

Land Use & Transportation Committee Meeting
Marin Conservation League
Wednesday, November 5, 2014 – 9:00 am
175 N. Redwood Dr., San Rafael

Agenda

1. Announcements:

2. **Draft minutes:** October 1, 2014

3. **Approval of Agenda**

4. **Action Items:**

- a. 135 Balboa, Inverness Park – Large home and other buildings totaling 8297 sq. ft.-attachment
- b. Priority Conservation Areas – retain and/or add/delete sites – see attachment

5. **County wide planning issues:**

- a. Whalers Point request for street vacation - report
- b. Transportation updates - Bob Johnston
- c. Stream Conservation Area status – Randy
- d. Canalways

6. **Brief Updates:**

- a. PRNS ranch planning – Joint meeting of MCL committees on November 12, 3-5 p.m.
- b. Santa Venetia Community Plan - Nona
- c. Community Marin - Priscilla
- d. Novato General Plan Update
- e. County Housing Element revisions
- f. Easton Point - Randy

7. **Back Burner issues:**

Corte Madera Inn rebuild
Highway 101 projects
SMART or NCRA
Hetzfield project, Lucas Valley
Golden Gate Baptist Seminary MP
Hamilton Sports Facility
Marin General Hospital Retrofit
Greenbrae N/S greenway

8. Next meeting December 3

Agricultural Land Use Committee
Planning Subcommittee
November 5, 2014 - 11 a.m.

- > 1. Planning for Joint Ag, Parks and Land Use Committee meeting with PRNS staff on Ranch Management Plan on November 12 from 3 to 5 p.m.
 - > a. Whom to invite beyond speakers
 - > b. Structure of meeting and objective
 - > c. Specific questions we might want to propose the Park to come prepared to address
- 2. Follow up meeting on LCP
- 3. Could use a volunteer to help identify information to post on MCL website.

MARIN CONSERVATION LEAGUE
Land Use and Transportation Committee Meeting Notes: October 1, 2014

Present: Susan Stompe, chair; Nona Dennis, Don Dickenson, Randy Greenberg, Bob Johnson, Doug Karpa, Jack Krystal, Kate Powers, Judy Teichman, Ann Thomas. Also Scott Alonso and a new staff person with Assemblyman Levine's office; Eric Steger, Marin County Public Works Assistant Director. Met 9 to 11.

September 3, 2014 Meeting Notes. Approved as corrected.

Gnoss Field. Eric Steger gave an overview of the long-running proposal to lengthen the runway at the county airfield by 1,100 feet on the north end. The work would also involve 240 foot runway safety zones on each end and extending the levees that protect the existing runway, which is below sea level. Eric said that the preliminary runway design would include wetland mitigation measures affecting the surrounding wetlands. He said there are currently 14 businesses at the airport for which the county receives one percent of profits. In conjunction with FAA modernizing their database Marin County is updating their information on the airport facility and have applied for a grant to do this. A merits hearing at the BOS on the application for an extension will be held in February.

Land Use attendees raised some questions and issues: 1) Bob asked if cost/benefit analysis had been done on the extension or if any growth-inducing impacts had been studied. Eric said the EIR/EIS looked at the issue in terms of changes in land use designations. 2) The North Marin Unit has recommended opposing the extension, also noting that sea level rise could put investment here at risk. 3) It was noted that as the extension would be higher than the existing runway that one or the other would have to be lowered or raised. 4) Randy suggested that if the existing levees are not sufficient to protect the current facility that putting money into providing for a larger facility should wait on taking measures to protect the existing runway. 5) It was noted that the levees will need to be raised to protect the new Hwy 101 routes.

Recommendation. It was recommended that MCL encourage consideration of a shorter extension to reduce impacts on wetlands, needed mitigation, and levee work.

SB 743 Update. This legislation was approved in a recent session and draft guidelines currently being drafted by the state's Office of Planning and Research raise concerns about how local jurisdictions will be able to address transportation issues during project environmental review. Nona said that the guidelines now being discussed, for which implementation is set for January 2016, have the commendable long-term goal of discouraging sprawl. They would do so, however, by eliminating the current Level of Service (LOS) calculations commonly used to evaluate traffic impacts of projects, one which is based on the stopped delay per vehicle at signalized intersections, with one based on vehicle miles traveled. In jurisdictions that have a general plan with traditional LOS standards, however, these would still have to be addressed in CEQA. She believes the response to this change would have to be to strengthen conditions of a project's approval including on issues such as noise and air quality.

Recommendation. M/S (Ann/Randy) and approved that Nona and Bob should prepare a letter to the OPR, copied to planning and transportation offices at Marin County, San Rafael and Novato, and to Assemblyman Levine, noting our concerns.

Stream Conservation Area Ordinance/Work Program. Progress on the ordinance remains at a standstill due to litigation, but the associated work program to assist streamside property owners is proceeding. To staff the work program the County funded a Stream Outreach Coordinator position through the Resource Conservation District. RCD recently completed their recruitment and filled the position with Sarah Phillips, who has a strong background in conservation and comes to Marin from San Luis Obispo. She will first be pursuing outreach to various agencies and groups along with developing an education program. County CDA also plans to update their SCA tool kit to reflect the current regulations (without the interim SCA ordinance) and the latest best management practices that homeowners can undertake near creeks

Water Supply Project EIR. Ann to prepare scoping comments on MMWD's proposed Watershed Supply Improvement Project which propose new facilities to approximately double storage capacity serving the Ross Valley and San Rafael service areas.

Pt. Reyes National Seashore Ranch Management Planning. Judy proposed that there should be a joint meeting of the MCL Land Use/Transportation, Parks and Open Space, Ag Land Use committees to hear reports from park service personnel regarding progress on the planning project and, notably, the pastoral zone tule elk issue. Those present agreed November 6 or November 12 would be best. Judy will contact park staff to see if these dates work for them.

Easton Point. Randy and Nona are working on a letter to go the Martha Company board members, based on a report that. TPL (Trust for Public Land), has an interest in participating in efforts to secure this site for open space, to express MCL's support that the acquisition efforts would go forward.

Walk into History. Nona plans the next walk on November 8 at Horse Hill in Mill Valley.

Novato General Plan. The staff working on the new General Plan have recommended removing or consolidating about 200 programs that are in the Environment Element of the current plan. The North Marin Unit is concerned that removing these programs could reduce the Plan's environmental protections,

Agricultural Land Use Programs/Issues. (Judy, Susan, Ann, Doug and Bob remained present). Judy reviewed a draft press release and other material for the October 19 program in Nicasio on natural fibers and dyes. She also raised the issue of having the MCL annual budget allow for funds to be used for public programs such as this, and this was referred to ODC or Ex Comm to consider. She and Sally are also planning the October 24 quarterly committee meeting in Point Reyes.

Notes: AT

INVERNESS ASSOCIATION

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Heidi Scoble, Planner
Marin County Community Development Agency
Via e-mail: HScoble@marincounty.org

October 20, 2014

**Re: Hidden Dragon LLC Coastal Permit, Design Review, and Second Unit Permit,
AP 114-330-01, 135 Balboa Ave. Inverness**

Ms. Scoble:

The Inverness Association has as its purposes to protect and advance the rights and interests of property owners and residents of the Inverness area and to collect and expend funds for the construction and maintenance of trails, bridges, parks and beaches and for the protection, preservation and promotion of the Inverness area, the Inverness community, Tomales Bay and its watershed. Our Design Review Committee monitors applications for land use in the Inverness area, provides information to applicants and community members, and seeks to facilitate informed discussion.

This is an unusual application and it has generated unprecedented local interest and comment from residents in both the immediate neighborhood and the wider Inverness area. The owners' representatives have contacted the Inverness Association during their preliminary planning activities and have now submitted an extensively documented application. The owners have introduced themselves by letter to the community and made the application submission documents available for review and comment.

The project consists of two residences and several accessory buildings totaling 8,297 sf of building area. This includes a second unit comprising $750 + 1316 = 2066$ sf plus a 738 sf garage. Septic systems are extensive, sized to service 11 bedrooms (residence) and 6 bedrooms (second-unit). For example, the main residence drip-irrigation septic system includes a 4000 gal. septic tank, 1500 gal. recirculation tank, 3,000 gal sump pump tank, and 3186 lf of drip line with 1593 emitters.

In these comments we summarize concerns expressed by local residents in relation to the California Environmental Quality Act, the Local Coastal Plan and Countywide Plan requirements for a Coastal Permit and Design Review. The principal concerns are the total size of the development, adequacy of water resources and effect on neighbors, the size of the second unit, potential use by a subsequent owner, and retention of protected trees.

CEQA Exemption

The size and scale of the project is substantially greater than a single-family residence for which the CEQA categorical exemption is granted. The size and scale of the project constitute "unusual circumstances." The project will require removal of at least 38 heritage, protected and native trees. At full year-round occupancy, domestic well water pumping could adversely impact the

water sources of neighbors. There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances and that the cumulative effect of successive projects of this scale in this community will be significant. Therefore, the Community Development Agency should conduct an Initial Study before proceeding to assess the merits of the project. 14 CAR 15300.2 (b, c).

Size/scale

- A Countywide Plan program calls on the county to adopt the Single-Family Residential Design Guidelines into the Design Review Process (DES-3.b, pp. 3-5). As regards scale, the Design Guidelines state that:
“floor area of the proposed development should not substantially exceed the median home size in the surrounding neighborhood, taking into consideration site-specific factors, such as lot size, bulk and mass, topography, vegetation, and the visibility of the proposed development.” (Neighborhood Compatibility, p. 21)
- There are approximately 50 developed parcels that are accessed from Balboa Ave. and Drakes Summit Rd. Based on a preliminary analysis of assessor’s records (attached) the median residence on these parcels is 1973 sf (including garage) and largest residential development is 4320 sf (including garage).
- The proposed project is 420% of the median residential development on the hill, and 192% of the largest residence in the neighborhood. This very substantially exceeds the guidance for a single-family residence.
- In fact, if approved, the project would very likely be the largest residence in the Coastal Zone!

Water resources

- The sustained yield of the existing well yield barely meets minimum standard for two living units (Marin Code 7.28)
- The minimum standard for well yield may be insufficient to serve a total year-round occupancy of 17 functional bedrooms, 12 full- and 2 partial-baths plus outdoor swim pool and may thus require a second water source.
- The potential effect of increased pumping on neighbors’ wells has not been analyzed.

Second unit complex

- A continuous-foundation breezeway and a nearly-continuous roof to the smaller second unit structure functionally connect the second-unit “studio” structure. The second unit is not accessible independent of the studio.
- The complex functions as a 6-bedroom, 2-bath, 2066 sf housing unit with a detached 2-car garage.
- The effective size (2066 sf) of this dwelling unit exceeds all second units in community and Coastal Zone, and is more than twice the 750 sf maximum allowed by code. (22.56.050.I)
- The maximum height exceeds 15 feet; the Inverness Ridge Communities Plan requires an affirmative finding of no adverse impact on adjacent neighbors or neighborhood of any height exceeding 15 feet. (Res. 96-149, C.3.b)

Accounting for potential future use

- At full occupancy, the compound comprises 8 total designated bedrooms + 9 potential private bedrooms, 14 total toilet totaling 8,297 sf of building area.
- A deed restriction or other enforceable permit provision may be necessary to prevent conversion to multiple-occupancy uses by a future owner.
- Bed-and-breakfast land-use regulation (22.57.083I) requires a Use Permit for 4 or 5 bedrooms.

Retention of trees

- The development is sited in the midst of a mature Douglas fir forest.
- Interim Zoning Code (22.57.086I.1.e) requires every effort to avoid removal, changes or construction that would cause the death of trees.
- Design Review (22.82.040.E.I) requires maximum retention of trees
- Planners should carefully examine and adjust (1) the location, (2) the scale of the structures and (3) the spacing of the three residential wings to preserve the maximum retention of mature, especially heritage trees.
- Special attention should be required for septic line trenching in proximity to trees, including requiring hand trenching and sufficient setbacks from tree trunks.

Thank you for the opportunity to comment.



Michael Mery, Bridger Mitchell
Design Review Committee, Inverness Association

Attachment: Balboa and Drakes Summit Parcels analysis

Attachment - 135 Balboa property owners'
letter to neighbors

9.19.14

Dear Neighbors,

Now that our proposed project at 135 Balboa Avenue has been submitted to Marin County Planning for design review we thought it a good time to reintroduce, and in some cases, introduce ourselves to the community. We understand there are and will be concerns raised about our forthcoming project, so we want to find ways to address these directly.

We have owned 135 Balboa since 2008 and have taken lots of time to try to really understand the opportunities and constraints present on our property. We have put together a terrific team of designers and consultants, many from the local area, to blend our desires for a family retreat with the sensitivities of the land and community. We look forward to the prospect of becoming part of the west Marin community, and finding more ways to show up as real people versus "anonymous developers."

To be as transparent as possible we are making all the documents we submitted for Design Review (all the reports, studies and letters that accompanied the drawings) accessible via DropBox. Anyone can email Chris Stanton, our representative, at chris@invernessconstructionmanagement.com, to be invited to the site and access these job files. The 50+ pages of drawings are available via Marin County Planning.

We don't want to bog you down with a long letter here but do want to address some of the early concerns being expressed about the property.

Use: In the short-term our small family intends to use the property as a weekend and vacation retreat, with a long-term intention of retiring here. We can imagine having family and friends as guests, and perhaps annually hosting both our extended families for several weeks or more. We have absolutely no intention of renting the property to anyone besides our designated caretakers, ever. The caretaker's area is intended to provide a local working family an affordable housing option, while simultaneously providing year round management and maintenance of the property.

Water: We share your concerns about the drought and its impact on available well water in the neighborhood. Our site has an existing working well that produces sufficient gallons per minute (gpm) to service our proposed house and legal 2nd unit (caretakers). We propose to have at least 18,000 gallons of available water storage, and more if required. Additionally the pool's 16,000 gallons will be available for fire safety. Graywater system(s) and other available water-saving methodologies will be incorporated into our design. While there will occasionally be high use on the property – one month per year or so—we believe our annual domestic water use will be modest.

Tree Removal: Our project will require the removal of 31 heritage/protected trees. Some due to the construction, others for fire and life safety reasons, and others due to poor tree health including old age, fungal diseases, and Sudden Oak Death. We have given careful consideration to limiting our environmental impact through extensive arborist evaluation, the development of a Vegetation Management Plan, and sensitive placement of structures. The landscape design, by Lutsko Associates Landscape, preserves the natural beauty of the site, and incorporates native, drought-resistant plantings, including reintroducing 28 native trees, to reinvigorate the property. The great majority of the property will remain native woodland habitat, which we plan to restore to a healthy state. It is currently somewhat degraded. Although no one has counted them all, we estimate there are well over 500 trees on the property. Contrary to what has been asserted, we have not removed "a great deal of trees prior to planning commission oversight". Other than the removal of some dead and almost dead oaks, tan oaks and bays, for fire safety purposes, the only live trees (with 4" or greater trunks) removed since 2008 were two diseased trees—a fir and an oak. We are happy to refer anyone to our local tree care/ arborist for confirmation.

Existing structures: When we bought the property from the orthodox church in 2008, we also helped them transport the consecrated chapel to their new location, which we of course agreed to out of respect

for the church. The remaining structure was a decrepit, below-grade concrete foundation and basement with extensive black mold that requires removal and remediation. There are also several equally uninhabitable wood shacks and small houses with no foundations and a rusted metal shipping container used for candle-making, that we need to remove for health and safety reasons. These will all represent substantial improvements to the land. We also hired consulting architectural historians and archeologists to survey the site and existing structures to ensure that our project does not have any historical or archeological significance.

Size of the house: We recognize the primary residence is bigger than some would like. To be clear, the primary residence is 5,494 square feet of conditioned space (see the “Summary” or the submitted plans for all the square foot data). Again, the reason for the additional bedrooms and bathrooms is so we can gather both our extended families on occasion on this beautiful property. Needless to say, this is very important to us. We think our architectural design of three low-slung pavilions separated by glass hallways works very well environmentally and aesthetically. It will be barely visible to anyone, and allows us the option to close off a significant portion of the residence most of the time. We feel the size of our residence is not too large for a 17 acre private piece of land.

We hope you will review all the careful work that has gone into our proposal. And we look forward to the opportunity to meet you in the coming months, and hopefully address your concerns satisfactorily.

All our best,

Tim Westergren and Smita Singh

North GGNRA Lagunitas Creek Parcels	Unincorporated Marin County	Marin	National Park Service, Golden Gate National Recreation Area	Marin County Open Space District, Marin County Bicycle Coalition, Point Reyes National Seashore
Central Marin Ridge lands	Central urban Marin, San Anselmo, Fairfax, Ross, County, San Rafael	Marin	Marin County Parks and Open Space Department	San Anselmo, Ross, Fairfax, San Rafael, Marin Conservation League, County Flood Control, TPL
North County Gateway	Unincorporated Marin County	Marin	Marin County Parks and Open Space Department	Marin Conservation League, Sierra Club, Bay Area Ridge Trail Council, Bay Trail, SCAPOSD, State Parks
Bothin Waterfront	Unincorporated Marin County	Marin	Marin County Parks and Open Space	County Flood Control, City of Mill Valley, Marin Audubon, Bay Trail, MCL, Sierra Club
Big Rock Ridge Lands	Unincorporated Marin County	Marin	Marin County Parks and Open Space Department	Bay Area Ridge Trail Council, City of Novato
Tiburon Ridge Lands	Unincorporated Marin County	Marin	Marin County Parks and Open Space Department	Town of Tiburon, Native Plant Society, Marin Conservation League
Bowman Canyon	Unincorporated Marin County	Marin	Marin Conservation League	Marin County Open Space District, Marin County Flood Control District, Marin Agricultural Land Trust, California State Parks, Sierra Club, Friends of Novato Creek, Bay Area Ridge Trail Council
St. Vincent's and Silveira Properties	Unincorporated area of San Rafael	Marin	Marin Audubon Society/Marin Baylands Advocates	Sierra Club, Marin Conservation League
Central Marin Bayfront, Madera Bay Park	Town of Corte Madera	Marin	Marin Audubon Society/Marin Baylands Advocates	Marin County Open Space District, Sierra Club, Marin Conservation League, Priority Conservation Area Committee
Central Marin Bayfront, Canalways	Unincorporated Marin County	Marin	Marin Audubon Society	Sierra Club, Marin Conservation League, Priority Conservation Area Committee, Marin County Department of Parks and Open Space
3rd Valley Creek/Chicken Ranch Beach Conservation Area	Inverness	Marin	Tomales Bay Watershed Council	Point Reyes National Seashore, Gulf of the Farallones National Marine Sanctuary, State Lands Commission, California Department of Fish and Game, Coastal Commission, California State Parks, Marin County, Inverness Public Utility District, Environmental Action Committee of West Marin, Inverness Association, and private property owners.
San Geronimo Valley headwaters of the Lagunitas Watershed and shore of Tomales Bay	Unincorporated Marin County	Marin	Salmon Protection And Watershed Network	Point Reyes National Seashore (National Park Service)
Marin County Agricultural Lands	Unincorporated Marin County	Marin	Marin Agricultural Land Trust	State Coastal Conservancy, Department of Conservation Farmland Conservancy Program, Marin County, Marin Resource Conservation District, Marin Farm Bureau, Tomales Bay Watershed Council, National Park Service
Marin City Ridge	Marin City	Marin	National Park Service, Golden Gate National Recreation Area	