

Kentfield Planning Advisory Board

P.O. Box 304, Kentfield, California 94914

Minutes of October 10, 2018

Anne Petersen called the meeting to order at 7 p.m. in the COM Student Center and in Powell River, BC, Canada. Other board members also present: Bitsa Freeman, Ross McKenna, Neil Park (via speaker phone).

Minutes of Prior Meetings. M/S (Bitsa/Neil) and unanimously agreed to approve minutes of May 9, 2018 and September 26, 2018.

Marin Catholic Temporary Use Permit (Christine Gimmler)

(Guests: George Baranoff, Mike Bentivoglio, Ted Canon, Drew Gordon, Brendan Fogarty, Steve Jaffee, Christine Jennings, Scott Marshall.)

The board reviewed this application for a temporary use permit to allow the use of a temporary lighting system on Marin Catholic High School's outdoor football field during evening weekday football practice for five weeks, November 4, 2018 through no later than December 14, 2018, on weekdays from 5 to 7 p.m.. The lighting system would be comprised of four 30-foot high mobile gas-powered light towers placed at 90-foot intervals along the northeastern edge of the field area, each tower supporting four elliptical light fixtures providing 5-foot candle illumination over an approximately 13,000 square foot area.

Anne reported on a conversation with Planner Christine Gimmler, in which Christine clarified that the lights have been used without a permit for several years and the County has deemed that use of the temporary lights requires a permit.

Two letters were received: one from Mark Epstein of Greenbrae requesting additional information on the project and opposing use of the lights, the second from Brendan Fogarty with comments on the proposed project. Both letters are included with these minutes as part of the meeting record.

There were several comments from guests including the following:

- Mr. Gordon said that the lights have been in place for years, typically gas-powered, and the school's position is that they were not doing anything unlawful and have a right to the lights.
- Mr. Fogarty stated that the use has been unlawful.
- Ms. Jennings stated that she feels good about students participating in youth sports.
- Mr. Jaffee stated that project impacts would especially adversely affect people living on streets that look down on the school.

Board comments generally focused on potential impacts from lighting and noise from the generator. Members noted the following:

- Parking might not be significantly different with or with the lighting permit.
- The new bleachers reflect the light from the towers differently than the former seating would; they appear to be of a lighter colored material. The lights also face away from Sir Francis Drake Blvd and toward the bleachers.
- Although noise from activities during the early evening hours has existed, it has not been permitted.

- Impacts from the project would be different for Marin Catholic, which sits in a valley with homes located in the hills overlooking the school, than they would be for other schools which are located on a flat landscape.
- There is an obligation to make a finding that there would be not detriment to neighbors from the project.

Several speakers suggested that options for lighting other than the gas generator be explored.

Recommendation. M/S (Bitsa/John) and approved (4 to 1) to recommend that the temporary use permit be granted for one year only, to be reconsidered after the first year, and that during the time when the lights are in use as described in the application that studies are conducted to determine impacts from noise and light glare.

In addition Mr. Bentivoglia said that Marin Catholic was willing to explore other options for electrical lights and the generator.

Reports and Other Business. 1) Supervisor Rice will hold a Kentfield/Greenbrae community meeting on Saturday, October 20, 10 a.m. in the Kent Middle School Library. 2) The KPAB October 24 agenda will include updates from Kentfield School Superintendent Liz Schott and COM Administration VP Greg Nelson.

[Note: Immediately following this meeting board members learned that U.S. Army Corps of Engineers (USACE) Corte Madera Creek Flood Risk Management Project Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was scheduled to be released on October 12 for a 45-day comment period, ending on November 27, 2018. This is the program that would include flood control projects in Ross, Kentfield, and Larkspur.]

The meeting was adjourned at 8:15 p.m.

Minutes: Ann Thomas

Mark W. Epstein
23 Almenar Drive
Greenbrae, CA 94904
(415) 867-2401 – mwe@sezalaw.com

October 9, 2018

Dear Ms. Gimmler, Ms. Petersen, and Ms. Thomas:

By way of introduction, I live on Almenar Drive and am able to see the football field at the Project Site. I have been impacted by Marin Catholic's unpermitted use of temporary lights for years. My understanding had been that the school had permits for this temporary usage in the past. I learned that the school did not have permits for this temporary usage in 2016. Despite the fact that the school knew it did not have permits, this unpermitted usage continued in the fall of 2016 and 2017, a knowingly improper act by the school. I have attached pictures of these temporary lights that can be seen from my home.

I recently learned that KPAB will have a meeting about the Application on 10 October 2018. I would like this letter to become part of the record for this meeting as I am unable attend.

The following comments address the completeness issue of the application for a temporary use permit ("Application") at Marin Catholic High School ("Project Site"). The Application should be deemed incomplete in order to address the following issues.

First, the Application describes the use of four "gas-powered light towers". The Application does not provide any information regarding the level of noise that would be created by the simultaneous use of four of these devices at the Project Site. Without this information, it is unclear the extent to which the proposed use of the "gas-powered light towers" would comply or not with County guidelines as well as potential impacts on the wetlands adjacent to the Project Site.

Second, the Application should show that it complies with all relevant County Ordinances. For instance, County Ordinance No. 3431 related to construction equipment usage states that normal hours of operation Monday through Friday are 7 am to 6 pm. The Application does not describe whether it complies with Ordinance 3431 or not. The Application should also state the extent to which the proposed usage would not comply with any relevant County Ordinances or Codes.

Third, the Application does not provide any information regarding potential glare created by the "gas-powered light towers". Again, without this information, it is not possible to assess potential impacts on neighboring properties, the adjacent wetlands, or other wildlife.

Fourth, the Application does not describe any parking or traffic analysis related to the project. During the proposed temporary usage window, Marin Catholic has scheduled to host men's varsity basketball games on November 20, 21, and 27 as well as December 5 and 7, 2018. Marin Catholic has historically stated that approximately 1,000 people often attend these games.

The combination of hosting football practice and men's varsity basketball games at the same time may create additional traffic and parking issues. This issue should be addressed.

Fifth, the Application does not describe a need for this additional use. For instance, the sunset is at 6:10 PM on 2 November 2018, the last Friday prior to daylight savings time. It is unclear why artificial lighting is necessary until 7 PM after the time change when just prior to the change the natural light was only available until 6:10 PM. The Application appears to propose an expansion of use that is not simply tied to the time change and would therefore increase the intensity of usage at the Project Site. The Application should clearly state why artificial lighting should extend beyond this time.

Sixth, the Application should describe mitigation steps, if any, to reduce the impact of noise, traffic and light impacts related to the proposed project.

In summary, the Application should be deemed incomplete. Without this information, it is unclear how the County could reasonably address the merits of the Application. As Marin Catholic appears to have this same issue every year, it is far from clear that this is really a "temporary" usage at all. Rather, the continued "temporary" usage described by the Application has the potential to have long-term impacts on neighboring properties and wildlife. The application comes on the heels of several years-worth of knowingly improper use of the lights.

Thank you for your consideration of these comments.

Sincerely,



Mark W. Epstein

To: KPAB; Christine Gimmler, Project Planner for Marin County

Date: October 10, 2018

Re: App. for Temp. Use Permit for Field Lights at Marin Catholic (P2153)

Dear KPAB Board Members and Ms. Gimmler:

I read an article in the *Marin IJ* today about Marin Catholic's application for a temporary use permit for lights at its football field. In bullet points below, I respond to several statements in the article.

1. *Marin IJ*: "Navone said the school submitted the application for the use permit at the request of Marin County's Community Development Agency "in a spirit of cooperation." "

- The application is required. It does not show "a spirit of cooperation."

2. *Marin IJ*: "We believe we have the right to use those lights and always have," Navone said. "It's a continued use." "

- The previous use of temporary lights appears to have been unlawful. There is no "right" or entitlement to use them.
- Marin Catholic must follow the correct procedures for any use of temporary lights to be legal.

3. *Marin IJ*: "We are subject to the county like any private institution," Navone said. "That is where the inequity sits." "

- There is no unfairness by the County in requiring Marin Catholic to follow the law and apply for a temporary use permit, although public schools do not have that legal requirement.

4. *Marin IJ*: "Marin Catholic withdrew that [prior] application after senior planner Jocelyn Drake deemed it incomplete and recommended that the Planning Commission deny it."

- The County should look at its recommendation on the prior permanent lights application, for any applicability to the current application.

Thank you for considering my points.

Brendan Fogarty, Greenbrae