform.</p> <p>City/Redevelopment Agency shall perform periodic water quality testing in the immediate vicinity of the "lawn circle" within Albert park. Testing shall measure background levels of total Coliform and Fecal Coliform. Restrict access with temporary barrier and signage of health hazard if state standards are exceeded.</p> <p>City/Redevelopment Agency shall perform testing of water quality immediately following any significant storm event. Restrict access with temporary barrier and signage warning of health hazard if state standards are exceeded.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency, Planning Commission)</p> <p>Public Works RWQCB*</p> <p>Public Works RWQCB*</p> <p>Public Works RWQCB*</p>	<p>Present recommendation in staff report prepared for approval of the Conceptual Plan.</p> <p>Initiate water quality testing.</p> <p>Initiate water quality testing.</p> <p>Initiate water quality testing.</p>	<p>Prior to approval of Conceptual Plan.</p> <p>During preparation of detailed plans for construction/grading.</p> <p>Schedule testing for two times/year (July 1 and February 1).</p> <p>Monitor significant storm events during wet (winter) season). Perform tests when needed.</p>	

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**MITIGATION MONITORING AND REPORTING PROGRAM**

Mahon Creek Conceptual Plan (City File # P-96-20)

'B' Street to Hetherton Street on-ramp to Highway 101

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Monitoring and Compliance Record (Name/Date)
<p>4.4-d Design Inadequacies:</p> <p>The Albert Park street closure shall be redesigned to allow vehicles, including single unit trucks and buses, to execute U-turns. The turnaround can be provided in the form of a cul-de-sac, with a 50-foot radius or a three-point-turn area designed to accommodate the largest single unit truck or bus.</p> <p>Prior to the approval of the final Draft Conceptual Plan design, crossing treatment shall be identified for pedestrian and bicycle facilities paralleling Mahon Creek, with special attention to Lindaro Street and Lincoln Avenue. At Lindaro Street, the Andersen Drive extension improvements shall also be reviewed and crossing strategies identified. At Lincoln Avenue, consideration shall be given for the location and control type for the pedestrian/bicycle crossing.</p>	<p>Require as a condition of Conceptual Plan approval and incorporate into plan development standards or amend Conceptual Plan to incorporate the following:</p> <p>a) Redesign Albert Park Lane closure to permit single-unit trucks and buses to make U-turns.</p> <p>b) Turnaround should have a cul-de-sac with a 50 foot radius or three-point turn area</p> <p>c) Establish an appropriately designed pedestrian/bicycle street crossing treatment over Lindaro Street and Lincoln Avenue. Treatment shall include signage and controls, as necessary.</p> <p>As an alternative to the above, Albert Park Lane can be redesigned as a "through" one-way road connecting traffic from B Street to Lindaro Street. A "through" road would eliminate the need for a cul-de-sac or three-point-turn areas.</p> <p>Prepare detailed plans for construction/grading in accordance with the approved Conceptual Plan development standards.</p> <p>Construction/grading completed in accordance with approved detailed plans.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency, Planning Commission)</p> <p>Public Works Community Development</p> <p>Public Works Community Development</p>	<p>Draft condition(s) and draft development standards and incorporate or amend Conceptual Plan.</p> <p>Review detailed construction/grading plans.</p> <p>Site inspections completed.</p>	<p>Prior to approval of Conceptual Plan.</p> <p>Prior to commencement of construction/grading.</p> <p>Prior to completion of construction/grading.</p>	

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**MITIGATION MONITORING AND REPORTING PROGRAM**

Mahon Creek Conceptual Plan (City File # P-96-20)

'B' Street to Hetherton Street on-ramp to Highway 101

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Monitoring and Compliance Record (Name/Date)
<p>4.6-a Concentration of Metals:</p> <p>Due to required grading activities within the creekbank, an Erosion Control Plan shall be prepared prior to the construction of the project. The Erosion Control Plan shall discuss the implementation of Best Management Practices (BMPs) to control the release of soil and sediments potentially containing elevated concentrations of metals in Mahon Creek during the construction of the project and after the project is completed. Best management Practices (BMPs) should have the following objectives and basic strategies:</p> <ul style="list-style-type: none"> <li>• Protect disturbed areas through minimization and duration of exposure. For example, by covering disturbed areas with rolled plastic sheeting or other like material.</li> <li>• Control surface runoff and maintain low runoff velocities.</li> <li>• Trap sediment on-site.</li> <li>• Inspect and maintain control measures through implementation of maintenance and follow-up program.</li> <li>• Minimize the length and steepness of slopes.</li> </ul>	<p>As a condition of Conceptual Plan approval, require the preparation of a Water Control /Diversion and Erosion Control Plan (required by Mitigation Measure 4.3-a). Plan to include Best Management Practices (BMPs), as specified in Mitigation Measure 4.6-a.</p> <p>Prepare Water Control/Diversion and Erosion Control Plan.</p> <p>Implement Water Control/Diversion and Erosion Control Plan.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency, and Planning Commission) RWQCB*</p> <p>Public Works RWQCB*</p> <p>Public Works RWQCB*</p>	<p>Draft and incorporate condition into staff report.</p> <p>City/Redevelopment Agency staff initiates during preparation of detailed plans.</p> <p>City/Redevelopment Agency staff initiates implementation of plan.</p>	<p>Prior to approval of Conceptual Plan.</p> <p>Prior to completion of detailed plans.</p> <p>Prior to commencement of grading/construction.</p>	
<p>The selected contractor shall prepare a Health and Safety plan for construction workers who will have contact with the soil and sediments that could potentially contain elevated concentration of metals. The Health and Safety Plan shall be prepared in accordance with OSHA and Cal OSHA requirements for hazardous waste operations (29 CFR 1910.120 and 29 CFR Title 8, Section 5192, respectively) and any other applicable health and safety standards in effect during construction-related activities.</p>	<p>Require as a condition of Conceptual Plan approval.</p> <p>Complete soil testing to determine extent of contaminated soil. Prepare Health and Safety Plan, if contaminated soils are encountered.</p> <p>Permit applications filed with DTSC and RWQCB.</p> <p>Health and Safety Plan implemented in accordance with DTSC and RWQCB approvals.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency, Planning Commission)</p> <p>Public Works Community Development DTSC RWQCB</p> <p>Public Works Redevelopment Agency</p> <p>Public Works DTSC RWQCB</p>	<p>Draft and incorporate condition into staff report.</p> <p>Initiate soil testing.</p> <p>Monitor schedule for processing/approval of DTSC and RWQCB permits.</p> <p>Site inspections completed.</p>	<p>Prior to approval of Conceptual Plan.</p> <p>During preparation of detailed plans for construction/grading.</p> <p>Prior to commencement of grading/construction.</p> <p>During construction and grading.</p>	

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**MITIGATION MONITORING AND REPORTING PROGRAM**

Mahon Creek Conceptual Plan (City File # P-96-20)

'B' Street to Hetherton Street on-ramp to Highway 101

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Monitoring and Compliance Record (Name/Date)
<p>4.6-b PAH and PCB Downstream Hazards During Construction:</p> <p>The City shall comply with the approved Erosion Control Plan and Action Plan developed for the mitigation area located between Lindaro Street and Lincoln Avenue.</p>	<p>Require as a condition of Conceptual Plan approval.</p> <p>Implement procedures and specifications presented in approved Erosion and Sediment Control Plan and Action Plan for Andersen Drive Extension wetland mitigation plan.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency, Planning Commission)</p> <p>Public Works RWQCB DTSC</p> <p>RWQCB DTSC Fire Department Public Works</p>	<p>Draft and incorporate condition into staff report.</p> <p>Review detailed plans to ensure that approved measures and specification are incorporated.</p> <p>Complete site inspections.</p>	<p>Prior to approval of Conceptual Plan.</p> <p>Prior to completion of detailed plans for construction/grading.</p> <p>During construction/grading.</p>	
<p>4.7-b Public Works:</p> <p>Implement Mitigation Measure 4.3-d. Prior to the approval of the Final Conceptual Plan, the Public Works Department shall ensure that adequate staffing is provided and that sufficient funding is secured to monitor water quality conditions if wading is permitted along the southern portion of the "lawn circle" within Albert Park.</p>	<p>Implement procedures required for Mitigation Measure 4.1-b. If wading in the creek is prohibited, implementation of Mitigation Measure 4.7-b is not required. If City/Redevelopment Agency determines that wading in the creek is to be permitted, adequate staffing must be included in the Public Works Department budget to monitor water quality conditions.</p> <p>Incorporate additional staffing in Public Works Department budget, if deemed necessary.</p>	<p>City of San Rafael Redevelopment Agency Community Development (City Council/Redevelopment Agency, Planning Commission)</p> <p>Public Works</p>	<p>Present recommendation in staff report for approval of the Conceptual Plan.</p> <p>Determination made as part of department budget preparation.</p>	<p>Prior to approval of the Conceptual Plan.</p>	

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