



Protecting Marin Since 1934

May 18, 2012

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Via email

Subject: Regulatory Improvements to Development Review Process

Dear President Kinsey and Supervisors:

The Marin Conservation League notes with interest that the Board is conducting a workshop at its meeting on May 22 to consider regulatory improvements to the County's development review process. Several topical areas are under consideration, with the stated objectives of reducing bureaucracy, achieving a more timely process for reviewing development proposals, and allowing for greater consumer choice and flexibility for permit-related services.

We are particularly interested in the first three areas identified in the staff report: CEQA reforms; permit review efficiencies (several subtopics are contained in these two paragraphs.); and the Countywide Plan – e.g., reexamination of certain programs in the CWP (this paragraph also contains important subtopics).

It is evident that a number of issues identified in the staff report as warranting review have been simmering for some time. At the same time, the coincidence between the recent Lucas withdrawal from Grady Ranch and the current Board initiative is inescapable. Therefore, MCL cautions against linking the proposed review with this most recent case, which was in many respects atypical, if not unique. Grady Ranch deserves its own objective analysis, as free as possible of political and media bias. It should not be presented as a case-in-point in the review the Board is proposing, except to the extent that improved coordination and communication are essential to improved efficiency.

MCL does not deny that periodic review of county procedures is healthy and that, in a time of tightening budgets, procedural efficiencies are necessary. The proposed process of convening a task force representing key interests may be an inclusive way of accomplishing this. Terms like efficiency and "streamlining" also can lead to erosion of public access to decision-making, so we also caution the County on this point.

MCL has made effective use of many, many CEQA documents since the County established its own guidelines in the early 1970s. Even as the application of CEQA has become

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increasingly complex, driven by case law, it has accomplished what no other law before it could – i.e., comprehensive, multidisciplinary assessment of environmental impacts of projects before they could be approved; full disclosure of impacts, mitigations, and alternatives on which to base informed public decisions; and a tool for the public to understand and comment on the technical details of an applicant’s project and to hold elected officials accountable for their decisions. We also acknowledge that one person’s “tool” can be another’s “weapon.” In the long run, however, CEQA has played a positive role in Marin County, it has been well-managed, and has not been abused, even though MCL has not always agreed with EIR conclusions.

The other topics discussed in the staff report also raise questions that MCL will want to pursue further. For example, what are the “certain programs in the CWP” that should be reexamined? How might the environmental assessment process be made “more efficient for proposals designed to avoid or minimize impacts on riparian resources”? What is meant by “consumer choice and flexibility”? We hope that the workshop will begin to clarify the goals of the review and specific issues that are embedded in the staff report.

With these cautionary comments, we encourage you to authorize an advisory committee to consider the general and specific concerns the staff report outlines. At the very least this process will allow a broader public dialogue of county procedures that are often perceived as either politically driven or removed from public scrutiny.

Thank you for the opportunity to comment. Please keep us informed as the process moves forward.

Sincerely,



Susan Stompe
President



Nona Dennis
Secretary