

# Kentfield Planning Advisory Board

*P.O. Box 304, Kentfield, California 94914*

## Notes

### Public Meeting – Wednesday, July 28, 2021

**Meeting location:** Via Zoom.

**Call to order:** 7:00 p.m. by Anne Petersen – Chair

**Board members present:** Bitsa Freeman, Julie Johnson, Ross McKenna, Neil Park, Anne Petersen, and Pamela Scott.

**Board members absent:** None.

**Other attendees:** Dan and Barbara Brady, Klaus Christiansen (Director of Facilities Planning, Maintenance and Operations at College of Marin – “COM”), Ross Guehring, Alan Farham, Sandra Goldman (President of the Friends of Corte Madera Watershed), John Holzworth, Robert (Rob) Ireson, Alisa Kaufman, Noreen Kimelman, Barbara Leopold, Larry (Arti) Mansbach, Judy Mesinger, Jim McClellan, Ann Thomas, David Walsh, and Katherine Lehmann, notetaker. Plus: Amanda, Dan, Doria & George (a.k.a. “ggp”), and Edward, who did not use their last names.

**Meeting minutes:** from May 26, 2021, were unanimously approved 6-0.

**Correspondence and announcements:** None

**Members of the Public who wished to comment on anything not on the agenda:** None

#### AGENDA:

1. **Sandra Goldman**, President of the Friends of the Corte Madera Watershed, and **Klaus Christiansen**, Director of Facilities Planning, Maintenance and Operations at College of Marin (COM), gave a detailed update on the status of the Planned View of the Lower Corte Madera Bridge cleanup project:

- They are lowering the right wall, so that the channel of water can be widened and connected to the creek downstream.
- All of the existing “riffraff” will be buried.
- As sea level rises to 11’ feet, the lower creek area will be under water.
- Some folks in Ross are protesting the removal of a non-native Acacia tree.
- COM is, in fact, planning to take out 38 trees, but will be doing a dense planting of over 70 native trees, which will be a big improvement.

- The Flood Control District, the College of Marin, and the Friends of Corte Madera Watershed are all on board with the plan.
  - The proposal is in keeping with the CA Dept. of Fish & Wildlife guidelines (i.e. up to 15 new trees must be planted when replacing an oak tree).
  - When there is a big rainfall, water will be held, instead of going directly into the creek.
  - Public Access remains the same; the COM has asked to keep a path; where the path ends, and how narrow or wide it is, is a decision of the committee.
  - In response to John Holzworth's question, it is not the path that leads to Kent Middle School.
  - The construction will last 6-8 weeks, which is not too long.
  - Construction equipment will be used to remove some of the concrete, and take out some of the landfill, but there isn't any new construction.
  - \$2,000 has been received from the CA Alpine Club Foundation, which will be used to help with the planting of the new trees.
  - There used to be a lot of trash and rugs in that area; it was a wasteland and a mess. It seemed to be originally built by teenagers and then was taken over by adults in their 20's.
  - The COM has tried to clean up that area a bit and have added additional signage.
  - This is a COM project, and they are just letting the public and the Planning Dept. know about the progress as a courtesy to everyone.
2. **The main agenda item** for the evening was whether or not to recommend to the Planning Dept. **the approval of four mobile lighting units to be used on a permanent basis between the hours of 5:00-7:00 p.m., on the fields of Marin Catholic in Kentfield.**
- Per the attached letter, no one from the Archdiocese, Marin Catholic school administration, faculty, parents or students were in attendance at the Zoom meeting and were, therefore, unable to answer many questions that people had.
  - Bitsa said that the planner for this project, Sabrina Cardoza, explained that September 22, 2021, is the date the Planning Dept. must make a decision about this, one way or the other.

**About a dozen neighbors and residents expressed their concern:**

- **Doria and George** (Last Name?) asked why Marin Catholic keeps coming back again and again when the neighbors have made it clear that they oppose the idea? "It just seems to be escalating one step at a time."
- **John Holzworth** said he has two concerns:
  - 1) The application is really vague about whether the use of the lights is restricted to practices only or is also for games.

- 2) The application Marin Catholic made for temporary lighting in the fall of 2020 was supposedly because of Covid. Now, they are saying it was because of Daylight Savings, primarily for the months of November through March. The “existing use” language, therefore, is incorrect and disingenuous.
- **Arti Mansbach:**
    - Has been a resident and neighbor since 1987.
    - Felt that the lack of representation from the Marin Catholic community was disrespectful to the process.
    - Said that originally Marin Catholic was asking for lights for a small number of Friday Night football games, which has now morphed into lights on weeknights, as well.
    - The bigger issue is that if Marin Catholic doesn’t have the resources for practices during the week, then why not find another site (preferably a non-residential one) for evening practices?
  - **Anne Petersen**, head of the Kentfield Planning Advisory Board:
    - Wondered what the main concern is – The lights? The noise?
    - Asked those present to please justify their request to deny the permanent application.
  - **Dan and Barbara Brady:**
    - Live directly across from the fields, at 9 Almenar Drive, since 2011.
    - When they bought a home across from a school they did not expect to see much activity at night.
    - Said, “Do whatever you want to do during the day, but we want the quiet enjoyment of our evenings.”
    - Said this has always been a contentious issue with the local community.
    - Think this might fall under Discretionary Review or is a permit issue?
  - **Judy Mesinger:**
    - Has lived at 39 Alpine Drive, and been a neighbor of the school, since 1987.
    - Said there was never a problem with the school until the question came up about extending the time of the field lights after dark.
    - Doesn’t want to spend her evenings listening to the noise on the field.
    - Said the geography of the Greenbrae Hills is that the higher you go up the hill, the louder the noise becomes.
    - Said she can also show you photos of how the field lights shine directly into her kitchen at night.
    - Said she and her husband, who are traders on Wall Street, are early risers (i.e. 4:00 a.m.), to keep up with the stock market, so lights and noise during the evenings creates a problem for them.

- Said this is not a new plan, but the same old plan that everyone has already been objecting to for years.
- Said that back in the day, Supervisor Hal Brown said this would not be well-received by the neighbors, and it still hasn't been.
- She and her husband believe that if this permanent permit is approved by the County, it will affect the sales price of their home.
- **Anne Petersen** asked what people can live with?
  - Could we ask that the lights only be pointed toward the marshes?
  - Could we specify that no crowds, no music, just practices, would be allowed during the week? Can we live with that?
- **George:**
  - Said the batting cage was installed, and "we have to live with the sound of the bats regularly hitting the balls. Now, they want us to permanently live with these additional lights and noise."
  - Said that high schools are for Monday through Friday, during the day, with occasional use on Saturdays.
- **Noreen Kimelman:**
  - Said, "We are still talking about the street lights they put up on Sir Francis Drake Boulevard." She why wondered why they would be requesting the permanent use of the lights on the field, when the "Update the Drake" issue hasn't been resolved yet.
- **Alisa Kaufman:**
  - Said this is a residential-zoned area.
  - She is confused why Marin Catholic doesn't do what all the other private schools do, which is to use a practice field off campus in the evenings.
  - Said they could rent McGinnis Field at the St. Vincent's exit. The archdiocese owns that land. It is actually more convenient for most of their students to practice there, because it is closer to families who live in Novato or Santa Rosa.
  - Noted that when Redwood High School had a similar issue, they took the neighbors' input into consideration and limited the school usage after hours.
  - Doesn't think the fields with the lights are in compliance with SEQUA. Said, "You can't piecemeal SEQUA to get what you want."
  - Said, "There are too many of us in this community who don't want the light and the noise after regular hours."
- **Bitsa Freeman**, who is a member of the Kentfield Planning Advisory Board (KPAB), said that she understands the need to play on fields, but thinks it was very disingenuous for Marin Catholic not to show up to this meeting.

- **Anne Petersen** agreed and said, “We have to put our foot down, and be adamant in our views.”
- **Julie Johnson**, who is also a member of the KPAB:
  - Said that we need more information from Marin Catholic, not less. “They should be leaning in.”
  - Said, “We can’t come to any kind of compromise without them at the table. There is a crack in the door. Why here? Why do they need it? How does the community benefit?”
  - Said she can’t get behind it.
- **Ross McKenna**, who is also a member of the KPAB:
  - Said that he was in favor of approving the permit.
  - Said that it is “an opportunity for kids to be kids.”
  - Thinks “the joy of children having fun is something we should embrace.”
  - Mentioned that he was on the school board in Novato and said we should be happy we have children who want to play sports.
- **Arti Mansbach**:
  - Said that the kids playing on those fields are not from our neighborhood. 90% of them commute from elsewhere.
  - The lights impact our view of Mt. Tamalpais in the evenings.
  - “We already have a lot of other big public places with bright lights in Kentfield, such as Marin General, etc. Let’s not add another one.”
  - “Those ‘temporary’ lights they’ve had for decades are illegal.”
- **Rob Ireson**:
  - Lives on Vista Grande, only 400 yards away from the school.
  - Is not affected by the lights but does hear all the games and all the noise.
  - Thinks the mobile lights should not be a permanent extension.
  - Thinks the mobile lights should not be used for any night or weekend games.
  - Suggests that’s what the compromise should be.
- **George (Last Name?)**:
  - Said that when he worked for the Tam Redwood District, the Tam board was adamant that they were not to disturb the neighbors after hours.
  - Noted that the Board of Supervisors defers to the local supervisors with decisions like this one.
  - “We should contact our supervisor right away and let her know very clearly that we pay taxes.”
- **Alisa and Zigmund Rubel**: sent the attached letter, voicing several concerns about the project before the meeting.

**Bitsa Freeman made a motion that the KPAB recommend that the Planning Dept. deny Marin Catholic’s request to have permanent mobile lights for weekday practices, “especially since**

Marin Catholic was not present and so many members of the community voiced their opposition.”

Pamela Scott seconded the motion.

The motion passed: 5 opposed and 1 (Ross McKenna) in favor.

- **Anne Petersen:**
  - Said that Nancy Vernon is a terrific and very responsive person at the Marin County Planning Department and that folks should let their opinions be known to her at: [N.Vernon@marincounty.org](mailto:N.Vernon@marincounty.org).
  - Also encouraged everyone to contact their local supervisor sooner, rather than later, before September 22<sup>nd</sup>, the last date the Planning Dept. can make a decision about granting this permit.
  - Said her impression is that the County believes the Marin Catholic application is complete, “so now is the time to voice your concerns,” as everyone did tonight.
- **Judy Mesinger:**
  - Asked, “Why would the Planning Dept. think that the application was complete, since this has been denied in the past?”
- **Rob Ireson:**
  - Wondered if there was information that was not submitted timely to the public. If so, that should be added to the request to deny.
- **Alisa Kaufman:**
  - Thanked the board for allowing everyone to speak and make their points.

Meeting adjourned: at 8:20 p.m.



Letter to KPAB from  
Marin Catholic 7-22-2



Letter to Planning  
Dept. from Rubels 7-2

ALISA AND ZIGMUND RUBEL

150 Corte Balboa Greenbrae, CA 94904

July 27, 2021

Marin County Community Development Agency  
Attention: Sabrina Cardoza ([scardoza@marincounty.org](mailto:scardoza@marincounty.org))

3501 Civic Center Drive, Room 308  
San Rafael, CA 94903

Dear Ms. Cardoza:

As residents of Greenbrae, we write to oppose Marin Catholic's application for lights. Zigmund is a licensed California architect familiar with the CEQA process. I am an attorney. We have lived for over 13 years above Marin Catholic at 150 Corte Balboa in Greenbrae. Our children attend the local public middle school and play competitive sports with local clubs. I grew up about a half a mile from Marin Catholic. Our comments, which we request become part of the permanent record, follow.

The Application is Not Complete and Relies on an Inaccurate BSA

Respectfully we ask that you rescind your finding that the application is complete. The application lacks any analysis of the impacts of lighting, noise and traffic. The "baseline" calculation is mistaken, so the impact statements are also wrong. The conclusions made by Mr. Advent, author of the BSA, are not supported by analysis or study of the lights currently proposed. He is not an expert in the effects of light, noise and traffic on wetlands wildlife. His report lacks information CDA needs to make informed decisions.

1. CEQA Prohibits Piecemeal Applications Like Marin Catholic's Application for Lights  
In 2012 Marin Catholic ("The Applicant") submitted an application for lights, stadium seats, a new sound system, and other sports related construction. When CDA prepared a summary denial, the Applicant resubmitted without the lights. They quickly applied for "temporary lights" permits to achieve their stated goal: fields lighted at night for practices and games.

Now the Applicant seeks to get around CEQA by submitting its applications for permanent use piecemeal. CEQA prohibits permit issuance when an applicant has divided up a project to avoid compliance.

2. The County Must Require a Use Permit Because the Applicant's Permanent Use of Lights is a New Use

The Applicant's application for Permanent "temporary lights" from November to December is a new use that requires more than mere Design Review. The County's record demonstrates that the County already determined that including lights in the initial application of 2012 shifted the nature of the project from expanding a current use to a new use. If the County intends to only require Design Review, the County will be violating its own regulations as well as CEQA.

Past is prologue. The Applicant has insisted that it does not need use permits for temporary use because of its illegal prior use. This argument willfully ignores the cumulative impact that forced the Applicant to withdraw lights from its original 2012 application. It is significant that the Applicant originally proposed weekend night games and night practices until 9:30 p.m. The Applicant has waffled on times and actual use at every meeting. What was originally intended for a few weeks in the football season has now morphed into half of the entire school year.

The Applicant cannot bootstrap its temporary use of lights – which it has expanded with each application – to avoid compliance. A new Use Permit application, not mere Design Review, is required.

### 3. Lights, Noise and Traffic Are Inconsistent With Historical Character and Zoning

**In 2012 and again in 2016 CDA determined that lights were not consistent with the character of the community. That has not changed.**

In 2020, the KPAB Chair stated, “I just hope we don’t see this come back to us next year. Our community is kind of tired of this.” KPAB board members stressed that the allowance for night lights was “due to circumstances related to the COVID crisis and should not be considered a precedent for future school years.”

The Applicant is a private Catholic school in a residential zone. The only high schools in Marin with night lights are San Marin, zoned as “community facility” and San Rafael HS, zoned as “public/quasi-public”. The impact of a nonresidential entity’s new use on the historical character of the residential community in which it is sited is very different from the impact such use might have on a public zoned area. This impact cannot be ignored or buried under a false baseline assumption.

The Applicant is located in Greenbrae, a low density town of single family homes on winding roads which climb the hills as they weave around old trees. Greenbrae’s many cul de sacs provide privacy and reduce traffic. The Greenbrae hills happen to have the perfect configuration for amplifying stadium acoustics. Residents have provided objective evidence of the excessive sound levels during use of the fields, although Marin Catholic has not included that data in their applications. Since 2012 residents have shared how we can hear everything on the field, especially on the weekends.

Despite its claims to the contrary, the Applicant has received many complaints from neighbors about the noise it generates on its fields. We have had to call the Sheriff’s office because no one at the school responds when we call to ask that they reduce the field noise.

The cumulative impact of night lights on our community – light pollution, excessive noise which carries more at night and in cold air, and traffic problems including parking – is not considered in the current application. CDA must correct this analytical error with complete and accurate factual findings to avoid undermining the permit process.

### 4. Author of the Applicant’s Assessment Has No Light or Noise Expertise

The latest application relies primarily on a 2016 report which KPAB and CDA found inadequate. Rather than hire an expert in the effects of light pollution, Marin Catholic retained a water biologist with **no expertise in light or noise pollution**. The May 18, 2021, assessment by “Sunset Ecological Solutions” is written by Sean Avent, a marine biologist whose expertise is in the ecology and biology of aquatic



species. His report relies on speculation and projection based on the deficient 2016 report. As such, this report is meaningless.

5. The Applicant's Lights Present an Enforcement Problem for the County

An applicant that has not demonstrated respect for rules or process should not be given tools to flaunt those rules. If CDA approves the Applicant's application, there is no indication that the Applicant will abide by the limits. Rather, the school has asserted its "right" to use lights "as long as it has varsity teams."

The Applicant has argued since 2012 that its prior illegal use entitled it to using lights on its fields. The County has rebuffed that argument for almost a decade. The Applicant, a true scofflaw, insults CDA and its neighbors by fighting the "new use" designation in every communication. The Applicant has at best been careless and at worst deceptive with the County in its descriptions of past use, neighborhood complaints, violations of permit limits, and intended use. The County cannot rely on the school to police itself because the school does not acknowledge that it periodically violates restraints on its use of lights.

The Applicant understands that once the Design Review is approved, the school may use the lights whenever the school chooses. This is because the County has erroneously described the lights as only requiring Design Review and not a Use Permit. The result is an end run around CEQA and County ordinances.

6. The Application Does Not Qualify For A Negative Declaration

The County has deemed the application complete. If the County does not rescind that determination, the County's decision will lack sufficient evidence with which to make the negative declaration the Applicant seeks. The County must comply with CEQA to independently assess the impact of the new use and consider how the Applicant could mitigate the harm, including using other fields the Applicant owns in San Rafael. The County suggested as much in its 2020 decision, "**The CDA does not anticipate approving a limitless sequence of Temporary Use Permits for mobile lights.** If a permanent use is not approved, an alternative location for winter sports should be pursued."

Thank you for your time and consideration, Alisa Rubel



*faith, knowledge and service*

22 Jul 2021

Ms. Anne Peterson  
Kentfield Planning Association Board

Dear Anne,

On July 28, 2021 Marin Catholic is on the KPAB agenda for Design Review for mobile lights for use on the athletic fields.

For background, these are the same lights in use on the Marin Catholic campus for decades from November through the winter. The purpose of these mobile lights are to ensure the safety of the student athletes during daylight savings time.

At the meeting on July 28, Marin Catholic will not have a presentation or representation at the meeting. We are issuing this letter in its place and hope it can be a part of the public record and discussion at the meeting if you feel that would be appropriate.

We would like for the Kentfield community to understand the following:

- In 2016, the County of Marin requested that Marin Catholic apply for a Temporary Use permit to operate the mobile lights on our campus that have been in use in the same manner for decades.
- Since this time, the County has continued to grant approval of these same permits on three (3) successive occasions. In every case, these applications were presented to KPAB at the County's direction and recommendation.
- This Design Review application was submitted solely at the recommendation of the County as they have determined that a temporary use permit is no longer the appropriate avenue to use temporary mobile lights on a successive annual basis.
- The proposed type and usage of these mobile lights have not changed in any way and the request is no different from any of the prior approved permits.
- If there are any technical questions, we ask that KPAB refer to the meeting notes and presentation from Assistant Principal Trevor Smyth on Wednesday, November 18, 2020.

Thank you for your time and attention to this,

Tim Navone  
President