

MARIN CONSERVATION LEAGUE

LAND USE COMMITTEE MEETING, OCTOBER, 2009 DRAFT MINUTES

Committee Chair Nona Dennis called the meeting to order at 8:15 a.m. Present were: Priscilla Bull, Jana Haehl, Randy Greenberg, Karen Nygren, Susan Stompe, Dave Coury, Jean Starkweather, Marge Macris, Don Wilhelm, Doug Wilson, and Joe Kohn.

1. Announcements (items NOT on this Agenda) and Approval of Agenda

1. Susan: A meeting will be held at Hamilton concerning the next phase of Wetland Restoration (Date?)
2. Randy: The Tiburon Town council will meet on October 7 for further discussion of the Martha Company's "compromise" plan (32 Units) for Easton Pt.
3. Joe Kohn announced that he has agreed to serve as President of Calif. Native Plant Society
4. George Ellman has died – a few months following the death of his wife Phyllis. Both were life-long conservationists, former Tiburon residents, and fondly remembered.

2. Draft Minutes of the September 2, 2009 meeting. Approved with one minor typo correction

3. Discussion Items (Current Projects and Actions)

a) Countywide Planning Issues:

- a. Community Marin Update: The next meeting of Community Marin is October 16. The Community Development section will be finalized, to serve as comment at the next Planning Commission (PC) workshop on the LCP, October 26. Karen stated that the "Community Development" draft should add ". . .limits to how much growth can be accommodated" on Page 2, and a note concerning traffic congestion (as a consequence of growth). Some discussion ensued on the difference between planning to reduce Vehicle Miles Traveled, as opposed to improving Level Of Service. Both measures need to be considered, but for different reasons. Dave C. pointed out that between 1995 and 2005, population grew by about 2%, while VMT grew by 17%. According to the Countywide Plan, the two main constraints to growth are water supply and traffic. Randy stated that the draft needs to give more emphasis to urban "open space": articulation of buildings, set-backs, small spaces, etc., that make up community character and vibrancy.
- b. LCP Update. The next PC Workshop (October 26) will deal with Community Development, Visitors, and Design. (November 9 Workshop will consider hold over Natural Communities and Agriculture issues.

- c. County Housing Element Update PC workshops are continuing. Marge circulated a draft Community Marin letter for comment. Thirty sites are listed with maps and current zoning in the County's draft Element. Randy has visited all sites. Some sites are omitted for unknown reasons; commercial sites are not listed. Among the Committee's comments:
 - Some sites are totally rural, too remote
 - “Best” sites: Marinwood, Eagle Rock (with access issues), Marin City, Almonte
 - Criteria should include financing feasibility
 - Some sites are constrained by distance, zoning
 - County and cities/towns should work together, since County's ABAG allocation share is small
 - Sites should avoid floodplains and other environmental constraints
 - Commercial sites should be added for reuse
 - Comprehensive review of sites along 101 and major arterials should be conducted
 - Need for housing should be identified independently (from sites)
 Randy notes that incentives for 2nd units are very strong, but the use of such units as 2nd units is down. She will request a program to track the appropriate use, since the PC has no control (but should have discretion). Note: 2nd Units are not included in ABAG numbers.
 - d. “Square Table” Housing Policy Recommendations These will be presented to the PC on October 12 during Open Time. All participating organizations will be present (with possible exception of Sierra Club, which has not taken formal action).
- b) **650 San Pedro Road FEIR:** Comments on the FEIR are due on October 14. Roger will draft comments to the County. Primary issues are number of units, steep slopes, hydrology and water quality, wetland/pond management, and long-term responsibility for flood management. There is general concern that the development is too close to the wildlife habitats of China Camp.
 - c) **San Rafael Rock Quarry:** The second BOS hearing on certifying the FEIR will be held on October 27. There will be one more hearing in early 2010. MCL supports the San Pedro Road Coalition request for a Reduced Alternative, which would reduce the intensity of quarry operations and halve the number of truck trips, but extend its operating life.
 - d) **Whaler's Hotel, Manzanita, Sausalito (Jack Krystal):** The applicant came in to the county CDA with a revised plan on September 25, prior to September 29 BOS hearing involving action on enforcement to abate illegal uses of the site. (The BOS must revoke Krystal's pending permit in order for site abatement to be enforced; an unofficial agreement allowed him to avoid site abatement while his permit application was pending.) The BOS did not take enforcement action. Rather, they decided to allow the applicant to pay new fees and complete a revised application. The “new” plan comes a

little closer to square foot and height limitations. However, underwater lands and streets are used to calculate the s.f.; and buildings are placed within a few feet of the tidal marsh. The applicant and attorney are working with County Counsel to resolve legal issues.

- e) **Skywalker Properties, Ltd, Precise Development Plan:** No news on completeness of application.
- f) **Marin Breen BERST (Building, Energy Retrofit, and Solar Transformation) Collaborative:** Roger Roberts and Tim Rosenfeld are participating on the Technical Advisory Committee. Don Dickenson is a member of the Task Force (policy). Ongoing - no report at this time.
- g) **Alta Robles, Paradise Dr. Tiburon.** The Town has closed public review on the DEIR. Comments were due and submitted by MCL on October 5. There are numerous environmental issues: residences within ridgeline setbacks, 18 landslides to be repaired, four special status species, and significant view impacts. The MCL comment letter noted that there should be a Reduced Project Alternative, which would require recirculation of the DEIR.
- h) **Easton Pt (Martha Company), Tiburon.** The DEIR, under County jurisdiction, is in process and will go to the PC for an advisory hearing only, according to terms of the 1976 settlement. Tiburon Town council is meeting October 7 to consider the applicant's compromise plan of 32 units. A major issue is location of a "temporary" construction access road on a major ridgeline, which could remain in place for as long as 10 years, or for 70% of the construction.
- i) **Commons at Mt. Burdell, Novato:** The N. Marin Unit of MCL developed comments to submit to the City for the Scoping session held on October 5. Concerns include the mass of the project (the developer says he will "go underground" to reduce mass), traffic, on-site systems for treatment of graywater and wastewater. The project proposes 150 dwelling units, of which 20% would be affordable (the Commons Collaborative is requesting 40%). The project also includes a hotel and commercial uses.
- j) **Novato General Plan Update.** The N. Redwood Blvd. Plan has generated considerable interest. The N. Marin Unit would like support from MCL on six points/issues: 1) No Big Box stores; 2) Encourage mixed use; 3) Consider 4th Street, Berkeley, as a "model" to create sustainable (walkable) character; 4) Do not displace public agencies (?); 5) Limit reconstruction to minor changes only; 6) Consider including a hotel.
- k) **San Geronimo Valley Salmon Enhancement Plan (SEP):** The County's consultant produced the SEP as part of the agreement between SPAWN and the County to evaluate cumulative impacts of development on salmonid habitat in the watershed. A 2-year moratorium on building permits is in effect. The Plan contains many useful

recommendations for restoring habitat and controlling damaging uses in the watershed, especially in the SCA, but it contains no “teeth,” i.e., it needs to be supported by a Riparian Tree Ordinance or similar. A second meeting on the SEP will be held on October 15 in the Lagunitas School, 7:30. Property Rights opposition to the Plan has developed in the Valley. The Plan concerns resources of countywide significance and therefore needs MCL support. MCL issues are largely related to the effect of land use practices in the watershed (e.g., impervious surfaces, failing septic systems, dirt roads), not just within the SCAs.

l) Transportation Issues:

- a.** Marin-Sonoma Narrows project continues, largely out of public view. Design is going on, but it is not clear where the environmental process is at this time, following submission of comments on the FEIR/EIS. We can assume that a Notice of a Record of Decision will be published in the Federal Register.
- b.** Greenbrae/101 Interchange project has raised a number of issues. The Town of Corte Madera opposes closing Madera Blvd. and supports Northbound Alternative E (Wornum Drive). Scoping for the EA will be in November, with comments due November 30. Karen questions the statement of Purpose and Need. We will discuss this at the November Land Use meeting. Jana will frame some of the points for discussion.
- c.** TAM’s involvement in planning land uses around future SMART stations has raised some questions about the extent of their encroachment into the traditional domain of local Planning agencies, and whether TAM resolutions will “trump” the plans and zoning of local jurisdictions. The City of San Rafael has applied for a planning grant to plan around the future SMART station, but it will control growth through current zoning.
- d.** Tennessee Valley/Manzanita Non-motorized Pathway was discussed briefly. We will look closely at possible wetland loss and the nature of mitigation for a path that will upgrade the existing Tam Valley Hike and Bike Trail to ADA compliance and add a boardwalk and a bridge walkway.

The meeting was adjourned at 10:40

Minutes by Nona Dennis

Next meeting: November 4, 2009