

SPECIAL JOINT MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS AND THE MARIN COUNTY PLANNING COMMISSION HELD TUESDAY, SEPTEMBER 28, 2004, AT 3:09 P.M.

PRESENT: SUPERVISORS Susan L. Adams, Harold C. Brown, Jr., Annette Rose, Cynthia L. Murray, Steve Kinsey, President

PRESENT: COMMISSIONERS Steve Thompson, Hank Barner, Randy Greenberg, Don Dickenson, Jo Julin, Wade Holland, Allan Berland, Chairman

The Special Joint Countywide Plan Workshop of the Marin County Board of Supervisors and the Marin County Planning Commission convened at 3:09 p.m.

23a. OPEN TIME

No member of the public addressed the Board or Commission at this time.

23b. JOINT COUNTYWIDE PLAN PUBLIC HEARING AND WORKSHOP FOR THE BOARD OF SUPERVISORS, THE PLANNING COMMISSION AND THE PUBLIC TO REVIEW INITIAL RECOMMENDATIONS BY THE PLANNING COMMISSION TO THE DRAFT MARIN COUNTYWIDE PLAN (CWP) RELATED TO THE PROJECT DESCRIPTION TO BE EVALUATED IN THE ENVIRONMENTAL IMPACT REPORT (“EIR”)

Community Development Agency Director Alex Hinds summarized the recommendations contained in the staff report dated September 28, 2004, regarding the above-captioned matter. Mr. Hinds recommended that the Board and Commission conduct a public hearing and workshop to discuss the key issues and initial Planning Commission recommendations, and provide comments and general direction to assist in the California Environmental Quality Act (“CEQA”) review process.

The meeting was opened to receive public comment.

Nancy Gates, West Marin Ranch Owner, asserted that the Countywide Plan (“CWP”) infringes upon private property rights and creates burdensome regulations impacting agricultural sustainability and briefly commented on the limited participation of agricultural landowners in the various CWP working groups.

Bobbi Kimball, Bolinas resident, commented on the Built Environment Element emphasizing the importance of community plans, urged the incorporation of language into the CWP reflecting the significance of community plans and recommended periodic review of community plans and the CWPs incorporation of specific land use policies into future revisions of the Local Coastal Program.

David Kimball, Bolinas resident, briefly commented on the Built Environment Element commenting on developing “transit-oriented urban villages” and suggested that the draft CWP strengthen its public transportation plans and related incentives and expressed support for rezoning commercial space in the City-Centered Corridor to mixed use residential.

Betty Pagett, concerned resident, discussed components of the Socioeconomic Element and commented on what she viewed as the draft CWPs limited treatment of addressing the various needs of seniors, the disabled, very low-income seniors, very low-income working families, the homeless and those at risk of homelessness.

Katie Crecelius, representing the Marin Housing Council, reviewed the contents of a letter dated September 27, 2004, submitted by the Council's Co-Chair regarding affordable housing.

Marge Macris, representing the Sierra Club Marin Group, expressed concern regarding the additional amount of commercial development projected in the Plan without a corresponding analysis of the related environmental impacts.

Perry Newman, President of League of Women Voters of Marin County, submitted a letter dated September 28, 2004, outlining the League's major concerns related to what the League views as an imbalance between environmental interests and the needs of the economic and social equity interests.

Elissa Giambastiani, San Rafael Chamber of Commerce CEO, commented on various aspects of the Socioeconomic and Built Environment Elements of the Draft Plan, asserting that the Draft CWP is not balanced among the three Elements specifically commenting on the limited treatment given to affordable housing and transportation congestion. Ms. Giambastiani concluded her remarks urging inclusion of the St. Vincent's/Silveira Advisory Task Force ("Task Force") recommendations into the Plan.

Dave Coury, concerned citizen, expressed support for an Affordable Housing Overlay Zone and expressed his hope that the Overlay Zone would include mixed-use, commercial and residential.

Allan Bortel, Marin County Commission on Aging member, submitted a letter outlining his thoughts on why the St. Vincent's/Silveira property is an appropriate site for a senior residential facility.

Jim Stark, representing St. Vincent's School for Boys, introduced the next four speakers.

Brian Cahill, Catholic Charities Catholic Youth Organization ("CYO") Executive Director, emphasized that the viability of the St. Vincent's School for Boys is based on the economic returns from the St. Vincent's properties, commented on the previous work of the St. Vincent's/Silveira Advisory Task Force and other public policy formations and collaborations relative to the St. Vincent's/Silveira properties and concluded his remarks urging the Board to request the City of San Rafael to retain the St. Vincent's/Silveira properties as part of its planning area.

Mike Merryvich, former Executive Director of CYO, read a letter into the record on behalf of Father Tom Daly, urging that the Task Force recommendations be embraced to allow for the development of a portion of the St. Vincent's property.

Steve Gordon, CYO Board of Trustees Member, expressed concern as to how the St. Vincent's property owners and the Silveira Family have been treated.

Steven Kostkaa, attorney, representing St. Vincent's, briefly commented on St. Vincent's efforts to work with the City and the County relative to the development of the property, recommendations made by the St. Vincent's/Silveira Advisory Task Force, and efforts to restrict reasonable economic use of the property. Mr. Kostkaa concluded his remarks urging the County to encourage the City of San Rafael to retain the land use policies in the city's current General Plan and to implement the results of the planning process that the County and City agreed to and that St. Vincent's relied upon.

Jim Stark concluded the presentation from the St. Vincent's representatives expressing concern regarding the extensiveness of the proposed Bay Corridor, the restrictions on new development on the St. Vincent's property being limited to 5% of the land and the proposed ratio of affordable housing on the property; asserting that extraordinary burdens are being placed on the St. Vincent's site and their non-profit organization.

Irving Schwartz, representing the Silveira Family, briefly commented on the planning history of the Silveira property, commented on the Silveira's participation in various planning processes, and urged the Board and Commission to respect the Silveira's property rights and to demonstrate their commitment to a fair and balanced treatment of the Silveira family.

Hank Levin, Santa Venetia resident, expressed support for the recommendations contained in the September 28, 2004, staff report relative to additional options for the Baylands Corridor and read a letter into the record on behalf of Robert Dobrin, resident of 215 Vendola Drive, who was unable to attend.

Mercedes Schockemoehl, Gallinas Creek resident, commented on the existing County policies to maintain, protect, and refurbish Gallinas Creek and expressed concern related to a potential loss of property rights associated with a Wetlands Corridor.

Elida Doldan Schujman, representing the American Institute of Architects/Marin County Taskforce, expressed support for CWP policies that would protect open space and create transit-oriented development, and walkable communities. She further believed the San Quentin Vision Plan should be included in the plan.

Sandy Ross, representing the Integrated Pest Management ("IPM") Commission and the Health Council of Marin, requested that the CWP include references to IPM principles and provide a reference to the following Marin County Stormwater Pollution Prevention Program ("MCSTOPP") website: [www.ourwaterourworld.org](http://www.ourwaterourworld.org). Ms. Ross also requested that the CWP include references to the Precautionary Principle and provide statistics from a County health survey related to chemical and other environmental sensitivities.

Joan Capurro, Workforce Investment Board ("WIB") Chair, read a letter into the record identifying the WIB mission and emphasizing the importance and benefits of developing affordable, workforce housing.

Ginger Souders Mason, representing the Health Council of Marin and Marin Beyond Pesticides, outlined her concerns regarding the Natural Systems Element specific to chemical impacts on water resources.

The following concerned residents from the Santa Venetia and Strawberry communities addressed the Board and Commission, generally expressing their support for excluding small, already developed properties from the Baylands Corridor, commented on existing agencies already regulating waterfront properties and dredging activities, and expressed their concerns regarding potential infringement on property and water access rights: Michael Sotilloff, Terry Graham, Kenneth King, Robert Allen, Catherine Dunlap, Charles Bailey, Lloyd Wiborg, Kris Brewer, Jim Shock and Marjorie Barter.

Margaret Zegart, representing the Tamalpais Planning Area, commented on supporting agriculture in the County, opportunities for potential senior housing at the St. Vincent's site, the CWPs consideration of development in the Tamalpais Planning Area, and considerations for a Bayfront Corridor.

Jack Krystal, concerned resident, briefly acknowledged the challenges involved in updating the CWP, and offered his comments regarding the Plan, including suggesting that certain Bayfront Conservation Zones be removed.

Roger Roberts, representing the Marin Conservation League/Community Marin, expressed support for "Agriculture and Conservation 2" zoning for the St. Vincent's/Silveira properties; CWP proposals for infill-housing solutions; requested clarification regarding the proposed 800 "floating units" referred to in the Plan, and expressed support for the Planning Commission's decision to remove the San Quentin Vision Plan from the CWP.

Alan Scotch, Marin resident, briefly commented on concerns related to traffic congestion, San Quentin, affordable housing and the Bayfront Corridor.

Virginia Brunini, representing the Marin Economic Commission, commented on the findings from previous Commission studies emphasizing the importance of providing affordable housing and expressed concern regarding removing the San Quentin Vision Plan from the CWP.

Roberta Michels, Commission on Aging Chair, emphasized the need for affordable housing.

Roy Chernus, Legal Aid of Marin Executive Director, emphasized the need for affordable housing, expressed support for the Affordable Housing Overlay Zone and the consideration of the St. Vincent's/Silveira properties as an affordable housing site.

*Supervisor Kinsey briefly absent.*

Karen Nygren, concerned resident, expressed support for staff's recommendation, as described in the September 28, 2004, staff report, to consider three options for the Baylands Corridor; urged careful consideration before locating affordable housing at the St. Vincent's/Silveira sites; and expressed support for staff's recommendations related to San Quentin.

Nona Dennis, concerned resident, briefly commented on the growing public awareness over time in protecting baylands, the considerations for lands deemed suitable for urban development and concluded her remarks recommending that the boundary of the Baylands Corridor extend to Highway 101, but not preclude development on the St. Vincent's/Silveira sites.

Kristina Anderson, concerned resident, expressed support for developing affordable housing at the St. Vincent's/Silveira sites.

Joe Walsh, Board Chair of EAH, requested the Board and Commission to test every item of the CWP for economic viability and requested fairness to the St. Vincent's/Silveira property owners.

Katherine Cuneo, representing Community Marin, commented briefly on the biological ecosystems of the Baylands and expressed support for siting the boundary of the Baylands Corridor, north of San Rafael, to Highway 101.

Martin Pozzi, Marin County Farm Bureau Land Use Committee Chair, expressed appreciation for the efforts made on behalf of agriculture in the draft CWP pertaining to agricultural sustainability and outlined several concerns regarding the draft CWP and the

corresponding Development Code update including concerns with the definition of development and the onerous permitting processes contained in the draft Development Code and litigation issues involving normal continuing agricultural uses on agriculturally zoned lands.

*Supervisor Kinsey returned.*

Sally Pozzi, representing the Marin County Farm Bureau, provided a letter outlining the Bureau's concerns regarding proposals in the CWP related to agriculture including proposals to limit building size on agriculturally zoned properties, additional regulations requiring production and stewardship plans and additional regulations regarding non-agricultural use on agriculturally zoned lands.

Gordon Bennett, representing the Sierra Club, briefly commented on the Streamside Conservation Area protections incorporated into the draft CWP and commented on the development on the Comprehensive Transportation Management Plan ("CTMP").

The meeting was closed to public comment. Supervisor Kinsey encouraged members of the public to submit any additional comments in writing.

*Supervisor Brown excused himself from the joint meeting due to a prior engagement.*

President Kinsey invited Planning Commission Members to offer their comments at this time.

Commissioner Dickenson pointed out that the Community Marin document and the proposed Baylands Protection Corridor proposed by environmental organizations did not intend to include the small parcels within the Baylands Corridor. He stated that he believed it is an issue that must be clarified in order to know how to deal with different areas, small-developed lots and large undeveloped parcels. Commissioner Dickenson also commented on issues concerning the St. Vincent's/Silveira properties, noting that the City of San Rafael decided not to annex the property, and stating that all previous planning studies assumed that the City would annex the land. He further stated that at a previous meeting he asked the LAFCO Executive Director whether or not LAFCO had any ability to force annexation of the property and the answer from LAFCO was "No." Commissioner Dickenson continued his comments stating that the City of San Rafael has made it very clear to the public, property owners, and Board that the City has no interest in annexing the St. Vincent's/Silveira properties, noting that this leaves the properties to function as an unincorporated community separator between the cities of Novato and San Rafael.

To alleviate any concerns regarding a potential conflict of interest, Commissioner Greenberg announced that she is no longer a member of the Marin Conservation League Board. Commissioner Greenberg expressed support for staff's approach of considering three options for identifying the Baylands Corridor boundaries, both with respect to the St. Vincent's/Silveira property and to small, already developed properties, asserting that this would provide a fair approach and a necessary analysis of the issues involved. She stated that there are still many opportunities for public input on these decisions, emphasizing that the document presently being considered is a *draft* of the Draft CWP. Commissioner Greenberg also briefly commented on the San Quentin Vision Plan and the Planning Commission's unanimous decision to support inclusion of only the goals of the Plan stating that the level of specificity in the Plan was inappropriate for the CWP.

Commissioner Thompson commented on the housing needs in the County asserting that, in his view, the Planning Commission has been progressive in working to identify every housing opportunity possible. Commissioner Thompson acknowledged that there is a lot of commercial zoning in the County, noting that this may present opportunities to provide mixed-use projects in many locations. Commissioner Thompson also briefly commented on proposals for the Baylands Corridor, crediting residents of Santa Venetia and Strawberry for serving as custodians of the wildlife along their properties and emphasizing his hopes for achieving a balance of interests regarding a Baylands Corridor.

Chairman Berland briefly commented on the three elements of the CWP, "Environment, Economy and Social Equity" and the Plan's overarching theme of "*sustainability*," acknowledging the difficulty of balancing the three "E's". Chairman Berland briefly commented on considerations to encourage agriculture, citing the threat of gentrification in West Marin. He stated that there are good economic reasons to restrict the amount of development on farm property, and to develop policies to encourage agriculture and to enforce the requirements that any development on agricultural land must be secondary to agriculture production. Chairman Berland also briefly discussed the Planning Commission's considerations related to whether or not a separate Baylands Corridor was necessary or whether the existing Bayfront Conservation Zone provided adequate protection for sustaining the baylands. Chairman Berland concluded his remarks commenting on the process to evaluate the three options for the Baylands Corridor, emphasizing the importance of considering the science and the necessity for a separate Baylands Corridor.

Commissioner Holland emphasized that the draft CWP is an evolving document, expressed interest in receiving the Board's reaction to the Plan and concurred with Commissioner Greenberg's comments regarding San Quentin. Commissioner Holland commented on the difficult nature of identifying affordable housing sites, emphasizing that addressing the affordable housing needs of the County needs the cooperative efforts of the entire County, including the towns and cities. Commissioner Holland further expressed concern regarding locating too many housing units at the St. Vincent's/Silveira sites, noting there is no supporting infrastructure at the site -- no stores, no schools, and no transit stops -- expressing concern regarding the expected, resulting increased traffic.

Commissioner Barner briefly commented on the needs for the young, the elderly and special needs residents. He expressed interest in reviewing the density formulas in terms of units per acre and recommended studying the size of units, asserting this would result in more units per acre without necessarily increasing the density. Commissioner Barner supported the idea of establishing bungalows, stating he believed that this would be very beneficial for the elderly.

Commissioner Julin observed that that preservation of agriculture in West Marin and the consideration of the Baylands Corridor were two issues of great importance to the Planning Commission. Commissioner Julin briefly commented on the value of the baylands ecosystem and stated that designating a Baylands Corridor reflects the greater scientific awareness of the value of this entire particular ecosystem and habitat area. Commissioner Julin also stated that people deserve a healthy habitat, emphasizing that this is accomplished through respecting the land and the water noting that it is important, in considering boundaries for a Baylands Corridor, to differentiate between already developed properties and those properties not yet developed.

President Kinsey commented on the Commission's willingness to listen and respond to the community, and requested comments from the Board of Supervisors.

Supervisor Rose began her remarks by commending staff and the Planning Commission. She also recommended that interested parties read a recent series of articles printed in the *Santa Rosa Press Democrat* focusing on Sonoma County's economy. Supervisor Rose expressed support for staff's approach of considering three options for identifying the Baylands Corridor boundaries, and also for excluding already developed parcels from the proposed Baylands Corridor. Supervisor Rose suggested, however, that better maps are needed to be better able to understand the repercussions of the decisions being made. Supervisor Rose concluded her remarks commenting that she is serving on a committee of staff and citizens regarding the Socioeconomic Element, specific to the Arts and Culture and Historical and Archaeological Resources sections, inviting interested parties to forward their suggestions regarding these Sections.

Supervisor Murray commended staff and the Planning Commission for their efforts. Supervisor Murray also expressed concern that the entire Socioeconomic Element is under developed. She concurred with speakers who encouraged a broader study of the economic viability and the social equity impacts of the CWP, and supported applying a similar level of analysis to these areas as is planned for the CWP's environmental impacts. Supervisor Murray emphasized that improved integration of the various Plan Elements is needed citing several areas of specific concern. Supervisor Murray also commented on addressing the needs of Marin's aging and Hispanic populations and briefly commented on the various indicators used in the draft CWP. Supervisor Murray also offered her views regarding a proposed Baylands Corridor, expressing support for studying a range of locations for the proposed Baylands Corridor, including east of the railroad tracks. She noted that she's heard from Bel Marin Keys residents who have expressed concerns similar to those expressed by residents of the Santa Venetia and Strawberry communities, and stated that developed areas, including the Gness Field airport, shouldn't be included in a Corridor noting that these areas are already regulated by numerous other agencies. Supervisor Murray concluded her remarks commenting on proposed development at the St. Vincent's/Silveira sites, expressing support for considering a senior assisted living facility as well as for reviewing mixed-use of up to 1,800 units, as recommended by the Task Force. Supervisor Murray also expressed support for making inclusion of an Affordable Housing Overlay Zone a top priority.

Supervisor Adams concurred with comments expressed by her colleagues supporting the approach of considering three options for identifying the Baylands Corridor boundaries, suggesting, however, that the current CWP document doesn't clearly discuss the pros and cons of establishing a Corridor. Supervisor Adams commented on the need for greater coordination between the County and the cities' General Plans regarding the County's overall built environment and briefly commented on the recommendations made by the St. Vincent's/Silveira Advisory Task Force, suggesting a review of the differences between the rules and regulations applied to urban development and for the County. Supervisor Adams also commented on the need for clearer timelines related to development of Community Plans. Supervisor Adams expressed support for a Baylands Corridor, noting that the CWP needs to provide a better understanding of its implications. Supervisor Adams also briefly commented on the proposed development of the St. Vincent/Silveira properties, suggesting that one residential unit per ten acres and 100 units of bonus density be considered. She also commented on efforts to address various land use issues in the Marinwood community, noting the impacts between these land use decisions and the possible development of the St. Vincent/Silveira properties. Supervisor Adams also

expressed her desires to clarify goals and strengthen the language addressing various social issues such as homelessness and transitional housing, and briefly commented on formulas used by the California Department of Housing and Community Development (“HCD”) impacting counties’, towns’ and cities’ Housing Elements. Supervisor Adams concluded her remarks requesting additional discussions regarding reuse of brownfield sites and offered a few additional comments regarding the St. Vincent’s/Silveira properties, responding to some comments made by members of the public. She stated that there are some opportunities for development at St. Vincent’s/Silveira that would make sense, and noted that there is interest in looking at a proposal for this site that is fair, equitable and that would benefit the entire County.

President Kinsey began his remarks acknowledging the community’s commitment and interest in water quality and habitat restoration issues and the efforts being made to better understand watershed planning issues. He expressed support for the Baylands Corridor, questioning, however, whether “Corridor” is an adequate description. Supervisor Kinsey also expressed sensitivity to the concerns raised by several speakers urging exemptions for already developed parcels, asserting, however, that those who have held their land in stewardship should not be penalized. Supervisor Kinsey also briefly commented on the challenges relative to Stream Conservation Areas along small developed parcels, acknowledging the burdens placed on individual property owners whose properties lie within the Streamside Conservation Areas. Supervisor Kinsey also briefly commented on the Planning Commission’s position to include only the goals of the San Quentin Vision Plan in the CWP. He suggested that certain aspects of the Plan be incorporated into the CWP to provide a level of analysis of the unique opportunities reflected in the Vision Plan, suggesting that County Counsel provide guidance regarding the level of environmental review that would be needed to keep a portion of the Vision Plan in the CWP. Supervisor Kinsey also briefly offered his comments relative to the CWPs treatment of agriculture. He expressed concern regarding the sacrifices the stewards of the land are often asked to make. Supervisor Kinsey commented on issues related to gentrification, commenting on the importance of addressing home size limits within the urbanized area, noting the proposal, as currently presented, is onerous and punitive. Supervisor Kinsey also briefly outlined his ideas to address gentrification through additional tax benefits and other entrepreneurial incentives. Supervisor Kinsey asserted that protecting agricultural lands is the responsibility of the entire County, and emphasized the importance of incorporating the ideas and considerations of the agricultural community. Supervisor Kinsey concluded his remarks commenting that he is encouraged by how various concepts of sustainability have been incorporated throughout the CWP.

Supervisor Kinsey requested Community Development Agency Director Alex Hinds to provide any additional closing comments.

Agency Director Hinds noted that one additional option to consider was whether the 3 E’s Venn Diagram should be modified and retained, or converted to a logo. President Kinsey noted Board support for staff’s recommendation.

Agency Director Hinds asked for input regarding the timing and applicability of potential home size restrictions on agricultural properties, commenting on possible impacts from AB 1492 related to material breeches on Williamson Act lands.

Supervisor Murray stated that she is opposed to the kind of home size limitations that are being proposed because they are not fair and do not represent a community consensus.



Supervisor Adams stated that the West Marin agricultural community should be allowed to address home size limitations as well.

Agency Director Hinds stated that he assumed that there was Board support to add clarifying recommendations regarding adding language recommended by counsel in regards to policies pertaining to the St. Vincent's/Silveira properties.

President Kinsey expressed concern about the timing of the St. Vincent/Silveira land use policies in regard to the Local Agency Formation Commission ("LAFCO") and the City of San Rafael's projected actions. He believed County Counsel should be working with the property owners as to whether they would prefer interim designations. Deputy County Counsel Nancy Grisham recommended that the President direct staff to work with counsel to develop wording to be brought back for review.

Agency Director Hinds discussed the status of LAFCO's sphere study and explained that the Countywide Plan would not preclude future annexation to the City of San Rafael.

Agency Director Hinds requested additional comments regarding the level of detail pertaining to the San Quentin Vision Plan to be included in the CWP.

Supervisor Rose supported providing encouragement to the State to close the prison, noting the expansion of the prison has not yet been finally decided.

Supervisor Adams believed it is better to save the San Quentin Vision Plan for when it becomes a reality. She supported adding comments about what the future possible uses would be, but said that a full public process with an EIR would need to occur before determining the final Plan.

Supervisor Murray recommended including an appropriate level of specificity regarding the San Quentin Vision Plan in the CWP. President Kinsey concurred.

Agency Director Hinds thanked staff and the Planning Commission for a very diligent and detailed review of the plan.

The Special Joint Countywide Plan meeting was adjourned at 6:52 p.m.

AYES: Berland, Thompson, Barner, Dickenson, Greenberg, Holland, Julin

NOES:

ABSENT:

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ALLAN BERLAND, CHAIRMAN  
MARIN COUNTY PLANNING COMMISSION

Attest:

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Jessica Woods  
Recording Secretary  
Special Joint Meeting  
Marin County BOS and Planning Commission