

**County of Marin  
Regulatory Improvements Advisory Committee  
Notes from Meeting 5**

**Meeting Date/Time:** February 21, 2013, 1:30 – 3:30pm

**Location:** Marin County Civic Center, Administration Building, Rm 410B

**Attendance:**

**Committee Members:** Charles Ballinger, Bob Brown, Nona Dennis, Elida Doldan-Schujman, Robert Eyler, Wade Holland, Klif Knoles, Kim Thompson, Jan Alff Wiegel

**Other:** Brian Crawford (CDA Director), Debra Stratton (CDA Senior Secretary), Scott Alber (Fire Marshal, Marin County Fire Department), Henry Pontarelli (Lisa Wise Consulting, Inc.), Jeremy Tejirian (CDA Planning Manager), Eric Steger (DPW)

**Meeting Summary:**

Following a presentation (PowerPoint) by CDA Senior Planner Kristin Drumm on the Marin Countywide Plan, the RIAC meeting started with statements (Ballinger) about how the discussion on CEQA from the last meeting (#4) was not resolved, “fell flat.” It was indicated at the last meeting that the EIR process can be completed in six months in the Central Valley and it takes two years in Marin. Speculation on why revolved around Marin being a more litigious environment due to the education level and “preparedness” of residents. It was suggested that not many EIRs have been undertaken of late in Marin County, and the few that have receive heightened attention. It was also postulated that the EIR threshold in Marin was such that where other communities might engage in an ND or MND, Marin developers/stakeholders opt for an EIR to avoid litigation. Crawford added that the process was **hampered by response to comment obligations and the ability of the public to make comments after the 35-45 day comment period.** The newly formed “Citizen Marin” was offered as an example of a Marin community group and their ability to mobilize, organize, and articulate. It was speculated that communication and not the process needed to be improved.

A few recommendations were offered, including **making the pre-application review mandatory and finding a means to bring stakeholders together early in the process.** The rail transit and Highway 101 improvement projects were used as examples of not engaging citizens early enough. Holland cautioned that we really don’t have the facts on how long the process takes in other places and if we are comparing apples and apples.

**Some consensus was reached on the concept that the public needs to be brought in early, needs to be better informed, and that the review process needs to be improved.**

It was also voiced, that the CWP, CEQA, and the code are complicated and the public does not want “complicated.”

Comments from Knoles and others pointed to the **County having a “closed” culture and that they should view their role as helpful, guiding, and a solution provider...more projects should be approved**

**at the counter. The County is currently viewed as a difficult partner, rigid, and prone to saying “no” or sticking to regimented responses like “it takes five weeks” regardless of the complexity of the task.**

Discussion then turned to concerns that the RIAC lacked consensus so far and may not have “product” to present at a public meeting.

Dennis pointed out that it is the **nuts and bolts of planning, the remodel, and the additions that the public is interested in, not CEQA**. Property owners and practitioners should be targeted, not necessarily the general public.

Perhaps the County could consider additional staff, a **permit liaison** to walk applicants through the process. This was mentioned once more at the meeting, a dedicated staff member to assist applicants (**concierge**).

Knoles pointed out the issues from his constituents’ perspective were **time, money, and communication, and the problems hinged on the County’s culture of making the process more difficult and not acknowledging the applicants’ efforts or perspective**. Such a system, he claimed, pushes people to non-compliance. **Projects that comply at some level should be expedited.**

While the Fire Department has very detailed standards on sprinkler systems, driveways, etc., applicants still need assistance to get through the process.

The Building Department is working on many important and germane planning issues that the RIAC should understand better: **streamlining the process, providing options for express permitting, overtime for County employees, online applications, etc.**

One of the things slowing down the review process is **inter-agency communication/cooperation**. The Committee should consider recommending a **designated time and/or day where certain types of projects can be brought to the desk and appropriate staff would be on hand for concurrent review**.

It was recommended that a subcommittee (Kim Thomson, Klif Knoles) meet with Bill Kelley to figure out what has been implemented and what could be supported by the RIAC. The subcommittee would report back to the full Committee.

Dennis reiterated/mentioned that 95% of permitting/development does not reach the CEQA level. The level of discussion that Tom Lai discussed is not possible for the RIAC to address, inappropriate (except maybe the discussion on mixed use). **The RIAC can’t fight on the CEQA/EIR level.**

The County will create an agenda for the March 7 public meeting and distribute it to as many citizens as possible, through the website, contact list, and the list of 1,500 Builder’s Association members (of which only 5% are “developers”).

It was agreed that the County should work with LWC to develop a simple survey that could be used at the public meeting and then distributed more widely to solicit comments on the development review

process, what is working well, and what is not. LWC and the County agreed they would develop the survey and pass it to the Committee for review and comment.

### **Meeting Highlights**

The following comments made by RIAC members identified priorities on what they perceived as problems or opportunities in the development review process in the County. These should be considered to inform the development of the final report.

- The development review process was hampered by CEQA's intrinsic nature and the ability of the public to make comments after the 35-45 day comment period.
- Consider making the CEQA pre-application review mandatory and bring stakeholders together early in the process.
- The public needs to be brought in early and be better informed, and the review process needs improvement.
- The County should view its role as helpful, guiding, and a solution provider...more projects should be approved at the counter.
- It is the nuts and bolts of planning, the remodel, and the additions that the public is interested in, not CEQA.
- Consider providing a permit liaison or concierge, who could walk applicants through the process.
- From the Home Builders perspective the priority issues are time, money, and communication and the problems hinge very much on the County's culture of making the process more difficult and not acknowledging the applicants' efforts or perspective. Such a system pushes people to non-compliance. Projects that comply at some level should be expedited.
- It was pointed out that in the third meeting, Bill Kelley brought up many important and germane strategies for improving the development review and approval process that the RIAC should consider, such as providing options for express permitting, overtime for County employees, online applications, etc. (day-to-day vs. the CEQA process). The County has made and is in the process of making many of these improvements.
- Knoles stated that he is not interested and feels he doesn't need to know about the CWP document or process. Crawford countered that many of the CWP policies affect the review process, and that the Committee should be aware of these policies.
- One of the things slowing down the review process is inter-agency communication, cooperation or lack of it/conflict. Crawford offered that a recommendation might be a "designated time

and/or day when certain types of projects can be brought to the desk and appropriate staff would be on hand to provide concurrent review.

- Most permitting/development applications do not reach the CEQA level. So, this may not be the best area for the RIAC to focus.