

MARIN CONSERVATION LEAGUE

LAND USE COMMITTEE MEETING, NOVEMBER 4, 2009 DRAFT MINUTES

Committee Chair Nona Dennis called the meeting to order at 8:10 a.m. Present were: Priscilla Bull, Jana Haehl, Randy Greenberg, Karen Nygren, Susan Stompe, Dave Coury, Jean Starkweather, Marge Macris, Don Wilhelm, Doug Wilson, Roger Roberts, Kathy Lowrey, and Alan Bortel.

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

1. Marge: The Sierra Club, Bay Chapter Conservation Committee is having a meeting on SB 375, Thursday, November 5, at Club offices in Berkeley, 7:15
2. Nona: TAM is holding a Workshop on planning for TOD, Saturday, Nov. 7, 8:30-2:30
3. Changes to agenda: Transportation items will be discussed first, before Countywide Planning Issues.
4. Marge Macris has agreed to take over chairing the MCL Land Use and Transportation Committee. No one has yet volunteered to take minutes.

2. Draft Minutes of the October 7, 2009 meeting. Approved with one minor typo correction, and addition to Item j (Novato General Plan Update): “The consensus is that MCL support the N. Marin Unit’s recommendations for the North Redwood Blvd Plan.”

3. Discussion Items (Current Projects and Actions)

- a) **Greenbrae/Twin cities Corridor Improvements:** After many months of workshops that considered options for northbound (NB) and southbound (SB) alternative configurations, TAM is soliciting scoping comments for an EIR that will be prepared with CalTrans as the lead agency. Don W. is drafting a scoping letter, due to CalTrans November 30, to include:
 - a. The “Needs” section of the EIR should add several additional needs: 1) Reduce GHG emissions; 2) Reduce weaving in problem area between Sir Francis Drake (SRD) and Lucky Drive ; 3) Reduce stacking on off-ramp to SFD, NB; 4) Improve operations on SFD both east and west of intersection with 101; 5) Bus transit and passenger on and off-loading operations; 6) protect environmental resources
 - b. Two alternative alignments should be considered in the EIR for the multi-use pathway, east of 101 between Wornum Drive and C.M. Creek. Jana outlined the alternatives on a large map of the area – one alternative would be a Class I path following the northwest side of Shorebird Marsh to join the existing path on the former railroad ROW; and the other would be a Class I or Class II path, following Redwood Blvd. to turn right on Industrial Way, then to join the ROW at the end

of Industrial Way. Each alternative has advantages and disadvantages (impacts), requiring mitigation, and both should be studied in the EIR. In either case, the path eventually would connect with the Central Marin Ferry Connector, planned for the north side of the Creek to the Ferry Terminal and Cal-Park Tunnel. The Connector project should be considered under cumulative impacts in the EIR, even though TAM considers the two pathways to have “independent utility” for environmental purposes. Other topics for the EIR should include a three dimensional model to make it easier to visualize the alternative SB phases and options, and NB configurations, and traffic impacts on local streets

b) Countywide Planning Issues:

- a. Community Marin Update: The next meeting of Community Marin is November 20. The Community Development section will be finalized, and the draft Parks and Open Space section (Susan) will be reviewed. Next draft section up for review: Community Services (Roger).
- b. LCP Update. Priscilla presented Community Marin comments at the October 26 PC Workshop, which concerned Community Development, Visitors, and Design issues. The November 23 PC Workshop will consider hold over Natural Communities and Agriculture issues.
- c. County Housing Element Update. PC workshops are continuing. Thirty sites are listed with maps and current zoning in the County’s draft Element. As summarized in the October LU Minutes, there aren’t any really viable sites on the list. The focus should be on already developed sites for reuse for affordable housing.
- d. “Square Table” Housing Policy Recommendations. The recommendations were presented to the PC on October 12. The group met on October 30 and agreed to disband, having successfully completed the task it undertook six months ago.
- e. Meetings with Supervisors. The meeting with **Susan Adams (October 21)** focused on: 1) the scheduled BOS Workshop (Nov. 3) on Trail conflicts on MCOSD open space preserves. She is concerned about bikers’ sense of entitlement and prefers to proceed with the Trails Planning process, scheduled to begin in January. Trails planning should be coordinated with Vegetation Management planning, currently in progress. MCL Parks and Open space committee is working on this issue; 2) The San Rafael Rock Quarry – she is working with the San Pedro Road Coalition toward a Reduced Alternative, which MCL supports. The Committee reviewed the history briefly. A number of mitigations could reduce the impacts of the operation on the neighborhood: ongoing air quality monitoring and an epidemiological study of possible cancer clusters, limiting blasting hours, covering the processing area, shift to more barging (as opposed to trucking), reducing hours of operation, stricter enforcement and fines for violations, and delaying reclamation activities until the cessation of mining operations. The meeting with **Judy Arnold (October 26)** focused on the upcoming BOS Trails Workshop – she has seen the MCOSD staff

power point presentation and feels it gives thorough background information and lays out options to resolve conflicts (“Steve is interested in resolving conflicts; Charles is interested in opening up more trails to bikes.”) She discussed wetland mitigation options for the Marin-Sonoma Narrows 101 Improvements. The meeting with **Hal Brown (October ?)** concerned the Quarry and the Trails Workshop. Hal thinks some “air has to be let out” of the bike “pressure” for greater trail access – e.g., by allowing some safe solution, such as an area of exclusive use, or other policy option. He is aware of the quarry issues. We reminded him that it is the combination of the mining operations with concurrent reclamation activities that is the basis for cumulative impacts, and that the reclamation planning could be deferred to a later time so as to reduce some of the dust impacts on the neighborhood. Nona will send a memo to Aide Katie Rice to that effect.

- c) **San Rafael Rock Quarry:** (See also Susan Adams’ meeting above) The second BOS hearing on certifying the FEIR was held on October 27. Hearings on the merits will not take place until spring 2010. MCL testified at the BOS hearing that we support the San Pedro Road Coalition request for a Reduced Alternative, which would reduce the intensity of quarry operations but extend its operating life.
- d) **650 San Pedro Road FEIR:** MCL submitted comments on the FEIR to the County on October 14. The PC will have a hearing to consider FEIR certification on Dec. 14. The project may be on hold for economic reasons.
- e) **Whaler’s Hotel, Manzanita, Sausalito (Jack Krystal):** The BOS gave staff direction to rescind Krystal’s interim use permit and 90 days to develop a new list of potential interim uses while the development permit application is still active. For 90 days, Krystal has, in effect, no interim use permit. In the meantime, Krystal’s revised plan comes a little closer to square foot and height limitations, but is still not in conformance with applicable plans.
- f) **Marin Green BERST (Building, Energy Retrofit, and Solar Transformation) Collaborative:** The draft ordinance, to be written, will cover only single family residences. Some cities are reluctant to sign on without further local discussion on standards and the ability to use their own benchmarks. Bob Brown is going to visit cities (e.g., Novato) to “sell” the idea of an ordinance based on a common template. (See also Board Minutes, October 20).
- g) **Alta Robles, Paradise Dr. Tiburon:** Because of the numerous environmental issues and failure of alternatives to address them, the EIR consultant will be revising the DEIR and the Town will recirculate.
- h) **Easton Pt (Martha Company), Tiburon.** Randy G. reviewed the history of the stipulated judgment which would allow 43 units on the property. The DEIR, being

prepared under County jurisdiction, covers the 43 units and currently is in process. It will have a 30-day review period and go to the PC for an advisory hearing only, according to terms of the 1976 settlement. In the meantime, the Town has agreed to a compromise plan presented by the owners (Martha Company) which calls for 32 units rather than 43. The residences would range in size from 8,000 s.f. up to 15,000 s.f. There is no guarantee that the property will be annexed as approved by the Town.

- 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, and the DEIR is in process and is due for public review in mid 2010.
- j) **Novato General Plan Update.** The General Plan process is moving very slowly. No action to report. A group will conduct a walk through the N. Redwood Blvd Area.
- k) **San Geronimo Valley Salmon Enhancement Plan (SEP):** The SEP was the subject of a well-attended meeting on October 15 in the Lagunitas School (300 + attendees), chaired by Steve Kinsey. Property rights opposition to the Plan was heavily represented, with the frequently voiced request for local representation if an ordinance is to be drafted to implement SEP recommendations for a riparian buffer. The 2-year moratorium is up February 7, 2010. It will not be possible to draft an ordinance in that time frame. The BOS will hold a hearing to “accept” the report, but will then have to determine which of the recommendations to implement. The first task will be to interpret all existing ordinances and enforce them! SPAWN will determine if the County’s actions fulfill the tolling agreement entered into in early 2008, or whether to request an extension.
- l) **Emergency Operations Facility (EOF), Civic Center, Draft EIR.** A Public Notice for the County is out, requesting scoping comments for the DEIR to be submitted to the County by November 24. A PC hearing will be scheduled. Nona agreed to prepare a scoping letter.
- m) **Wind Energy Conversion Systems (WECS) Draft Ordinance and Neg. Dec.** Roger is working with Tim Rosenfeld and Peter Asmus to prepare comments on the both the Initial Study/Neg. Dec. and the Draft Ordinance. Comments are due November 12, and a hearing before the PC will be scheduled.
- n) **Gross Field runway Extension DEIR/EIS.** The document will be out for public review in early December.
- o) **Tennessee Valley/Manzanita Nonmotorized Pathway Neg. Dec.** MCL submitted comments on the Neg Dec. that were critical on several points: the lack of any less damaging alternatives; the failure to make a Mandatory Finding of Significance, in that the project is constructed in tidal wetlands and could have significant impacts on marsh habitat; lack of adequate mitigation for intensified use of the trail (the 20 mitigations

listed are all related to the construction phase only). Apparently the project has a lengthy history what was not apparent in the Neg. Dec. It has been the subject of considerable study several years ago, as one of the list of projects funded by a federal Nonmotorized Transportation Pilot Project grant to Marin County for 25 million dollars. It was the last of the infrastructure projects to be designed under the grant. It is a multiuse pathway that is also ADA accessible, and includes among other segments, 900 feet of elevated boardwalk, supported by 224 twelve-inch pilings driven into a tidal marsh some 15 feet in depth. The general opinion is that it is a massive project for its basic transportation purposes.

The meeting was adjourned at 10:30

Minutes by Nona Dennis

Next meeting: December 2 , 2009