

**Nichols • Berman**  
**Environmental Planning**  
110 East D Street Suite E  
Benicia California  
9 4 5 1 0

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**SAN RAFAEL**  
**GENERAL PLAN 2020**

*General Plan Update*

***Response to Comments to the  
Draft Environmental Impact  
Report***

*and to the*

***Draft General Plan 2020***

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*CITY OF SAN RAFAEL  
COMMUNITY DEVELOPMENT  
DEPARTMENT*

*State Clearinghouse No. 2003052031*

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**SAN RAFAEL GENERAL PLAN 2020  
FINAL ENVIRONMENTAL IMPACT REPORT  
RESPONSE TO COMMENTS**

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## **IX. RESPONSE TO COMMENTS**

### **IX.1 INTRODUCTION TO THE COMMENTS AND RESPONSES**

This Final Environmental Impact Report (Final EIR) contains the public and agency comments received during the public review period on the *San Rafael General Plan 2020 Draft EIR* (Draft EIR) plus comments received on *Draft General Plan 2020*. This document has been prepared by the City of San Rafael Community Development Department, in accordance with the California Environmental Quality Act (CEQA).

This environmental impact report (EIR) is an informational document intended to disclose to the City of San Rafael Planning Commission and City Council, other decision makers, and the public the environmental consequences of approving and implementing the *San Rafael General Plan 2020* project.

The City of San Rafael prepared and on February 9, 2004 circulated the Draft EIR on the proposed *San Rafael General Plan 2020* project. During the public review period from February 9, 2004 to March 24, 2004 and at the public hearing on February 24, 2004 comments on the Draft EIR were solicited from governmental agencies and the public. All written comments received during the 45-day public review period and comments received at the public hearing are addressed in this Final EIR.

In addition to the February 24, 2004 public hearing on the Draft EIR the City Planning commission held public hearings on *Draft General Plan 2020* on January 13, January 27, February 10, February 24, March 9, March 23, March 30, and April 27, 2004.

This Final EIR consists of two volumes: the *Response to Comments on the Draft EIR* and the *Draft General Plan 2020* (this volume), and the Draft EIR of February 2004.

Comments on the *Draft General Plan 2020* were collected via public hearing comments, the City's website, e-mail, fax, mail and written comments submitted at Planning Commission meetings through April 27, 2004 are also addressed in this volume.

The governmental agencies, organizations, and individuals who commented on the Draft EIR and the *Draft General Plan 2020* are contained herein (***Section IX.2 Persons Commenting***).

***Section IX.3 Master Responses*** provides master responses that have been prepared for selected comment topics to provide a comprehensive analysis of major issues raised in multiple comments.

***Section IX.4 Response to Comments*** presents and responds to all comments on the Draft EIR and *Draft General Plan 2020*. The original comment documents (letters, e-mails, website responses) are reproduced here and the minutes from the Planning Commission's public hearings on the Draft EIR and *Draft General Plan 2020* are also included. The comments are numbered in the margins of the comment letters and minutes from the public hearings, and responses are keyed to the comment numbers. In many cases responses to comments on *Draft General Plan 2020* refer to responses in section IX.5.

**Section IX.5 Response to Comments on the Draft General Plan 2020** presents responses to the comments received on *Draft General Plan 2020*. This section summarizes the comment and, where appropriate, provides a response and/or recommendation.

**Section IX.6 Revisions to the Draft EIR** presents all revisions that have been made to the Draft EIR in response to public comments.

Comments received on the Draft EIR can generally be classified into one of three categories. These categories are as follows:

1. **Project Merits / Process Comments** -- These comments do not pertain to physical environmental issues but to the merits of the project or pertain to comments on the City's review process. These comments are included in this document although responses to these comments are not necessary. Inclusion of these comments will make the commentor's views available to public officials who will make decisions about the project itself.
2. **Commentor Opinion** -- These are comments from commentors which either support or disagree with the conclusions of specific information included in the Draft EIR. Although a commentor may hold a different opinion than the information provided in the Draft EIR these comments do not, however, focus on the adequacy of Draft EIR. Section 15151 of the *State CEQA Guidelines* states that an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Furthermore, disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.

In light of Section 15151 commentor's opinions are included in this document although responses to these comments are not necessary. Inclusion of these comments will make the commentor's views available to public officials who will make decisions about the project itself. Where appropriate, some additional explanatory information to help clarify information provided in the Draft EIR is provided.

3. **Questions Regarding Adequacy of Draft EIR** -- These are comments from commentors who question the adequacy of specific information in the Draft EIR. Responses to individual comments requiring clarification of environmental issues regarding the Draft EIR are provided in this document.

In some instances, text changes resulting from the comments and responses are recommended. In these instances information that is to be deleted is ~~crossed-out~~, and information that is added is underlined. The text changes resulting from comments and responses have been incorporated in the original Draft EIR text, as indicated in the responses. All of these text changes result in insignificant modifications to the original Draft EIR text. They do not, however, raise new or more severe impacts or new mitigations or alternatives not considered in the EIR and do not require recirculation for further review and comment in accordance with *State CEQA Guidelines* Section 15088.5.

## IX.2 PERSONS COMMENTING

### Written Comments

Comments on the Draft EIR and *Draft General Plan 2020* were received from the following agencies, organizations, and individuals. Numbers refer to the order of written comments and their accompanying responses.

<b>Author</b>	<b>Organization</b>	<b>Letter Number(s)</b>
Susan Adams	Marin County Board of Supervisors	68
Eric Anderson	Marin County Bicycle Coalition	188
Bruce D. Bajema		97
Albert Barr		4
Albert Barr	Loch Lomond Homeowners Association	32, 43, 118
Albert Barr	Loch Lomond Marina Committee	35, 51, 56, 87
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Dave Bonfilio		114
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Jill B. Caire		169
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Joseph W. Caramucci	Joseph W. Caramucci, Inc.	36
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Janis Chan		28
Roy Chernus	Legal Aid of Marin	59, 62, 143, 145
Howard Cohn		79
Jeanne Emmons Cohn		88, 177
Anne Colletti		165
Peter Crosbie		31
Jackie Deane		29
Andy Easterlin		22, 25
Mark Edelman		171
Andrea Eneidi	Gerstle Park Neighborhood Association (Presentation Notes)	70, 74
Jonathan Frieman	JoMiJo Foundation	64
Elissa Giambastiani	San Rafael Chamber of Commerce	53, 65, 138
John Gladish	Kerner Blvd., LLC	136
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Fred C. Grange		99
John Grimes		2
Jack & Jan Grimes		1
Patsy Guglielmo		173
Jana Haehl	Marin Conservation League	78
Cheryle Hangartner		159
Frank M. Hall		103

<b>Author</b>	<b>Organization</b>	<b>Letter Number(s)</b>
Lillian Hames	Sonoma Marin Area Rail Transit District	76
Donna Hanna		19, 93
Janise Harmon	Canal Property and Business Owners Association	96
Miranda Heller	The Marin Ballet	58
Diane M. Henderson	DMH Land Use Planning	89
James Hershon		116
Roberta Hoffman		179, 181
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Thomas J. Lohwasser, Ed.D	Dixie School District	54
Susan R. Lynn		84, 85
Peter Martin	North San Rafael Coalition	132
Lynn Mason		105, 106, 107
William B. McNew		15
Denise Mitidieri		113
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Chandra Murphy	Gerstle Park Neighborhood Association	122
Craig K. Murray		126
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Patrick J. Murphy	Federation of San Rafael Neighborhoods	33
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Joe Nation	California State Assembly	111
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Michael J. Nelson	San Pedro Cove homeowners Association	180
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Michael Ohleyer		172
Carol Olwell		3
John Ortega		24
Tighe O'Sullivan	Marin Athletic Coalition, Football Club of Marin	83



<b>Author</b>	<b>Organization</b>	<b>Letter Number(s)</b>
Jane G. Pallas		167
Christopher M. Petersen		80, 125, 187
Glen Philpott		170
Theo F. Posthuma		130, 150
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Jackie Schmidt	Montecito Area Residents' Association	124
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Retha Sprofera		5
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Lee Sweeney		16
Richard Swiderski		108
Starr Taber		154
Bertil Thunstrom MD		6
Lois Tucker		27
Jules & Annette Tham		26
Philip Thomas		121
David N. Tattersall	Loch Lomond Marina Committee, Pt. San Pedro Road Coalition	34, 63, 140, 149, 175
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Marilyn Wortzman		168

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## **Public Hearing Comments**

On February 24, 2004 the City of San Rafael Planning Commission held a public hearing on the Draft EIR. On January 13, January 27, February 10, February 24, March 9, March 23, March 30, 2004, and April 27, 2004 the City of San Rafael Planning Commission held public hearings on the *Draft San Rafael General Plan 2020*. Each hearing focused on different sections of *Draft San Rafael General Plan 2020*.

- A. Comments taken at the hearing of January 13, 2004. (PH-1 to 8)
- B. Comments taken at the hearing of January 27, 2004. (PH-9 to 34)
- C. Comments taken at the hearing of February 10, 2004. (PH-35 to 67)
- D. Comments taken at the hearing of February 24, 2004. (PH-68 to 93)
- E. Comments taken at the hearing of March 9, 2004. (PH-94 to 118)
- F. Comments taken at the hearing of March 23, 2004. (PH-119 to 144)
- G. Comments taken at the hearing of March 30, 2004. (PH-143 to 146)
- H. Comments taken at the hearing of April 27, 2004. (PH-147 and 148)

### **IX.3 MASTER RESPONSES**

This section provides master responses that have been prepared for selected comment topics to provide a comprehensive analysis of major issues raised in multiple comments. These master responses are referred to in the response to individual comments in *Section IX.4 Response to Comments*. These master responses cover the following topics:

- Master Response A – San Rafael Rock Quarry
- Master Response B – Traffic Level of Service Standards
- Master Response C – Loch Lomond Marina
- Master Response D – Canalways
- Master Response E – Noise

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## Master Response A – San Rafael Rock Quarry

Many commentors have expressed frustration regarding noise and truck traffic from the San Rafael Rock Quarry. Many comments suggested that *General Plan 2020* should plan for uses other than the current quarry operations. As discussed below, however, there are several factors that limit the City's land use and planning authority over quarry activities.<sup>1</sup>

The San Rafael Rock Quarry is located in unincorporated Marin County adjacent to the City of San Rafael at 1000 Pt. San Pedro Road. The rock quarry is not within the City limits, but is within the City's sphere of influence. As such, the City can *plan* for the future uses of rock quarry, but the City has no actual land use authority. Instead, the rock quarry is within the jurisdiction of Marin County, and Marin County has land use authority for the quarry. The City has determined that quarry operations are likely to continue throughout the planning horizon of *General Plan 2020*.

The San Rafael Rock Quarry and the McNear Brickworks are discussed in the Neighborhoods Element of *Draft General Plan 2020*. In response to comments on the *Draft General Plan 2020* the Planning Commission recommends that policy **NH-147 San Rafael Rock Quarry and McNear Brickworks** be revised to read as follows:

### **NH-147. San Rafael Rock Quarry and McNear Brickworks Reuse**

**The San Rafael Rock Quarry is currently operational, but its future is unclear at this time. The property owner has expressed an interest in continuing operations, but approval of an updated Reclamation Plan has not yet been obtained from the County. ~~indicated that the Existing quarry and brickyard use operations are expected to continue for at least 15 to 17 years through 2020. If operations cease before this time during the timeframe of this plan, consider annexation and allow redevelopment of the San Rafael Rock Quarry and McNear Brickworks, consistent with the following requirements taking into account the following factors:~~**

- a. ~~Consider the County's approved reclamation plan in future land use considerations. The Reclamation Plan indicates a mixture of single family and townhouse units, a marina, commercial recreation or hospitality and neighborhood serving commercial uses. Participate in preparation of a new reclamation plan and environmental impact report through the County of Marin, which should form the basis of future land uses and possible annexation.~~ [NOTE: this has been included as a new program; see below.]
- b. Consider redevelopment of the site only if traffic capacity is available and can meet the City's level of service standards, including all intersections to and from the Downtown and freeway on- and off-ramps. Expand Pt. San Pedro Road past Riviera Drive to four lanes if needed for traffic capacity.
- c. Create a public use park band along the shoreline at least 100 feet in width, linking McNear's Beach Park with the public walkway along Pt. San Pedro Road.
- d. Reopen the saltwater marsh to tidal action. Protect the freshwater marsh.

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<sup>1</sup> Noise impacts associated with the San Rafael Rock Quarry are discussed in Master Response E – Noise.

- e. Protect freshwater ponds.
- f. Preserve the site's woodland areas and incorporate some of the historic brick works into the project design.
- g. Redevelop the site at one time to eliminate incompatibilities between the existing operation and redevelopment uses, except for the development of a possible high-speed waterway transit stop.

**NH-147X. San Rafael Rock Quarry Impacts.** While recognizing the jurisdiction of Marin County over this property, persist in efforts to minimize impacts of the existing quarry operations on surrounding residents, such as noise, air quality, vibrations, street maintenance and truck traffic.

Responsibility: Community Development, Public Works

Timeframe: Ongoing

Resources: Staff Time

**NH-147Xa. Rock Quarry Impacts.** Seek to have input into County code enforcement activities, land use entitlements or negotiations with the quarry operator that might reduce impacts on affected properties in the City of San Rafael and on City infrastructure.

Responsibility: Community Development, Public Works

Timeframe: Ongoing

Resources: Staff Time

**NH-147Xa. Rock Quarry Impacts.**

Participate in preparation of a new reclamation plan and environmental impact report through the County of Marin, which should form the basis of future land uses and possible annexation.

Responsibility: Community Development, Public Works

Timeframe: Ongoing

Resources: Staff Time

The General Plan policy **NH-147** appropriately recognizes that quarry operations are likely to continue throughout the planning horizon of *General Plan 2020*, but expresses the City's vision of appropriate land uses at the quarry should mining cease.

Many commentors have suggested that recent litigation against the quarry signals the quarry's closure in the near future. The quarry has been a non-conforming use since at least 1982. Neighbors of the quarry, including the Point San Pedro Coalition, and the County filed a lawsuit, alleging that the quarry is operating beyond the scope of its reclamation plan as of November 1982 when the quarry became a non-conforming use and that the quarry's operations constitute a nuisance.

In evaluating these claims, the court considered the existing reclamation plan for the quarry. The court found that the quarry is operating beyond the years projected in the existing reclamation plan for the quarry, and that operations exceed both the depth and footprint set out in the reclamation plan. The court also found that the quarry's right to continue quarrying the property is subject to the quarry complying with the terms of Surface Mining and Reclamation Act (SMARA), the Marin County Code, and also the Peacock Gap Neighborhood Plan.

The court found that the quarry has expanded its mining since 1982, and it is not currently complying with SMARA, the Marin County Code, or the Peacock Gap Neighborhood Plan. The court also found

that the quarry's operations since 1982 have made "life near the quarry unbearable and unhealthy for a number of its neighbors through increased truck traffic and increased hours of operation that have in turn generated increases in noise, nighttime lighting and dust."

The court, therefore, enjoined the quarry from conducting further mining operations on the property. However, the court also ordered that the injunction shall not be effective for a period of six months or more to give the quarry time to correct the violations of law and for Marin County to act upon any amended reclamation plan submitted by the quarry. During this time, the court limited the quarry's activities.

In response to the litigation, an Amended Reclamation Plan 2004 (2004 Plan) was submitted to Marin County on April 26, 2004. According to the 2004 Plan, the quarry operators expect mining to continue for at least 15 to 17 years after the adoption of the plan. Thus, according to the quarry operators, mining is expected to continue past 2020. With the exception of the extent of the mining operations, the 2004 Plan is substantially the same as the 1982 Reclamation Plan. Approval of the 2004 Plan by the County will likely require further environmental review pursuant to CEQA. Thus, it is not likely the County will have approved a new reclamation plan prior to the City's adoption of *General Plan 2020*.

Prior to development of the uses contemplated in the 2004 Plan, several actions would likely be necessary. First, the 2004 Plan requires that a Development Plan be filed three years before completion of quarrying activities in order that re-vegetation and the conversion of the site to real estate uses contained in the 2004 Plan could be reviewed in detail in the context of the traffic, environmental and other conditions actually in place at the time of conversion. Next, the City would consider rezoning the property and whether to seek annexation. Any proposed development approved by the City could only proceed upon annexation. Thus, the result of the litigation and the 2004 Plan currently under consideration strongly indicate that uses besides ongoing quarry operations will not occur within the planning horizon of *General Plan 2020*.

The City's ability to plan for uses other than resource extraction at the quarry site is also limited by State law. SMARA requires local governments to adopt policies that protect designated mineral resource sites from premature development and ensure that new land uses in close proximity are compatible with mineral extractions. The State's purpose is to ensure that necessary mineral and construction commodities are located reasonably close to their markets and that the reclamation of mined lands prevents adverse effects on the environment and public health.

The quarry site has been classified as MRZ-2 by the State. MRZ-2 or Class 2 sites contain mineral resources considered important to the region or the state as a whole. As such, State law requires the City to:<sup>2</sup>

- Recognize the mineral classification information,
- Assist in the management of land uses that affect areas of statewide and regional significance; and
- Emphasize conservation and development of identified significant mineral deposits.

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<sup>2</sup> See Public Resources Code, § 2762, subd. (a).

Thus, State law emphasizes conservation and extraction of mineral resources in the planning process. The City has therefore determined that it is appropriate to plan on the existence of quarry operations until such time as it is clear that a reclamation plan will be implemented.

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## **Master Response B – Traffic Level of Service Standards**

Some commentors have questioned how subdivision D of policy C-5 will affect future development. Specifically, some have questioned how subdivision D will interact with the California Environmental Quality Act (CEQA).

Subdivision D of policy C-5 states:

**Evaluation of Project Merits.** In order to balance the City’s need to provide for housing and other necessary and appropriate services with the need to manage traffic congestion, projects that would exceed the level of service standards set forth above may be approved if the City finds, based on substantial evidence, that all feasible mitigation measures have been required and that specific economic, social, technological and/or other benefits of the project outweigh the project’s impacts on circulation.

Subdivision D is implemented by program C-5c, which has been revised to state:

**C-5c. ~~CEQA Exception Review.~~** Where it is determined that a project provides significant community benefit yet would result in a deviation from the LOS standards ~~as determined through the environmental review process, as provided for and authorized in the California Environmental Quality Act,~~ the City Council may approve such a project through adoption of appropriate findings, as set forth in policy C-5 (Traffic Level of Service Standards).

In general, if a project would cause the established acceptable level of service to be exceeded, the City would have to prepare an Environmental Impact Report (EIR) to approve the project. This is so because CEQA requires an EIR whenever the project could cause a significant environmental impact. Exceeding the accepted level of service would probably be considered a significant impact of the project or a significant cumulative impact.

In certain limited circumstances, however, a project that causes the accepted level of service to be exceeded could be approved without an EIR pursuant to CEQA. CEQA contains a few exemptions or partial exemptions that could potentially apply to projects approved pursuant to subdivision D of policy C-5.

For example, CEQA contains statutory exemptions that might apply to certain projects. If a project falls within a statutory exemption, then CEQA does not apply, and no further environmental review is required. Two notable statutory exemptions that could apply to projects in San Rafael are for affordable and infill housing.<sup>3</sup> In order for a project to qualify for one of these statutory exemptions, several requirements must be satisfied. The purpose of the requirements is to ensure that projects that qualify for the exemption will not have significant environmental impacts that will not be addressed. If these statutory exemptions apply to the project at issue, the City cannot require an EIR whether or not the project will cause the level of service to be exceeded.

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<sup>3</sup> See Public Resources Code sections 21159.21, 21159.23 and 21159.24.



A project approved pursuant to subdivision D of policy **C-5** could also be exempt, or partially exempt, from CEQA pursuant to Public Resources Code section 21083.3. That section provides that if a project is consistent with the density designated in the General Plan and zoning, CEQA review shall be limited to effects which are “peculiar to the parcel” and were not addressed as significant effects in the EIR for the General Plan, or which substantial new evidence shows will be more significant than described in the General Plan EIR.

As an example, if the only significant impact of a proposed project would be the potential of the project to cause the level of service to be exceeded, an EIR may not be required if the General Plan 2020 EIR already identified impacts to that intersection to be a significant and unavoidable impact. Several requirements would have to be satisfied for the project to qualify for this partial exemption. First the density of the proposed project must be consistent with the density established by the General Plan. Additionally, the City would be required to commit to the mitigation measures specified in the Draft EIR for *General Plan 2020*. The City would have to make a finding, at a public hearing, that those mitigation measures will be undertaken. Also, if site specific or off-site impacts of the project were not evaluated in the Draft EIR *General Plan 2020* (or an EIR for a community plan or specific plan), then those impacts would not be exempt from CEQA review.

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## **Master Response C – Loch Lomond Marina**

Many commentors raised questions regarding the impacts of *Draft General Plan 2020* on the Loch Lomond Marina, and particularly a specific application which has been filed for redevelopment of that site. This master response addresses some of the most common topics.

### **RELATIONSHIP BETWEEN “PROJECT APPLICATION” AND ADOPTION OF THE GENERAL PLAN**

The City’s General Plan provides overall policy direction for future development throughout the City. As a “high level” policy document it identifies desired land uses and design parameters for all properties. Given the focus on the Marina as a likely site for some redevelopment activity, the *Draft General Plan 2020* also includes a site-specific policy (policy **NH-121 Loch Lomond Marina**) that contains more detailed criteria that, if adopted, a future development proposal will have to be evaluated against. The adoption process for a General Plan includes public hearings at the Planning Commission (which occurred between January 2004 and April 2004), Planning Commission recommendations to the City Council (anticipated in August 2004), and public hearings before the City Council (expected to begin in September 2004).

The owners of the Marina property in question have recently submitted a development application for the site, which they have been preparing and discussing with the community for over a year. They have attempted to design the proposal in response to *Draft General Plan 2020* policies. The processing of the development proposal for the Marina has just begun and will likely take at least 12 to 18 months since an environmental impact report (EIR) must be prepared. Therefore, the development application will ultimately be evaluated under the City’s new General Plan.

### **GENERAL PLAN 2020 VERSUS EXISTING GENERAL PLAN**

The existing General Plan (*General Plan 2000*) has been in effect since 1988. The approximately 4.6 to 5.0 acre portion of the site which includes Bruno’s Market, the associated commercial space and a portion of the asphalt area along Pt. San Pedro Road is designated as Neighborhood Commercial on the City’s existing Land Use Map, with a Medium Density housing range of 6.5 to 15 units per acre. The the estimated net density for this portion of the site would be up to approximately 69 housing units under current zoning. The remainder of the site is designated as Marine Related (23.4 acres of dry land, 40 acres of marina basin and 60 acres of water), which presently does not allow housing development.

*Draft General Plan 2020* was prepared by a 19-member Steering Committee appointed by the City Council. The Committee members were asked to look at the City as a whole, without representing specific constituencies. One member of the Committee resides in Peacock Gap. The Steering Committee took three years to prepare *Draft General Plan 2020*, and involved approximately 2,000 residents at their meetings, in community forums and through “loop outs” with many constituency groups.

One objective of the Committee was to increase opportunities for community interaction, including improvements to public access to the bayfront and the San Rafael Canal waterfront. Another primary

objective which emerged at community visioning sessions at the outset of the General Plan update process was to retain the diversity of the community, which includes providing housing choices for a wide range of our residents and employees. In addition to the general need for a range of housing choices, the City must comply with State law and demonstrate that the City has the capacity to meet mandated housing numbers. The Committee and staff identified over 80 potential sites for additional housing and sought community input over a six month period in prioritizing these sites.

These objectives and community feedback were considered by the Steering Committee during numerous discussions regarding redevelopment throughout the City, including at the Loch Lomond Marina. The Committee adopted a policy statement contained in *Draft General Plan 2020* which identifies land use and design objectives for any future development proposal. In addition, they recommended that the City's Land Use Map designate about ten acres of the site as Neighborhood Commercial at Medium Density Residential, which could allow up to 150 housing units. However, the Committee indicated that up to 100 housing units would likely be developed on the site.<sup>4</sup> in the Housing Element, which the State will review. The property owner has proposed an 88-unit project. The remainder of the property would continue to be designated Marine Related and the wetland areas as Conservation. The Committee's recommendations do not endorse the addition of the maximum build-out potential of 150 units on the ten acres at the Marina, but the Committee felt that the impacts and potential benefits of such a redevelopment should be considered in more detail if pursued by the property owner.

In response to comments on *Draft General Plan 2020* the Planning Commission recommends that policy **NH-121** be revised to read as follows:

### **LOCH LOMOND**

~~The Loch Lomond neighborhood is primarily developed with single family homes on hillside lots or lots along the Bay. The hills above the neighborhood provide hiking trails and access to Harry A Barbier Memorial Park. A 40 year old neighborhood shopping center, featuring a market, retail shops, and office space, is located at the terminus of Loch Lomond Drive along the water's edge. The shopping center buildings are old, unattractive, in need of maintenance, and lack an architectural theme. This center also features a marina with boat slips, a yacht club, a public boat launching facility, boat storage, and a restaurant. The site also has wetland and marsh areas.~~

### **Neighborhood Design**

#### **NH-121. Loch Lomond Marina.**

~~Improve the Loch Lomond Marina property by creating a beautiful waterfront development that maximizes the site's location facing San Francisco Bay, consistent with the following guidelines:~~

- ~~a. **Land Use.** Encourage a mixed use development that includes all of the following land uses:~~

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<sup>4</sup> This is shown in Appendix B of the *Draft General Plan 2020*, in the Summary of Potential Housing Sites in San Rafael Compared to Remaining Regional Housing Need (2003-2007).

- ~~Marine and support facilities, with boat berths, a public boat launch, dry boat storage, a yacht club, and boat retail and services.~~
  - ~~Recreation, including fishing and walking, along the breakwater and spits to provide public access along the waterfront.~~
  - ~~Neighborhood-serving commercial uses that meet the needs of residents in the area. Appropriate uses include a grocery, restaurant, and medical or professional offices.~~
  - ~~Residential, with a mix of housing types.~~
- b. ~~**Marsh, Wetlands and Bay Views.** Preserve and enhance existing marsh and wetland habitat areas, with development setbacks consistent with Conservation Element policies. Locate buildings and use appropriate landscaping to preserve and enhance, where appropriate, views of the Bay and its islands, Bay wetlands, and the marina from public streets and parks.~~
- e. ~~**Building Height.** Two options:~~
- ~~Strongly encourage a variety of building heights consistent with the height limit of the zoning district. (7 in favor)~~
  - ~~Allow a mix of building heights from one to three stories of up to 36 feet for the three story buildings. (5 in favor)~~
- d. ~~**Site Design.** Incorporate the following features as part of development of the site:~~
- ~~A waterfront-oriented development;~~
  - ~~An improved breakwater; and~~
  - ~~A community gathering place.~~
- ~~**NH-121a. Project Design and Review.** Encourage the property owner to use a community design process to ensure effective public participation in designing a high quality development for the Loch Lomond Marina site. Require a mixed-use parking analysis to establish adequate parking requirements; require photomontage analyses as part of the evaluation on view impacts; and, require a wetlands delineation.~~
- ~~Responsibility: Community Development~~
  - ~~Timeframe: Short Term~~
  - ~~Resources: Fees~~

## LOCH LOMOND

The Loch Lomond neighborhood is primarily developed with single-family homes on hillside lots or lots along the Bay. The hills above the neighborhood provide hiking trails and access to Harry A. Barbier Memorial Park.

The neighborhood is home to the Loch Lomond Marina and Shopping Center. This extraordinary site includes neighborhood-serving shops and a market, but is primarily a 550-slip marina. The long breakwater offers unique pedestrian access along the bay front and striking views of the San Francisco and San Rafael bays, San Rafael-Richmond Bridge, Mt. Tamalpais, and the Marin Islands National Wildlife Refuge – artists are drawn to the site to capture the Bay vista. To the east and west of the site are wetlands that support all manner of wildlife. The marina includes boat slips, a yacht club, a public boat launching facility, boat storage, and a restaurant.

## **Neighborhood Design**

### **NH-121. Loch Lomond Marina.**

If the property owner proposes to redevelop the site, create a beautiful waterfront development that maximizes the site's location facing San Francisco Bay, consistent with the following guidelines and requirements:

a. **Land Use.** Encourage a mixed-use development that includes all of the following land uses:

- Marine and support facilities, with boat berths, a public boat launch, boat trailer parking, a yacht club, boat retail and services, and other water-based recreation.
- Recreation, including fishing and walking, along the breakwater and spits to provide public access along the waterfront. Water-oriented and bicycle recreation is encouraged. For example, bird-watching and fishing opportunities should be enhanced. Access for fishing should be provided in a way that extends a welcome to visitors.
- Neighborhood-serving commercial uses that meet the needs of residents and visitors in the area should be included for trip reduction and for the convenience of residents in the area and visitors.
- Residential, with a mix of housing types, that meets design and housing objectives. A minimum of 50 multifamily and workforce units are required. Because of the limited area for marine uses on the site, residential use is not allowed in the Marine Related District.

b. **Site Design.** Achieve an extraordinary design in an innovative development that enhances the neighborhood, San Rafael, and the bayfront. New development should draw inspiration from the Bay and waterfront, provide a community gathering place with neighborhood shopping and recreational opportunities, and provide attractive and site-appropriate housing, consistent with the following guidelines:

1. Views of the marina and waterfront should draw people into the site and retain their value to the surrounding community.
  - The view through the center of the site is the major public view corridor. To enhance this corridor, housing should be compact and clustered on the eastern and western portions of the site, on the north side of the property. The center of the site should include low-scale uses and/or structures such as open space, park, plaza, and/or parking designed to achieve an open, welcoming and inviting entrance to retail and recreation opportunities. Commercial buildings along the central view corridor should be low-rise, and lead to substantial open space along the waterfront. Parking should be carefully sited to enhance the corridor, but should not detract from the waterfront pedestrian-focused design.
  - The primary entrance to the site should include views of the marina and waterfront and establish a welcoming sense of place. The frontage along Pt. San Pedro Road should be warm and welcoming, encouraging access through the site's principal entryway..
  - Buildings should be carefully sited and designed to enhance, or minimize impacts, to views of the Bay, the Marin Islands, wetlands and the marina.
2. A paved and landscaped bicycle and pedestrian trail should encircle the site, with side paths through the site, and should extend along the waterfront and on an improved breakwater.

3. A community-gathering place should be included along with a park large enough to provide activities for children and adults both in the immediate neighborhood and in the surrounding area. A play area with playground equipment suitable for preschool and elementary school ages, with a water play feature is recommended, and an active recreational area, such as a sports court (i.e., bocce ball or volleyball) is desired.
4. The streets and alleyways should be designed for slow driving speeds, and there should be an enhanced transit stop on Pt. San Pedro Road.

**NH-121a. Project Design and Review.**

- a. Require an early conceptual design review by the Design Review Board and the Planning Commission. Encourage applicants to present alternative proposals for conceptual review in that design review.
- b. Prior to submitting a proposal, the property owner must confer with Federal, State and local agencies (such as Bay Conservation and Development Commission, Association of Bay Area Government's Bay Trails Project, U.S. Fish and Wildlife) with responsibility for the Bay.
- c. The neighborhood residents and homeowner associations shall be informed and consulted on major design issues throughout the process.
- d. Require a mixed-use parking analysis to establish adequate parking requirements; require photomontage analyses as part of the evaluation of view impacts; and, require a wetlands delineation.

Responsibility: Community Development

Timeframe: Short Term

Resources: Fees

**NH-121b. Common Area Maintenance.** As part of the development proposal, require a reliable and efficient means to maintain common areas.

Responsibility: Community Development

Timeframe: Short Term

Resources: Fees

**NH-121c. Birdwatching.** Encourage the developer to provide a viewing pavilion and interpretive display for birdwatchers, and to consult with the Tiburon Audubon Center (Lyford House) about the possibility of establishing a satellite operation at Loch Lomond, as well as recommendations on needed facilities.

Responsibility: Community Development

Timeframe: Short Term

Resources: Fees

### **HOUSING AT THE MARINA**

Both *General Plan 2000* and *Draft General Plan 2020* have assigned a land use designation of Neighborhood Commercial for a portion of the Marina site which allows medium density housing. This land use designation recognizes the benefits that some neighborhood commercial provides to the San Pedro Peninsula in terms of convenient services that reduce the need to travel to the Downtown area. Use of the vacant portions of the site for additional housing responds to community needs as noted above.

The City has long supported the mixing of housing types and densities both in response to market needs (for young households, seniors, single-parent households, etc.) and to create more diverse, dynamic neighborhoods. This was the case during the 1980's when Peacock Gap was built with both single-family and condominium developments, and it is still a City objective as evidenced in the new Redwood Village project being built at N. San Pedro Road and Los Ranchitos, which includes both single-family homes and townhomes.

### **CURRENT DEVELOPMENT APPLICATIONS AT THE LOCH LOMOND MARINA**

On February 23, 2004 an application was filed for the redevelopment of the Loch Lomond Marina Village. This application includes proposals for two phases of development. Phase I would retain Bruno's Market and proposes the following:

- Thirty-two (32) single-family detached dwellings and 38 attached townhouse units, for a total of 70 housing units.
- A 0.6 acre public park
- A 20,800 square foot retail/office building which would include an 800 square foot restaurant space and adjacent outdoor plaza area. Commercial space adjacent to Bruno's would be removed. The existing 2,600 square foot yacht club and 1,200 square foot boat repair facilities would remain.
- Automobile parking including 81 spaces for the new commercial building, 67 spaces for Bruno's, 281 spaces for the marina and 24 boat trailer spaces. Forty-one (41) dry-dock spaces for boats are also proposed.

Phase II of proposal would eliminate Bruno's Market and replace it with an additional 18 townhouse units, for a total of 88 housing units.

To date, these applications are incomplete and the City has requested additional information. An environmental impact report (EIR) will be required for the project, and the City has hired an EIR consulting firm to begin preparation of the document. It is expected that the project design will change over the course of the review process due to additional input from staff, the public, City Boards and Commissions and the EIR consultants.

It is common that large projects which require the preparation of an EIR take at least 12 to 18 months to be ready for public hearings before the Planning Commission and City Council. During that time there will be opportunities to review and comment on a Draft EIR and at meetings of the Design Review Board and the Park and Recreation Commission for review of the project layout, architecture and park design.

### **Marina Services**

It is the City's objective that the Marina continues to be the principal use of the property. The proposed redevelopment plan would retain the launch ramp, the boat repair service, and the yacht club building. The plan currently proposes 24 parking spaces for vehicles with trailers and 41 dry-dock spaces for boat storage. The applicant will be required to submit studies which compare the existing demand for trailer parking at the Loch Lomond Marina with other North Bay marinas to determine an appropriate amount of trailer parking. The EIR will analyze this data and will predict whether on-street trailer parking outside of the Loch Lomond Marina property would be likely during typical and holiday/special event weekends. The applicant will also be required to submit data on existing dry boat storage and the residential location of the boat owners.

### **Grocery Store, Restaurant, and Other Commercial Services**

Bruno's Market has a ten-year lease and has not indicated an intent to change locations. The City has informed the developer that any approvals for redevelopment at the site must include the retention of a retail food service after Bruno's lease expires. The minimum size for such a grocery store will be determined through the development review process. The City has asked the applicant to submit an economic analysis to demonstrate what size market can be supported by the San Pedro Peninsula, given other supermarkets in the area.

The City will also require that space be provided in the new commercial building for a restaurant adjacent to the proposed outdoor plaza. However, the City cannot require that the property owner will lease the restaurant space to a specific operator. There will also be other retail and office space in the proposed commercial building for marina-related or neighborhood serving uses.

### **Views**

Any construction on the current asphalt lots at the Marina will certainly affect views from Pt. San Pedro Road. It is the desire of the City and the Bay Conservation and Development Commission (BCDC), which governs bayfront land uses, to retain views of the Marina and Bay through the careful placement of buildings, open space, parking areas and streets. Both the existing and proposed General Plans include policies which address view preservation from public vantage points, such as streets. The EIR for the proposed development will include photomontage images of existing views and views with the proposed development for analysis of view impacts from public vantage points such as Pt. San Pedro Road and from streets in the Loch Lomond neighborhood. Since there is a great deal of concern about view impacts affecting private properties, the City will require that photomontage images from various private properties also be provided for the Design Review Board, Planning Commission, and City Council's consideration during their review of the project design. The location of these private property vantage points will be selected by the City with input from representatives of the local homeowners associations. The view analyses will take into account the proposed grading of the site, including any required fill.

Based on neighborhood input the proposed development does not exceed two stories in height. The applicant is working on design changes which would lower portions of the townhouse units closest to Pt. San Pedro Road to one story.

### **Soundwall**

The initial application materials submitted by the developer indicated that an eight-foot soundwall was proposed along Pt. San Pedro Road. It is very likely that a revised design submittal will be filed which eliminates or significantly reduces the proposed soundwall through redesign of the buildings proposed



along Pt. San Pedro Road. This will increase opportunities for views of the waterfront from the roadway.

**How will traffic be affected?**

Traffic is consistently the most important issue throughout the community. During the preparation of *Draft General Plan 2020* several growth scenarios were evaluated using the City’s computerized traffic model. The results were discussed extensively during meetings of the Steering Committee. The traffic modeling for *Draft General Plan 2020* looks at cumulative growth to the year 2020. The *Draft General Plan 2020* anticipates very little additional retail or office growth compared to the existing General Plan. City-wide traffic studies, such as that done for *Draft General Plan 2020*, do not analyze impacts from development of a single site, such as Loch Lomond Marina, but focus on overall traffic growth and impacts.

Traffic modeling for *General Plan 2020* showed that with the planned cumulative growth to 2020, there will be the following impacts to the level of service on Pt. San Pedro Rd and at the Third and Union intersection:

Intersection	Peak	Baseline	Baseline		2020 without roadway improvements		2020 with roadway improvements		General Plan 2020 Roadway Improvements
		Status	Delay	LOS	Delay	LOS	Delay	LOS	
3rd & Union	AM	Sig.	24.5	C	34.7	C	31.8	C	Signal operation improvement (northbound left and southbound left protect phasing)
3rd & Union	PM	Sig.	46.7	D	50.1	D	68.7	E	Signal operation improvement (northbound left and southbound left protect phasing)
Pt. San Pedro & Lochinvar	AM	Sig.	4.5	A	4.4	A	4.5	A	None
Pt. San Pedro & Lochinvar	PM	Sig.	3.5	A	3.5	A	3.5	A	None

The degraded LOS at Third and Union, from LOS D (46.7 seconds delay) to LOS E (68.7 seconds delay) is described in *Impact IV.2-3* in the Draft EIR. The LOS is projected to lower as a result of roadway improvements that will improve pedestrian safety at the intersection. The Pt. San Pedro/Lochinvar intersection at the Loch Lomond Marina is not projected to see a change in LOS.

A much more detailed and project-specific traffic analysis will be performed as part of the EIR for the Loch Lomond Marina Village development proposal. This analysis will look at all intersections and roadways between the Marina site and the Highway 101 freeway ramps. The applicant is preparing an initial traffic assessment as background information for the upcoming neighborhood meeting, and the EIR consultants for that project will perform a more in-depth assessment, including comparisons of the proposed project with different density alternatives. The EIR analysis will include proposed modifications that are being designed by the City for the Union/Third Street intersection.

**Wetlands**

The City has stringent policies regarding protection of wetlands (for example see policies **CON-1 Protection of Environmental Resources**, **CON-2 Wetlands Preservation** and **CON-3 Unavoidable Filling of Wetlands**). It is expected that existing wetland areas in the Marina will not be reduced. There will be additional protection of these areas through setbacks of buildings or parking lots, fencing to restrict access by people and dogs, and direction of site runoff away from the wetlands. A portion of the site is designated Conservation which is designed to protect areas of natural resource significance through the development review process.

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## Master Response D – Canalways

Several commentors raised questions regarding the Canalways property.

The property commonly known as “Canalways” consists of approximately 80 acres of land west of the levee. It is located in east San Rafael between the BayPoint residences, an undeveloped city park at Windward Way, Kerner Boulevard, the city-owned San Quentin drainage pond, and Home Depot. The property is owned by Kerner Boulevard LLC.

*Draft General Plan 2020* proposes to designate approximately 68.7 acres of the Canalways as Conservation and the remaining 11.5 acres as Light Industry/Office.

In response to comments on *Draft General Plan 2020* the Planning Commission recommends that the definition of the Conservation land use designation be revised to read as follows:

Areas identified as having visual or other natural resource significance that should be protected through the development review process. The Conservation designation is applied to environmentally-sensitive areas that are part of a larger site of contiguous parcels under common ownership. Absent evidence that some portion of the area is appropriate for development, no development of residential, industrial or commercial buildings shall be allowed. The city will consider some level of intensity and density of development upon evidence that such use is appropriate.

In addition, in response to comments on the *Draft General Plan 2020* the Planning Commission recommends that policy **NH-82 Canalways** be revised to read as follows:

Recognize the high resource value of the site’s wetlands that provide habitat to ~~rare and endangered~~ many species, which may include rare and endangered species. In addition, recognize that this site is in an area affected by traffic congestion. ~~Encourage and support efforts to purchase the site for open space.~~ With any development of this property, buffer site wetlands from buildings and parking lots, and obtain trail easements and improvements for the Jean and John Starkweather Shoreline Park. ~~Light Industrial/Office is a use that would have the least impact on the wetland habitat.~~ Development shall be located along the western edge of the site and to the greatest extent feasible in areas outside of delineated wetlands or areas determined as critical upland habitat for endangered species.

### **HISTORY OF CANALWAYS SITE**

Several commentors raised questions and presented conflicting information regarding the history of the Canalways property. In the 1970s, the City designed and constructed on land it owns between Shoreline Center and Canalways, a drainage system for the east San Rafael area; this system consisted of a drainage collection pond, outflow pipe and pump station. The project was funded by the issuance of revenue bonds by the East San Rafael Drainage Assessment District #1 (ESRDAD #1). The bonds were paid by way of annual assessments of all the properties within the District.

At the time the drainage facilities were constructed and into the 1980s, Canalways was owned by an individual who had applied for development of the site. In 1984, an EIR was certified for 350

townhouses, 250,000 square feet of office, and 1.1 acres of light industrial use. A revised application was submitted in 1989 for 225 residential units and 112,800 square feet of office space, on 25 acres of the site.

In the early 1990s, the property owner defaulted on his loan and failed to pay taxes. The savings and loan holding the mortgage was taken over by the Resolution Trust Corporation (RTC), an agency of the Federal Government. Several conservation groups proposed to purchase Canalways for little more than the back taxes. However, before the sale could be finalized, Kerner Blvd. LLC purchased the property from the RTC for approximately \$450,000. Additionally, the new property owner paid the East San Rafael Drainage Assessment District about \$600,000.00 in back assessments.

While the City's drainage system was built in conformance with the original design development adjacent to the pond was never built. As originally conceived, the pond was to be the "bottom of a hole", the bottom of a drainage collection pond; the land around it was to be elevated with 15 to 18 feet of fill as part of future development similar to the Home Depot development. Consequently, the drainage pond has never functioned as originally intended. The drainage pond averages two and one-half to three feet in depth, rather than the 15 to 18 foot depth originally planned. In recent years the pond has partially filled with silt and requires some dredging; however, the City currently has no funds to perform this work.

In December of 1997, the owners of Canalways sued the City alleging flooding damages to their property caused by defects with the City's drainage system. Specifically, the owners claimed the salt water from the broken out-flow pipe was creating salt-water marsh on their property and so, diminishing its value. After the pipe was repaired, the owners claimed the City was not turning on the pumps often enough, resulting in the pond overflowing onto their property. After an automated pump control system was installed, the owners claimed that pond water was intruding on the "uplands" portion of their property, converting it into "wetlands."

The City responded to the lawsuit denying any liability and disputing the plaintiffs' claim for damages. First, the Canalways levee, privately owned by the property owner, is in need of repair. The estimated cost to raise and reinforce the levee is quite significant. And second, the Canalways property, for as long as anyone could remember and long before the City ever constructed a drainage facility adjacent to the property, always flooded during the wet weather months.

With regard to the issue of levee repair, the property owners claimed that such repair was the responsibility of the City because the ESRDAD # 1 assessed property owners for such improvements. Research revealed that the ESRDAD #1 indeed was authorized to issue bonds for levee improvements, but in fact, it had never done so. Accordingly, none of the property owners in the District has ever been assessed nor paid for levee repairs. As each of the properties developed in the East San Rafael area, the property owner upgraded the levee on his/her particular property to the City's standards in conjunction with the development process. Subsequently, the Canalways owners actually undertook emergency repair of the levee at their own cost and expense. Permanent repairs remain to be done.

The lawsuit was settled October 2000. Neither side admitted liability and the City did not pay any damages to the plaintiffs, though it did make some improvements to the drainage system, namely, the City dredged drainage ditches, installed the automatic pump control system and repaired the outflow pipe.

Below is chronology of significant actions that have occurred related to the Canalways site.

<b>Date</b>	<b>Canalways</b>
1913	Site annexed as tidelands.
1950-58	Levee built from Marin Rod and Gun Club to Murphy's Rock at the northeast corner of the Canalways property cutting tidal action to the site.
Early 1970s	Site owned by Holiday Magic Corp., went into receivership, acquired by trust of investors from Holiday Magic.
1974	General Plan adopted, designated the majority of the site as Business Industrial Review Areas with bay frontage as Water-Oriented Review Area.
1977	Central San Rafael Redevelopment Plan completed with an Urban Design and Development Policy Statement for East San Rafael, with 25 acres for development, and 55 acres for tidal marsh.
8/78	Application for rezoning to Planned Development: 26.5 acres of light industrial/office, 23.5 acres of medium density residential, 33 acres of tidal embayment.
1979	Army Corps of Engineers completed EIS for East San Rafael/Central San Rafael Redevelopment Plan.
10/79	Planning Commission denied rezoning application finding that the proposed wildlife habitat areas is less than that described in the Urban Design and Development Policy Statement for East San Rafael, and the project failed to demonstrate that the proposed enhanced habitat would have equal value.
1/13/82	Revised application submitted, amendment to Planning application P82-1.
3/82	Revised application deemed complete.
4/27/82	Planning Commission decision for a focused EIR re. impacts on wildlife.
9/82	Salt marsh harvest mice trapped on property by Dr. Shellhammer.
12/1/82	Planning Commission Notice of Preparation for EIR for Spinnaker Points/lands of Herzstein Tract (Holiday Magic).
12/15/82	City contracts with Malcolm Sproul to prepare a focused EIR for project.
12/82	"Rodent Trapping at Canalways" report by Harvey and Stanley Associates finds two Salt Marsh Harvest mice on the site, and recommends off-site mitigation.
12/82	Project revised: 44.6 acres of development with 450 units, 14.3 acres of office, 1.1 acre of industrial use, 55.7 acres of marsh habitat on the site and City pond, 40 acres of off-site mitigation in Corte Madera.
12/82	Canalways, a general partnership, bought the site, with J. Bledsoe as general partner.
1/12/83	Fish and Wildlife Service's Biological Opinion finds that development would "jeopardize the continued existence of the Salt Marsh Harvest Mouse" and recommended 80 acres of mitigation.
6/14/83	Draft EIR and Addendum reviewed by the Planning Commission; Public Hearing continued.
8/83	Project revised: 37.4 acres of development, with 27.2 acres for 350 units, 1.1 acre of industrial use, and 8.5 acres with 250,000 sq. ft. of office, a 19 acre marsh, 48

	acres of mudflat/City pond, and 40 acres of off-site mitigation.
1/10/84	Planning Commission Resolution 84-1 recommending certification of FEIR for Canalways.
10/15/84	City Council Resolution 6949 certifying FEIR for Canalways.
12/11/84	Planning Commission Resolution 84-26 denies without prejudice applications for development at Canalways, finding that the project is inconsistent with City policies, and that the “wetland areas . . . do not provide sufficient habitat for either the endangered salt marsh harvest mouse or the general waterfowl of the area.”
1985	City initiated foreclosure to recover East San Rafael Drainage Assessment District payments delinquent since 1982/83. Funds collected.
1/7/85	City Council Resolution 7004 denies without prejudice General Plan Amendment, Urban Design and Development Policy Statement Amendment and rezoning for Canalways. (GPA82-1, P82-1, and Z81-22 submitted 9/28/81)
8/19/86 (date received)	Army Corps of Engineers letter denying application for Corps permit because of Section 7 Biological Opinion, lack of water certification by the Regional Water Quality Control Board, and lack of adequate wetlands mitigation.
1987	City initiated foreclosure to recover East San Rafael Drainage Assessment District payments delinquent in 1987 and 1988.
2/12/87	Application for reactivated/revised project GPA82-1. Zone change revised: 25 acres with 300 units and 113,256 square feet of office, 76.5 acres of natural habitat, including the City pond.
12/9/87	Planning Commission directs staff to prepare supplement to the prior EIR.
11/28/88	Application PPP88-12 (Priority Projects Procedure) submitted for Canalways project (later denied)
12/7/88	Application submitted for rezoning to PD; Z88-6, for 15 acres 224 units, 7.8 acres of office, and 25-50 acres offsite wetland compensation.
3/24/89	Notice of Preparation issued for Supplemental EIR (for Z88-6)
3/28/89	Planning Commission scoping of issues for supplement to the EIR for Canalways.
5/1/89	City Request for Proposal for preparation of a Supplement to EIR for Canalways. No action on the project after this date.
1991	Property in foreclosure. City attempted to purchase site using funds from the Coastal Conservancy. FDIC sold property to current owners for approximately \$450,000, plus \$600,000 in back drainage district assessments.
Fall 2000	City and property owner sign settlement and agreement regarding the maintenance of the City Pond and drainage facilities. Levee repaired and drainage channel dredged.

## **WETLANDS**

Several commentors raised issues regarding the designation of wetland habitat on the Canalways property. In response to these comments a field visit was made to the Canalways on March 10, 2004 by Live Oak Associates, Inc. staff (the EIR biologists) to reevaluate the site specifically in reference to wetland issues and the salt marsh harvest mouse.<sup>5</sup>

On Exhibit 34, Major Biotic Habitats of *Draft General Plan 2020* (page 278), only portions of the Canalways are designated as wetland habitat. The upland habitat surrounding the wetland areas (the roadways, etc.) are designated as urbanized/developed with the interior portion of the subject property designated as wetland. The Canalways are not considered to be pristine wetland habitat; however, the three required wetland criteria (hydrophytic vegetation, hydrology, and hydric soils) appeared to be present during the EIR biologist's March 2004 field visit. The majority of the Canalways are currently dominated by pickleweed, which is an obligate wetland species (criterion met for hydrophytic vegetation) and surface water was observed at the time of the field survey in portions of the subject property (criterion met for hydrology); no soil pits were dug. Therefore, based upon the further analysis of the Canalways, Live Oak Associates (the EIR biologists) believe that the designation of the Canalways as primarily wetland habitat is accurate.

There is the possibility that after further detailed efforts, a larger portion of the Canalways property may be classified as upland habitat (not wetland). For instance, a portion of the property along the western boundary contains a mix of wetland and upland plant species and the hydrology is not as prevalent. However, it is not possible to make a final determination of the boundary between upland and wetland habitat without having a wetland delineation conducted; therefore a change to Exhibit 34 is not warranted until a final determination has been made.

Wetland delineations determine the existing condition of a property. At this time, the majority of the Canalways property would likely be considered wetland habitat; however, if conditions continue to dry out the property, the wetland habitat may be reduced in size. Typically, wetland delineations are not completed until a certain site is proposed for some variation of ground disturbance. At that future time, a Waters of the United States Report would be required to be prepared and submitted to the U.S. Army Corps of Engineers (USACE) for final determination of the wetland boundaries. It is the choice of the Canalways' owner to submit a report to the USACE prior to any proposed ground disturbance if a final determination of wetland boundaries is currently desired.

## **SALT MARSH HARVEST MOUSE**

Comments by the property owner, his consultant (Wetland Research Associates, Inc.) and others state that they believe that the Canalways property does not support conditions suitable for the salt marsh harvest mouse (SMHM), which is listed as an endangered species under both the California and federal Endangered Species Acts.

The evidence before the City supports the conclusion that the Canalways property supports SMHM habitat. There is no empirical evidence to support the commentors assertion regarding SMHM habitat. It is quite possible that conditions (both natural degradation and anthropogenic causes such as

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<sup>5</sup> The March 2004 field visit was conducted by Dr. Rick Hopkins (senior wildlife ecologist) and Melissa Denena (wetland ecologist) of Live Oak Associates, Inc.

mowing) have changed during the last 20 years and the SMHM has been extirpated from the site. However, a dense stand of pickleweed remains within the Canalways, which is the principle food source of the SMHM; the SMHM can also feed on the seeds, leaves, and stems of other plant species. If a SMHM were to be present within the Canalways, it could utilize not only the areas dominated by pickleweed, but the areas immediately surrounding these areas, which would include the mudflat area and marginal habitat directly adjacent to the pickleweed stand. For this reason, the majority of the Canalways property has been included as SMHM habitat (see Exhibit 37 Threatened and Endangered Species of the *Draft General Plan 2020* (page 287)).

There have been two large scale trapping efforts that have taken place on the Canalways property. The first took place in early 1982 by the California Department of Fish and Game in which no SMHM were trapped. In September of 1982, Dr. Shellhammer conducted a survey in which he trapped for the SMHM for 525 trap nights or 105 traps dispersed in some systematic way over the entire site for five consecutive nights. Two SMHM were captured during this trapping effort. Dr. Shellhammer stated that "...the site is of moderate to moderately – poor habitat for the salt marsh harvest mouse", however this does not mean the site is of no value for the species; simply that it would likely support low to moderate densities of the mouse.

Dr. Shellhammer's report has also been incorrectly quoted or misinterpreted to say that during the modest effort Dr. Shellhammer put forth in September 1982, only one SMHM was captured. Mr. Dwayne Hunn (representing the property owner Kerner Boulevard, LLC) at one point does correctly quote the report, "Two salt marsh harvest mice (*Reithrodontomys raviventris*) were captured during the 525 trap nights", but then goes on to argue that in reality only one mouse was unmistakable as a SMHM while the other had "interbred" with the western harvest mouse. This interpretation is simply wrong; Dr. Shellhammer developed a scoring system to distinguish between SMHM and western harvest mice in the field more than 20 years ago. The final determination was not left up to the tail score, unless the scores was "unmistakable", but also factored in behavioral traits, because Dr. Shellhammer's considerable experience with this species (and training as an animal behaviorist) had convinced him that behavior could be a deciding factor when the results from the tail scores were ambiguous. It is important to note that tail characteristics of an intermediate nature are not evidence of hybridization, but simply that there is intraspecies variation in tail characteristics and that overlap in these characteristics occurs between these two closely related species. Thus, the behavior is used to aid in the identification to species when tail characteristics are ambiguous. Therefore, more precisely, Dr. Shellhammer identified two SMHM on site in a modest effort during a five-day trapping episode in September 1982.

Therefore, until a future study provides significant empirical evidence (trapping studies to demonstrate a species absence would need to be more extensive than the original effort) that the species no longer inhabits the site, the City must continue to assume its presence.

Furthermore, it should be noted that the Exhibits 34 and 37 of *Draft General Plan 2020* do not establish or prohibit any land uses in and of themselves. The exhibits are intended only as an effort to identify valuable resources within the Planning Area so that conservation of resources can be planned for. The development potential for the Canalways site will be established upon provision of evidence of site suitability pursuant to the Conservation land use designation for the site.



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## Master Response E – Noise

As discussed above in Master Response A – San Rafael Rock Quarry the quarry is located in unincorporated Marin County adjacent to the City of San Rafael. The San Rafael Rock Quarry is identified as a noise source in the *San Rafael General Plan Background Report* and the Draft EIR. Noise sources associated with the quarry include on-site machinery, trucks, blasting, and haul trucks traveling on Pt. San Pedro Road west of the quarry. *Draft General Plan 2020* and Draft EIR account for the quarry truck traffic on Point San Pedro Road in the existing and future traffic noise contours which show an  $L_{dn}$  in excess of 60 dBA. The preparation of noise contours for on-site activities was not necessary since the  $L_{dn}$  from on-site activities does not exceed 60 dBA in the adjacent City of San Rafael. An  $L_{dn}$  of 60 dBA is an appropriate lower limit for noise contours because it is the lowest threshold for normally acceptable exterior noise exposure in any land use category (see *Draft General Plan 2020* Exhibit 30). Separate noise contours for quarry trucks are not necessary because they are included in the *Draft General Plan 2020* traffic noise contours for Point San Pedro Road.

### PREVIOUS ACOUSTICAL STUDIES

The most recent acoustical studies of the San Rafael Rock Quarry reviewed as part of the noise element update were prepared for Marin County in 2000 and Dutra Materials (the quarry operators) in 1999. The results of these studies are discussed in the following section.

#### 1. Marin County Studies

Noise levels from quarry activities were quantified in two acoustical studies commissioned by Marin County in 2000. One study addressed the on-site noise sources such as diesel equipment, rock crushers and conveyors while the other study addressed the heavy truck traffic on Pt. San Pedro Road.<sup>6</sup>

The County's study of on-site equipment noise included four days of noise monitoring at the closest residences. Noise monitoring was conducted outdoors at locations near homes on Marin Bay Park Drive, San Marino Drive and the Condominiums on Heritage Drive. The measured noise levels were from several sources. In addition to the activities on the quarry site there was also noise from other sources such as traffic on Pt. San Pedro Road and the McNear's Beach Park access road. The noise study preparers used detailed observations and short-term noise measurements to help calculate the contribution of the on-site quarry activities (i.e. the quarry pit). The study found that:

- The estimated hourly noise levels during hours of operation at the quarry pit are approximately 48 to 52 dBA at residential land uses along San Marino Drive. The  $L_{dn}$  resulting solely from quarry pit noise is approximately 48 dBA at these receptors.
- Noise levels experienced at residential receptors along Pt. San Pedro Road result primarily from vehicular traffic noise. Quarry pit operations do not measurably contribute to hourly average noise levels or day-night average noise levels at these receptors.

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<sup>6</sup> *San Rafael Rock Quarry Environmental Noise Assessment, Marin County, California*, prepared for Marin County Community Development Agency, prepared by Illingworth & Rodkin, Inc., October 2000; and *San Rafael Rock Quarry Truck Noise Assessment, Marin County, California*, prepared for Marin County Community Development Agency, prepared by Illingworth & Rodkin, Inc., October 2000.

- The nearest residential receptors along Marin Bay Park Drive are exposed to hourly average noise levels of about 51 to 53 dBA during hours of operation of the quarry. The resulting  $L_{dn}$  generated by the quarry pit operations at these receptors is approximately 49 dBA, excluding all other noise sources.
- Instantaneous noise levels (sometimes referred to as *single event noise levels*) were documented at a home on Marin Bay Park during “overburden” activities that were occurring outside the pit near the northern property line of the quarry, in close proximity to the residences. During this time, the noise levels at the residence were considerably higher than during normal quarry operations. The engine noise of a large metal-tracked bulldozer and heavy duty dump trucks generated instantaneous noise levels of 50 to 61 dBA. Backup alarms generated instantaneous noise levels of 54 to 62 dBA.

The County’s study of quarry truck noise included 24-hour noise measurements at two locations and short-term (15-minutes to one-hour) at three additional locations. Noise monitoring was conducted at the setback of the residences along Pt. San Pedro Road between Porto Bello Drive and the San Rafael Rock Quarry entrance. The  $L_{dn}$  ranged from 62 to 70 dBA at four of the five measurement locations which were 50 to 100 feet from the centerline of Point San Pedro Road. The other measurement location was in a backyard behind a six-foot wood fence and the  $L_{dn}$  was 54 dBA.

The quarry truck noise study found that the traffic noise levels along Pt. San Pedro Road are more influenced by quarry trucks at locations near the quarry entrance than at locations farther away. For example, near Heritage Drive the truck noise contributes five to ten dBA to the hourly average noise levels ( $L_{eq}$ ). The truck noise contribution to the hourly  $L_{eq}$  is approximately three dBA near Porto Bello Drive which is about two miles west of the quarry entrance.

One commenter (see comment 36-3) cites a portion of this study stating that maximum noise levels generated by quarry trucks were approximately 80 dBA to 85 dBA. While this information is useful in understanding the noise environment along Point San Pedro Road, it is important to note that these noise levels are in terms of the instantaneous noise level as the truck passes by and not the  $L_{dn}$ . The  $L_{dn}$  is the descriptor the State of California recommends be used for general plan noise contours and land use compatibility guidelines.

## **2. Dutra Materials Study**

Noise levels from quarry activities were quantified in an acoustical study commissioned by Dutra Materials in 1999.<sup>7</sup> The stated objectives of this study were to quantify noise emissions, identify the most audible noise sources and recommend noise control measures. This study included one day of noise monitoring at the Marin Bay Park residences. Short-term noise measurements were conducted at other residences and on the quarry property. The study’s findings included:

- The noise monitoring at the water tower near the Marin Bay Park residences indicated an  $L_{dn}$  of 55 dBA. The hourly average noise levels ( $L_{eq}$ ) generally ranged from 50 to 55 dBA at these residences. During the nighttime, the quarry generated an hourly  $L_{eq}$  of approximately 50 dBA.

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<sup>7</sup> Environmental Noise Analysis, Dutra Materials Aggregate Quarry, San Rafael, California, prepared for Dutra Materials, Bollard & Brennan, Inc., November 1999.

- The measured quarry noise levels at the residences located along San Marino Drive and Heritage Drive were consistently lower than those measured at Marin Bay Park Court.
- The most prevalent quarry sounds heard at the residences nearest the quarry were from back-up beepers and the rock crushing/sorting plants.
- Instantaneous noise levels were documented during short-term measurements. At a residence on Marin Bay Park Court the crushing/sorting plant generated instantaneous maximum noise levels ( $L_{\max}$ ) up to 57 dBA. Barge loading generated an  $L_{\max}$  of 42 dBA.
- A daytime blast generated a peak sound pressure level 111 dB on a ridge within the quarry property.<sup>8</sup>

### **FUTURE ACOUSTICAL STUDIES**

The Amended Reclamation Plan 2004 that was submitted to Marin County on April 26, 2004 will likely require further environmental review pursuant to CEQA. Any new information on existing and future quarry noise levels could be incorporated into the noise element.

### **TRAFFIC NOISE CONTOURS**

The traffic noise contours for *Draft General Plan 2020* and EIR were developed based on calculations using the Federal Highway Administration's Traffic Noise Prediction Model (FHWA-RD-77-108). This model accepts traffic/truck volumes, travel speeds and distances to calculate the traffic noise levels. Traffic volumes used in the model are based on those provided by the City. The calculations for Pt. San Pedro Road included a high percentage of heavy trucks to account for quarry and brickyard trucks. The truck percentage used for the contour preparation was assumed to remain high in the future (2020) conditions, and therefore, the future contours account for continued quarry truck activity.

To check the validity of the contours, they were compared with the results of noise measurements conducted near the quarry for the County's quarry truck noise study prepared in 2000. At the homes on Heritage Drive the measurements indicated an  $L_{dn}$  of 62 dBA at a distance of 100 feet from the centerline of the road. *Draft General Plan 2020* existing noise contours in this area indicate that the  $L_{dn}$  from traffic is 65 dBA at 54 feet and 60 dBA at 117 feet. The measured  $L_{dn}$  and distance fit within these two contours. Interpolating between the contours indicates that they are within one dBA of the measured  $L_{dn}$ . Similar comparisons at the other noise measurement locations along Pt. San Pedro Road indicate that the contours are in agreement with the measurements with a tolerance of two to three dBA. (The contours tend to be somewhat conservative by slightly overestimating the traffic noise levels.) This agreement indicates that the existing noise contours are a reasonable appraisal of the existing noise conditions near Pt. San Pedro Road.

As the traffic volumes increase in the future, so do the traffic noise levels and contour distances. For example, if the traffic volumes double (i.e. increase by 100 percent) the noise level will usually

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<sup>8</sup> As is customary when reporting blasting sound level (airblast), the Bollard & Brennan data is reported as an "un-weighted peak" sound level. This level is not directly comparable to the A-weighted sound levels commonly reported in environmental noise assessments and general plan noise elements. For example, the Office of Surface Mining (OSMRE) regulation for airblast at any dwelling is a peak sound level of 129 dB.

increase by three dBA. This will result in a widening of the noise contours of about 60 percent. That is, if the distance to the 60 dBA contour was 300 feet from the road then, with the doubling in traffic, the new 60 dBA contour would widen by 180 feet to a distance of 480 feet. The City's traffic data for Pt. San Pedro Road indicate that the traffic volumes would increase by only a small amount, less than ten percent, between the existing conditions and the year 2020. This is why the increase in the distance to the  $L_{dn}$  60 dBA contour is 18 feet between Marina Boulevard and Manderly Road

## **POLICIES**

*Draft General Plan 2020* recognizes that noise from the quarry operations continue to cause annoyance at existing residential areas. However, since the quarry is located outside of the City, there is little that the City can do on its own to require noise abatement. To be involved in resolving community disputes regarding impacts from quarry operations, it has been recommended that the Noise Element includes a program that the City work with the County of Marin, as follows:

**N-10d. San Rafael Rock Quarry.** Seek to minimize noise impacts of the quarry operations through cooperative efforts with the County of Marin through its code enforcement and land use entitlement processes.

To include noise from McNear's Brickyard, program **N-10d** should be revised as shown:

**N-10d. San Rafael Rock Quarry.** Seek to minimize noise impacts of the quarry and brickyard operations through cooperative efforts with the County of Marin through its code enforcement and land use entitlement processes.

## **IX.4 RESPONSE TO COMMENTS**

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### ***Response to Written Comments***

All comments submitted to the City of San Rafael on the Draft EIR and *Draft General Plan 2020* in Comment Letters 1 through 188 are presented in the following pages. The letters are reproduced, and comments are numbered for referencing with responses. The responses follow the comment letters. Some responses refer readers to other comments or responses in this section, responses in ***Section IX.5 Responses to Comments on the Draft General Plan 2020***, or to the pages in the Draft EIR where specific topics are discussed.

1

2

-----Original Message-----  
**From:** San Anselmo Inn [mailto:innkeepers@sansaninselmoinn.com]  
**Sent:** Saturday, January 10, 2004 9:27 AM  
**To:** planning@ci.san-rafael.ca.us  
**Subject:**

Dear Planning Directors'

As a resident of San Rafael and an active member of Marin Releaf, I strongly urge you to not consider ordinance CD-20c as it pertains to relinquishing control and responsibility of street tree maintenance and replacement to the property owner(s). Homeowners are not qualified to make these decisions, nor do most understand the impact their decision may have on the neighborhood and community. Replacing a tree with concrete or brick is easier and cheaper but does nothing to help the environment, health, and well being as an appropriate tree does. I'm sure with budget constraints and cutbacks, there is a desire to make term effect and the cost to the communities at large. We are blessed and many of us savor the beauty and practical benefits of the street trees in San Rafael. Do not make a decision now that will have severe negative ramifications for future generations.

If you are referring to the process (rather than cost cutting operation), I do believe it would be in the cities and home owners best interest to participate in the selection process of trees that are to be planted or used for replacement so long as the choices are from an certified arborist approved list of trees.

I am unable to attend the city council meeting on January 27, 2004 to express my view. Therefore, I ask that you please consider this proposal with much care and wisdom.

Sincerely,  
 Jack & Jan Grimes  
 254 Clorinda Avenue  
 San Rafael 94901  
 email: jiangrimes@aol.com

1

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**From:** Evelyn Buchwitz  
 info@sanrafaelplanning.org  
**Sent:** Saturday, January 10, 2004 8:36 AM  
**To:** Evelyn.Buchwitz@ci.san-rafael.ca.us  
**Cc:** bill@starhawk.com  
**Subject:** Comments has been added

**From:** John Grimes  
 254 Clorinda Avenue  
 San Rafael

**Message:**  
 As a resident of San Rafael for 27 years and as a landscape contractor for 25 years, I feel strongly that every effort be made to develop and encourage the dedication of space for and the construction of community gardens. It is vital to the community health and pride as well as practical to allow for the growing of vegetable and flowers by people who desire to do so and may not have any other option (apartment dwellers and residents on hillsides). Realizing the open space costs to purchase are extremely prohibitive, perhaps a tax incentive could be used to gain some property. Where there is city owned open space or park land available, it could be made available for such purpose.

**Ideas:**

1/12/2004

Jan. 18, 2004

San Rafael Planning Commission  
Community Development Department  
c/o Evelyn Buchwitz  
Planning Division  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA  
94915-1560

RECEIVED  
JAN 22 2004  
CITY OF SAN RAFAEL  
PLANNING

Dear Ms. Buchwitz,

I am writing to the Planning Commission to request that the Street Tree Policy be moved from Community Design to Infrastructure in the San Rafael General Plan, so that the care and monitoring of street trees (what is often referred to as the urban forest) would continue to be the responsibility of the City of San Rafael, rather than turning this responsibility over to private citizens.

Street trees play too important a role in the viability of a city for the responsibility for their care to be turned over to private citizens—people who may or may not have the interest, knowledge, time or finances to care for and protect them. Street trees provide necessary sound baffles against traffic noise, purify the air, lower the temperature of sidewalk surfaces and nearby homes, and provide essential beautification in both commercial and residential areas—functions that could not be carried out at a lower cost by any other entities.

The City of San Rafael has invested considerable effort and money in its urban forest; it would be a misguided attempt at cost cutting to throw that money away by not continuing to monitor and protect this investment. Tree care requires the expertise of knowledgeable arborists, and care must be taken in a consistent, city-wide fashion, rather than the piecemeal approach that would result if private citizens were expected to be responsible for the trees in front of their homes.

In short, a city's trees are as important to its functioning well as its sewage or electrical systems are. We need to move this function to the Infrastructure category where it belongs, so that San Rafael's urban forest will continue to receive consistent and knowledgeable care.

Sincerely,

Carol Olwell

1

*Albert Barr*

36 Dumfries Terrace  
San Rafael, CA 94901  
(415) 453-3661

January 19, 2004

Mr. John Alden, Chairman  
Planning Commission  
c/o Bob Brown, Director  
Community Development Department  
City of San Rafael  
P.O.Box 151560  
San Rafael, CA 94915

RECEIVED  
JAN 21 2004  
CITY OF SAN RAFAEL  
PLANNING

Dear Mr. Alden:

Re: Hetherton Office District, NH 36, pg. 82

I am pleased that the Steering Committee addressed the entries to San Rafael in the 2020 General Plan. However, given the importance that these entries serve as a first impression of our City, I think greater priority should be placed on improving their appearance. It will be a long time until some of the suggestions mentioned in paragraphs b and c can be carried out. In the meantime, relative inexpensive landscaping should be done.

1

Therefore I suggest paragraph d should be included in paragraph a with the wording: "Work with Caltrans to improve landscaping on both sides of the Central San Rafael south bound off ramp up to Mission Street and the east side of Hetherton between Mission and Fourth Streets and at the south bound off ramp at Second Street." Hopefully greater attention will be paid to these areas which are simply ugly and do not do justice to San Rafael.

2

Hopefully Caltrans will do something about the west side of the north bound off ramp at Central San Rafael. The first thing you see is chain link fence. Paragraph a should therefore mention Second Street in the sentence "...Improve the entries to Downtown at Third Street..."

3

The City should do its part by trying to discourage more commercial signs at the Second and Irwin intersection. The Redevelopment Agency should remove the Film Center and Farmers Market signs from this corner. These organizations, albeit non-profits, are commercial in nature and the City should not compromise its policy of discouraging commercial signs in our entries.

Therefore, I suggest adding the following sentence to paragraph c: "Discourage further commercial signage at gateway locations."

**Retha Sprofera**

561 Biscayne Drive, San Rafael, CA 94901 Telephone: (415)459-8803

January 21, 2004

Community Development Department  
c/o Evelyn Buchwitz, Planning Division  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560


Dear Ms. Buchwitz:

The city of San Rafael has been making a lot of progress in developing itself as a desirable place to live. The city is working hard to improve the appearance of the downtown area and the community in general. I would hate to see the trees of our city be neglected and/or eliminated from the General Plan. The trees are as important to the community as are the sidewalks.

Homeowners cannot be relied upon to care for the trees. Homeowners are generally not qualified to care for trees, nor will they all be able to take on this responsibility. Then it becomes a matter of which homeowner is responsible for which tree and what are the consequences if they don't take care of the trees. And who will supervise this? Living in a homeowner's association I can tell you that everyone's taste and desires are not always the same. The street trees are best left up to the city as part of the General Plan where there is a plan and they can be supervised and maintained. We need to preserve our trees for the beautification and welfare of the community.

Please, keep the street trees in the General Plan as part of the city's infrastructure.

Sincerely,

  
Retha Sprofera

RECEIVED  
JAN 22 2004  
CITY OF SAN RAFAEL  
PLANNING

1

I realize it may not be easy working with Caltrans on landscaping projects in this period of budget constraints. However, the wording I have suggested will at least give greater priority to this effort. Relatively modest expenditures for landscaping will go a long way towards improving the appearance of our gateways at Central San Rafael.

Thank you for considering these suggestions to the 2020 General Plan.

Sincerely yours,



Albert Barr



6

**Evelyn Buchwitz**

**From:** info@sanrafaelplanning.org  
**Sent:** Monday, January 26, 2004 6:30 PM  
**To:** Evelyn.Buchwitz@ci.san-rafael.ca.us  
**Cc:** bill@starhawk.com  
**Subject:** Comments has been added

**From:** Bertl S. Thunstrom  
45 Manzanita Avenue  
San Rafael

**Message:**

Construction workers seem to believe they have the right to pollute the neighborhood with extremely loud music while they work. This assault lasts all day, from 0700AM to at least 1700PM. This behavior is untenable in a residential neighborhood. These projects are usually measured in 12 month completion times, so the overall disturbance is frequently year round and incredibly onerous. When personally requesting these workers to be more considerate, their response is usually extremely rude and uncompromising.

It is obvious that the workers do not really listen to their blaring boom boxes, since the construction noise usually is sufficient to render the transmission inaudible to their ears. Only the victims around them in the neighborhood can hear and suffer from the onslaught.

We believe that they have the right to listen to music when they work. THE REALITY !! S:

- 1) THESE WORKERS DO NOT HAVE THE RIGHT TO IMPOSE THEIR PERSONAL CHOICE OF AUDIO ON PEOPLE AROUND THEM.
- 2) THESE WORKERS DO NOT CARE IF THEY ARE IMPOSING ON THE RIGHTS OF OTHERS.
- 3) THE DECIBEL LEVELS ARE DANGEROUS AND OVERWHELMING.
- 4) THE RIGHT TO PEACE AND QUIET OF RESIDENTS IS VIOLATED.

We submit the proposal that all building projects which require county or city construction permits and inspection schedules be monitored regularly by the issuing authority on a random, unannounced basis. Strict guidelines for contractors and subcontractors should be established and rigorously enforced. Resident citizen rights to peace and quiet need to be strongly defended. These workers cannot be allowed to run rampant over the rights of others. Contractors and Contractees need to be made responsible and fined when in noncompliance.

B. Thunstrom MD  
45 Manzanita Avenue  
San Rafael, CA 94901

**Ideas:**

1/27/2004

7

**Evelyn Buchwitz**

**From:** info@sanrafaelplanning.org  
**Sent:** Monday, January 26, 2004 10:46 PM  
**To:** Evelyn.Buchwitz@ci.san-rafael.ca.us  
**Cc:** bill@starhawk.com  
**Subject:** Comments has been added

**From:** Donald Widder MD  
12 Marin Bay Park Ct  
San Rafael, Ca. 94901

**Message:**

I am commenting as a physician and close neighbor of San Rafael Rock Quarry, on the unacceptable level of noise resulting from daily operations at San Rafael Rock Quarry. The noise level has precluded the use of my outdoor and back yard space since I have moved into my house four years ago. There is a constant "beep, beep, beep" of truck alarms, the noise of rock crushing and dumping and the alarming and unpredictable blasts which have occurred at all hours of the day, and on weekends. This has kept me up at night and woke me up in the morning. I moved to Peacock Gap area, for peace and quiet, to be close to state parks, not to be pecked to death by nuisance unrelenting noise. The noise intensity (at least at my house and in my neighborhood) is way out of line for a residential neighborhood, louder than any urban area in which I have lived (ie. Boston, Chicago). Along! the other issues: the dust, the unsightly dumping (which is now visible from my house instead of rolling hills, trees and the bay) and the numerous blasting damages to our houses, the diesel and soot, an unhealthy mess has been created. As a physician, I am informing you that the persistent level of noise that we experience may result (if it already has not) in progressive hearing loss, tinnitus, and other hearing problems, and is even more likely to cause problems for kids. Please do not allow the quarry to continue with this unbridled abuse, health hazard, and nuisance.

**Ideas:**

Strict and marked curtailment of their activities. No more blasting, or dumping debris on the hills. I believe that the quarry should ultimately be shut down and converted to other use--residential, retail, ? a harbor as originally proposed. There is an inherent incompatibility between quarry operations in immediate proximity to residential neighborhoods with the resultant nuisance, environmental and health hazard to the neighborhood. A sound resistant "lid" could be placed over the pit strip mining operation.

1/27/2004

8

RECEIVED

JAN 29 2004  
CITY OF SAN RAFAEL  
PLANNING

SHARLENE MOSS  
35 Greenfield Avenue  
San Rafael, CA 94901  
(415) 258-0351

January 28, 2004

Evelyn Buchwitz  
Community Development Department  
City of San Rafael - Planning Division  
P.O. Box 151560  
San Rafael, CA 94915-1560

RE: Draft General Plan  
CD-20c: Street Tree Maintenance

Dear Ms. Buchwitz:

This letter is in response to the draft General Plan specifically CD-20c, "Consider an ordinance placing greater responsibilities on property owners for maintenance and replacement of street trees."

I attended the meeting last night but was unable to stay past ten o'clock to voice my concerns. I wanted to let you know that I support the comments made by Sandra Sellinger, Director of Marin ReLeaf. It is critical that the planting and maintenance of our city's street trees be maintained by a certified arborist who is on the city staff, and that tree management be maintained under city infrastructure rather than community design.

Our urban forest is an integral part of our city's infrastructure. Besides their aesthetic beauty, trees provide storm water run-off management, reduction of heat from man made surfaces, purification of our air, and absorption of traffic noise (which is more and more necessary). Trees are also important to the emotional tranquility and mental restoration of our citizens. Because of present budget constraints, the General Plan is attempting to shift off the responsibility of maintaining our urban forest. The protection of our public trees is just as important as the maintenance of our roads, drainage, and public buildings.

It is vital that our city continue to practice environmental stewardship and preserve the beauty and well-being of our street trees and not leave it up to individual property owners who will more than likely ignore the responsibility altogether because of the financial burden or hire uninsured, untrained persons wielding chainsaws left

and light. The maintenance of trees is a skill. Pruning is an important practice. Improper pruning cuts could severely affect a tree's structural stability and cause significant damage to property (public and private) and lives. Timing of pruning on certain species is extremely important to prevent pathogen and insect attack. Pruning and maintaining newly planted trees is essential for developing structurally strong trees. Lastly, but just as important as pruning and maintenance, is the selection of the proper tree to plant. Many trees are unsuitable to plant as street trees (those with aggressive root systems or maturity size), isn't it better for the city to control what trees are being planted next to city sidewalks which are the city's responsibility to maintain?

Furthermore, how can the city legally require a private property owner to be responsible for a tree which was planted by the city on city property many years ago?

Please do not become short-sighted and irresponsible when it comes to the health of our city's urban forest. Considering the decimation of our native oaks by Sudden Oak Death Syndrome, isn't it important for our community to preserve our street trees? Just drive down Fourth Street, "D" Street, the Miracle Mile and imagine it without trees. Don't turn our city into a concrete jungle like Los Angeles.

Sincerely,



Sharlene Moss

P.S.: Some of my neighbors are also signing this letter to show their opposition to CD-20c.

P.S.S: Did you know that San Rafael, for the past 21 years, has been listed as a "Tree City" by the National Arbor Day Foundation. This will probably no longer be the case if the Planning Commission proceeds with it's Plan as proposed.

cc: Al Boro, Mayor of San Rafael  
Andy Preston, Director, Department of Public Works for San Rafael  
Sandra Sellinger, Marin ReLeaf  
Harry Winters, West End Neighborhood Association



Victoria Farnsworth  
Beverly Hills Neighborhood Association

Karen Ruescher, ASLA  
Pet Williams

1  
cont.

9

**Evelyn Buchwitz**

From: attila@myexcel.com  
Sent: Thursday, February 05, 2004 3:26 PM  
To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by dwayne humn (attila@myexcel.com) on Thursday, February 5, 2004 at 17:25:34

subject: San Rafael General Plan - Ask a Question Form  
email: attila@myexcel.com

Address: 359 jean st

City: mill valley

Zip: 94941

Phone: 415-383-7880

question: Regarding the wetland, endangered species, and conservations mappings on Canalways, would you please have your environmental consultant answer these questions: 1) What specific criteria(s) did he use in listing certain areas of Canalways as an endangered species area? 2) What areas of the site did he list as an endangered species area (ESA)? 3) Was the barren dirt area listed as part of that ESA? 4) The uplands area? 5) The low, scraggly pickleweed close to the pond? 6) In acres, how much was he delineating as potential ESA and where on the site were these areas? 7) Would he please draw where these areas are?

submit: Submit

1

2/5/2004

10

**Evelyn Buchwitz**

From: Kay Noguchi [knoguchi@saber.net]  
Sent: Thursday, February 05, 2004 10:28 AM  
To: Evelyn Buchwitz  
Subject: Memo to Planning Commission

To the Planning Commission:

As a former member of the Steering Committee and Document Subcommittee, I have two suggestions I would like to put forward.

1. See Policy G-7 on page 204. The original program, G-7a, was dropped in the current draft and a new policy, G-7b, was added. I have no problem with G-7b, if it were to follow G-7a. Without G-7a, there is a disconnect between the policy and program. The original program read: G-7a. Neighborhood Meetings for Proposed Development. Continue to enhance San Rafael's neighborhood meeting program for early participation in the review of projects.

2. The other suggestion I have is on Exhibit 25, page 228. As you will see in PR-2, the size criteria for parks is 3 acres for a neighborhood park and 20 acres for a community park. In Exhibit 25, "pocket parks," well below 3 acres, are listed as Neighborhood Parks. For the best clarity, I think it would be useful to include the actual size of the Neighborhood and Community parks listed in Exhibit 25.

Thank you for your consideration of these suggestions.

Kay Noguchi  
554 Woodbine Drive  
San Rafael, CA 94903

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2/5/2004

11

**Evelyn Buchwitz**

From: [lymber@distinctivebuilders.com](mailto:lymber@distinctivebuilders.com)  
Sent: Monday, February 09, 2004 9:20 AM  
To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Tymber Cavassian ([lymber@distinctivebuilders.com](mailto:lymber@distinctivebuilders.com)) on Monday, February 9, 2004 at 11:20:21

subject: San Rafael General Plan - Ask a Question Form  
email: [lymber@distinctivebuilders.com](mailto:lymber@distinctivebuilders.com)

Address: 20 and 22 Bayview Street

City: El Cerrito until built, then San Rafael

Zip: 98901

Phone: 510-301-4703

question: Comment on last elements to to with Open Space and Parks. Briefly, I think the points made by Commissioner Jim were right on about protecting wetlands on-site, and if inevitable mitigation is required then keeping created wetlands nearby...very nearby. Not in favor of wetland "banks" or open interpretations as we cannot create the same habitat that is being destroyed - applies for apples, nor can we redirect the wildlife utilizing it. Might be in favor of some differentiation of significant wetlands and "tire tracks" but still should be very cautious. Also, loved the less restrictive park language including Pocket Parks. Despite the case-by-case nature, when they work, they are of GREAT value. Keep that option open and part of the planning process. Thank you for being so receptive and attentive. On the Format: This is a huge process on, in my opinion, too tight of a meeting schedule. It is draining to put in the long hours, and it's unfair to short circuit the public comment. Perhaps shifting further public comment on the Commission's discussion to a different format would help. It WOULD need to be summarized at the following meeting, but it might expedite. I'm also in favor of some sort of tracking of comment/response items available for viewing so that we can track what happens with the changes without hashing it over repetitively. Then it would be known that it was considered, fit in, modified, disregarded or some determination made. Thanks for all the hard work, Tymber

submit: Submit

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FEB 10 2004

PLANNING

Roger E. Roberts  
223 So. Heights Blvd.  
San Rafael, Calif. 94901

February 10, 2004

City of San Rafael  
Community Development Dept.  
and The Planning Commission

Subject: The Draft San Rafael General Plan 2020  
Housing Element

Dear Sirs:

I will be late for tonight's Planning Commission Meeting on the General Plan and will miss the February 24th scheduled meeting on the General Plan altogether. I, therefore, would like take this opportunity to make a few specific recommendations for the City's consideration with regard to the Housing Element of the Draft General Plan 2020.

Under H-9 Funding for Affordable Housing I offer the following suggestions:

H-9b Trust Fund for Housing and H-9e Funding Resources I would suggest language that includes the intent to explore and establish funding based upon a Real Estate Transfer Tax or other dedicated revenue sources. The rationale for including this language is to indicate more specific revenue sources to be established, which is essential if the use of a Housing Trust Fund vehicle is to succeed. Since the State Housing Authority will give credit to the City for preserving existing affordable housing as well as the creation of new affordable housing, it is important that we pursue the preservation of affordable housing through a Housing Trust Fund and properly fund that entity to do so!

H-9c In Lieu Fees for Affordable Housing I support the dedication of in-lieu fees for affordable housing. However, we should also ensure that such in-lieu fees are more than token contributions. Inlieu fees for affordable housing from real estate developers should be sufficient to cover the actual cost of building or purchasing the affordable housing being foregone. The City should consider tightening its ordinances in this regard, if necessary.

Under H-19 Inclusionary Housing Requirements, paragraph a. (Inclusionary Requirement by Project and Size) I would suggest that the City consider more stringent standards than those proposed. The benefit is obvious, either more affordable units per project development or in-lieu fees that will allow their purchase or construction elsewhere in the City on an in-fill basis.

Thank you.

Sincerely yours,

*Roger E. Roberts*

12

13

Evelyn Buchwitz

From: Patricia Zentner [zentnerp@luno.com]  
Sent: Tuesday, February 24, 2004 4:26 PM  
To: evelyn.buchwitz@ci.san-rafael.ca.us  
Subject: Trees of San Rafael

February 24, 2004

Community Development Department, Planning Division  
Attn: Evelyn Buchwitz  
City of San Rafael  
P. O. Box 151560  
San Rafael, CA 94915-1560

Re: San Rafael General Plan 2020  
Draft EIR

Ladies and Gentlemen:

I have briefly reviewed the Draft Environmental Impact Report prepared by Nichols Berman. I am impressed with its ease of use and thoroughness and have no comments or suggestions on ways to improve it, however, as an individual concerned about the impact of the 2020 General Plan on quality-of-life issues in San Rafael, I am very concerned about many of its findings.

The significant and unavoidable impacts summarized in V.2 are troubling, particularly those affecting traffic (intersections, city streets and the freeway), noise, parks, waste water treatment and water supply. I would hope that the City of San Rafael will begin to look carefully and seriously at Alternative 1 (No Project/No Development) described in Section VI.1.

I appreciate the opportunity to provide these comments.

Sincerely,



Jim Gousman  
69 Antonette Avenue  
San Rafael, CA 94901

14

I strongly object to the plan to turn the care of the City's trees over to the people. There will be those who care for the trees in a professional manner and those who are unwilling or unable to give them the care they need. There will be people who love the trees - and people who hate them and will do anything to get rid of them. To even consider putting these valuable assets of the City at risk seems foolish and short-sided.

Patricia Zentner 45 Graceland Dr. San Rafael 94901

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William B. McNew  
225 San Marino Drive  
San Rafael, CA 94901

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MAR 02 2004  
CITY OF SAN RAFAEL  
PLANNING

February 27, 2004

Mr. John Alden, Chairman Planning Commission  
c/o Bob Brown, Director, Community Development Dept.,  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

Subject: LOS Standards & the General Plan

As a resident of Peacock Gap since 1975 I have seen the deterioration of our environment with the increased Quarry operation, etc. Thank God that Bob Roumiguere had the good sense to sponsor the gift of China Camp to the State.

As a Board you will consider the above in your meeting of 3/9/04. I am concerned that your only effort to provide for "Public Benefit" will be to lower the LOS Standards. On paper this will permit the unwise expansion at the Loch Lomond Marina, support Duirra, and assure a near permanent gridlock of traffic east of Irwin and Grand.

I understand the City's desire to add to the tax base, but enough is enough. An "E" level of service is not an acceptable solution.



W. B. McNew

16

RECEIVED  
MAR 02 2004  
CITY OF SAN RAFAEL  
PLANNING

2/28/04

DEAR MR. ALDEN

I AM WRITING TO YOU TO PLEASE ADDRESS THE OTHER MEMBERS OF THE PLANNING COMMISSION TO "NOT" CHANGE THE SECTION OF THE "GENERAL PLAN" THAT HAS TO DO WITH THE LEVEL OF SERVICE (LOS) FOR THE IRWIN/GRAND/SECOND & THIRD ST. INTERSECTIONS.

WE HAVE LIVED IN THE VILLA REAL NEIGHBORHOOD FOR 37 YEARS AND WATCHED THE EVER INCREASING TRAFFIC PROBLEM WHICH BECAME WORSE EACH DAY.

THE DEVELOPMENT EVENTUALLY COMING TO THE LOCH LOMOND AREA WILL ALSO ADD A HORRENDOUS TRAFFIC PROBLEM TO AN ALREADY DRASTIC SITUATION.

PLEASE THINK THROUGH THE PROBLEMS YOU WILL BE CREATING IN THE FUTURE OF OUR TOWN.

THANK YOU FOR ANY AND ALL CONSIDERATION,

SINCERELY



LEE SWEENEY  
38 LAS CASAS DR.  
SAN RAFAEL, CA 94901

C.C.: AL BARR  
LOCH LOMOND MARINA COMM.  
C.C.: AMANDA METCALF, PRES.  
PT. SAN PEDRO RD. COALITION

1

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WILLIAM J. NEEDLE  
7 Dumfries Terrace  
San Rafael, CA 94901  
Tel: (415) 785-1870; Fax: (415) 785-1871

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MAR 02 2004  
CITY OF SAN RAFAEL  
PLANNING

February 29, 2004

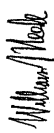
John Alden  
Chairman, Planning Commission  
C/o Bob Brown  
Director, Community Development Department, City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

Dear Mr. Alden:

I am writing to voice my strong objection to the proposed redefinition of the intersections of Third and Grand and Irwin as "downtown" for purposes of determining whether those areas are "congested."

The affected area is already backed up with traffic at all hours of the day. In the morning, it takes 10 minutes just to drive the few blocks from Union and 3<sup>rd</sup> to the southbound highway onramp. Rezoning to allow even more congestion is grossly unfair and unacceptable to all of the residents of the neighborhoods off of Point San Pedro Road who must pass this gauntlet every day. I urge you to reconsider this ill-advised proposal.

Sincerely,

  
William J. Needle

STACY M. LEOPOLD  
7 Dumfries Terrace  
San Rafael, CA 94901  
Tel: (415) 785-1870; Fax: (415) 785-1871

February 29, 2004


John Alden  
Chairman, Planning Commission  
C/o Bob Brown  
Director, Community Development Department, City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

Dear Mr. Alden:

I am writing to voice my strong objection to the proposed redefinition of the intersections of Third and Grand and Irwin as "downtown" for purposes of determining whether those areas are "congested."

The affected area is already backed up with traffic at all hours of the day. In the morning, it takes 10 minutes just to drive the few blocks from Union and 3<sup>rd</sup> to the southbound highway onramp. Rezoning to allow even more congestion is grossly unfair and unacceptable to all of the residents of the neighborhoods off of Point San Pedro Road who must pass this gauntlet every day. I urge you to reconsider this ill-advised proposal.

Sincerely,

  
Stacy M. Leopold

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MAR 02 2004  
CITY OF SAN RAFAEL  
PLANNING

March 1, 2004  
 Community Development Department  
 c/o Evelyn Buchwitz  
 Planning Division, City of San Rafael  
 P. O. Box 151560  
 San Rafael, CA 94915-1560

Re: Canalways Wetlands

As a Baypoint Lagoons neighbor and a person who enjoys the beauty of nature, I feel the Canalways wetlands must be preserved as the wildlife sanctuary it is today.

Many species of birds, ducks and shorebirds find the wetlands a desirable habitat. During the rainy season, small ponds form even in the upland part of the wetlands which provide more nutrients for the wildlife.

Tucked into a diverse community, the Canalways wetlands provides an opportunity for so many people to escape the area's congestion and enjoy the wildlife. How can we possibly let this special environment slip away?

Sincerely,



Donna Hanna  
 160 Baypoint Drive  
 San Rafael 94901

RECEIVED  
 MAR 02 2004  
 CITY OF SAN RAFAEL  
 PLANNING

San Rafael General Plan 2020  
 Citizen Comment

DATE SUBMITTED: March 4, 2004

FROM: Kevin Stockmann and Sharon Barnett, 4 Eiford Street, 415 (460-5385)  
 Maynard and Kim Geisler, 16 Willow Street  
 Jon Mfguard and Mary Ann Nardo, 314 C Street.

RE: Safety Sections S-15, S-16, Flood Protection and Flood Control Improvements

We are concerned that the neighborhoods of C, D, Treanor, Eiford, Willow, Taylor and B Street is inadequately engineered for a 100-year storm event and does not conform to section S-15 of the San Rafael General Plan.

Homes on C, Willow, and Eiford Streets have flooded three times this season due to the combination of an inadequate street storm drain system and overflowing of Mahon Creek

The flooding has adverse effects on our properties:

1. Damages property
2. Creates unsafe conditions
3. Reduces property values
4. Restricts emergency access
5. Creates hazardous conditions when pilot lights go out

Presently the City storm drains serving this neighborhood are routed directly into Mahon Creek and are not functioning properly during times when the creek is flooding.

We would like the General Plan to address improving the flood protection for the neighborhood.



**Evelyn Buchwitz**  
 From: andy.easterlin@sbcglobal.net  
 Sent: Thursday, March 04, 2004 12:34 AM  
 To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@slarhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
 Andy Easterlin (andy.easterlin@sbcglobal.net) on Thursday, March 4, 2004 at 02:34:14

subject: San Rafael General Plan - Ask a Question Form  
 email: andy.easterlin@sbcglobal.net  
 Address: 232 Baypoint Drive  
 City: San Rafael  
 Zip: 94901  
 Phone: 415-455-8255

question: As Chairman of the Wetlands Committee for the Baypoint Lagoons Neighborhood (193 homes), we support the General Plan statements regarding NH-82 Canalways, specifically the intention to restore Canalways as vitally needed wetland. If limited development is allowed along the Western edge of Canalways, we ask that special tax assessments and development arrangements are made for Canalways restoration and Starkweather Shoreline Park completion/ongoing maintenance. (This is similar to the special taxes Baypoint residents pay for lagoon and shoreline maintenance). Lastly, since NH-82 is "long term" in time frame, we would like to see some focus on preventing the current abuse of Canalways, specifically: 1) Enforcement of litter & dumping violations. 2) Stopping public drinking on the property. 3) An end to homeless camping in Canalways. 4) Preventing excessive noise due to off road motorcycles, auto racing, and remote control airplanes 5) Protection for birds & endangered species (e.g. Northern Harvest Field Mouse) from humans, dogs, cats, & falcons on the property. 6) Reduction of City pumping to dry Canalways. This pumping creates a large barren area that gives rise to dust filled breezes blowing over our neighborhood all summer & fall.

submit: Submit

**San Rafael General Plan 2020  
 Citizen Comment**

DATE SUBMITTED: March 4, 2004  
 FROM: Kevin Stockmann and Sharon Barnett, 4 Eiford Street, 415 (460-5385)  
 Maynard and Kim Geister, 16 Willow Street  
 Jon Mignard and Mary Ann Nardo, 514 C Street  
 RE: Neighborhood Section NH-38a Mahon Creek

1. We request that section NH-38a Mahon Creek be changed by addition from, Complete the implementation of the adopted Mahon Creek Final Conceptual Plan, to, Complete the implementation of the adopted Mahon Creek Final Conceptual Plan, including the development and implementation of a Creek Management Plan.

The modifications to Mahon Creek and development of its watershed areas over the past decade have been extensive. The major changes to the creek and a vision of the creek's long-term functionality for neighborhood drainage and wildlife habitat are well documented in the 1998 Final Mahon Creek Conceptual Plan.

The Mahon Creek Final Conceptual Plan (Page 11) specifically states:

- The City shall develop a long-term maintenance program to retain creek capacity and accommodate a 100-year storm event.
- Dredging procedures shall be identified in a Creek Management Plan, including:
  1. Access points along the Creek;
  2. Equipment and method of dredging, including sediment control measures;
  3. Timing of dredging activities
  4. Responsible parties.

It is our understanding that City of San Rafael has not yet developed a formal Creek Management Plan.

Development and Redevelopment of Mahon Creek may have caused a significant reduction in creek conveyance capacity with a resultant increase in the frequency and severity of neighborhood flooding, especially upstream of the Project Area addressed by the Conceptual Plan, including the Gersie Park, Downtown, Fair Hills, and Sun Valley Neighborhoods.

Planned periodic long-term creek maintenance within the Project Area of the Conceptual Plan (B Street to Highway 101) will be essential to protect the upstream neighborhoods from becoming more prone to flood caused property destruction and / or personal injuries resulting from lessened creek conveyance capacity.

Therefore, we beseech the Planning Commission to insert specific language into the San Rafael General Plan 2020 affirming that adoption of the Final Mahon Creek Conceptual Plan includes development and implementation of a Creek Management Plan.

**Evelyn Buchwitz**

From: jtleonhard@earthlink.net  
Sent: Thursday, March 04, 2004 3:48 PM  
To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Jim Leonhard (jtleonhard@earthlink.net) on Thursday, March 4, 2004 at 17:48:14

subject: San Rafael General Plan - Ask a Question Form

email: jtleonhard@earthlink.net

Address: 47 Dowitcher Way

City: San Rafael

Zip: 94901

Phone: 415-482-7766

question: Regarding NH-82: As a resident of Baypoint Lagoons, I support the opinion below of Mr. Andy Esterlin (Chairman of the Wetlands Committee for the Baypoint Lagoons Neighborhood (193 homes): "We support the General Plan statements regarding NH-82 Canalways, specifically the intention to restore Canalways as vitally needed wetland. If limited development is allowed along the Western edge of Canalways, we ask that special tax assessments and development arrangements are made for Canalways restoration and Starkweather Shoreline Park completion/ongoing maintenance. (This is similar to the special taxes Baypoint residents pay for lagoon and shoreline maintenance). Lastly, since NH-82 is "long term" in time frame, we would like to see some focus on preventing the current abuse of Canalways, specifically: 1) Enforcement of litter & dumping violations. 2) Stopping public drinking on the property. 3) An end to homeless camping in Canalways. 4) Preventing excessive noise due to off road motorcycles, auto racing, and remote control airplanes 5) Protection for birds & endangered species (e.g. Northern Harvest Field Mouse) from humans, dogs, cats, & falconers on the property. 6) Reduction of City pumping to dry Canalways. This pumping creates a large barren area that gives rise to dust filled breezes blowing over our neighborhood all summer & fall." Thank you, Jim Leonhard

submit: Submit

**John Ortega**

50 Sonoma St. # 6 San Rafael, CA 94901  
Tel. (415) 457-6577  
Email: jaortc6@aol.com

Dear Staff:

As a 13 year Canal resident who has fought since day one for workers rights, I want to address some of the concerns that I and other Canal groups, such as the Association of Canal Workers, will be fighting for in the future for the Canal Neighborhood.

>From the day of my arrival in the Canal, I have watched immigrant workers doing the County's dirty jobs. We do the jobs usually through an underground economy that underpays us and often doesn't pay us. We live in crowded housing in an area designed for 4,000 but which houses about 14,000. Under these conditions, immigrant workers often live as human hamburgers. Yet, we seldom complain.

We know the road to having our living conditions improve comes from organizing ourselves into pressure and voting groups, and we are working to do that.

I myself will be working with these groups to fight for more of the better life for the workers. Number one on my agenda will be to obtain better and more housing for the immigrants that have become crowded hamburgers in the Canal. With Canalways and the Bramante site being the only large parcels of land remaining in the Canal, I will be working to organize our groups to support housing and jobs on those sites.

I don't care who is opposed to those sites being used to better our workers lives. I will work to have those sites help better our workers lives through innovative, affordable housing programs that can address the workers' needs. Some of us believe there are some such innovative programs available. We hope you and the City Council will explore those programs in your deliberations on the General Plan.

Other issues I will work on and hope you address in the General Plan include:

- \* A job center
- \* Another community garden
- \* Regularly scheduled City focus groups to address our Canal needs in the City's most deprived area

Thank you.

Sincerely,

John Ortega

**Evelyn Buchwitz**

From: andy.easterlin@sbcglobal.net  
Sent: Friday, March 05, 2004 7:03 PM  
To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
Andy Easterlin (andy.easterlin@sbcglobal.net) on Friday, March 5, 2004 at 21:03:27

subject: San Rafael General Plan - Ask a Question Form

email: andy.easterlin@sbcglobal.net

Address: 232 Baypoint Drive

City: San Rafael

Zip: 94901

Phone: 415-455-8255

question: Concerning NH-87, residential or hotel development on the Cal-Pox site near Home Depot. Any development in this area should include: 1) Special taxation to complete and sustain adjoining wetland habitats and public pathways. 2) Limit building height to single storey as this upland situation would obscure shoreline vistas. 3) Planting a dense grove of trees North of all new buildings as a barrier to provide wetland habitat privacy. This will also prevent noise and view obscurations for nearby neighbors. (Note a similar arrangement was made with Home Depot, but has never been properly enforced). Andy Easterlin, Member of the Baypoint Lagoons Homeowner's Assoc. Board of Directors Chairman, Baypoint Lagoons Wetlands Committee

submit: Submit

March 5, 2004

John Alden, Chairman  
Planning Commission

Dear Mr. Alden:

Please add our names to the list of those opposed to lowering the acceptable level of congestion at intersections on Second and Third Streets at Irwin and Grand. We are 25-year residents of Loch Lomond, and have watched as these streets and Pt. San Pedro Rd. have become increasingly crowded with vehicular traffic.

1

We do not consider the level of traffic and congestion at the above-named intersections, and on Pt. San Pedro Rd. to be only a "peak time" problem. With the increased activity at Whole Foods, and at the Montecito Center, it is a day-long problem. Adding afternoon traffic traveling on Francisco Blvd. toward these intersections from vehicles avoiding congested Highway 101 worsens the situation.

We request the Level of Service not be changed for the above noted intersections.

Sincerely,

*Jules & Annette Tham*

Jules & Annette Tham  
123 Lochinvar Road  
San Rafael, CA 94901

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MAR 08 2004

CITY OF SAN RAFAEL  
PLANNING

cc: Albert Barr, President LLHA

**Evelyn Buchwitz**

From: tucker\_lois@yahoo.com  
 Sent: Sunday, March 07, 2004 6:42 PM  
 To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
 Lois Tucker (tucker\_lois@yahoo.com) on Sunday, March 7, 2004 at 20:42:18

subject: San Rafael General Plan - Ask a Question Form

email: tucker\_lois@yahoo.com

Address:

City:

Zip:

Phone:

question: From the website: The International Dark-Sky Association was incorporated in 1988 as a tax-exempt non-profit organization, exclusively for educational and scientific purposes within the meaning of Section 501(c)(3) of the United States Internal Revenue Code of 1987 (IDA's Federal Identification Number is 74-2493011). IDA operates under formal bylaws, established at the time of incorporation and revised at the annual meeting on 4 February 1989, and again in September 1990. IDA's goals are to be effective in stopping the adverse environmental impact on dark skies by building awareness of the problem of light pollution and of the solutions, and to educate everyone about the value and effectiveness of quality nighttime lighting. IDA believes in a united approach that is very supportive of the many local and individual efforts. Much has been accomplished in some locations, but much more needs to be done everywhere. We believe that we can succeed in preserving dark skies and in improving the nighttime environment for everyone. Quality outdoor lighting is the key. IDA can and will be supportive of members' problems concerning these issues by sharing knowledge at the local, national, and international level. We are making a difference! IDA is also active in building awareness of the adverse problems affecting astronomy from radio frequency interference (RFI), space debris, and any other environmental impacts that have the potential to destroy our view of the universe in which we live. We are also active in efforts to preserve the beauty of the night around us. Specific areas where IDA is involved include: education on all aspects of the issues; a regular newsletter; information sheets, brochures, leaflets, economic information, examples of good lighting design, and other such resources and references; Speaker's Bureau; documentation of good and bad lighting via photos and video; Good Lighting Awards; media contacts; press releases; marketing the issues; developing viable and effective Sections and Affiliates as resources in many communities, regions, and countries.

submit: Submit

**Linda Jackson**

Subject: FW: www.sanrafaelcityclerk.org - Question

-----Original Message-----  
 From: janisdee@hotmail.com [mailto:janisdee@hotmail.com]  
 Sent: Sunday, March 07, 2004 9:07 AM  
 To: cityclerk@ci.san-rafael.ca.us  
 Subject: www.sanrafaelcityclerk.org - Question

City Clerk - [www.sanrafaelcityclerk.org](http://www.sanrafaelcityclerk.org)

Question

**Category:**

General

From:

Janis Chan

Phone:

Email:

janisdee@hotmail.com

Comment/Question:

Hi,

Is it possible to submit a comment for the March 9 Planning Commission meeting by e-mail? I can't attend but would like to comment on the Transportation and Circulation elements of the draft General Plan that are to be discussed at that meeting.

I strongly urge the planning commission members to take no action that would worsen the already terrible traffic situation where Pt. San Pedro Road (3rd Street) runs beneath the freeway. At certain times of the day, the traffic backs up for several blocks--it can take 10 minutes or more to get from San Rafael High onto 101 South.

Any business or residential development plans for eastern San Rafael must certainly address the traffic issue. To do otherwise would be irresponsible and short-sighted.

Jl' anis Chan  
 108 Oak Drive  
 San Rafael, CA 94901  
 415-453-8910  
 janisdee@hotmail.com

March 7, 2004 at 11:06am

-----Original Message-----

From: Deane, Jackie  
Sent: Monday, March 08, 2004 11:23 AM  
To: 'Evelyn.Buchwitz@ci.san-rafael.ca.us'  
Subject: RE: Planning Commission meeting 3/9/04

Evelyn, here are a couple of comments on the draft General Plan, specially reacting to comments of Commissioners as per the meeting notes of the 2/24 meeting:

1) H-18 (a) - There was evidently a suggestion from at least 2 members of the Commission that the words "well designed" should be deleted from this para. As you know, the concept of "Good Design" has been heavily emphasized by the City of SR at every single public outreach/education meeting about the Plan and the City's need for more housing. This concept has been presented to the public over and over as a way to avoid/mitigate the impact of higher density housing, and to make sure that the horrors of bad design which have been perpetrated in various parts of San Rafael in the past will not be repeated.

I feel strongly (and will take this up with the Montecito Area Residents Association during our board meeting on March 10th, and the Federation subsequently) that if the requirement for good design is allowed to be dropped "in order not to lose the possibility of increased housing and affordability", the results will be:

- a) The City will be seen (correctly) to have been acting in Bad Faith to it's citizens, as the City's entire argument to date for more housing has been based on the concept that GOOD DESIGN would be mandated. This will create outrage among the residents of SR, as the City will appear to be using "bait and switch" tactics.
- b) It will make any future projects more difficult to get built, not easier, as neighborhoods will be more vigilant, paranoid, and oppositional if they know that it is the deliberate intent of the City not to make good design a mandatory criteria for this type of housing.

2) H-25 - There was evidently a suggestion from a Commissioner that the ramifications of not requiring owner occupancy when SINGLE FAMILY zoned houses have a second unit be explored. This has come up, as you know, many times during the long process of the development of this Plan, and has always been rejected. It would obviously, by one stroke, change the "single family" zoning designation, everywhere it exists in San Rafael, to mean "duplex". There was a strong feeling in the past against this idea. It was felt that, if the City wants to eliminate "single family" zoning all over San Rafael, and replace it with "duplex" zoning, they should say so, and not try and accomplish that through this sort of slight of hand. This would further endanger our older neighborhoods, and create much more opposition to the addition of second units in general. Most of the neighborhood groups I am aware of support the existence and creation of legal second units, and the requirement for owner occupancy is most often cited as something that almost entirely mitigates any potential problems that might be created.

Evelyn Buchwitz

From: bisheedy@sbcglobal.net  
Sent: Monday, March 08, 2004 9:42 PM  
To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Brian Sheedy (bisheedy@sbcglobal.net) on Monday, March 8, 2004 at 23:41:53

subject: San Rafael General Plan - Ask a Question Form

email: bisheedy@sbcglobal.net

Address: 264 Baypoint Drive

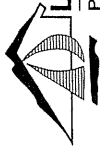
City: San Rafael

Zip: 94939

Phone: 415-4534011

question: As Vice President of the Wetlands Committee for the Baypoint Lagoons Neighborhood (193 homes), we support the General Plan statements regarding NH-82 Canals, specifically the intention to restore Canals as vitally needed wetland. If limited development is allowed along the Western edge of Canals, it is critical that special consideration be given to the potential impact of noise, light and traffic to the surrounding communities. Additionally, we as that the "buffer" include the issue of noise and light impacting the surrounding communities (example would be Home Depot, which emits various noises throughout the day/night) Finally, I we ask that special tax assessments and development arrangements are made for Canals restoration and for the Starkweather Shoreline Park completion/ongoing maintenance. (This is similar to the special taxes Baypoint residents pay for lagoon and shoreline maintenance). Lastly, since NH-82 is "long term" in time frame, we would like to see some focus on preventing the current abuse of Canals, specifically: 1) Enforcement of litter & dumping violations. 2) Stopping public drinking on the property. 3) An end to homeless camping in Canals and subsequent sanitary/health hazards. 4) Preventing excessive noise due to off road motorcycles, auto racing, and remote control airplanes 5) Protection for birds & endangered species (e.g. Northern Harvest Field Mouse) from humans, dogs, cats, & falcons on the property. 6) Reduction of City pumping to dry Canals. This pumping creates a large barren area that gives rise to dust filled breezes blowing over our neighborhood all summer & fall. 7) Enforcement of the dust-dawn curfew. Thank you for your time and consideration. Brian Sheedy Vice President Baypoint Lagoons Wetlands Committee

submit: Submit



Loch Lomond Homeowners Association  
Post Office Box 2368 • San Rafael, CA 94912-2368

Peter Crosbie  
44 Marin Bay Park  
San Rafael, CA 94901  
March 8, 2004

John Alden  
Chairman  
Planning Commission, City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

Dear Mr. Alden:

I am most concerned about your support for the measure in the 2020 General Plan that rezones the area between Irwin and Grand St. intersections on Second and Third Streets as part of our downtown. This measure will allow further degradation in traffic levels of service and is clearly designed primarily to support further development along the San Pedro peninsula. Traffic congestion in the proposed rezoning area is already extremely high at peak hours, particularly the east to west flow.

I am very supportive of ongoing development of our city and county when the development is accompanied by improvements in our infrastructure to support it and to maintain or improve our quality of life. Simply rezoning areas to allow for increased traffic congestion is not a solution to the infrastructure requirements that ongoing development creates.

Our community looks to your commission to review proposed changes in our city plans that balance growth and quality of life. You must stop the proposal to gerrymander our zoning as a solution to the traffic problems created by development. I respectfully ask you to review again the 2020 General Plan and remove the measure to rezone the area between Irwin and Grand St. intersections on Second and Third Streets as downtown. If the measure is allowed the resulting degradation in traffic service levels will have a significant negative impact on existing residents living on the San Pedro peninsula.

Yours sincerely,

*Peter Crosbie*

Peter Crosbie

CITY OF SAN RAFAEL  
PLANNING

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MAR 09 2004

CITY OF SAN RAFAEL  
PLANNING

January 16, 2004

RECEIVED

JAN 20 2004

CITY OF SAN RAFAEL  
PLANNING

Mr. John Alden, Chairman  
Planning Commission  
c/o Bob Brown, Director  
Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915

Dear Mr. Alden:

Re: 2020 General Plan, C-5 Traffic Level of Service Standards  
I would like to draw your attention to paragraph D, page 166, Evaluation of Project Merits.

I agree that the City needs the flexibility to consider projects regardless of LOS standards if there is an overriding public need to do so. However I have a problem with the wording of this paragraph.

The fourth line reads: "...may be approved if the City finds...." Who precisely in the City will make that determination? Such exceptions should be made sparingly by the City Council and this sentence should be changed accordingly. Otherwise the approval process for such rare exceptions is open ended and may be subject to abuse or dispute.

The next line reads: "...all feasible mitigation measures have been required...." I think that "required" should be changed to "fulfilled." The key issue is not the requirement, but that they have been fulfilled to the degree possible as determined by the City Council.

Thank you for your consideration of these suggested changes.

Sincerely yours,

*Albert Barr*

Albert Barr  
President

Patrick J. Murphy  
211 La Vista Way  
San Rafael, CA. 94901  
Chairman, Federation of San Rafael Neighborhoods  
Chairman, Soundwall Noise Abatement Committee (SNAC)  
Past President, Co-Founder, Lincoln-San Rafael Hill Neighborhood Assn.

January 21, 2004

City of San Rafael Community Development  
Planning Department, General Plan 2020  
Attn: Evelyn Buchwitz

RE: Noise Element Inclusion of Paragraph N-5b

Dear Evelyn,

I was told to direct the wording of Paragraph N-5b., to you to be included in the Final Draft of the Noise Element. Residents impacted in various neighborhoods from sources of noise over a long period of time have insisted that this paragraph be included in the General Plan Noise Element. This perspective is very relevant since high profile transportation and environmental issues stem from these impacts.

**N-5b. Coordination with Local and State Agencies.** Coordinate with Marin Countywide Planning for noise reduction along Point San Pedro Road, the Congestion Management Agency and Caltrans for noise reduction along Highways 101 and 580 and the Sonoma Marin Area Rail Transit for the placement of the noise barrier relocation to protect the north end of Lincoln Avenue.

Thank you,

Patrick J. Murphy

LOCH LOMOND MARINA COMMITTEE  
PT. SAN PEDRO ROAD COALITION  
26 BEACH DRIVE,  
SAN RAFAEL, CA. 94901

January 25, 2004

Mr. John Alden  
Chairman, Planning Commission  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA. 94915-1560

RECEIVED  
FEB 06 2004  
CITY OF SAN RAFAEL  
PLANNING

Re: General Plan 2020 – Land Use Element

Dear Mr. Alden:

This letter sets forth comments and suggested amendments to the above referenced Land Use Element. Please be advised that members of the Loch Lomond Marina Committee (LLMC) have been actively involved in the General Plan 2020 process from the focus groups and charrettes through the Steering Committee meetings.

The following are comments and suggested amendments to specific land use policy statements:

**IU-1a:** "...modify land use and circulation policies as needed"

**Comment:** Residents are very concerned with the potential for modifying essential parts of the Land Use element without full community input.

**Amendment:** A statement needs to be added requiring a public review of any such "needed" modifications.

**IU-2:** "...new development should only occur when adequate infrastructure is available consistent with the following findings:

- a. Project-related traffic will not cause the Level of Service established in the Circulation Element to be exceeded.

**Comment:** The circulation element seeks to raise the Level of Service (LOS) on certain critical junctions along 2<sup>nd</sup>/3<sup>rd</sup> D Streets and Irwin and Grand Avenue from LOS D to LOS E. These junctions are already over congested and do not warrant raising the LOS from D to E simply to enable more development. Raising the LOS does not provide "adequate infrastructure".

LOCH LOMOND MARINA COMMITTEE  
PT. SAN PEDRO ROAD COALITION  
26 BEACH DRIVE,  
SAN RAFAEL, CA. 94901

- 2 cont. **Amendment:** Eliminate the proposal to increase the LOS for the 2<sup>nd</sup> and 3<sup>rd</sup> Street junctions with Irwin and Grand Avenue. (see C-5 & Appendix C)
- 3 **LU-3** **Comment:** This appears to allow the City staff to allocate traffic capacity city wide for development projects without specific regard for neighborhood impacts.  
**Amendment:** Public review and input regarding neighborhood impact should take precedent over the establishment of "high priority projects"
- 4 **LU-5a** **Comment:** Review of the urban growth boundary makes it no boundary at all. If an urban growth boundary is to be established, it should remain fixed for the entire term of the General Plan term. Limited defined exceptions may be considered such as in the natural extension of a utility service district for contiguous ownerships part in and part outside the urban Growth Boundary.
- 5 **LU-8** "Maximum densities are not guaranteed but minimum densities are generally required".  
**Comment:** This policy establishes site-specific minimum development standards without appropriate environmental review, design review and public input.  
**Amendment:** The General Plan should not dictate that minimum densities are required.  
"When development is clustered to avoid sensitive areas of a site, density provided to the entire site may be transferred to the remaining portion of the site."  
**Comment:** Clustering was used in GP 2000 (LUB 15), to limit development on hillside sites and preserve ridgelines. LU-8 expands the use of clustering by allowing gross developable acreage to include areas that could never be developed, for example, wetlands. Such clustering is contradictory to development being responsive to "prevailing densities of adjacent neighborhoods" and proposed Conservation Policies CON-1, Protection of Environmental Resources, CON-2, Wetland Preservation, CON-2a, Wetland Overlay District and CON-4, Wetland Setbacks.

LOCH LOMOND MARINA COMMITTEE  
PT. SAN PEDRO ROAD COALITION  
26 BEACH DRIVE,  
SAN RAFAEL, CA. 94901

- 5 cont. **Amendment:** Environmentally sensitive areas should be excluded from the calculation of gross acreage when considering site capacity. Avoid clustering where resultant density in clustered area is inconsistent with surrounding neighborhoods and Conservation Policies.
- 6 **LU-12** **Comment:** Support language where redevelopment of surplus school sites SHALL recognize and be sensitive to the density and character of the surrounding neighborhood.  
**Amendment:** Eliminate "should" for "shall."
- 7 **Exhibit 7** **Comment:** Marine related height should be restricted to the equivalent of one story in order to protect views and access to waterside areas.
- 8 **Land Use Map:** **Comment:** The Loch Lomond Marina Property has a land use designation under GP 2000 of Marina with a water overlay district and a small area of neighborhood commercial. GP 2020 retains a very small area for Marine uses and classifies the majority of the useful site as neighborhood commercial. The surrounding neighborhoods are opposed to this change. There is no need for a neighborhood commercial designation, which will overburden a highly sensitive site.  
**Amendment:** The entire useful site (exclusive of conservation areas) should be designated Marine Related. This is the predominant and preferred use. Exhibit 10 defines allowable uses to include shopping centers and restaurants, which exist and should be retained and residential uses, which might be developed as a supplement to the predominant Marine use. In addition, the designation should also include the Wetland Overlay Designation recognizing that there are existing wetlands associated with the site.

Thank you for considering these issues which directly affects our neighborhoods.

Respectfully,



David N. Tattersall  
Co-Chair, Loch Lomond Marina Committee  
President, Bayside Acres Homeowners Association



Loch Lomond Marina Committee  
Post Office Box 2368  
San Rafael, CA 94912-2368

January 27, 2004

Mr. John Alden, Chairman  
Planning Committee  
c/o Bob Brown, Director  
Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

RECEIVED

JAN 28 2004

CITY OF SAN RAFAEL  
PLANNING

Dear Mr. Alden:

Re: Neighborhoods-NH-121

Our group is a committee of the Pt. San Pedro Road Coalition that is composed of individuals and homeowner associations on the Pt. San Pedro peninsula. We are particularly interested in the development of the marina because it will have a major impact on our lives and neighborhoods for the present and future generations.

This development should "Enhance neighborhood image and quality of life" as mentioned as a goal in NH-2, New Development in Residential Neighborhoods. The 2020 General Plan discussion of the Loch Lomond Marina is comprehensive in that it recognizes the marine and support facilities of the marina. It also correctly mentions the important, existing neighborhood-serving commercial and recreational features of the site.

The Vision of Loch Lomond states that the marina "...will be designed to be compatible with the surrounding residential uses." The word "uses" should be changed to "area" because the surrounding area is obviously used for residential purposes. We wish to reiterate our agreement that the development of the marina must be compatible with our neighborhoods.

However, paragraph C Building Height, presents two options, "...heights consistent with the height limit of the zoning district," and a minority Steering Committee opinion, "...A mix of building heights from one to three stories of up to 36 feet for the three story buildings." We are very strongly opposed to including the minority opinion in the General Plan. It was voted down and that should be the end of that discussion.

If buildings at the marina are constructed to 36 feet, on top of land fill that will raise the height to the point where they will block views from our neighborhoods, the project will contradict the

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cont.

goals included in NH-2 as mentioned above. The plan should clearly state that the eventual building height, including land fill, should be consistent with the surrounding neighborhoods, namely one story single family residences, limited to 30 feet. By the way, this restriction is also stipulated in the C.C. and R.'s of Loch Lomond that were prepared by Jack McCarthy, the original developer, who also developed the marina in the '60's. It follows that the marina development should be consistent with the surrounding neighborhood, as was intended by McCarthy.

Regarding density, please refer to page 353, Sites Pending Land Use/Zoning Changes. The Loch Lomond Marina is forecast to support 100 units at 10 units per acre. This is based on the erroneous assumption that the entire 10 acre site can be devoted to residential development. As the preceding description of the marina on page 111 correctly states, there are commercial, office, and marine support facilities on the site which must be supported and maintained.

These activities obviously take up space thereby reducing the amount of space that can be devoted to purely residential development. The numbers in this portion of the Plan must be revised to reflect reality. This will give the developer clearer guidance on what is permissible. It will also give supporters of work force housing more realistic expectations thereby removing a divisive issue from the plan.

Thank you for considering these issues which directly affect our neighborhoods.

Sincerely yours,

Albert Barr  
Co-chair

cc: David Tattersall  
Mike Nelson

3

FILE  
(PC Public Hearing  
Summary)

January 27, 2004

Mr. John Alden

Chair

City of San Rafael Planning Commission  
1400 Fifth Avenue  
San Rafael, CA 94901

Re: Draft General Plan  
Noise Element

Dear Mr. Alden and members of the San Rafael Planning Commission:

The California Government Code requires Noise Elements to "identify and appraise noise problems in the community." (Government Code section 65302, subd. (f)). This section of the government code was quoted in the background section of the Current General Plan, however, it appears to be passed over in the Draft 2020 General Plan. Specifically the government code requires the City to "analyze and quantify, to the extent practical, current and projected noise levels for the following sources:

- (1) Highways and freeways
- (2) Primary arterials and major local streets
- (3) Passenger and freight on-line railroad operations and ground rapid transit systems
- (4) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation
- (5) Local industrial plants, including but not limited to railroad classification yards
- (6) Other ground stationary noise sources identified by local agencies as contributing to the community noise environment"

The governmental code further requires noise contours to be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). Noise contours are required to be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in numbers 1 to 6 above, inclusive.

These required noise contours are to be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

The Gov. Code also requires noise elements to include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve a guideline for compliance with the State's noise insulation standards.

I have some comments that I think we should place on the record:

- 1. The noise element should refer to the state law (Gov. Code 65302(f)) that requires the element and specify exactly what should be in the element as the current General Plan does.

2. We all know that the "Quarry Property" and its related operations, which includes the McNear Brickyard, are major ground stationary noise sources; however, they are not identified in the noise element and to my knowledge, no noise contours have been identified and mapped as has been done for the San Rafael airport and the heliport (as required in #4 above).

The question should be raised as to why they have not been identified since its noise impact adjacent city residents (i.e. blasting, rock crushing, rock washing process, loading into barges, equipment backup warning equipment, trucking activity during transit to and from the Quarry property along Point San Pedro Road, importation of raw materials and kiln oven operations).

Is the General Plan totally ignoring the future use and development of the San Rafael Rock Quarry Property because it is in the County control. While not facing the fact that the property is in the sphere of influence of the City of San Rafael and any future development cannot take place unless the property is linked to the San Rafael Sanitation District?

3. Appendix E, lists existing noise contours, but does not identify how these contours were generated, and Appendix F, future noise contours also does not identify how these were generated/modelled.

4. The following chart lists the current General Plan existing and future noise contours and the contours contained in the draft General Plan Appendix E & F.

1986 General Plan Traffic Noise Levels	Pl. San Pedro	ADT	% Trucks	Speed	Ldn Contour distance from center of roadway, in feet					
					80	75	70	65	60	
Marina to Manderly	14,700	10	33	-	-	-	-	44	95	205
Traffic Noise Levels	10,800	10	41	-	-	25	-	54	116	251
Knights to Riviera	6,000	12	36	-	-	-	-	28	60	130176
Riviera to Quarry	3,000	15	36	-	-	-	-	-	42	91
1996 General Plan Projected Noise Levels for 2000	Marina to Manderly	16,200	10	41	-	27	-	57	124	266
	Knights to Riviera	11,900	10	36	-	-	-	40	87	187
	Riviera to Quarry	7,000	12	36	-	-	-	31	67	144
	Quarry	3,800	15	36	-	-	-	-	49	106
App. E Draft 2020 General Plan Existing Noise Contours	Marina to Manderly	17,872	10	41	-	-	-	76	164	353
	Knights to Riviera	13,106	10	36	-	-	-	55	118	254
	Riviera to Quarry	6,000	12	36	-	-	-	-	77	165
	Quarry	3,000	15	36	-	-	-	-	54	117

App. F 2020 General Plan Future Noise Contours	Marina Mandery to Knight to Riviera to Quarry	Increase in Ldn with Project (dB)				
		0.3	-	80	172	371
		0.4	-	58	126	271
		0.4	-	-	82	177
		0.4	-	-	58	125

What I find interesting in comparing the 2000 General Plan projected noise contours with the existing 2001 noise contours, for instance, the ADT for the 2000 General Plan projections were +1,672 & +1,206 for the segments between Marina, Mandery & Knight, but they decreased by -1,000 and -800 between the segments from Knight, Riviera & Quarry; however, the distance in feet the contour is from Point San Pedro for the 60 Ldn increases +67 between Mandery-Knight.

It raises the question as to what was the noise modeling used for the 1986 General Plan and why are the projected increases of the contours for 2020 only increasing by a maximum of 18 feet (Marina to Mandery).

Is the response that it will not be developed within the life of the Plan (2020), what are they assuming for the quarry?

During the recent lawsuit brought by the State of California, the County of Marin, and Point San Pedro Road Coalition the following truck information was produced by the San Rafael Rock Quarry (SRRQ) and entered into evidence:

1999 105,518 truck round trips into the San Rafael Rock Quarry only  
 2000 75,666 truck round trips into the San Rafael Rock Quarry only  
 2001 73,498 truck round trips into the San Rafael Rock Quarry only

The County of Marin conducted a traffic study on San Pedro on September 20, 2000. The County of Marin report was prepared by Thomas Lai and dated October 13, 2000. Mr. Lai stated that the San Rafael Rock Quarry traffic constitutes 63.3% of heavy truck traffic on Point San Pedro Road.

Mr. Lai's analysis of heavy truck traffic on Point San Pedro Road results in the following table:

SRRQ	100%	Total
63.3%	Heavy Trucks	
1999	105,518	166,695
2000	75,666	119,535
2001	73,498	116,111

In the October 2000 report it states:

"...maximum noise levels along Point San Pedro Road by quarry trucks were approximately 80dBA to 85dBA. The 80-85dBA noise levels generated by quarry truck pass-by events occur approximately once per minute during operational hours. When quarry trucks pass by residential receptors, noise levels rapidly rise and fall to ambient noise level. This type of noise environment is more intrusive and annoying to people because of the potential effect on sleep, speech communication, or other normal residential activities."

"... 80dBA to 90dBA sounds like freight cars or a pneumatic drill at 50 feet."

Bolland & Breen, consultants for the San Rafael Rock Quarry prepared a sound studies dated October 25, 2000 and performed a truck count on September 12 and 13, 2000 relative to their sound study. The Bolland & Breen report stated that the traffic count as it related to the County traffic count were very similar.

5. We should clarify that Exhibit 30 states that acceptable exterior noise levels for residential uses is 60Ldn and based on Appendix E, new residential development must be set back the number of feet specified for the specific road segments under the 60 Ldn column, for instance, the segment for Point San Pedro between Mandery & Knight must be a minimum of 254 feet from the centerline of Pt. San Pedro (under current conditions), but actually should be 271 feet (Appendix F, future noise contours) if the assumptions for Appendix can be shown to be reliable. For residential development to be closer than these distances, mitigation would be required.

6. Sound Walls just like what we have with all our existing neighborhoods that are close to the road. Is this acceptable for the Marina? This issue will come up again when the Loch Lomond neighborhood policy is discussed as well as under the Community Design element. Bringing it up now sets the stage to address the issue now in the General Plan rather than with the Marina project.

It should be noted for the record that at the San Rafael City Design Review Board meeting, November 21, 2000 for the Chapel Cove Residential Subdivision on the Old St. Sylvester's Church property adjacent to Point San Pedro Road, Susan Barnes, representative for the Dutra Group, owners of San Rafael Rock Quarry stated:

"There is concern for the homes being designed to deal with ground vibration, traffic and noise associated with quarry operations."

The staff report is on-line; however, it seems to have an error in it & it doesn't print all pages. Minutes for the Jan.13 PC meeting are also on line, seems Planning staff washed over the comments made about the noise on Point San Pedro from the quarry trucks. Exhibit 4, Page 22 of the staff report lists the rock quarry as nuisance noise and adds program N-10c adding a reference to neighborhood policy NH-147 which will have a new program added regarding about impacts from the quarry! Big deal! We live with a nuisance noise and the General Plan acknowledges the noise!

It is vital that the noise issues related to the San Rafael Quarry property be considered in the Plan 2020.

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FILE  
(PC Public Hearing  
Submitted)



Marin Audubon Society Box 599 Mill Valley, California 94942-0599  
January 27, 2004

Planning Commission  
City of San Rafael  
P.O. Box  
San Rafael, CA 94915

RE: SAN RAFAEL GENERAL PLAN: OPEN SPACE AND CONSERVATION ELEMENTS

Dear Commissioners:

We have reviewed the general plan elements being considered at this meeting and appreciate the opportunity to submit the following comments. Our comments focus on protection of baylands and open space habitats. Generally, the policies reflect a desire to protect these important natural resources, particularly the protection of wetlands, diked baylands. However, although improved, many of the policies suffer from the same problems in the existing plan, namely they offer a means to avoid protecting the resources instead of reflecting a strong purpose to protect the.

We recommend the following changes:

PROTECTED OPEN SPACE

- 1 OS-1 Add wildlife movement corridors and endangered species to b.
- 2 OS-1b First Sentence: Add the option of acquisition of fee title or acquiring easements for preserving open space. Consider Marin Audubon Society as an option for bayland open space protection instead of relying on homeowners. Either as interim or permanent owner of baylands
- 3 We have not seen the Open Space Inventory and would appreciate an opportunity to review it.
- 4 OS-2a Wildlife Management Plan. Wildlife habitat protection should be added to the list in sentence three that should be addressed in a management plan and a specific representative habitat protection should be included on the committee.

Goal 11 PROTECTED HABITAT

CON-2 WETLANDS PRESERVATION

This policy should contain the ability to preserve wetlands by means other than mitigation which implies that development has to take place for wetlands to be preserved. This is not the case. We suggest that the policy allow for acquisition of fee title and/or easements, even if the City itself does not wish to purchase property or accept easements. MAS may wish to work to acquire the baylands.

CON-3 Unavoidable filling of wetlands.

This policy should contain additional information to define what "unavoidable" fill is.



A Chapter of National Audubon Society

Sincerely yours,  
Joseph W. Caramucci  
Member of the Glenwood Homeowners Association  
Member of the Board of Directors of the Point San Pedro Coalition  
8 Surtwood Circle  
San Rafael, CA 94901  
415-454-5429 (home)  
415-472-2254 (work)

6  
cont.

"Unavoidable" is in the eye of the beholder. We suggest that filling be allowed only if the use is in the interest of the public at large public, not just benefitting limited group of people. In addition, the waiver language should be deleted. Providing an avenue for approving the loss of wetlands, no matter what the size or location, is contrary to policy CON-3 that Wetland fill be avoided because of the value of these resources. Further, isolated wetlands are of great value because they are rare and provide water source where such resources are limited. The city should not set a process to waive protections for these wetlands.

7

a. Creation of Wetlands:  
Created wetlands should be of the same habitat type as those they would be replacing, not similar. "Similar" in this context is unclear and would allow for a broad variety of types. This policy too has a problematic qualification: if on-site creation is infeasible due to technical constraints, habitat may be created off site. What exactly is a "technical" constraint? The only reason they could not be created is if the applicant chooses to place them in a completely unsuitable location. The problem is that one can find a consultant to say just about anything, so this assurance is really no assurance at all.

This section should contain a policy stating that the use of wetland mitigation banks are not acceptable for projects in San Rafael. Mitigation banks, unless located in the same local watershed, rob the community of all of the benefits of wetlands and remove important habitat from the area.

8

CON-4 Wetland Setbacks  
The Plan calls for a minimum 50-foot development-free setback. This is somewhat of an improvement over the setback policy in the last General Plan, it still has a problematic language. This would clearly cover buildings, parking lots, but would it include unpaved trails, back yards, golf courses, playing fields and picnic areas? These would have impacts similar to development. We suggest using the term "developed uses," and the contents of setbacks should only include native plants with high habitat value for the species that are anticipated to use the wetlands.

9

The provision for waivers should be removed. As above, this is not appropriate if the City is committed to providing adequate wetland habitat which includes adjacent upland habitat for species that need that for refuge during times of high water, to feed, rest, nest. These lands also protect the wildlife using the wetland from impacts of people using the adjacent developed areas.

While the existing language might work in a perfect world, in the real world there are consultants for hire that will say almost anything, so it is no assurance to require demonstration that a setback adequately protects the wetland functions and values.

Again, the waiver provisions are simply ways for developers to avoid protecting a wider, more biologically sound, buffers. As far as we know there has been no project in San Rafael that has actually required the wider buffer around wetlands.

10

*The Baylands Ecosystem Habitat Goals Report*, developed by nearly 100 scientists calls for buffer zones defined as a zone of transitional or upland vegetation that abuts a bayland or stream with the purpose of minimizing the native effects of adjacent lands uses on the bayland or stream. The Report calls for a minimum width of 300 feet, and where existing land uses or other factors preclude this, buffers should be minimum of 100 feet wide.

11

CON-6 Creek and Drainage way Setbacks  
a. If there is a 50 to 100 foot setback, that should be required. Certainly in heavily developed areas this may not be feasible. But development should be as far away as possible.

Riparian buffer should at least protect existing native vegetation. Removing of vegetation and other trashing of stream banks should not be an excuse for allowing development right up to the edge of creeks.

12

b. A guideline should be included for setbacks from drainages instead of leaving it up to the whims of the developers. In keeping with the laudable goals of CON-6, we suggest at least 25 feet setback from drainageways. Drainageways are the beginning of the riparian ecosystems. If they do not have adequate width and native vegetation, water quality for the entire remainder of the creek ecosystem will be degraded.

13

Include a policy to keep all drainages above ground. This would better assure that water quality and habitat will be maintained.

14

CON-7 Public Access to Creeks  
All public access should be outside of setback areas and should be designed to avoid impacts.

#### CON-8 DEVELOPMENT OF CREEKS AND DRAINAGEWAYS

15

Con 9-b It is not just feral cats that heavily impact the bird population, it is all loose cats. Further, we are unaware that the Humane Society actually has a program to reduce feral cat populations.

#### NATIVE PLANTS AND WILDLIFE HABITAT

16

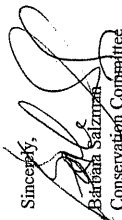
This section should contain policies to protect native oaks, other native trees and native woodlands as well as native grasslands. These are important and diminishing habitats.

17

CON-13 Threatened and Endangered Species  
This should also call for preserving and protecting the habitats upon which the endangered species depend.

Thank you for considering our comments.

18

Since 6/15/05,  
  
Barbara Salzman  
Conservation Committee

**KERNER BOULEVARD, LLC**

2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
February 5, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update

Re: Draft General Plan 2020; Comments regarding elements pertaining to  
Canalways; NH 82, 82a, and 83 and Canal Maintenance, NH 52, 52a.

Dear Planning Department:

**PREFACE**

As you know, Canalways is one of the largest undeveloped parcels in the City of San Rafael, and offers the greatest opportunity for workforce housing, parks and recreation, and transportation improvements. It consists of some 85 acres of relatively flat land, and is surrounded on three sides by housing, industrial/commercial, and retail development. Its fourth side borders San Francisco Bay. Canalways is owned by Kerner Boulevard, LLC.

Kerner Boulevard, planned to be one of the main arterial streets in this area of San Rafael, is interrupted by Canalways; a fairly short connector road across Canalways joining the two ends of Kerner Boulevard would revolutionize traffic flow. Similarly, the shoreline park trail ends at Canalways' property lines.

Canalways has been slated for development since the 1950's, when it and all properties in this area, were diked from the Bay. All previous General Plans have specified that approximately 30 of Canalways' 85 acres could be used for housing or office development. However, in the early 1990's, certain interested parties, including some within City government, decided to acquire Canalways for parkland or open space. They were, however, unsuccessful in purchasing the property from the FDIC, which controlled ownership.

Some of the parties who have long coveted Canalways have engaged in a series of efforts to devalue the property by legal action and political influence. Their first step was to sue the FDIC and the legal purchasers of Canalways in Federal District Court, stating that the property was wrongly sold. The District Court threw out their suit immediately, and the Court of Appeals, Ninth Circuit, upheld that dismissal. The lawyer for the plaintiffs candidly admitted, after the suit was dismissed, that he fully expected to lose, but that his sole aim was to delay and deter the property owners.

Next, the City and the interested parties decided to turn Canalways into the wetlands they desired, by flooding it. Adjacent to Canalways is a City-owned storm drainage pond,

where storm water is stored, then pumped into the Bay. The present and previous owners of Canalways paid approximately \$750,000 to the City as their share of the cost of the drainage system, which was designed to drain their property as well as all other properties in the area. The City of San Rafael owns and operates the drainage system.

As described below, in the mid-1990's, the City allowed the pond to fill with sediment, the discharge pipes to rust and fail, and the pumps to cease operation. Not only did the system fail to drain storm water and discharge it into the Bay, it actually carried vast quantities of sea water from the Bay onto Canalways.

When the Canalways owners realized that the drainage system was flooding their property, they immediately complained to City officials, who promised to fix the system. After many broken promises and lengthy delays, certain City representatives told the property owners that:

- (1) The drainage system had, indeed, failed completely; and
- (2) The drainage system was, indeed, bringing sea water from the Bay onto Canalways; and
- (3) Not only had the pumps failed, but they had been removed from the pump station; and
- (4) The City was not going to do a thing about it unless the property owners sued the City.

The property owners then, reluctantly, sued the City. They proposed a settlement whereby the City would immediately fix the discharge pipes, install new pumps, dredge the sediment out of the pond, and make sure that the system operated properly.

The City refused to settle. The case dragged on for years. Each side spent hundreds of thousands of dollars in attorneys fees. Finally, the City finally accepted the property owners' settlement offer—essentially unchanged from what had been offered the first day. The cost of the repairs was far, far less than the attorneys' fees spent by the parties.

Since the drainage system has been fixed, Canalways is gradually drying out, and will eventually return to its natural state—some uplands, suitable for development, and some wetlands, suitable for parkland and open space. However, the damage done by the City's wrongful flooding will take years to correct.

It is obvious that the same parties who have coveted Canalways for years have influenced the Draft General Plan to make it more difficult for the property owners to develop their land.

**COMMENTS ON THE DRAFT GENERAL PLAN**

In this letter, I will address several factual errors regarding Canalways in the Draft General Plan 2020. I will specifically address such issues as whether

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Canalways is a wetlands, whether it is a habitat for endangered species, and what opportunities there are for beneficial reuse.

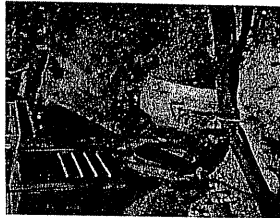
I will provide further information regarding housing opportunities, neighborhoods, traffic circulation and economic vitality issues in future letters to you.

#### I. IS CANALWAYS A WETLANDS?

Today, Canalways, the last large undeveloped parcel along the San Rafael levee, is often referred to as a wetlands. However, before the levee was put in place, so too were the areas presently known as Spinnaker Bayside Homes, Home Depot, Sonnen BMW, Pickleweed Park, etc. The list can be extended to include most of the land up Fourth Street toward City Hall. These were all "wetlands." Thanks to beneficially reusing dredge materials and developers who addressed community needs, they are no longer "wetlands."

Around 1973 the City purchased fifteen acres of the Canalways property for a flood control pond. The pond, irrigation channel, pump house and 60" outflow pipe were meant to handle water runoff from the San Quentin Hills and portions of East San Rafael. Property owners paid for this flood control outlay through an assessment district; the Canalways owners paid about \$750,000. The design of the flood control system was intended to automatically keep the pond pumped dry. The pond was intended to be a holding tank for times of flooding, not, as it too often turned out to be, a year-round pond that overflowed onto the Canalways property at periods of heavy rain and high tides.

Around the mid 1990's the Canalways owners noticed that bay waters were backing through the pump station and the pond, and overflowing onto the Canalways property. Around Christmas of 1998, during Bay high tides, we videotaped the high tides of the Bay geysering back through a crack at the pump house into the Canalways pond and Canalways.



Canalways owners' complaints about the City's flooding onto their property were ignored by city officials until the owners filed suit against the City. To settle the lawsuit, the City fixed the broken 60" outflow pipe that was allowing Bay high tides to flood Canalways, replaced the automatic pumps at the pump house, and dredged a channel along one side of the pond.

The flood control pond has never been fully dredged. For twenty years, silt from the San Quentin Hills and neighborhood has been filling what was once a pond

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approximately 6' deep at its center. Today, to the non-engineer, that pond looks like a good baseball diamond infield – flat and compacted with white sand.

Around 2001, instead of dredging the pond back to its originally designed depths, the City of San Rafael dug water diversion trenches to the pump house. Therefore, since around 2000, flooding of the Canalways site has been significantly decreased.



*Trenching around pond*

By decreasing the improper flooding of Canalways, the characteristics that define wetlands should, in time, lessen in those areas where wetlands characteristics may have existed. This lessening of wetland characteristics, which would have occurred naturally had the site not been flooded for many years, should provide more land usable to address community needs.

#### Changes to the Draft General Plan regarding Wetlands

Wording should be added to NH-82 (below) that clarifies the history of the Canalways site, so that it is clearly understood in the public record and in future planning discussions that only portions of Canalways may be wetlands.

**This requires Exhibit 34 "Wetlands -Major Biotic Habitats" to remove the designation that all of Canalways is a "Wetlands."**

**This also requires Exhibits 35 "Diked Marsh - Bayland" to be corrected. It mistakenly codes all of Canalways as "Diked Marsh." It is not a "Diked Marsh."**

At one of the public outreach meetings, the 85+ acre Canalways was listed on large maps dispersed to more than 20 public tables as having little or no developmental potential. I complained about that mapping prejudice to several ABAG and other city staffers at that Pickleweed public meeting. Nothing was done to erase that mapping prejudice at that meeting. Consequently, the public was unable to discuss the value of Canalways addressing community needs outside of such a zoning or mapping prejudice. I believe that that map was used at subsequent public meetings.

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The Draft General Plan 2020 today maps all of Canalways as "Diked Marsh - Baylands Exhibit 35" and "Wetlands - Major Biotic Habitats Exhibit 34." Its Land Use Map designates Canalways as "Conservation."

It seems as though the inaccurate and biased map presented at the public meetings has been replicated into the final Draft General Plan. Such generalized and unsubstantiated designations can substantially reduce the property's value. Such designations makes Canalways' ability to address future community needs much more expensive and time consuming. Rather than take the time, energy and money to debate these designations and policy guidelines in the future, these designations and policies need to be changed now, prior to the Final General Plan.

If such mappings, designations and policies are carried into the Final General Plan, it could be constituted as a taking.

## II. IS CANALWAYS AN ENDANGERED-SPECIES HABITAT?

**Exhibit 37 to the Draft General Plan presents another inaccurate characterization of Canalways which must be corrected. Exhibit 37 appears to designate all of Canalways as a site for the endangered salt marsh harvest mouse.**

Canalways is often and inaccurately characterized by certain interested parties as a home for the endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), thereby devaluing the property's value and availability for community needs. Too often a conclusion based on the scantiest bit of evidence is repeated so often that that it passes into unknowing acceptance. It becomes an urban legend.

The conclusion that Canalways is an endangered species site is based on the tiniest of mouse trails. In 1982 the Department of Fish and Game trapped for 300 days and nights at Canalways seeking to find the SMHM and Biologist Fred Botti concluded in his report:

...it is my feeling that the salt marsh harvest mouse does not occur on the parcel in question. The habitat does not appear to provide adequate cover and competition from the western harvest mice probably reduces the attractiveness of the area to salt marsh harvest mice

The full letter from Dr. Botti is attached as Attachment A.

Certain interested parties were not satisfied with this California Department of Fish Game Report, so Dr. Shellhammer was hired to do additional SMHM trappings. In September of 1982 Dr. Shellhammer's team had these results:

Two salt marsh harvest mice, (*Reithrodontomys raviventris*) were captured during the 525 trap nights.

To be more precise the report defined these two captured mice in this way:

The characteristics of the mouse captured on 9/15/82 were unmistakable. The mouse captured on 9/17/82 had intermediate tail traits (halfway between a salt marsh form and the western harvest mouse (*Reithrodontomys megalotis*), but the behavior and gestalt of the salt marsh species.

In other words, one of these tiny mice was professionally determined to have "unmistakable" characteristics attributed to the SMHM. The other mouse had inbred with a western field mouse and had, as civilization does in intermarriage, exchanged some genetic traits. The second mouse had some feet and tail looks of both the western field mouse and SMHM but some swagger or "gestalt" of the *Reithrodontomys raviventris*. Evolution happens.

Dr. Shellhammer concludes his report in this way:

The overall impression of the site is of a moderate to moderately-poor habitat for the salt marsh harvest mouse.

It was Dr. Shellhammer's professional opinion that on-site mitigation for the salt marsh harvest mouse was not recommended for the site, if the then-proposed project was approved. This is based on the difficulty of maintaining the population during construction, and finally providing a large enough habitat for long-term survival of the species. There are no adjacent marsh areas of sufficient size to which to connect a new marsh.

Dr. Shellhammer recommended off-site mitigation for salt marsh harvest mice where creation or protection of an area contiguous with a relatively larger marsh (10 to 20+ acres) would be available.

The full report of these findings can be obtained under the title HARVEY & STANLEY ASSOCIATES, INC. Ecological Consultants; RODENT TRAPPING AT CANALWAYS SAN RAFAEL, CALIFORNIA, September 1982, or on the Canalways web site. (<http://canalway.hypermart.net>)

Those labeling Canalways an endangered species site are doing so on the professional determination that ONE mouse captured over two decades ago after 825 trapping nights had "unmistakable" SMHM characteristics. In contrast, the Spinnaker Lagoon Management Plan, used in the development of Spinnaker Lagoon (Bay Point Homes) Report, 1990-95 notes:  
...the capture rate of 1.5 captures per 100 trap nights recorded in 1983 prior to development of the Spinnaker Lagoon area.

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Even with the mice capture(s), Dr. Shellhammer called for offsite mitigation for the SMHM. If mitigation were to be done on site, Hydrologist Philip Williams says the best way to enhance the pickleweed in which the SMHM lives and hides from birds and other rodents is to beneficially reuse 200,000 cubic yards of bay mud.

Instead of embellishing the urban legend that Canalways is an endangered species habitat, Canalways should be discussed as a site that could:

- o reduce diesel pollution inherent in clamshell dredging and dumping dredge materials in the bay
- o save federal, city and San Rafael property owners costs by providing a local beneficial reuse site
- o enhance what may or may not be a wetlands area with bay mud as Philip Williams recommended, and in doing so
- o enhance the habitat of the SMHM, if it does still exist more than 22 years after the Shellhammer report, by using dredge spoils to bring small mounds and valleys to those areas where it may exist, since such dredge produced contours give the SMHM more safety from birds and other predators
- o help address future community needs such as housing, office, recreation, business park, light industry, schooling, etc. with the cost effective reuse of dredge materials

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Unfortunately, it is natural in our busy lives to repeat oft-heard information so often that it becomes the accepted gospel. Canalways has not been scientifically determined to be an endangered species site. The fact that certain interested parties have been repeating this mantra for over 20 years has produced the urban legend that it is such a habitat, and has discouraged development opportunities for the community. Codifying such a legend in a document as important as a General Plan 2020 could be construed as a taking. Such references need to be eliminated.

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The following element/policy edits need to be made to give a more accurate description of the site and its potential uses that could address several community needs.

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**NH-82. Canalways.**  
Recognize the high resource value of the **those portions of Canalways that may be wetlands** sites-wetlands that **may** provide habitat to rare and endangered species. In addition, recognize that this site is, **without traffic allocations that will be proposed in the future**, in an area affected by traffic congestion. **Encourage and support efforts to purchase the site for open space.**

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**support efforts that will hasten the connection of Kerner Blvd that will mitigate traffic problems. Encourage and support the most cost effective construction of a freeway overpass or connection for this East San Rafael area in order to further reduce traffic congestion..**

With any development of this property, buffer site wetlands from buildings and parking lots, and obtain trail easements and improvements for the Jean and John Starkweather Shoreline Park. **Recognize that Light Industrial/Office is a use that MAY** would have the least impact on the wetland habitat, **but such development may or may not best address future community needs.**

**Wetlands habitat as well as community needs will be considered in all site development proposals.** Development is likely to ~~shall~~ be located along the western edge of the site and to the greatest extent feasible in areas outside of delineated wetlands or areas **that may be** determined as ~~shall~~ upland habitat for endangered species.

### III. TRAFFIC ISSUES

The development of Canalways offers the opportunity for the single greatest improvement in traffic in East San Rafael—the connection of Kerner Boulevard, designed to be an arterial, but dead-ending on each side of Canalways.

To state in the draft General Plan that this site is “in an area affected by traffic congestion,” and then immediately follow that with a sentence stating: “Encourage and support efforts to purchase the site for open space,” seems to indicate a preference in supporting no-growth interests.

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Since the City’s role is to address community problems such as traffic, housing, jobs, and environmental quality, we believe the suggestion noted in the proposed revised N-82, repeated below, would better direct government’s role in serving a community of interests. Suggested edits are in bolded Tahoma font

**NH-82. Canalways.**  
Recognize the high resource value of the **those portions of Canalways that may be wetlands** sites-wetlands that **may** provide habitat to rare and endangered species. In addition, recognize that this site is, **without traffic mitigations that will be proposed in the future and traffic allocations**, in an area affected by traffic congestion. **Encourage and support efforts to purchase the site for open**

space. **Encourage efforts that will hasten the connection of Kerner Blvd that will increase traffic allocations. Encourage the most cost effective construction of a freeway overpass or other such connection for this East San Rafael area in order to further increase traffic allocations.**

With any development of this property, buffer site wetlands from buildings and parking lots, and obtain trail easements and improvements for the Jean and John Starkweather Shoreline Park. **Recognize that** Light Industrial/Office is a use that would ~~might~~ have the least impact on the wetland habitat, **but such development may or may not best address future community needs.**

**Wetlands habitat as well community needs will be considered in all site development proposals.** Development is likely to ~~shah~~ be located along the western edge of the site and to the greatest extent feasible in areas outside of delineated wetlands or areas **that may be** determined as estitaeal upland habitat for endangered species.

If development proposals are in the future undertaken for Canalsways, the City can be assured that the Canalsways partners will integrate all feasible traffic mitigations into their environmentally sensitive plan. In addition, the development plan will include traffic mitigations that could, depending on the area residents or public employees, peak hour travel restrictions, off peak incentives, rail spur contributions, mixed-use, pedestrian oriented development, etc.

#### IV. BENEFICIAL REUSE OPPORTUNITIES

Kerner Blvd. LLC believes additions should be made to NH-52 and 52a to insure that environmental and economic benefits are most effectively provided to the community in the future. These changes are needed to insure that the City will *search and assist* in providing Beneficial Reuse Uplands Disposal sites, as called for in the Federal Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region, Management Plan 2001.

The suggested changes are in bolded Tahoma font:

#### **NH-52. Canal Maintenance.**

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Develop a plan for long term maintenance of the Canal as a navigable waterway, including regular dredging without reliance on federal funds. Assure that docks are maintained and refuse eliminated along the Canal.  
**NH-52a. Dredging Program.** Work with property owners to develop a funding program to dredge the Canal. Continue to aggressively pursue a maintenance assessment district, federal funding and other funding sources as available. **(Proposed addition) Work with Canal property owners to secure uplands beneficial reuse disposal at such nearby economically viable sites as Canalsways.**

Responsibility: Public Works, Management Services  
Timeframe: Short Term

In that the City, as Local Sponsor for Dredge Maintenance projects, must seek taxpayer and property owner funding whenever the city does not provide for beneficial reuse at a local upland disposal site, wording also needs to be added to NH 82, 82a, and 83 that specifies that large portions of Canalsways remains as a possible dredge materials disposal site.

#### **Such use of Canalsways dovetails with Draft General Plan elements LU-4. Reasonable Interim Use of Property as well as LU-4a. Reasonable Interim Uses, which states:**

In the zoning ordinance establish land uses that allow reasonable interim uses for properties that are in areas with limited traffic capacity for development. Examples include contractor's yards, new car storage, modular office and storage, and outdoor recreation

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Certainly, using those areas of Canalsways that can beneficially reuse dredge spoils provides a worthwhile economic savings to the City and its tax payers. Uplands beneficial reuse also reduces negative environmental impacts on the Bay Region's lands and waters.

#### **Detailed reasoning for the proposed changes listed above:**

Most of East San Rafael has been built on dredged materials. Home Depot, Garbano's Recycling Center, Spinnaker on the Bay Homes, Pickleweed Center, all of East Francisco Road and its adjacent properties, and much of Fourth Street up to around Zappatinis Steel Works exists on hydrologically reclaimed dredged materials. Peoples' homes, businesses and recreation areas exist thanks to beneficially reusing dredged materials.

#### **History of San Rafael Dredging**

From 1928 to the present day over 90% of all materials dredged from the San Rafael Creek and the Across the Flats channel have been hydrologically (suction) pumped from the water to beneficial uses on what is now San Rafael.

Fiscal Year	Qty Removed	Method	Area Dredged
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Year	Amount	Channel Type
1928	1,100?	Inner channel (IC)
1929	201,378	hydraulic pipeline Outer channel, (OC ATF)
1931	37,309	IC
1933	246,193	IC
1935	108,045	IC
1938	510,414	IC
1942	101,003	OC ATF
1947	141,018	OC ATF
1947	42,500	IC
1951	127,108	OC ATF
1954	189,100	OC ATF
1954	76,800	IC
1962	244,449	IC
1969	242,886	IC
1978	152,945	OC ATF
1980	51,599	IC
1986	197,750	clamshell OC ATF
1987	54,275	hydraulic pipeline IC
1991	49,660	clamshell IC
1993	None.	Failed sediment test OC(across flats)
1997	145,000	Clamshell OC(across flats)
Total I&O	3,044,508	
Per yr aver I & O	44,123	average yearly (falling)

As noted in the above History of San Rafael Dredging, almost all San Rafael Inner (IC) and Outer Channel (OC) and Across the Flats (ATF) dredged materials has been via the environmentally and economically beneficial 'hydraulic pipeline' method. This method allows the beneficial placement of dredged materials to create usable uplands or enhance wetlands, ponds, playfields, etc.

Only in recent years has 'clamshell' dredging been used to remove dredged materials. Clamshell dredging wreaks greater havoc on the environment and economy because it:

- 1) Usually fails to beneficially reuse dredge materials for society's benefit
- 2) Too often requires Bay Channel, Alcatraz or ocean disposal



- 3) Causes tons of diesel fuel to be exhausted into the atmosphere as dredge barges fight tides, winds and the weight of its hauled materials en-route to distant dump sites
- 4) Allows Channel dumped materials to wash back into the creeks and channels from which it was just removed
- 5) Forces city budgets or city property owners to pay for the higher costs associated with clamshell dredging and its aquatic disposal when the Army Corps cannot force Congressional Budget add-ins to cover those costs
- 6) Relies on Federal tax payers to cover the higher clamshell dredging and in-water dumping costs involved in all dredge material use that does not provide for uplands beneficial reuse sites.
- 7) Gambles on federal funding when present and former City Staffers have been told that future funding for dredging is becoming increasingly unlikely.

Clamshell dredging has consistently been 3-4x's more expensive than hydraulic dredging. Whereas recent estimates are that dredge materials could be suction pumped to a nearby site, such as Canalways, for \$2.00 - 4.00 per cubic yard, clamshell and its costly aquatic disposal would cost \$8.00 - \$14.00 per cubic yard. The increased costs of clamshell dredging coupled to the lack of uplands disposal sites has caused the amount of materials dredged from San Rafael Creek and Across the Flats to fall and the cycles between needed dredges to increase. This has caused increased economic and recreational difficulties for yacht harbor owners, boat owners, and property owners who live in and around the San Rafael Creek.

In past years, while San Rafael Public Works Director, David Bernardi told property owners along the Canal that federal money for dredging may not be available in the future. He has advised them to assemble a maintenance assessment district now, so that 6-7 years later they will have the money needed to dredge.

Property owners must know that suction pumping to Canalways will cost them a lot less in assessment fees than continuing with clamshell dredging dredged materials to distant and not-so-beneficial sites. Homeowner groups concerned about the need for regular and cost effective dredging, such as the Bucket of Mud Brigade and San Rafael Dredge Committee, need to clearly understand the benefits of beneficial reuse at upland sites.

**Federal Long Term Management Strategy, Management Plan 2001**

In the 1980' the Army Corps long term plan to use the deep hole in front of Alcatraz Island as its main dredged material disposal site ran into serious environmental and safety conflicts. Dredged materials dumped at the site were

not being dispersed into the ocean as predicted. Instead an 80' foot mound of dredged materials developed causing navigational dangers. In addition, fishermen were complaining about the negative impact dumping dredge spoils was having on the Bay's bottom life, and consequently, on the fishing food chain up through the fisherman and fish consumer. To reduce negative impacts, Alcatraz is limited to taking 400,000 cubic yards of fill during ten months of the year. As the LTMS Management Plan states:

In light of the limited capacity of the Alcatraz site and associated potential navigational hazards, and environmental concerns, the primary agencies regulating dredging and disposal activities in San Francisco Bay (the Bay), U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (USEPA), San Francisco Bay Conservation and Development Commission (BCDC), and the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB), along with the State Water Resources Control Board (SWRCB), began to make decisions on a case-by-case and agency-by-agency basis reducing predictability for project sponsors, and public confidence that environmental resources were being adequately protected. In response, the USACE, USEPA, BCDC, SFBRWQCB, and SWRCB, along with representatives from the dredging, environmental, regulatory, and scientific communities, initiated the LTMS in 1990.

Initially, the LTMS agencies took specific policy actions to support their participation and to ensure that their regulatory decisions would be consistent with the original LTMS goals. In 1991, BCDC amended its *San Francisco Bay Plan* (Bay Plan) findings and policies on dredging and disposal activities to: (1) recognize the importance of dredging to the economic and social welfare of the Bay Area; (2) address the limited capacity of existing in-Bay sites and potential adverse impacts on the Bay's of existing in-Bay sites and potential adverse impacts on the Bay's natural resources associated with dredging and disposal; and (3) encourage the placement of material at beneficial reuse sites or the ocean.

Eleven years after initiating the LTMS, the Management Plan 2001 was completed. The Adopted LTMS goals are:

- Maintain in an economically and environmentally sound manner those channels necessary for navigation in San Francisco Bay and Estuary and eliminate unnecessary dredging activities in the Bay and Estuary.
- Conduct dredged material disposal in the most environmentally sound manner.
- Maximize the use of dredged material as a resource.
- Maintain the cooperative permitting framework for dredging and disposal applications.

The 2001 Management Plan pointed out that efforts were currently underway to find additional beneficial reuse sites, such as Hamilton Army Airfield and Montezuma wetlands site (Solano County). Implied and called for in the

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Management Plan is that local sponsors must also work to find beneficial reuse sites in order to benefit the economy and environment.

Canalways fills the City of San Rafael's local sponsor responsibility to find economically viable beneficial reuse sites where dredged materials can be used for uplands, levee, environmental enhancement, recreational fill, etc.

**1.2.2.3 Beneficial Reuse and Disposal of Dredged Material**  
Dredged material can be reused for a variety of beneficial purposes, including habitat improvements at diked baylands (e.g., to restore tidal and seasonal wetlands), to create in-Bay habitat, to stabilize levees, and for capping and liner material at landfills

#### **Beneficial Reuse Capacity at Canalways**

Canalways estimated capacity to take dredge spoils may exceed a million cubic yards. A summary of these estimated numbers:

Uplands = 990,000 based on 30 acres settled 10' deep

Lowlands = 198,000 based on estimates from Philip Williams estimate

Park = 49,500 proposed improvements of filling 5 acres 3' deep twice

Levee = 99,000 estimated on filling 10 acres 3' deep twice

This amounts to an estimated 1,336,500 cubic yards of beneficially reused dredged materials. This amount then settles and dries to about half of the listed content. The Federal LTMS calls for cities to assist in providing uplands beneficial reuse sites. Canalways offers that opportunity to all cost conscious citizens concerned about benefiting San Rafael's environment. (A summary sheet of these estimates is in Attachment B.)

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Especially in challenging economic times, shouldn't local sponsors, developers, affected property owners, taxpayers, and environmental groups support and pursue beneficial social, economic and environmental solutions, such as beneficially reusing dredge materials at Canalways?

If beneficial reuse of dredged materials provides cheaper fill for potential uplands home building sites and that helps reduce the final cost of the homes, isn't that good? Isn't the need for reducing housing costs a critical need in Marin and shouldn't we use beneficial reuse as one of those creative means to economize on housing costs?

San Rafael's Draft General Plan, G-24 Government Financing (a-g) seeks "alternatives) to increased taxation..." and calls for the evaluation of different land uses on City revenues and services..." Beneficial reuse of dredge spoils, as called for the Federal Government, stands out as a means to more cost effectively

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deliver a myriad of potential economic, environmental and recreational benefits to all in the community. For example:

#### **Uplands Fill**

Creating and raising San Rafael's once low and marsh lands has been the beneficial reuse of dredge materials that has allowed San Rafael to become Marin's largest and most vibrant business and social community. The square miles of land it has created has given housing to diverse income groups, business opportunities to a rainbow of nationalities, and kept the San Rafael Creek functioning as an inducement to continue its marine related businesses, as well as for recreational boating.

#### **Recreational Fill**

Thanks to hydraulic dredging and beneficial reuse of dredged materials, nature lovers enjoy the ponds at Bay Point Homes, bikers and walkers enjoy the levees and walk ways of Strakweather Shoreline Park, and kids as well as grown-ups enjoy and learn from the soccer fields, gardens, community classes and get-togethers that occur at Pickleweed Park.

#### **Safety Fill**

As commercial and personal life bubbles onward daily in East San Rafael, thanks to land reclaimed from wetlands by beneficially reusing dredged materials, we take for granted that much of the levee that protects all of San Rafael comes from beneficially reused dredge materials. Canalways might beneficially re-use dredged materials to strengthen the Canalways levee, or serve to assist in its major upgrading.

#### **Environmental fill – leading to enhancing possible endangered specie habitat**

The pond at Spinnaker on the Bay Homes and the wildlife refuge that surrounds the pond have been brought to homeowners and bayside park walkers' enjoyment by the hydraulic beneficial placement of dredge spoils.

Neighboring Canalways could emulate Bay Point's wildlife refuge ponds at its site with beneficially reused materials. Or Canalways, if it followed a plan proposed on an earlier Canalways development proposal, could beneficially reuse 200,000 cubic yards of dredged materials, just to enhance what at that time was 20 acres of pickleweed on the site.

**There are two ways to achieve suitable conditions for establishing pickleweed on the 20 acres....**

**First, and preferably, would be to fill the 20 acres to elevations of about 3+ ft NGVD...**

**This must be done with Bay muds such as dredge spoils, and would require approximately 200,000 cubic yards of material.**

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Enhancing this 20 acres of lowland that lies adjacent to the Flood Control pond with hydraulically placed dredge materials is beneficial because:

- It follows the Federal Government's Long Term Management Study Guidelines calling for beneficially reusing dredge materials.
- It enhanced a degraded open space environment, significantly raising its relative environmental value.
- It enhances the living environment for the salt marsh harvest mouse (SMHM) – which may or may not reside at Canalways.

### **V. ECONOMIC CONSIDERATIONS**

Many of the future needs of the nation, a state, or a city are determined by how the economy is managed to prepare and educate the following generations. The General Plan should not use language that seems to reduce the options that Canalways can use to address future economic and generational needs. On the contrary, language should be used in the General Plan that shows the community that every effort will be made by the City to address whatever site problems exist, so that this site, as well as every other site in the City, can be used in the best way possible to address the full spectrum of community needs.

Developing housing, offices, mixed use developments, etc. is one of the most complex business undertakings. The development process must master an extended variety of economic and political hurdles. To overcome these hurdles, property owners must often seek financial partners or heavily borrow against their property and other personal assets. When a document as important as a General Plan significantly devalues the land with its coding and mapping, it denies the owners many financing and development options. It predetermines the land's value. In doing so the property owner is deprived of his right and desire to even propose solutions to community needs. The changes requested above need to be made to this significant property so as to not unfairly take away the land owners rights.

According to a June 26, 2003 ID story titled Exodus costs Marin \$80 million, 1,600 jobs left with the companies such as Labcon North America, GE Financial Assurance, Quadramed, Lucasfilm, Panamex, GC Micro Corp, and Mactec Engineering & Consulting left for cities with more to offer, including more affordable housing for its workers. If such exoduses concern the City in the future, parcels such as Canalways, and the requisite effective General Plan language, will assist future City leaders in efficiently addressing those concerns.

Sincerely,

Dwayne Hunn

20

19  
cont.

Canalways Consultant  
Attachments: A. Fred Botti Letter – stating no SMHM  
B. Spreadsheet estimate of Canalways beneficial reuse dredge material capacity

State of California

The Resources Agency

**Memorandum**

To: Files

Date April 14, 1982

For: *Department of Fish and Game*

Subject: Results of Rodent Testing on the Holiday Magic Parcel in San Rafael.

The attempt to determine the presence or absence of salt marsh harvest mice on a parcel of land called the Holiday Magic parcel in east San Rafael, Marin County. The site contained several acres of pickleweed which, though healthy, appeared to be on the decline due to competition from upland species. In the open areas between patches of pickleweed, new growth brass buttons and annual grasses were coming up.

One hundred Sherran live traps were placed in two trap lines in the pickleweed area of the parcel. The traps were opened each evening of March 22 - 24, 1982, and checked each evening. The trapping effort totaled 300 trap nights and yielded no endangered salt marsh harvest mice. However, four house mice, one meadow mouse and thirteen western harvest mice were trapped during the effort. Some recaptures are possible since the individuals captured were not marked.

Even though the salt marsh harvest mouse is an endangered species and a negative trapping effort does not definitely prove its absence from an area, it is my feeling that the salt marsh harvest mouse does not occur on the parcel in question. The habitat does not appear to provide adequate cover and competition from the western harvest mice probably reduces the attractiveness of the area to salt marsh harvest mice.

Fred

Fred Botti  
**Wildlife Biologist/North Bay Unit**  
Region 3



Volunteer Urban Foresters  
For Marin County

PO Box 9512 San Rafael California 94912-0512 (415)721-4374 fax (415)453-3178  
[www.marinreleaf.org](http://www.marinreleaf.org)

Friday, February 06, 2004

San Rafael Planning Commissioners  
City of San Rafael  
PO Box 151560  
San Rafael, California 94915-1560

RE: General Plan, CD-20c

The proposed ordinance of this section of the general plan, transfer street tree management and replacement to property owners, is unconscionable of the City!

The neighborhoods in the City with the most street trees are Gristle Park, Sun Valley and Dominican. These trees were planted about 60 years ago. They are all of the same species, London Plane, and same age. Urban trees do not live as long as they do in the wild. San Rafael does not have a survey of the health of these trees. For all we know they may be near the end of their lives from disease with a lot of dead wood.

The present budget crisis has our back against the wall but this situation could be to the advantage of the City! Usually we dispose of unwanted trees by chipping or turning them into firewood. By using the four element of sustainability urban forestry we can turn around this difficult problem. (I will develop this argument next Tuesday's meeting.)

For the past several years our trees have been watched over by the City's Certified Arborist. He has crafted high standards and demanded the industry's guidelines for their maintenance. Property owners are usually naive to these guidelines. Maintenance by property owners could go to the lowest bidder, anyone with a chainsaw.

Without a healthy urban forest, San Rafael will not be a desirable a place to live or do business. We can do better and turn around this difficult situation.

Sincerely,

Sandra Sellinger  
Director

1

**Attachment A**

Canalways  
Approximate amounts of dredge materials that can be  
Beneficially Reused at Canalways

Cubic yards of fill

Fill Areas	Wet Fill	Dried fill	Acres x	
			feet deep x	# of dumps
		50%		
Levee	99,000	49,500	10acx3'x2	
Park	49,500	24,750	5acx3'x2	
Uplands	990,000	495,000	30acx10'x2	
Low lands	198,000	99,000	20acx3'x2	
<b>Total</b>	<b>1,336,500</b>	<b>668,251</b>		

**Attachment B**

Linda Jackson

From: Len Nibbi [lnibbi@jhsproperties.net]  
Sent: Monday, February 09, 2004 4:28 PM  
To: linda.jackson@ci.San-Rafael.ca.us  
Cc: Robert M. Levy (Kunn & Levy); Joe Shekout; Robert Herbst  
Subject: FW: Airport

After our discussion a few weeks ago we decide that it may be helpful to survey some cities that also have airports to get an idea what General Plan categories have been used. We have checked a few airports and these are the results of our inquiries.

- Upland  
General Plan designation: Air  
Zoning: MAV Industrial Airport Zone
- San Carlos  
General Plan: Airport  
Zoning: A - Airport District
- Auburn  
General Plan: Industrial /Public (denotes public ownership)  
Zoning: AI-DC Airport Industrial-Design Control
- Half Moon Bay  
General Plan: Airport Use  
Zoning: MI-DR Light Industrial-Design Review
- Hayward  
General Plan: Public/quasi public  
Zoning: AT-C Airport Terminal Airport Commercial
- Cameron Park  
General Plan: Commercial  
Zoning: GC-DC General Commercial-Design Control

Please feel free to check any of the other airports. Clearly the "Open Space/ Parks" designation in the draft is not appropriate. You mentioned/offered the "public/quasi public" designation, but that is not appropriate since the property is neither public or owned by any quasi-public agency.

I spoke to Ms. Terry Roberts at OPR after discussing the matter with a member of her staff. I described the situation and she agreed that the "Open Space/Parks" category doesn't make sense. She also explained to me that there are the standard designations and that cities can create custom designations if they are consistent in the text and diagram in the Plan and show location, type and intensity of land uses. I explained the mixture of uses that the covenant allows and we discussed some typically used designations. She agreed that an Aviation Commercial designation could be used.

It appears that an appropriate General Plan and zoning designation for the San Rafael Airport would be "Airport Commercial" or "Aviation Commercial" with a description that permits the uses in the City authorized Covenant as well as any uses approved by a use permit. That would be the most simple and direct and would be in line with what the City has said in the

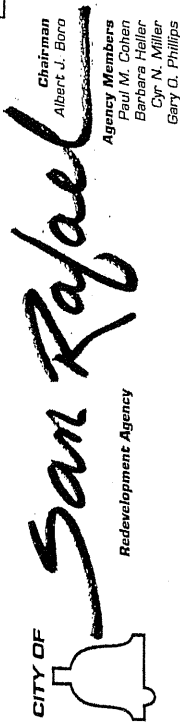
record is acceptable...or the airport.

On another matter I find that part of the airport property is depicted as "diked marshland" in the exhibits to the draft Plan. We have had two U.S. Army Corps of Engineers jurisdiction determinations certified for the property, one in approximately 1986 and one just a few years ago for the work that we did on our levees, and I believe these are the most accurate indication of the type of habitat. Both should be on file with your office. With the exception of small pockets of Section 404 along the inside of the levee the property is not a wetland. It may be considered upland or grassland. It was reclaimed in the 1940s but was filled, grazed, planted with oat hay, etc. for many years.

Please let me know your thoughts on this as soon as possible. Thanks for your cooperation.

Len Nibbi  
JHS Properties  
Tel. 415-453.0212 x101  
Fax 415-453.0421  
lnibbi@jhsproperties.net





February 10, 2004

City of San Rafael Planning Commission  
1400 Fifth Avenue  
San Rafael, CA 94901

Re: City owned parcel on Windward Way

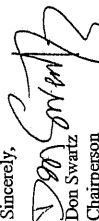
Dear Ladies and Gentlemen:

The Citizens Advisory Committee on Redevelopment is concerned that the City is losing to other uses, sites that have for years been identified as possible locations to help fill our need for housing.

The Committee requests that the language of the General Plan and the related Zoning Ordinance be written so that it is clear that housing is an allowable use on the City owned site at Windward Way and Bejlam Blvd.

We strongly urge you to consider this request, as it will further reinforce the City's commitment to housing, hopefully providing a housing resource for people who work in the City of San Rafael.

Sincerely,

  
Don Swartz  
Chairperson

Citizens Advisory Committee on Redevelopment

cc: Redevelopment Agency Board and Chair Boro  
Rod Gould, City Manager  
Nancy Mackle, Economic Development Director  
Bob Brown, Community Development Director

## Kerner Blvd. LLC

2333 Kerner Blvd.  
San Rafael, CA 94901  
Phone: 415-456-2712 X 206, Fax: 415-459-4103,  
E-mail: [jgrange@grange1.com](mailto:jgrange@grange1.com)

Linda Jackson 2/16/04  
San Rafael Planning Department  
P.O. Box 151560  
San Rafael, CA 94901-1560  
Phone: 415-485-3067, E-mail: [linda.jackson@ci.san-rafael.ca.us](mailto:linda.jackson@ci.san-rafael.ca.us)

Dear Linda:

Many factors must be considered when trying to determine the future of Canalways.

For example, there is a vast difference between a lowland and a wetland, a vibrant wetland and a degraded wetland, a wetland or lowland and an endangered species site, a Salt Marsh Harvest Mouse Habitat and an area one SMHM may have walked through decades ago, etc.

The process of determining which criterion applies must be based upon science, historic data, and specific site conditions existing at the time the determination is made. To circumvent the usual process and try to arbitrarily legislate it into one category or another in a general plan or by zoning or any other artificial means only invites acrimony and litigation.

Over the years the Kerner Blvd Partnership has put forth evidence to support its belief that different portions of Canalways do contain different characteristics, and why. The only rebuttal we have heard from the opposition is the false statement that Kerners contentions "are all lies".

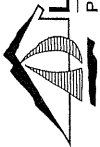
Their rebuttal is not evidence sufficient to place a Conservation Easement over the entire site; even the uplands areas that could otherwise be used for future development, or to add poison pill language throughout the draft general plan, thus stigmatizing the entire parcels ability to provide a myriad of other social and economic benefits such as affordable housing, jobs, schools, etc.

What more should we be doing to insure the process is not circumvented, and that proper language is adopted in the general plan to preserve future development options for this infill site without having to address each separate poison pill placed in the general plan by our adversaries?

At the end of the last meeting it seemed that the commissioners discussed many issues raised that night, except those relating to Canalways. When will Canalways concerns be addressed?

Sincerely,

Fred Grange



**Loch Lomond Homeowners Association**

Post Office Box 2368 • San Rafael, CA 94912-2368

February 18, 2004

Linda Jackson, Principal Planner  
Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915

Dear Linda:

Re: 2020 General Plan

Further to our discussion, I met with Nardar Mansourian regarding Goal 13, C-5, paragraph B, Arterial LOS.

I suggest that the last two sentences starting with "Where it is demonstrated," be deleted and be replaced with: "If an **arterial** LOS is above or below the standard, the project shall be considered consistent with this policy if the **arterial** LOS is within the standard. The project will not be deemed consistent with this policy if the **arterial** LOS fails to meet the standard."

I trust readers will find this wording a bit clearer.

Thank you for considering this change.

Sincerely yours,

Albert Barr  
President

RECEIVED

FEB 10 2004

CITY OF SAN RAFAEL  
PLANNING

cc: Nardar Mansourian

Linda Jackson

From: Len Nibbi [lnibbi@jhsproperties.net]  
Sent: Wednesday, February 18, 2004 10:31 AM  
To: Linda Jackson  
Cc: Robert M. Levy (Kuhn & Levy); Joe Shekour; Robert Herbst  
Subject: FW: General Plan mapping error

*Attached is a copy of the U.S. Army Corps of Engineers jurisdiction determination dated April 7, 1996. This determination is comprised of a letter and a map and is attached for your use. I recall that this was provided to the City several times in the past. You will note that there is very limited wetland (Section 404 is red, Section 10 in green) area on the property and this is only along the perimeter edge of the property on the land side slopes or the levee. The area along either side of the runway is considered upland/grassland.*

*Attached is a copy of the U.S. Army Corps of Engineers jurisdiction determination dated November 9, 1998. This jurisdiction determination is also comprised of a letter and map and are attached for your use. This was also submitted to the City and County as part of the recent levee construction work along the south fork of the Las Gallinas Creek (completed at the end of last year).*

*Both of the above were site specific analyses involving ground sampling and vegetation surveying. If you would like full size copies let me know.*

*I also note that the current San Rafael General Plan 2000 maps GP-16a and b, while schematic, depict the areas on either side of the runway as uplands (specifically grasslands).*

*Lastly, I will fax to you this morning a letter from Wetlands Research Associate. WRA worked with the Corps on the latest jurisdiction determination. This letter will further address the subject mapping error.*

**Len Nibbi**  
JHS Properties  
Tel. 415-453-0212 x101  
Fax 415-453-0421  
lnibbi@jhsproperties.net



DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS  
211 MAIN STREET  
SAN RAFAEL, CALIFORNIA 94105 - 1905

APR 7 1986

Regulatory Functions Branch  
No. 16026N17

Mr. Len Nibbi  
Marin Ranch Airport  
2169-C Francisco Blvd.  
San Rafael, California 94901

Dear Mr. Nibbi:

This is in reference to your request for a jurisdictional determination, dated January 28, 1985, of the Marin Ranch Airport site located off of Smith Ranch Road and adjacent to Gallinas Creek (North Fork Gallinas Creek to the north and south Fork Gallinas Creek to the south), in the city of San Rafael, Marin County, California.

All proposed work and/or structures extending beyond or seaward of the line on shore reached by the mean of the high water (MHW) in "navigable waters of the United States," including all new work in unfilled portions of the interior of diked areas below former MHW, must be authorized by the Department of the Army, Corps of Engineers. Such authorizations are required under Section 10 of the River and Harbor Act of March 1899 (33 U.S.C. 403).

All proposed discharges of dredged or fill material into "waters of the United States" require Corps of Engineers authorization under Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). "Waters of the United States" include, but are not limited to, coastal and inland waters, lakes, rivers and streams that are navigable waters of the United States, including adjacent wetlands; tributaries to "navigable waters of the United States," including adjacent wetlands; interstate waters and their tributaries, including adjacent wetlands; and all other waters of the United States.

The site consists of a total of 119.52 acres. Section 404 jurisdiction has been delineated (in red) on the enclosed drawing (enclosure 1) and consists of 7.35 acres. The Section 10 jurisdiction has been delineated in two colors - in yellow showing those areas which are currently under tidal action and consists of 23.56 acres, and in blue hatch lines showing those areas which were historically under tidal action and consists of 2.63 acres. The total Section 10 jurisdiction equals 26.19 acres. Also, we have delineated (in green) those areas which could be potential Section 404 wetlands. These areas are located outside of the Marin Ranch Airport site but inboard of the surrounding levees.

We have based the foregoing jurisdictional determination on the normal circumstances now existing at the site in question. A change in those circumstances may also change the extent of our jurisdiction.

Application for Corps authorization should be made to this office using the application form in the enclosed pamphlet (enclosure 2). The application must

Include plans showing the location, extent and character of the proposed work and/or structure, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your work, that upon receipt of a properly completed application and plans, we are required to advertise the proposed work by issuing a public notice for a period of 30 days.

Please note that based on recent revisions to the Corps of Engineers regulations (33 CFR 320.4(a)(1)), it will be necessary for you to demonstrate to the Corps that your proposed fill is necessary because there are no practicable alternatives, as outlined in the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines. A copy is enclosed to aid you in preparation of this alternative analysis. Be aware that failure to satisfy the 404(b)(1) Guidelines will require denial of your application for a Corps permit.

Also, we request that you notify our office when the removal of the unauthorized fill (as identified in our letter and enclosed drawing dated October 22, 1985) has been completed.

If you have any questions, please call Mr. Darwin Helmuth of our Regulatory Functions Branch (telephone 415-974-0418). Please address correspondence to the District Engineer. Attention: Regulatory Functions Branch, and refer to the file number at the head of this letter.

Sincerely,

*Jack E. Farless*

Jack E. Farless  
Chief, Construction-Operations  
Division

Enclosure

US F&W, Sacramento, CA  
US EPA, S.F., CA  
CA BDCIC, S.F., CA  
CA F&W, Yountville, CA  
CA RMOCB, Oakland, CA  
CA SLC, Sacramento, CA  
Anne Moore, Planning Dept.  
City of San Rafael  
1400 5th Avenue  
San Rafael, CA 94901

DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS  
333 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2197



REPLY TO  
ATTENTION OF

NOV 0 1998

Regulatory Branch

Subject: File Number 21597N

Mr. Len Nibbi  
H&H Real Estate  
2173 Francisco Blvd. E #D  
San Rafael, California 94901

Dear Mr. Nibbi:

Thank you for your submittal of October 1, 1998, requesting confirmation of the extent of Corps of Engineers jurisdiction at the Marin Ranch Airport, 400 Smith Ranch Road, San Rafael, Marin County, California (APN's 155-230-14, 155-230-15).

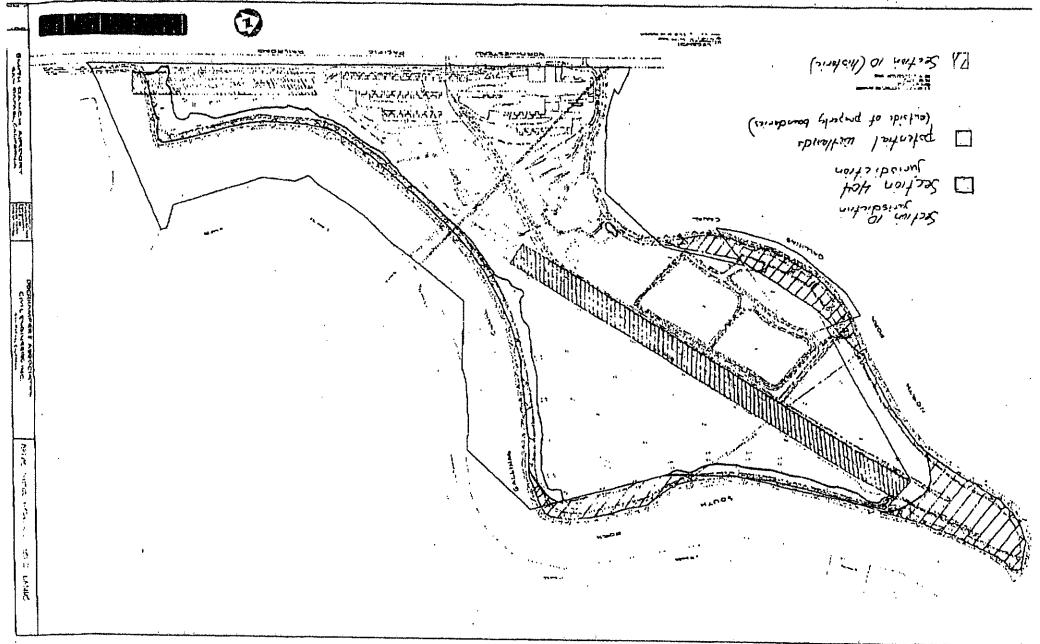
Enclosed is a map dated October 19, 1998, showing the extent and location of Corps of Engineers jurisdiction, as verified by field inspection on October 7, 1998.

We have based this jurisdictional delineation on the current conditions of the site. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. However, if there has been a change in circumstances which effects the extent of Corps jurisdiction, a revision may be done before that date.

You have proposed to perform maintenance activities on the levee which comprises the southeast boundary of your property. This will involve the placement of imported fill into the top of the levee at four eroded locations (see attached drawing), and it is our understanding that the project will not change the footprint of the levee.

We have determined that Department of the Army authorization will not be required since the above activity will not involve the discharge of dredged or fill material into a water of the United States, including adjacent wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1944) and will occur above the shoreline reached by the historic mean high water pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

The determination that a permit is not required for your activity is based upon (1) an inspection of the project site by our staff on October 7, 1998, (2) our review of documents we have received from you and your environmental consultants, Wetlands Research Associates, Inc. and (3) conversations with you and your environmental consultants. This determination is further based upon our understanding that the jurisdictional wetlands shall be crossed using temporarily placed construction mats, that the area of the wetland crossings shall be the



minimum necessary to achieve the access goal as described in the drawings submitted October 9, 1998, that these mats shall be removed immediately after completion of the levee maintenance work, and that no fill is to be placed in any jurisdictional area at any time.

This determination will expire in five years from the date of this letter unless new information warrants revision of the determination before the expiration date. Also, change to your project could also change this determination.

This determination does not obviate the need to obtain other Federal, State or local approvals required by law, including compliance with the Endangered Species Act (16 U.S.C. 1531 et seq.).

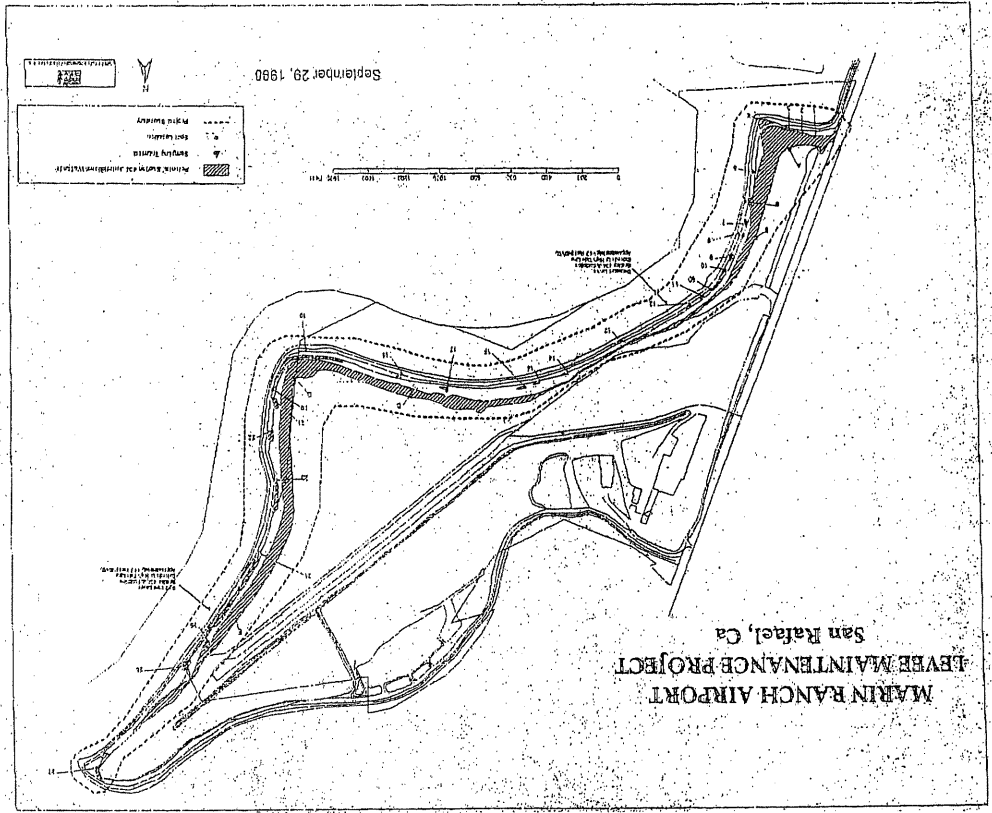
If you have any questions, please call Richard Flynn of our Regulatory Branch at telephone 415-977-8470. All correspondence should reference the file number at the head of this letter.

Sincerely,



Calvin C. Fong  
Chief, Regulatory Branch

Enclosure





**Wetlands Research Associates, Inc.**

February 18, 2004

City of San Rafael Planning Commission  
c/o Mr. Bob Broyn, Director of Community Development  
1400 Fifth Avenue  
San Rafael, CA 94901

RE: San Rafael Airport Site - Habitat Classification

Dear Planning Commission:

San Rafael Airport LLC requested that I review the City of San Rafael General Plan map (Exhibit 35) map and evaluate whether the habitat classification shown for the San Rafael Airport area is accurate. The purpose of this letter is to point out that the habitat type for the area of the San Rafael Airport area shown on the General Plan map is inconsistent with existing conditions and is not accurate. The map indicates that the entire airport area is "Diked Marsh" however, this is incorrect based on the following:

1. I have been on the airport site several times since 1998 and have observed that large expanses of the area are well drained and used for upland agricultural farming and grazing or are developed with airport related infrastructure. Fields on either side of the airport runway extending to the levees, for example, have been cultivated for oat hay and/or grazed by livestock for many years and these practices continue today. This is also consistent with maps GP16a and GP16b which indicate that areas on either side of the runway are grassland or upland.
2. WKA was involved with a 1998 jurisdictional delineation on the airport site, primarily in areas along the levees which needed to be re-graded. Verification of jurisdictional areas by the Corps of Engineers during a site visit review included a general review of a previous Corps definition map (prepared in 1986) which included the entire airport site as well as the focused verification of the levee area. In both cases the amount of jurisdictional wetlands determined by the Corps was minimal.
3. The General Plan map appears to have been based on a map and habitat classification system developed by the San Francisco Bay Area Wetlands Ecosystem Goals Project (Goals Project) and the Baylands Ecosystem Habitat Goals book (see citation below) that was published by the Goals Project in 1999. The habitat designations between the two are very similar and the maps are essentially identical. The airport area shown on the General Plan map as "Diked Marsh" is shown as "Diked Wetland" on the Goals Project map. The Goals Project defines Diked Wetland as "...areas of historical tidal marshes that have been isolated from tidal influence by dikes or levees, but which maintain primarily wetland features. In this report, diked wetlands are

differentiated from diked agricultural baylands in that they typically support much more wetland vegetation and they produce no agricultural crops." The Goals Project defines "Agricultural Baylands" as "...diked, former tidal marshes that are intensively cultivated for agricultural production (primarily oat hay) or are grazed by cattle, sheep, or horses. This habitat type also includes ruderal areas where agricultural production ceased relatively recently." This definition describes the general habitat type at the airport and would most closely match the "Farmed Bayland" designation on the General Plan map (I was not able to find definitions of these habitat types in the General Plan, so the parallel is assumed). Farmed (Agricultural) Baylands would only be considered jurisdictional wetlands if they met all three wetland criteria required by the Corps which include prevalence of wetland classified plants, presence of wetland hydrology, and hydric soils. Clearly, the Corps does not consider this to be the case at the airport site (see point #2 above).

I would recommend that the General Plan map be changed to reflect that the airport area, in general, should be considered Farmed Baylands. This would not preclude the fact that there can be small areas within the habitat type that are jurisdictional wetlands. I would further recommend that the San Francisco Bay Area Wetlands Ecosystem Goals Project be notified of this discrepancy so that the appropriate changes could also be made to their data base and maps.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

*Douglas Spieker*

Douglas Spieker PWS  
Principal

cc: San Rafael City Council, c/o Mr. Rod Gould, City Manager

Goals Project, 1999, Baylands Ecosystem Habitat Goals. A report of habitat recommendations prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. U.S. Environmental Protection Agency, San Francisco, Calif./S.F. Bay Regional Water Quality Control Board, Oakland, Calif.

1  
Cont.

JOSEPH L. LEMON  
ATTORNEY AT LAW

61 STANFORD WAY  
SAUSALITO, CALIFORNIA 94965  
(415) 331-4553 FAX: (415) 331-3401

1401 CENTRAL AVENUE  
BETTENDORF, IOWA 52722  
(563) 355-0291 FAX: (563) 355-7647

February 18, 2004

Sent from: Sausalito

San Rafael Planning Commission  
c/o Principal Planner Linda Jackson  
San Rafael City Hall  
1400 Fifth Avenue  
San Rafael, CA 94901

Re: General Plan 2020 Hearing of February 10, 2004

Planning Commissioners and Staff:

After attending the February 10, 2004 Planning Commission hearing, I feel compelled to respond to the events of that proceeding.

Over the past 30 years, I have appeared before the San Rafael Planning Commission and City Council on countless occasions. However, I have never been treated so disrespectfully as I was last Tuesday evening. San Rafael City Hall used to be a forum where citizens would be treated with congeniality—even in the presence of ideological differences. It was sad to observe that my matter-of-fact statements were erroneously characterized as lies by a self-appointed “environmentalist” without any substantiation; what was worse was how the Planning Commission Chairman not only tolerated this behavior, but it seemed to condone it, most notably, by not allowing me to respond to the personal attacks against me.

Presumably, the purpose of this Planning Commission hearing was to receive input from numerous members of the community so as to produce a General Plan which takes into account the interests of a wide spectrum of “stakeholders.”

Based on my experience on Tuesday night, it is evident that the Commission is satisfied to consider the interests of only a select group of people, while blatantly disregarding the interests and legal rights of the property owners whose parcel is central to the forthcoming General Plan. This attitude violates the spirit of the public hearing, is fundamentally unfair, and denies property owners justice, fundamental fairness, and due process. In short, it is bad government.

Thus, because it is clear that the members of the Commission seem intent on depriving my partners and me of all practical use of our property – which may implicate the Takings Clause of the Fifth Amendment – I feel I must make some attempt to disabuse the Commission of its erroneous conclusions which may be based upon the inaccurate and unsubstantiated assertions made by some people involved in this debate.

Because I was denied an opportunity to participate fully in the public hearing, the record must be supplemented with the following statements of fact, which will (1) hopefully, be received by the Commission members with due deference and help guide them to a more balanced and fair treatment of our property, and (2) at a minimum, preserve my arguments for any necessary subsequent appeals, administrative or legal:

1  
cont.

1. The property presently known as “Canalways” cannot be fairly characterized as a wetlands in the General Plan.

Such a conclusion could legitimately be reached only after scientific studies and delineations have been completed; none have been made. At a minimum, a significant portion of the property is uplands, not wetlands; a delineation will be required to determine the amount of each.

2

2. To the extent that Canalways is presently wet, it is only because of the City’s unlawful flooding of our property resulting from the City’s failure to repair its broken drainage pumps and discharge lines.

Only after we initiated litigation at the suggestion of a city official did the City ultimately agree to replace the pumps and the discharge line. We expect that it will take several years for the parcel to return to its naturally dry condition, after the damage caused by the City’s flooding is fully eradicated.

In what might be charitably characterized as a misunderstanding on Ms. Starkweather’s part, which perhaps led to her comments at the February 10 hearing, it is not just the rain which falls on the City’s retention pond which caused the flooding of Canalways. That retention pond was designed to be the temporary holding area for all the storm waters falling all over the many square miles of East San Rafael, then concentrated into storm drains and ditches, and routed to the retention pond and the powerful pumps which were to discharge those storm waters into the Bay. The City allowed the pond to fill with silt, allowed the pumps to fall into disrepair and then removed them; and allowed the discharge line to fall apart. As a result, storm water from all over East San Rafael was directed onto Canalways. At the same time, because of the failed discharge line, vast quantities of sea water were imported onto Canalways by the discharge line, at every high tide. This situation went on for years. The City knew exactly what was happening—and refused to take corrective action. Thus, a property whose owners had paid the City \$750,000 to be drained was, instead, repeatedly and wrongfully flooded, for many years.

3

It would be a travesty for the City to now declare that Canalways is a wetlands. The property owners have a right to have the property dry out, which will take several more years, and then have a scientific delineation to determine how much of the property, if any, is truly a wetlands.

6. Canalways is not for sale to the City or to any "environmental" organization.

The Audubon Society and other "environmental" organizations have, on occasion, expressed a desire to purchase Canalways to turn it into a park. Whereas I had previously been amenable to such a sale, after my recent mistreatment by the Commission and environmentalists alike, I now join my partners in agreeing that Canalways will be preserved for its highest and most beneficial use, which will necessarily include some development.

7. San Rafael and Marin County are in desperate need of suitable housing in infill areas which are already largely developed.

Canalways is surrounded by industrial, commercial, retail and residential development, and it presents an ideal opportunity for our community to satisfy our housing needs.

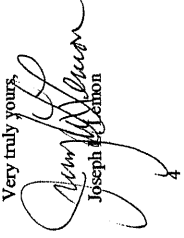
8. In an era of mounting fiscal shortfalls, controlled development provides critical economic stimulation.

A moderate development of Canalways would not only result in considerable property tax revenue increases, it would also provide jobs, affordable and workforce housing, and an expanded base of employees within the City.

Thank you for your attention. As we proceed in this process, we look forward to a more balanced and cooperative relationship with the Planning Commission and other City officials. We are confident that we can score a victory for a multitude of interests if we work cooperatively, rather than antagonistically. Denial of our right to put our property to a beneficial economic use will merely trigger legal liability that will cost the City many hundreds of thousands of dollars which it can ill afford to lose.

We appreciate that some participants in this process - including Planning Commission members and other City officials - may wish that development would never occur on Canalways. Despite this, we hope that everyone involved acknowledges not only (1) the rights of the property owners to enjoy a reasonable beneficial use of their property, but also (2) the grave housing needs facing our community.

We look forward to our continued participation in General Plan process. If you have any questions about Canalways, please contact our consultant, Dwayne Humm, at any time, at attila@myexcel.com. Mr. Humm is also submitting a letter on our behalf at this time.

Very truly yours,  
  
Joseph E. Johnson

3. There is no reliable evidence that Canalways harbors any endangered species, such as the Salt Marsh Harvest Mouse ("SMHM").

Twenty two years ago, in 1982, the Department of Fish and Game trapped for 300 days and nights at Canalways seeking to find the SMHM. Biologist Fred Botti concluded in his report:

...it is my feeling that the salt marsh harvest mouse does not occur on the parcel in question. The habitat does not appear to provide adequate cover and competition from the western harvest mice probably reduces the attractiveness of the area to salt marsh harvest mice.

Thereafter, the firm of Harvey and Stanley was hired to do another 525 days and nights of rodent trappings. The result? Two mice were found. Dr. Shellhammer's team published these results:

The characteristics of the mouse captured on 9/15/82 were unmistakable. The mouse captured on 9/17/82 had intermediate tail traits (halfway between a salt marsh form and the western harvest mouse (*Reithrodontomys megalotis*)), but the behavior and gestalt of the salt marsh species.

In other words, one of these tiny mice was professionally determined to have "unmistakable" characteristics attributed to the SMHM. The other mouse was inbred with the common western field mouse but still had the "gestalt" of a salt marsh mouse. There have been no trappings on the property for more than 22 years.

4. Without enhancement, Canalways is not a suitable habitat for the SMHM.

Dr. Shellhammer, who found and characterized the two mice referred to above, concluded his report on Canalways in this way:

The overall impression of the site is of a moderate to moderately-poor habitat for the salt marsh harvest mouse.

5. A reasonable development of the uplands of Canalways could provide funding for the creation of an enhanced wetlands in the low-lying regions which could ultimately provide an improved habitat for numerous species. It could also result in an excellent shoreline park and the connection of Kerner Boulevard.

We have long expressed our willingness to develop Canalways in a way that provides an outstanding, successful result for humans and the environment. We remain committed to that vision, but must have the cooperation of the City in that process: categorical dismissal of our property rights does not constitute "cooperation."



**Valentine Corporation**  
111 Pelican  
San Rafael, CA 94901  
415-453-3732  
[rvalentine@valentinecorp.com](mailto:rvalentine@valentinecorp.com)  
February 18, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
[linda.jackson@ci.san-rafael.ca.us](mailto:linda.jackson@ci.san-rafael.ca.us)

Re: Questions to City on Draft General Plan 2020 regarding Valentine property

Mr. Valentine has requested that I gather some information for him related to the Draft General Plan 2020. For the approximate one acre site located at 111 Pelican and owned by the Valentine Corporation:

- 1) What is the FAR that will be allowed?
- 2) What is the traffic allocation for the site?
- 3) Are there any site-specific issues or restrictions being attached to his site?
- 4) If the owner should retire or relocate in a few years, are there any restrictions as to what he could do if he retained ownership of the parcel?
- 5) If he were to change uses or look for a different interim use for his site, would there be any restrictions?
- 6) If he were to sell his site, are there any restrictions or issues the new owner would face?
- 7) Under the General Plan 2020, are there any other developmental rights impacting Mr. Valentine's ownership?

Thanks for your assistance.

Sincerely,

Dwayne Hunn

**KERNER BOULEVARD, LLC**  
2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
February 19, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
[linda.jackson@ci.san-rafael.ca.us](mailto:linda.jackson@ci.san-rafael.ca.us)

Re: Canalways as Housing Opportunity Site

Dear City Staff and Planning Commissioners:

In the General Planning Public Hearing process, Canalways was inaccurately mapped and listed as a conservation site. This biased the public against considering Canalways as a Housing Opportunity Site. Consequently, Canalways was rated 33<sup>rd</sup> as a potential Housing Opportunity Site when it should have been among the top ten.

Marin has a tremendous identified need for workforce housing. Marin County's need may be the most critical of any county in the state.

When Marin's housing need is so critical, is it fair to unscientifically bias the public hearing process against considering Canalways as a Housing Opportunity site?

Please factor this into your considerations for changing the land use designation (NH-82) on Canalways.

At your 2-10-04 meeting, a Planning commissioner asked an insightful question. Over the years, the Commissioner asked, how many of the ABAG required affordable housing opportunity sites/units actually produced those projected units.

I am seeking those "production" figures from the City and ABAG but have not yet obtained them. However, I would like to offer my perspective from having years of experience in delivering award winning affordable housing projects in Marin.

**KERNER BOULEVARD, LLC**  
2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
February 19, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us

Re: Program EIR from Draft EIR for General Plan 2020  
Unwarranted EIR costs to Canalways

Dear City Staff and Planning Commissioners:

If the City leaves Canalways inaccurately designated as a wetlands, endangered species, conservation site, then certain sections of the Environment Impact Report (EIR) will kick in to cause increased, unwarranted costs to any proposed future Canalways development.

The Environmental Impact Report process was intended to protect and enhance the environment. Unfortunately, the EIR process is often misused by no-growth groups in order to force property owners to pay unnecessary costs to overcome hurdles that should not be placed in the way of beneficial developments, regardless of how beneficial they are to the community. It is this kind of deft no-growth tactic that accounts for some of the cost inherent in Marin's recent median home price of \$725,000.

**How does the Draft EIR add unwarranted costs to Canalways if the present land use designations are not changed?**

From page I-3 of San Rafael's Draft EIR:

This EIR, is a program EIR, and thereby evaluates the environmental impacts of *Draft General Plan 2020* on a general level rather than a project-specific level. Its analysis is considered the first tier of environmental review, creating the foundation on which future, project-specific CEQA documents can build. Tiering, another CEQA concept, envisions agency decision-making as focusing first on the general impacts of large land areas and then focusing subsequent environmental review on project-specific issues.

As tiering is defined, future site-specific projects might be able to use the impact conclusions drawn in this EIR without needing a new EIR. To qualify, a project must:

- be consistent with the *General Plan 2020* (projects requiring general plan amendments or rezoning cannot use tiering),

1  
cont.

In the 1960's, when General Plans became a planning tool, Marin County and the various City General Plans estimated much higher populations than actually happened. They also estimated much higher housing production than was actually delivered. This cycle was repeated through each of their respective and successive general plans.

Reviewing those plans one would understand why Marin has one of the lowest population growth rates and lowest housing production rates in the state.

Why has this happened? Opposing groups, sometimes using publicly revered titles in their no-growth campaigns, stain developers as money-grubbing evildoers. Simultaneously, these groups scare politicians into down zoning projects that could deliver workforce housing and transit solutions.

Developers want to deliver workforce housing along transit corridors or rail lines, but no-growth groups use political tactics that deny developers that opportunity. Included among their no-growth tactics is the General Plan down zoning and myth making that Canalways faces today.

When I obtain the housing production statistics, I may further elaborate on this destruction of affordable housing opportunities.

In the meantime, we would like you to reconsider the importance of putting language in the General Plan that allows Canalways to be considered as a Housing Opportunity site.

Sincerely,

Dwayne Hunn  
Canalways Consultant

**KERNER BOULEVARD, LLC**2333 Kerner Blvd.  
San Rafael, CA 94901

415-456-2712

February 19, 2004

RECEIVED

FEB 19 2004

CITY OF SAN RAFAEL  
PLANNING

Planning Commissioners  
Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
E-mail: linda.jackson@ci.san-rafael.ca.us

Re: Comments regarding LU 4, 4a for Draft General Plan 2020;

Dear Planning Department: & Commissioners:

Thanks for all the patience and time you put in on the February 10<sup>th</sup> Meeting.

Before you close the Land Use discussion, please revisit page 52 of your February 10 Report to the Planning Commission. That is page 10 of Canalways' 19 page report. We ask you to consider adding a description that will include Canalways in:

**LU-4. Reasonable Interim Use of Property as well as**

**LU-4a. Reasonable Interim Uses, which states:**

In the zoning ordinance establish land uses that allow reasonable interim uses for properties that are in areas with limited traffic capacity for development. Examples include contractor's yards, new car storage, modular office and storage, outdoor recreation, and **temporary beneficial reuse of dredged materials at property owners' sites.**

Since almost all of San Rafael has been filled with beneficially reused dredge materials, we would like to see General Plan verbiage that makes it a little easier to beneficially reused dredge spoils, as called for in the Federal Long Term Management Study.

Adding our suggested language will save both the City and taxpayers money. Unlike the examples you include in the unedited LU4a, adding a **"beneficial reuse"** section to LU4a not only provides benefits to the property owner but:

- Benefits property owners along the San Rafael Creek, who may significantly reduce dredging costs by having a nearby beneficial reuse site available at Canalways
- Benefits those who may be in a City proposed Dredge Assessment District, by having a nearby beneficial reuse site available at Canalways
- Lessens the amount of Congressional add-ons the City must seek to cover in-bay dredge disposal costs

- be consistent with applicable local land use plans and zoning for the area in which the future project is located, and
- not trigger the need for a subsequent EIR or supplement to an EIR.

If Canalways remains designated as a "wetlands, endangered species, conservation" site, it will be forced to seek a General Plan amendment before its development could proceed to address community needs. Because General Plan amendments are so costly, time consuming, and difficult, they are seldom undertaken.

If you are a no-growther, using the General Plan and EIR in this manner is smart, convincing politics. If your community needs good jobs, a business campus, workforce housing, a mixed-use development, an enhanced wetlands, a connected Shoreline Park, and traffic circulation benefits resulting from connecting Kerner Boulevard then this manipulation of the EIR and General Plan process is not healthy for people or the environment.

In page 8 of our report to you submitted 2-10-04 and titled 'General Plan 2020 NH' we list some proposed changes to NH-82 regarding Canalways. We will be submitting additional updated proposed changes to you in future letters.

Below is our second cut at proposed changes for NH-82, which applies to Canalways.

Updated NH-82

Recognize that this site is, **without traffic allocations that will be proposed in the future**, in an area affected by traffic congestion. **Encourage and support efforts that will hasten the connection of Kerner Blvd to mitigate traffic problems as well as support the most cost effective construction of a 580 over crossing or other connection to further reduce East San Rafael traffic congestion.** Recognize the resource value of those portions of Canalways that will be scientifically determined as wetlands and that may provide habitat to rare and endangered species. With development of this property, buffer site wetlands with **appropriate landscaping** from buildings and parking lots, and obtain trail easements and improvements for the Jean and John Starkweather Shoreline Park. Recognize that parts of this site have significant potential to address present and future community needs such as is often found in using the site for mixed use or housing opportunities. **Scientifically determined wetlands habitat as well as community needs will be considered in all site development proposals.**

Thanks for considering these Draft EIR and General Plan cost issues that affect Canalways.

Sincerely,

Dwayne Hunn

Our suggestion is to allow Canalways to be considered as a temporary site for beneficial reuse of dredge materials. Decades ago such rational, beneficial reuses of bay mud were taken for granted, and this allowed all of East San Rafael and much of San Rafael to be filled with beneficially reused dredged materials. Today's political climate seems to require General Plan verbiage in order to do what was common sense beneficial reuse to previous generations.

Some specific examples of how specifying Canalways as a temporary beneficial reuse site could benefit the community:

1) **Canalways presently has some limited amount of wetlands. By the time a project is proposed the exact amount of wetlands will be determined.**

- o At that time, the owners will work to enhance that wetland or do whatever is best for the wetlands. The best way to enhance that wetland is likely to be by using beneficially reused dredged materials. In addition to Hydrologist Philip Williams, several other environmental engineers, including two from Levine and Fricke, the firm that has performed the largest wetlands restoration in the state, have, after visiting Canalways, stated that the best means of restoring Canalways "degraded wetlands" is to enhance it with dredge materials.

2) **Enhanced wetlands provide better cover for the salt marsh harvest mouse (SMHM), if it exists at Canalways.**

- o In order for the SMHM to survive flooding and birds, hawks and other predators, it needs a habitat that has small mounds and valleys covered with healthy pickleweed. The mounds, valleys and healthy pickleweed provide cover for the tiny rodents. That healthy wetlands condition does not exist at Canalways, but beneficially reused dredge materials could provide mice their preferred hills and valleys.

3) **The 25+ acres of Canalways uplands, delineated in the last Neighborhood Plan used for General Plan 2000 will at some time need fill.**

- o It is better for air quality and the environment to beneficially reuse dredge materials, as called for by the Federal Government Long Term Management Plan, than to rely on huge trucks needlessly putting wasteful fuels into the atmosphere to deliver the fill. The more cost effective land fill costs are, the less costly the development is in addressing future community needs. If housing turns out to be part of the development mix of a future Canalways project, reduced land fill cost will help make the housing more affordable.

4) **The Canalways levee needs fill.**

- o All the other levees in San Rafael have beneficially reused dredged materials to build and back them. The Army Corps would like to see the Canalways levee raised from its present 6'8" - 7'9" level to 11'6" - 11'9", which its proposes in its Floodwall Plan and Tide Barrier Plan.

5) **It is cheaper to bioremediate toxic dredge materials at Canalways than it is to dredge and barge those materials to distant sites.**

- o Sometimes toxic materials are found in dredged materials. These may include rubber, oil, lead, insecticides, etc. that are runoff from the roads and sewers into the San Rafael Canal. In the past, these toxic dredge materials were often bioremediated on landfill sites in East San Rafael. The dredge spoils would be placed on landfill, mixed with enzymes and disked. The enzymes would remove the toxins, or bioremediate the toxins. With a lighter impact on the environment, Canalways could do this bioremediation at a cost 25% -40% cheaper than barging those materials long distances to sites such as Port Sonoma and Winter Island, as has been recent policy.

6) **The Canal Neighborhood has the least amount of parkland per child of any Marin neighborhood.**

- o The Marin Athletic Coalition has approached Canalways seeking land for soccer and other playfields. Beneficially reused dredge materials produced Pickleweed Park and could be used to do something similar if enough developable area is cost effectively filled at Canalways.

7) **Sites other than San Rafael Creek and the Across the Flats Channel need uplands dredge disposal sites.**

- o In 1992 the Army Corps did a Draft Feasibility Report and Environmental Impact Statement on the San Rafael Canal. In that report it recommended expansion of the City owned Seastrand Marsh (under Increment B) by:
  - "...excavating fill material from a .43 acre area in the northeast corner of the marsh.... Expansion of the marsh would provide increased feeding habitat for shorebirds and increased habitat for other marsh species, including the salt marsh harvest mouse."

- o If the Old Marin Yacht Club site were acquired and fill were excavated "to the elevation of the adjacent mudflat." Then:
  - "Approximately .84 acre of wetland would be created..."

**The new tidal mudflat would provide feeding habitat for shorebirds and shallow water habitat for fish, crabs and other aquatic organisms."**

Canalways could assist in enhancing the wetlands, endangered species sites at Seastrand and Old Marin Yacht Club by cost-effectively taking the dredge materials from those sites. (The City has thus far been unable to tell me whether those excavations were completed.)

Incidentally, Seastrand Marsh, Tiscornia Marsh and the Old Marin Yacht Club site are legitimate wetlands, endangered species, and conservation sites, unlike Canalways. Please note the Salt Marsh Harvest Mouse trappings for these sites compared to Canalways.

Loch Lomond Marina Committee  
Post Office Box 2368  
San Rafael, CA 94912-2368

February 23, 2004

Mr. John Alden, Chairman and Members of the  
Planning Commission  
Community Development Department  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA 94901

Dear Mr. Alden and Members of the Planning Commission:

Re: 2020 General Plan, Neighborhoods-NH-121

Further to my letter to you dated January 27, 2004 regarding density, page 353, Sites Pending Land Use/Zoning Changes, enclosed you will find an e-mail message to me from Chris Haegglund, architect for Thompson Residential, the developer of the Loch Lomond Marina

This message gives a breakdown of the uses of the site. As you see, residential use is planned for 7.5 acres. If we exclude roads within this use, Chris reported that 6.3 acres will be devoted to residential, significantly less than the 10 acres indicated in the General Plan.

A large amount of land indicated by the developer for residential use is taken from land devoted to dry boat storage. While this is a site specific topic, it further argues that the Staffs estimate of 10 acres should be reduced to no more than 6.5 acres.

We also strongly feel that the proposed density is not compatible with the surrounding neighborhoods. The Plan states in several locations that the goal is development that is in keeping with neighborhood standards. All surrounding neighborhoods are low density, and Loch Lomond across the street is restricted to one storey homes. This development should be also and the number of units per acre on page 353 should be changed accordingly.

Thank you for considering this request.

Sincerely yours,  
*Albert Baar*  
Albert Baar  
Co-chair

Where	Mice Caught	Per trapping Days/nights	Report Year	%ag	Canal
Bay Point Lagoon	1.5	100	1983? Harvey & Stanley?		
Pickleweed Park	4.18	100	1990 Biosystems/Dept. Resource	Mgmt	UCB
Tiscornia Marsh	3.72	100	1990 Biosystems/Dept. Resource	Mgmt	UCB
Seastrand Marsh	2.2	100	1990 Biosystems/Dept. Resource	Mgmt	UCB
Canalways	1	825	1982 Harvey & Stanley		
Bay Point Lagoon	0		1995 Report pending - searching for		

2 cont.

With the land use designation we suggest here, Canalways could provide cost effective environmental benefits to the City as well as the region.

- Why dump dredge materials in the Bay and have local citizens or the federal deficit bear the burden when you can do it cost effectively at Canalways?
- Why belch diesel fuel into the atmosphere by barging dredge spoils long distances to bioremediate toxic dredge spoils when you can cost effectively do it at Canalways?
- Why increase the cost of development and negatively impact air and road quality by trucking in site fill when you can beneficially reuse dredge materials at Canalways?
- Why should the City ignore the Federal Long Term Management Study requiring that the City provide a beneficial reuse site and then charge its local citizens the Federal penalty cost when Canalways is available to erase that taxing penalty?

In these budget-crunching times with booming federal deficits, Canalways is trying to offer cost-effective community benefits and our suggested verbiage in the General Plan under LU-4a. Reasonable Interim Uses and elsewhere would make that much easier to do.

Thanks for your consideration.

Sincerely,

Dwayne Humm  
Canalways Consultant

3

FROM: CHRIS HAEGGLUND

Print this page

Close

From: "Chris Haegglund" <chaegg@bararch.com>  
 To: <albar@bararch.com>  
 Cc: "David Israel" <DISRAE@bararch.com>, <bf@ThompsonResidential.com>  
 Subject: Loch Lomond  
 Date: Fri, 27 Jun 2003 15:20:15 -0700

AL,  
 Here are the acreage numbers you requested for Loch Lomond. These are the numbers per the scheme dated 4/27/03 titled "Developers Response to the Community":

Marina uses	6.2 acres
Retail/office	1.5 acres
Residential	7.5 acres
Roads	2.0 acres
Open Space	10.4 acres
SUBTOTAL	27.6 acres
Open Space	84.9 acres
Water/Breakwater	
TOTAL	112.5 acres

*— include roads within area  
 not having acreage is 6.3 acres*

Let me know if you have any other questions.

Chris Haegglund  
 Associate Principal  
 BAR Architects

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Wetlands Research Associates, Inc.

February 23, 2004  
 Planning Commissioners  
 Principal Planner Linda Jackson  
 San Rafael Planning Department  
 General Plan 2020 Update  
 San Rafael, CA 94901

Dear Sirs:

I have been asked by Kernei Boulevard LLC to provide my professional opinion on the extent of wetlands and endangered species habitat for property in San Rafael referred to as Canalways. I am President of Wetlands Research Associates, Inc. of San Rafael, CA. I am a Certified Professional Wetland Scientist with 25 years of experience in California wetlands and regulatory issues. I am familiar with the Canalways property and have been on the property many times over the years.

I am commenting on two issues that have been raised in both the General Plan 2020 documents and the Draft EIR:

- Canalways is depicted in the City documents as being comprised of entirely wetlands (Exhibit 35). While the property was diked off from the Bay many years ago, it has been utilized for a variety of purposes. The entire Canalways is not wetlands and consists of an artificially excavated City flood detention basin, access roads, and ruderal (weedy) uplands. These areas are not considered wetlands under the City's definition. A jurisdictional determination has not been made on the property; however, the non-wetland areas alone comprise a substantial acreage that does not meet the definition of a wetland. The property owner may, in the future, request an official jurisdictional determination from the Corps once a potential use for the property is identified. Until such time, it is inappropriate to list the site as entirely wetlands.
- Canalways is depicted as being endangered species habitat for the Salt Marsh Harvest Mouse (Exhibit 37). This designation is based on a single survey over 20 years ago that found a single individual in the northeastern portion of the site. The Salt Marsh Harvest Mouse requires a specific density (usually greater than 60% cover and height of pickleweed (usually greater than 30 cm) in order to maintain sustainable populations. As noted above, a substantial portion of the property does not contain pickleweed and in

<sup>1</sup> Wetlands are defined by the Corps of Engineers and the City's General Plan adopts the Corps definition.  
 2169-G East Francisco Blvd., San Rafael, CA 94901 (415) 454-8868/FAX (415) 454-0129



817 Mission Avenue • San Rafael, CA 94901 • (415) 454-4163 • FAX: (415) 454-7039  
February 24, 2004

To: San Rafael Planning Commission  
From: Elissa Gambastiani, President  
Re: Housing Element

While it is true that the State does not require that the housing provided in the Housing Element be built out for housing is so critical that we suggest that the Planning Commission look closely at this General Plan to determine whether or not this Element creates conditions by which the units actually can be built.

In reviewing the minimal information on the implementing programs in the General Plan and the staff comments on the proposed programs to HCD, we do not believe that the designated densities, building heights and parking requirements are adequate to actually construct the Regional Fair Share numbers as required. While we understand the desire to have the Housing Element look like the other elements in the General Plan, we believe that the draft Housing Element as presented by staff does not meet State requirements. Specifically, there should be an estimate of the number of units and affordability levels associated with the proposed policies in the Element.

If this cannot be achieved by the date the Draft Housing Element is sent to the City Council, we ask that the Commission direct staff to work with our organization and other community members to assure the policies will achieve our goal of providing adequate workforce housing.

**No Site Designations**

For example, there are areas but no specific site designations (except Loch Lomond) in this element. If sites are not designated with appropriate zoning, developers will not have incentives to build the units they need. In order to achieve housing we need to have three things:

1. The site has been zoned and minimum densities specified,
2. The E.I.R. has been completed as part of the General Plan E.I.R., and
3. Design standards are in place.

Developers need to know that they will not have years of battle with residents that will reduce the needed densities.

**Appropriate Zoning**

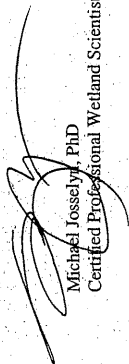
In order to build 25 units per acre, the zoning must allow for:

- A height limit of at least four stories,
- Setbacks and landscaping appropriate to the scale and location of the site and still allowing for the construction of the full 25 units per acre,
- Parking at a rate of no more than 1.3 per unit and/or tandem parking (parking for affordable senior units is 30% less),
- Provide that the traffic produced by the development will not be counted in determining LOS at relevant intersections, or make sure that the sites and/or areas specified for

many areas, the density of pickleweed is too low to support salt marsh harvest mice. A significant portion is also barren due to the activities of off-road bikes and/or the ponding of water. Without more detailed information on the quality of the habitat, it is not appropriate at this time to make a blanket determination as to the presence of the salt marsh harvest mouse throughout the Canalways project.

I hope that these comments will be useful in your deliberations concerning the San Rafael General Plan update. For scientific and regulatory accuracy as well as fairness to the property owner, I believe that the Plan and the EIR should be revised to reflect the issues raised in this letter. I also recommend that the DEIR more thoroughly analyze other potential uses of the Canalways property that have been suggested by the property owner as those uses may be feasible given the current condition of the property.

Sincerely yours,

  
Michael Josselyn, PhD  
Certified Professional Wetland Scientist



DIXIE SCHOOL DISTRICT

380 NOVA ALBION WAY  
SAN RAFAEL, CA 94903  
TEL: 415-482-3700  
FAX: 415-482-0725

February 24, 2004

Planning Commission:

We apologize for the late notice but the Dixie District is requesting that the discussion related to the Nova Albion Way facility be delayed. The District would like some additional time to consider what would be appropriate for the number of housing units for this property. We have met with neighbors tonight and would like to have the additional time.

Please call me if you have any questions.

Sincerely,

Thomas J. Lohwasser, Ed.D.

1

Page 2

high density development can be built to the stated density without running afoul of traffic constraints.

We also have the following specific comments on elements of the plan.

H-9a Housing Set-Aside Funds

The Quantified Objectives table on page 358 states that 401 units will be created through the City's Redevelopment Agency funds. Whether in new construction or in rehabilitation projects, the Redevelopment Agency generally contributes \$25,000 to \$30,000 per unit. Using the more conservative number, the amount that Redevelopment would have to contribute to get 401 new units created is \$10,025,000, and the amount it would have to contribute to rehabilitate 210 existing units is \$5,250,000. The Agency does not have that money.

H-18a Add to the last sentence: "and provide guarantees that the remaining phases will, in fact, be developed."

H-17b Senior housing through the PSP

Why should market rate senior housing, not affordable senior housing, be exempt through PSP? How will the PSP itself create 100 units? (See Quantified Objective, page 358).

H-21a State Density Bonuses

Rewrite to read: Offer density bonuses throughout the City at rates consistent with the State Density Bonus Law or higher. Amend as necessary the zoning ordinance to be consistent with the above.

H-23 Mixed Use

We believe that the densities, building heights and parking requirements are not adequate in the plan to produce the numbers of units estimated. For example, in a neighborhood commercial site the height limit is 30 feet as opposed to 36 feet for the surrounding residential. Unless height and parking restrictions are more generous, the housing numbers planned for these sites cannot be reached.

H-23b Zoning standards to encourage mixed use

Where will this be applied?

H-25 Second Units

The city's response to HCD shows surveys of second units that were conducted in 1990 and 2001. They show that the percent of units affordable to Very Low and Low income households dropped from 82% in 1990 to 46% in 2001. In the quantified objectives on page 358, 50 units have been targeted for Very Low income and Low Income. Based on Marin County rents, we feel that targeting half of the second units as serving low-income families is questionable. Even though the state now grants second units "by right" we doubt that 34 per year will be created. The recent Planning Commission hearing on a second unit in Glenwood is a prime example of why people will be discouraged from creating second units.

Canalways

We think that this site has some potential for housing and should be investigated.

9



**KERNER BOULEVARD, LLC**

2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
February 27, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
[linda.jackson@ci.san-rafael.ca.us](mailto:linda.jackson@ci.san-rafael.ca.us)  
[Evelyn.Buchwitz@ci.san-rafael.ca.us](mailto:Evelyn.Buchwitz@ci.san-rafael.ca.us)  
[bob.brown@ci.san-rafael.ca.us](mailto:bob.brown@ci.san-rafael.ca.us)

Re: Commissioner Lang's question at February 24<sup>th</sup> meeting

Dear Mr. Brown, City Staff and Planning Commissioners:

At the February 24<sup>th</sup> meeting, Commissioner Lang asked Fred Grange a question at the conclusion of his allotted speaking time. The question was something like, "How long would it take you to start doing some of the good things you are proposing at Canalways?"

Fred, urged to answer quickly, saw a picture in his mind that had him hurriedly reply that Canalways could start doing "good things in five years."

You replied something to the effect that traffic, levee work, and costs would slow any potential Canalways development.

Bob, Fred's mental picture that made him respond that within "five years" Canalways could start doing good things may have been quite different from your mental picture that prompted your response.

Fred's mental picture dealt with beginning to use Canalways as a beneficial reuse dredge disposal site that would then lead to a myriad of other improvements. Within five years, Fred can see beneficially reused dredge materials beginning to be used on the uplands, backing the levee, expanding park lands, stopping overflows from the City's flood pond, providing material for connecting Kerner Boulevard. as well as a preparing a landing for what is sometimes referred to as the Grange East-West 580 over crossing...

Fred has extensive hands-on experience beneficially reusing clean, as well as toxic, dredge materials. He has beneficially placed clean materials and bio-remediated toxic spoils not only on East San Rafael sites but also throughout Northern California, so his estimate isn't far-fetched. With the assistance and co-operation he requested from the City, his five-year estimate is a doable time frame.

In Fred's opinion, this five-year window could be the beginning of the process that starts "doing good things" at Canalways. Consequently, Fred's hurried reply is an appropriate answer to Commissioner Lang's question, "How long would it take you to start doing some of the good things you are proposing at Canalways?"

It is not the answer to all the developmental problems you were probably posing in your response. It, however, could be a good, cost effective start to answering the concerns you were framing in your reply.

With the City co-operation, Fred's image of starting a good development within five years is doable. What he imagined in his answer could lead to a future development that would address some of the Canal Community's needs, including those you raised.

I hope this clears up some of the confusion. Thanks.

Sincerely,

Dwayne Hunn  
Canalways Consultant

Loch Lomond Marina Committee  
Post Office Box 2368  
San Rafael, CA 94912-2368

February 28, 2004

Mr. John Alden, Chairman and Members  
of the Planning Commission  
c/o Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

RECEIVED

MAR 0 2 2004

CITY OF SAN RAFAEL  
PLANNING

Dear Mr. Alden and Members of the Planning Commission:

Re: 2020 General Plan

We are writing in regard to Goal 13, Mobility for All Users, specifically section C-5, Traffic Level of Service Standards, page 165.

We strongly object to lowering the acceptable LOS at intersections on Irwin Street and Grand Avenue between Second Street and Mission Avenue from **D to E, particularly on Second and Third Streets.**

As the introductory paragraph to this section states, this change will "...allow for limited development that will provide desired public benefits." The consideration of so-called "desired public benefits" can be made by the City Council on a case by case basis as per C-5, paragraph D. **Therefore a blanket green light to development along Pt. San Pedro Road is uncalled for.**

Therefore we propose the wording of C-5, paragraph A, . Intersection LOS, Location b to read:

Irwin Street and Grand Avenue between LOS E  
Fourth Street and Mission Avenue

Thank you for considering this request.

Sincerely yours,



Albert Barr  
Co-chair



Marin Audubon Society Box 599 Mill Valley, California 94942-0599

March 1, 2004

John Alden, Chair  
Planning Commission  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

RE: COMMENTS ON GENERAL PLAN NEIGHBORHOOD SECTION

ATT: LINDA JACKSON

Dear Chairman Alden and Commissioners:

The Marin Audubon Society appreciates your consideration of our comments on the Neighborhood section of the Draft General Plan 2020. Our comments focus on areas that have high natural resource value:

**BAYSIDE ACRES** This small unincorporated neighborhood on the Bay has a tidal marsh fringe along the access road and muted tidal wetlands across the road. The text should recognize the presence of these wetland resources that they need to be preserved and enhanced, where possible.

**NH-46 CALIFORNIA PARK** As recognized in this discussion, the wetlands on these lands should be protected.

**NH-82 CANALWAYS** The text of this policy correctly states that the Canalways site has high resource value. The historic condition of the property can easily be verified by checking the San Francisco Estuary Institute's maps of the historic margins of the Bay. Because the property is historic Bayland and is five or perhaps more feet below sea level, it continues to pond water in spite of the fact that, on the demand of the owners, it is pumped as soon as there is the least sign of water. Because it ponds water it is a diked seasonal wetland. It does not depend on inflow from the Bay for its hydrology; it is a deep basin that collects rainwater. It is known habitat for the endangered Salt Marsh Harvest Mouse (SMHM) and its viability as SMHM habitat is enhanced by its location just across the levee from the Spinnaker wetland. The site is also important habitat for migratory shorebirds, waterfowl and herons from the colony on the nearby West Marin Island.

Filling wetlands to dispose of dredged material is not a beneficial reuse as defined by the Long Term Management Strategy. The extensive loss of tidal wetlands, such as occurred in San Rafael and elsewhere around the Bay, is a major factor in the decline of Bay resources. Now that we know how detrimental wetland loss is to the Bay ecology, there are agencies, regulations, and policies that prevent the continued loss of important wetlands such as these.



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cont.

We strongly endorse the provision that supports efforts to purchase the property for Open Space, and in fact, we are interested in purchasing the property to protect and enhance its natural resources. We have purchased six other bay/land properties at fair market value. We recommend changing the policy to ensure that any development is restricted to areas along the western edge of the property that are not wetland and to ensure that at least a 100 foot transition/buffer is provided. The transition/buffer is vital as refuge habitat during times of high water and as nesting and foraging habitat for other species.

NH 82a This policy should require a delineation to ensure that any development avoids wetlands and should direct any development to be located along the existing upland edge to the west. No further analysis is needed once a delineation is performed.

4  
NH 99 ENVIRONMENTAL RESOURCES We agree that wetlands, endangered species habitat and the other natural resources listed should be protected.

5  
NH-100 We appreciate the recognition that public access conflicts with wildlife habitat, and suggest that the language be strengthened by stating that public access conflicts with sensitive habitats be AVOIDED wherever possible, not just minimized.

6  
NH-47 SAN RAFAEL CANAL NH 47 We support protection of sensitive wildlife habitats which should be identified as all water and wetland edge areas

Water and sediment quality are a major concern in the Canal. There have been water and sediment quality problems. Contaminants and nutrients from boat discharges and industrial and commercial uses are not only a threat to fish and other wildlife, but have caused delays in dredging, and can be a human health risk. We recommend the following

NH-48a The City should not encourage live aboard uses. It should require any marinas to have pump-out facilities and any live aboard boats use pump out facilities.

A new policy should be added requiring that any discharges from industrial, commercial or residential uses along the shoreline should be strictly regulated to avoid any further loading of pollutants and/or nutrients.

7  
H- 51 WATERFRONT DESIGN Although NH-47 recognizes the Canal as a sensitive wildlife habitat, none of the policies contain any provision to protect, enhance or restore this habitat. This policy should require that a design plan prepared in the future to address this issue and the list of provisions should also address habitat. A 25-foot setback not adequate. As discussed in our previous comment letter, we support a buffer of 100-feet. The policy should require a wider setback than 25 feet unless there is absolutely no space, and that setback should be for enhancement of the Canal water and sediment quality and habitat. It should consist of a swale with native plants that would improve water quality and act as a habitat buffer. Any public access promenade should be inland of the setback/buffer.

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cont.

NH-53 CANAL WATER QUALITY This policy should be strengthened by requiring pump out facilities, not just considering the need for additional pump out facilities.

8  
NH-55 Flood Control Improvements What the City expects from this policy is not clear. The Corps conducted a feasibility study for a flood control project in the Canal, however, it generated intense opposition from some residential neighborhoods.

9  
NH-58 CHINA CAMP STATE PARK is an important historic and biological resource. It is the only place around the Bay where the historic bay-oak wooded hills- wetland interface remains. This historic landscape should be retained in its natural state, and for the diverse wildlife it supports. The discussion should recognize that the natural habitats of this park are an important part of our natural heritage and call for protecting these resources as the highest priority.

Further, China Camp already has extensive trails and multi-use trails that are well used. So much so that many walkers/hikers will not even visit the trails any more because of the extensive use by bikers. While maintaining existing camping and trail facilities is okay, we have a major problem with upgrading and expanding multi-use facilities. It does not appear the existing public facilities need upgrading. This would degrade and destroy native hillside habitat, attract increased uses which would be even more disturbing to wildlife, and result in other impacts such as erosion and trampling of vegetation. The language should be modified to simply call for maintaining existing trails and other public facilities.

10  
NH-61 SONOMA MARIN RAIL We recommend that this policy be deleted. It supports a rail transit system when such a system has not been approved and, furthermore, the potential impacts of locating a rail station at or near the Civic Center have not been studied. The location and environmental impacts of a high density development and rail should be studied before a commitment is made to such development.

11  
NH-62 BICYCLE AND PEDESTRIAN WALKWAY from Civic Center to McInnis Park should be carefully designed and planned, to avoid impacts to adjacent marshes and wildlife by including a buffer of adequate width.

12  
NH-110 UNUSED PORTIONS OF FORMER NWP RIGHT-OF-WAY Uses of this right-of-way should ensure protection of any adjacent wetland habitats.

13  
NH-118 ALBERT PARK AND OTHER USES IN THE VICINITY Policies should require the Creek in this area to be protected and enhanced.

14  
NH-121 LOCH LOMOND MARINA b. As recognized, there are seasonal and tidal wetlands at Lock Lomond. The policies should specify a buffer width of 300 feet on this large parcel to protect the Bay and all wetlands and that public access trails should be landward of buffers.

15  
NH-122 As noted, the MARIN ISLANDS are now both owned by public agencies. We support



March 1, 2004

Mr. John Alden, Chairman and  
Members of the San Rafael Planning Commission  
1400 Fifth Avenue, P.O. Box 15160  
San Rafael, CA 94915

Re: Land Use Designation for Marin Ballet, 100 Elm Street, APN: 15-101-02

Dear Planning Commissioners,

On behalf of the Marin Ballet Board of Trustees, I am writing to request that Marin Ballet's property be designated "Public/Quasi-Public" in the General Plan Update. This land use designation would be a better reflection of the existing use of the site for a performing arts school than the current General Plan designation of "Low Density Residential" and would provide more appropriate development standards for Marin Ballet if any physical changes to the facility may be desired in the future.

Marin Ballet provides dance training and performance opportunities for children throughout Marin and is perhaps best known for its annual *Nutcracker* production. As you may be aware, Marin Ballet was established at this site in 1972 through a subdivision of lands previously owned by the Marist Society of California. At that time, Marin Ballet received a conditional use permit to operate the dance school and architectural approval for site improvements. Marin Ballet's 1.1-acre parcel shares property lines with a church and a private tennis club and is situated across Elm Street from the Hwy 101 sound wall and the Linden Lane underpass.

At this time, Marin Ballet intends to continue its over 40-year tradition of dance training and has no plans to change its facilities. However, if facility improvements become necessary in the future, a Public/Quasi-Public designation and zoning would allow Marin Ballet to plan and design in a manner more suited to its use. We note that Dominican University and Marin Academy have Public/Quasi-Public designations and feel that Marin Ballet's non-profit performing arts educational mission fits within this same category of community-serving educational facilities.

The Marin Ballet Board of Trustees respectfully requests that the Planning Commission provide a Public/Quasi-Public land use designation for this site in the San Rafael General Plan Update and that the table "Exhibit 5: Floor Area Ratios" also include this site.

Sincerely,

*Miranda Heiler*  
Miranda Heiler, Chair  
Marin Ballet Board of Trustees

100 Elm Street, San Rafael, CA 94901  
(415) 453-6705 Fax (415) 453-5894

changing the designation to Open Space and eliminating any development potential. However, the wording sounds as though additional development is possible, as long as it does not impact the habitat. We recommend changing the wording to "Prohibit any additional development on the islands and only allow maintenance of existing buildings that does not impact the habitat. Removal of the buildings should be encouraged."

15  
cont

NH-150 SAN RAFAEL ROCK QUARRY The Quarry area has two areas of diked wetland along Pt. San Pedro Road. The policy calling for a public use park band along the shoreline at least 100 feet in width may conflict with these wetlands in one or more locations. The policy should be changed to ensure that no filling of wetlands occurs and that any park/access uses are located away from the wetlands even if it has to go inland a bit. An adequate buffer should be provided.

16

NH-148 PT. SAN PEDRO ROAD WIDENING Consistent with the above, any reference to widening Pt. San Pedro Road should provide that no wetlands be filled and that adequate buffers be provided.

17

NH-154 SMITH RANCH POND We support a policy to enhance the habitat values of this pond by dredging for the purpose of expanding the habitat. Provision for public viewing must not destroy or otherwise impact habitat and wildlife using the pond. The existing development has already caused enough impact.

18

NH-153 SAN RAFAEL AIRPORT The policy should recognize that tidal wetlands that are habitat for endangered species exist along the edge of the property, and diked seasonal wetlands are within the property. The policy should include language that protects the endangered species tidal marsh habitat along edges, and the diked wetlands in interior

SANTA MARGARITA CREEK Enhancement of this Creek/ditch and restoration to a more natural state should be encouraged.

19

Thank you for considering our comments.

Sincerely,  
*Barbara Selzman*  
Barbara Selzman  
for the Conservation Committee

Message

Linda Jackson

From: Roy Chermus [rchernus@legalaidmarin.org]  
Sent: Wednesday, March 03, 2004 3:50 PM  
To: linda.jackson@ci.san-rafael.ca.us  
Subject: Canalways

**LEGAL AID OF MARIN**  
30 North San Pedro Road, Suite 220  
San Rafael, California 94903  
(415) 492-0230  
(800) 498-7666  
Fax: (415) 492-0947

March 3, 2004

Linda Jackson  
Principal Planner  
San Rafael Planning Department  
General Plan 2020 Update

Re: Canalways

Dear Ms. Jackson:

It has come to my attention that the Canalways site may have been inappropriately and prematurely deemed a conservation site and, thus, rated much lower as a Housing Opportunity Site than it otherwise would have been. As you know, the need for affordable and workforce housing within the County of Marin is very acute. Accordingly, any action that in effect takes a major developable area "off the table" without due consideration is troubling.

I respectfully request that the City of San Rafael take a fresh and more comprehensive look at Canalways as soon as possible.

Very truly yours,

Roy Chermus  
Executive Director  
Legal Aid of Marin  
30 North San Pedro Road, Suite 220  
San Rafael, CA 94903  
Telephone: (415)492-0230  
Fax: (415)492-0947  
Reply to: [rchernus@LegalAidMarin.org](mailto:rchernus@LegalAidMarin.org)

**KERNER BOULEVARD, LLC**  
2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
Thursday, March 04, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
[linda.jackson@ci.san-rafael.ca.us](mailto:linda.jackson@ci.san-rafael.ca.us)  
[evelyn.buchwitz@ci.san-rafael.ca.us](mailto:evelyn.buchwitz@ci.san-rafael.ca.us)

Re: Differing Canalways views -- housing

People can look a piece of art, or Canalways, from different perspectives and see something quite different. People read books, or General Plans, and come away with quite different insights.

As you know, the Kerner Canalways Partnership has a quite different view from those that have been mythologized about Canalways by some others who view or write about it. The Partnership does not think it is primarily a wetlands, endangered species, conservation site that can offer limited or no community benefits. The Partnership wants science to someday determine what the site contains and from those findings address community and environmental needs.

With differing perspectives and insights in mind, please consider some of the insights we draw from the DGP and DEIR in terms of Canalways.

**IN San Rafael General Plan 2020 Draft EIR**

III - 12, it states:  
*Housing Element - Required element. General Plan 2000 policies proposed to be carried forward in Draft General Plan 2020 continue to provide a wide range of housing densities to allow a variety of housing types to meet the different needs of San Rafael's population. Policies would also continue to encourage innovative financing, below market rate housing, density and height bonuses for affordable housing, and community partnerships to assist in the development of affordable housing and to prevent discrimination in San Rafael's housing market...*

San Rafael recently gave up a significant housing opportunity site when it ceded St. Vincent's/Silveira back to the County. If no-growth fear mongering continues to be as effective as it has been at killing creative solutions to traffic and affordable housing, little will be done at St. Vincent's/Silveira to creatively address workforce housing or train rider ship.

Canalways now remains as perhaps San Rafael most significant potential housing opportunity site. Canalways has always been high on the no-growthers hit list. For decades it has been mythologized as a site with little or no housing potential and little beneficial potential for addressing people needs. How it was handled during the Steering Committee process did not erase the myths.

During the Steering Committee process there was no opportunity to present the facts, as the Canalways Partnership sees them, to the Committee. There was no opportunity to present a vision of what Canalways could do for the community or the city during the Steering Committee General Plan process. Helping address the affordable housing problem and economic conditions within the City has always been among the visions the Partnership has had for Canalways.

#### **Some Planning History**

Since around the 1960's, local jurisdictions have been using General Plans as a tool for planning land use, housing, circulation, open space, etc. Since then, Marin has moved to the head of the class in terms of being the nation's most expensive place to live. Marin has also moved to the top of the class for having the most space protected from development, with about 87% of its land set aside for parks, open space, agriculture, and conservation.

Being at the top of the class in the areas of housing costs and protected space provides blessings as well as sufferings. The blessed? Those of us who live here, and especially own here, live in what is basically a park. The suffering? Those who would be considered hard working, middle class Americans in most of the rest of America who can't afford to live here. The no-growth interest groups have kept them at bay – flung far out around the Bay in search of more affordable housing opportunities.

#### **How did the sufferings happen?**

Each 10-15 years, General Plans are renewed. If you review General Plans from the 1960's through to today, you will find higher population growth projected than actually happened in Marin.

The same can be said about the projected affordable housing sites provided in each General Plan. You will find that more than enough ABAG affordable housing sites were provided in the General Plans of all Marin cities, but most of those projected affordable units actually weren't produced.

ABAG projections for housing units needed for very low, low and moderate income households were integrated into General Plans to help communities supply housing needs for teachers, nurses, public employees, small business people, etc. These ABAG projections were not intended as high production end goals but rather as starting points for the number of affordable housing units

needed, or lower end goals. Some would say these ABAG projections were intended as the floor for the number of affordable housing units needed.

#### **What happened with these affordable housing unit production needs?**

In Marin those "starting points" for affordable units were seldom actually produced. This continued failure to reach the "starting point" projections for workforce housing needs has caused Marin to have median home prices of over \$600,000. Part of our freeway congestion lies with Marin cities not providing workforce housing, thereby forcing the workforce to commute into Marin.

#### **Why were those workforce units not produced?**

Almost every development faces costly and well-organized opposition. Almost every significant project faces long, costly, and well-organized opposition that builds upon shallow public fears and myths. The public, too busy spending time making mortgage and other payments, does not have or take the time to see through the shallowness of the fears and myths to support good developments.

Canalways may be the last significant site in San Rafael, and certainly in the Canal neighborhood, to have some opportunity to address some community needs. Canalways has not had a fair hearing as a site that could potentially deliver some beneficial uses to the Canal Community.

For this reason, Canalways would like to be given zoning designations that make it easier to be a housing opportunity site, and have language detrimental to its ability to address community needs removed from the DGP and DEIR.

Encouraging the city to use portions of the site for beneficial reuse of dredge spoils would be one cost effective step toward helping Canalways address such future community needs.

#### **Why should Canalways zoning designations include housing opportunities?**

The DGP will fulfill its state requirement to allocate enough ABAG Fair Share affordable housing sites. However, like most Marin Cities General Plans written since the 1960's it probably will not actually build the number of Regional Fair Share Units it allocates in its General Plan. Cities have generally met their fair share allocation of affordable housing sites on General Plan paper to pass state requirements. Unfortunately, counties like Marin have for decades not actually built that low base number of affordable units on the ground.

Therefore, if some mount a DGP or DEIR argument against Canalways being designated as a housing opportunity site, or being zoned or designated other than a Conservation site, because it will throw traffic or housing units out of balance, please realize it as mostly myth. The housing units projected are

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seldom produced. That is just one reason cities should provide more housing opportunity sites than needed, since the 'no-growthers' will downzone what is projected in the General Plan.

If sites along the rail line such as Vintage Oaks, Hamilton Air Force Base, St. Vincent's Silveira, and the Civic Center area had been developed as Pedestrian Pocket European Villages, we would not face the traffic problems we face today; and a great many more of our middle class workers would be housed and owning in Marin. Those who opposed such smart growth developments now oppose Canalways.

**Some statistical documentation:**

For a while ABAG and the Bay Area Council tried to document the differences between the units allocated in General Plans and the actual units produced. However, funds were not delegated to do that statistical analysis properly. Thus far, I have only the following Bay Area Council statistics to provide you. Both ABAG and the Bay Area Council provide their stats with their caveat that they were not sufficiently funded to totally endorse their findings. This is from:

Bay Area Council: Web Report dated November 03

Bay Area Housing Production Compared to Regional Housing Needs Determination Obligation (RHND Fair-Share) for the **City of San Rafael** in Marin County. CIRB = Construction Industry Research Bureau

CIRB Housing Units 1999-2002	1999-2002		Difference in		%change CIRB		SCORE
	% Total County Production	% Total Regional Production	ABAG Projected	CIRB 99-02 units Projected	1999-02 units ABAG projected	Need vs. Production To date	
469	21.52%	0.46%	1114	-645	42%	F	

The Canalways Partnership wants to take whatever scientifically determined wetlands may exist at Canalways and enhance those wetlands. If the Salt Marsh Harvest Mouse exists at Canalways, it wants to enhance or mitigate its habitat. It does not want to have the property encumbered with myths, false contentions, or extra hurdles as it looks forward to trying to deliver a good project that addresses community needs.

The Partnership would like assistance from the City as it tries to provide a temporary site for beneficial reuse of dredge materials, reduce barged pollution,

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and trucked in-fill, and reduce dredging cost to property owners and government entities. It would like its zoning and designations to precisely reflect what is best for the community of people and the environment, not what's best for one mythologized mouse.

Thanks for your time and consideration.

Sincerely,

Dwayne Hunn  
Canalways Consultant

**KERNER BOULEVARD, LLC**

2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
Thursday, March 04, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us  
evelyn.buchwitz@ci.san-rafael.ca.us

Re: Conservation designation questions

Dear Staff and Commissioner Members:

One of the Canalways partners would like some questions answered regarding the addition of "Conservation" to the Land Use categories of the General Plan. Under LU24, Exhibits relative to this question include Exhibit III.3.2 in DEIR (Draft environmental Impact Report) and Exhibit 10 in DGP (Draft General Plan).

On page III-7 the DEIR it states:

Land use categories are described in **IU-24 Land Use Map and Categories**. The following *General Plan 2000* Land Use categories are proposed to be modified:

- *Agriculture* - land use category deleted
  - *General Commercial* - residential use added
  - *Office* - residential use added
  - *Hetherton Office* - more ground floor retail uses allowed, and residential-only uses allowed
  - *Lindero Mixed Use* - new land use category allowing live/work residential use in an industrial area
  - *Marine Related* - residential use added
  - *Retail/Office* - residential use expanded
  - *Parks and Open Space* - the land use category was separated into two districts of Parks and of Open Space.
  - *Conservation* - the 'overlay' designation indicating privately owned areas with significant environmental characteristics was separated from "Parks/Open Space" to a separate land use category.
- Page III-7 DEIR

1. Does this 'Conservation' category apply to only four parcels in San Rafael, namely, Canalways, Lucas Film Properties, San Rafael Airport and Loch Lomond Marina sites?
2. How many acres are being listed under Conservation at Canalways?

3. How much and what recent scientific research was done to determine the amount of these Conservation acres at Canalways? Is this research documented in the Draft EIR?
4. Who proposed that the "Conservation" category be applied to Canalways?
5. Were the property owners of each of the four sites contacted for their input before such designations were placed on their properties?
6. Did the Steering Committee or staff consider the negative economic impacts on Canalways of such a designation?
7. Did the Steering Committee or staff consider the negative impacts such a designation would have upon Canalways' potential to deliver present and future community benefits?
8. For example, Exhibit 10 (Draft EIR at 40) indicates that no residential uses may be included within a Conservation Zone. Does this mean that a typical mixed-use project (and/or live-work lofts / light industrial), which utilized no greater lot coverage than a light industrial project alone, would not be allowed on this site?

As we mentioned in our 2-24-04 report to you titled "Program EIR from Draft EIR for General Plan 2020, Unwarranted EIR costs to Canalways," requiring Canalways to do a General Plan amendment in order to deliver a future community beneficial project seems particularly onerous to the Canalways partnership.

Thanks for addressing these questions.

Sincerely,

Dwayne Hunn  
Canalways Consultant

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cont.

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LEGAL AID OF MARIN  
30 North San Pedro Road, Suite 140  
San Rafael, California 94903  
(415) 492-0230  
(800) 498-7666  
Fax: (415) 492-0947

March 5, 2004

Ms. Michelle Woods  
Division of Housing Policy Development  
Dept. of Housing & Community Development  
1800 3rd Street, Rm 430  
P.O. Box 952053  
Sacramento, CA 94252-2053

Re: City of San Rafael Revised Draft Housing Element

Dear Ms. Woods:

This letter concerns the revised draft Housing Element for the City of Rafael. As you know, this Housing Element was due by December 31, 2001. Unfortunately, even with more than two extra years to get it right, the City of San Rafael's draft Housing Element is clearly deficient for three key reasons:

- **Inadequate site designations.** With the exception of Loch Lomond, there aren't specific housing sites that are identified.
- **Zoning.** City of San Rafael has neither stated what zoning (or overlay districts) would exist nor established minimum densities for each site. Such zoning should also include height limits (e.g., four stories), setbacks, parking, and include protection so that projected traffic from the development(s) could not torpedo the project(s).
- **Density Bonuses.** The Housing Element needs to reflect density bonuses at least at the rates specified in state law.

There are other problems with the revised draft, as well, including dubious projections for very low and low income households occupying second units, unsatisfactory Mixed Use densities to obtain the number of units estimated, and the fact that a major potential housing site, Canalways, appears to have been virtually dismissed from consideration with scant investigation.

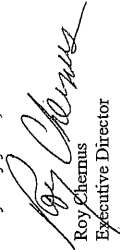
It is difficult to believe that this revised draft Housing Element will provide developers in the City of San Rafael with either the incentives necessary to create the housing that is critically needed or the needed "cover" to avoid protracted and expensive battles with local residents who may oppose developments.

March 5, 2004  
Ms. Michelle Woods  
Division of Housing Policy Development  
Dept. of Housing & Community Development  
Page two

1  
cont.

For the above reasons, the City of San Rafael's much delayed revised draft Housing Element sadly still falls far short of compliance with the requirements of the Housing Element Law. Please don't hesitate to contact me with any questions.

Very truly yours,

  
Roy Chernus  
Executive Director

Cc: City Clerk, City of San Rafael  
Michael Rawson, Esq.

LOCH LOMOND MARINA COMMITTEE  
PT. SAN PEDRO ROAD COALITION  
26 BEACH DRIVE,  
SAN RAFAEL, CA. 94901

March 7, 2004

Mr. John Alden  
Chairman, Planning Commission  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA. 94915-1560

RECEIVED  
MAR 08 2004  
CITY OF SAN RAFAEL  
PLANNING

Re: General Plan 2020 - Traffic and Circulation

Dear Mr. Alden:

This letter sets forth comments and suggested amendments to the above referenced Circulation Element. Please be advised that members of the Loch Lomond Marina Committee (LLMC) have been actively involved in the General Plan 2020 process from the focus groups and charrettes through the Steering Committee meetings.

The following are comments and suggested amendments to specific Circulation goals:

Goal 13/C-4

This statement allows City Council to exempt an intersection from the applicable intersection level of service (LOS) for circulation improvement and public safety.

Comment:

The proposed circulation and safety improvements to the junction of 3<sup>rd</sup> Street and Union are summarized on Page 170 (#13). These "improvements" include adding traffic lanes on Union, reconfiguring turn lanes and extending traffic signal delay times. The result of these "safety improvements" is to deteriorate the LOS at 3<sup>rd</sup> and Union from LOS D to LOS E. Besides traffic seeking access to Whole Foods, pedestrian traffic had also been cited as a problem. No mention is made of other options to improve safety are offered in GP 2020 which might result in zero degradation of the LOS. For example, a pedestrian bridge across 3<sup>rd</sup>, similar to that on Sir Francis Drake Blvd, close to Marin Catholic School might be considered or even an underpass, as is used at the San Pedro Elementary School. This would significantly improve pedestrian and vehicle separation and negate the need for extended traffic signal time.

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cont.

LOCH LOMOND MARINA COMMITTEE  
PT. SAN PEDRO ROAD COALITION  
26 BEACH DRIVE,  
SAN RAFAEL, CA. 94901

In addition, should such "safety improvements" have to be made, the degradation of the LOS at 3<sup>rd</sup> and Union should not then be used to permit the additional trips keep traffic trips through development east of Union, where such additional trips keep the LOS within LOS E. The current traffic at this junction is already unacceptable at LOS D. Deteriorating the LOS to E does not serve the residents of the San Pedro Peninsula, the businesses of Montecito or the visitors to the businesses of Montecito. It therefore must not be used as a vehicle for permitting additional development, east of Union Street.

Amendment:

Notwithstanding the pursuit of superior solutions to the circulation and safety at 3<sup>rd</sup> and Union, any required degradation of the LOS from D to E must specifically identify this junction as an exception for safety reasons only and categorically preclude the use of LOS E for permitting the addition of traffic trips through redevelopment where such addition of trips still falls within the LOS E.

Thank you for considering these issues which directly effect our neighborhoods.

Respectfully,

David N. Tattersall  
Co-Chair, Loch Lomond Marina Committee  
President, Bayside Acres Homeowners Association



817 Mission Avenue • San Rafael, CA 94901 • (415) 454-4163 • FAX: (415) 454-7039

March 9, 2004

San Rafael Planning Commission  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA 94901

Re: Canalways

Dear Commissioners:

The San Rafael Chamber has been a strong advocate for affordable workforce housing for the past 14 years. It has been difficult for us to see appropriate housing sites, such as the St. Vincent's/Silveira properties, crossed off the City's list as potential infill locations for housing.

We see this happening again with the Canalways site. This is an 85-acre site that is surrounded by office, light industrial, residential and other commercial development. We think that designating the entire parcel as a conservation site is inappropriate.

For decades, Marin County has failed to produce its fair share of affordable housing. We are now seeing the ramifications of those failures as businesses decide not to expand in our county due to the unavailability of workforce housing.

We think it would be another loss for San Rafael to preclude any development on the Canalways site without further study. We believe that the potential of this site for "infill" housing should be investigated.

Sincerely,

*Elisa Giambastiani*

Elisa Giambastiani  
President/CEO

srcc@sanrafael.org • www.sanrafael.org

Page 1 of 1

Do NOT Increase Traffic

**Bob Brown**

From: Jonathan Frieman [jofri@well.com]  
Sent: Tuesday, March 09, 2004 2:26 PM  
To: bob.brown@ci.san-rafael.ca.us  
Subject: Do NOT Increase Traffic

Bob:

I got this from Dave Tattersall yesterday:

"This Tuesday, March 9th, at 7:00 PM at the City Council Chambers, the Planning Commission will take public comment on the Transportation and Circulation elements of the Plan. You recently received a filter from the LLMC and Pt San Pedro Road Coalition addressing concern over a part of the draft General Plan that proposes to, in effect, degrade the traffic levels at 3rd and Union/Grand/Irwin by reclassifying the junctions with a Level of Service (LOS) E. In simple language, **this means the City will tolerate a higher level of traffic congestion at these junctions** in order to facilitate other General Plan policies (read development) on the Pt San Pedro Peninsula."

First, I am not a resident of the city, but someone right across the street from me is. That's politics for you. I state this only so you know the ground, so to speak, on which I stand.

Second, at a meeting last year where the developers of the Loch Lomond Marina made a presentation as to their desire for the LLM, I stood up and asked who was against development there. This was at the gathering hall of the St. Luke's Church, and the room was filled. Almost everyone raised their hand. Maybe five were for development.

Third, as I am out of town today, and cannot jet back to be at this meeting, I can only email you my disapproval of this effort on the part of the City. I now state that I do not want the City of San Rafael to do as written above--the traffic is already very bad.

Fourth, while I rarely jump to dramatic conclusions, there are legal mechanisms available for ordinary citizens who are human beings in cases such as these, and they will be used should the City follow the short-sighted path detailed above.

Thank you. I hope the city does the right thing.

Respectfully,

Jonathan Frieman  
JoMJo Foundation  
170 Oak Drive  
San Rafael, CA 94901  
415-721-7397  
jomjio.org

Co-Founder,  
Center for Corporate Policy  
corporatethepolicy.org

3/10/2004

## General Plan 2020

Neighborhoods ElementDominican/Black Canyon

The DBC section of the GP incorporates nearly all of our suggestions. However, there are **three** items that are not adequately addressed.

Vision: Our request regarding neighborhood scale does not seem to appear in the future vision section, or elsewhere.

Vision of Dominican/Black Canyon—Preserve and enhance the residential and historic character of the neighborhood and its natural habitats.

[insert] **Recognize and preserve the Neighborhood's historic relationship between house size and lot size, preserving a sense of space between houses.**

We request that the above sentence be inserted at this point in the Vision statement.

NH-71: Freeway Sound Wall Landscaping As currently written, the text expresses interest only in landscaping, although earlier proposals included **landscaping and the use of sound deadening materials for the wall and roadway.**

NH-71 Freeway Sound Wall Landscaping—Encourage Caltrans to landscape along the freeway sound wall.

DBCNA requests that both landscaping and sound deadening materials be included in NH-71, and that there be a recognition that while Caltrans has the primary influence, there are other potential methods to accomplish the landscaping, and we need to encourage and explore all possibilities.

Parks and Recreation Element

PR-9c New Parks - Dominican Please recognize that while Dominican is the largest single landholder in the neighborhood, the text must not imply that the University is the only potential site to be considered.

RECEIVED

FEB 11 2004

CITY OF SAN RAFAEL  
PLANNING

Volunteer Urban Foresters  
For Marin County

PO Box 9512 San Rafael California 94912-0512 (415)721-4374 fax (415)453-3178  
[www.marinreleaf.org](http://www.marinreleaf.org)

**Save San Rafael's Urban Forest**

***Please read the following. Your response is urgent!***

***At the bottom of this page is the deadline and how to take action.*** In San Rafael's draft general plan is a seemingly innocuous proposal: CD-20c, Street Tree Maintenance. "Consider an ordinance placing greater responsibilities on property owners for maintenance and replacement of street trees."

As stated in the General Plan, the City is responsible for "maintaining 42 miles of landscaped street medians (including) street trees." US Department of Agriculture, California Department of Forestry, and leaders in the field of tree management across the nation are now looking beyond street trees and considering them as part of a larger unit, the urban forest. Street trees are capital improvements and part of our infrastructure. Somehow "street trees" have been singled out in the San Rafael General Plan and placed under Community Design rather than kept under Infrastructure. As such, they are easy targets for budget cuts. Present budget constraints will improve. The general plan is not the place to seek temporary relief.

When we consider all of the trees in our community working as a single unit to help maintain the ecological integrity of our urban landscapes, we view them differently. All of a sudden they become an important element for sound infrastructure. Their impact on our health for air purity, stormwater-runoff management, instruments for traffic calming, reduction of heat from man-made surfaces, as well as affecting violent crime, their importance becomes magnified. We must demand the protection of our public trees just like maintenance of public buildings, safe roads and drainage.

Public urban trees need to be regularly checked for their safety particularly after winter storms and in light of the many diseases and pests disturbing urban trees in Marin County. Presently City staff watches public trees while performing regular maintenance. But it is doubtful they would continue to do so should the responsibility of assessment be placed on homeowners. Right now the City has on staff a certified arborist who in order to maintain that certification must yearly update his knowledge of tree culture, selection and maintenance through the International Society of Arboriculture and California Department of Forestry. Through his guidance the City's urban forest has improved, better than it had under the direction of his predecessors. (He retires in July. We must be sure that the improvements and advances he has made are not lost by demanding that his successor be a certified arborist, and better yet, specialize in urban forestry.) Would it be reasonable for the City to demand of a property owner to uproot and replace a small tree if that is what was replanted after the loss of an existing street tree? If the site is cemented

over, what then? Certified arborists are routinely underbid for pruning and removal of trees by untrained and uninsured individuals. And in far too many instances individuals demand cuts that create dangerous situations. We cannot afford this carelessness on public trees. It is too costly and leads to loss of the public trees of our urban forest. It is less costly in the life of our trees that they be maintained to the latest technical standards. We can assure this by not allowing this policy statement and making sure of the credentials of the person overseeing our urban forest.

As an example, Corte Madera has been sued for repayment of a street tree that recently collapsed. The citizens said it was too much of a financial burden for them to be responsible for it since it was a city tree. Had they been maintaining the tree by untrained persons in such a manner that it was unable to function properly thereby creating the problem? This suit will be more costly than if the tree had been maintained properly by a certified arborist whose business it is to have up to date knowledge of trees. The City cannot disengage itself of this responsibility of looking after the health and well-being of our urban forest by simply turning over management to property owners.

Lastly, refer to our trees as the urban forest so that their importance takes on the urgency of proper management as other infrastructure. You can reach me at (415)721-4374 for questions or comments, leave a message, I'll return your call.

Sandra Sellinger, Director of Marin ReLeaf

**The following is a compilation of some of worldwide research, time and space doesn't allow more:**

- Rainwater washes quickly across concrete and asphalt, leaving little to soak into the ground. More runoff means more pollutants and sediments entering waterways. Trees and shrubs intercept rain, slowing its arrival to the ground, where low growing plants, roots and organic matter help it to infiltrate the soil. There it gets filtered and then passes into aquifers, from where it may be extracted. Excess ground water, now purified seeps slowly and more constantly into surface water.
- In some cases storm water and sewage systems are connected, outdated and inadequate to handle peak flows. Heavy downpours and prolonged rains result in flooding and raw sewage discharges into our local creeks and eventually the Bay.
- Seven percent of cardiopulmonary deaths in the U.S. are tied to particulate air pollution.
- Scientists have known for 200 years that the temperature of a city can be higher than its environs. Cars and heat-trapping buildings, can create big temperature gaps, sometimes as much as 10°F.
- A press release of September 18, 2003, from American Forests Vice President Gary Moll, stated "that a four-year study of 448 urban areas using satellite imaging to compare with a similar study 10 years ago found 21 percent less tree canopy."
- A BBC News Services report that retirees who live near green open spaces live much longer than those stuck in the concrete jungle. The factor of walkable green streets and spaces near the residence significantly and positively influenced the five-year survival of senior citizens.

- And this blinking view of reality. Thirty-three percent or 736,69 million acres, of total U.S. land area is classified as forested acres. But it largely escapes our awareness that 25 percent of U.F. forest canopy is in urban and metropolitan areas.
- Annual benefits provided by the current parking lot trees (8.1% shade) was valued at approximately \$700,000 for improved air quality. By increasing the shade to 50% in all parking lots in Sacramento, the annual benefits will increase to \$4 million.
- From USDA Forest Service: Communities can care for their largest trees for as little as \$13 per year, per tree. And each tree returns an average of \$65 in energy savings, cleaner air, better managed stormwater, extended life of streets and higher property values. Smaller trees do not come close to providing the same magnitude of benefits.
- International Society of Arboriculture: Healthy trees providing privacy and adding beauty to a landscape can increase property values by 5 to 20 percent. Further, properly placed trees can reduce both heating and air conditioning cost by 10 to 40 percent.
- University of Illinois: "girls with a home view of nature scored higher on tests of self-discipline...are able to avoid dangerous, unhealthy or problem behaviors and behave in ways that foster life successes." Students are able to concentrate longer, complete task more quickly, exhibit delayed gratification and act more thoughtfully.
- University of Illinois: Residents living in "greener" surroundings report lower levels of fear, fewer incivilities and less aggressive and violent behavior. Results of crime rates the greener a building's surroundings were fewer property and violent crimes.

2-9-04

To: Chairman John Alden  
San Rafael Planning Commission

Thank you for the opportunity to comment on the San Rafael 2020 General Plan. I would like to address topics specific to environment and land use issues.

**Green Practices**

The County has established two full time positions for "Green" planners to help individuals, housing developers, businesses, and government agencies develop and improve green practices which lead to more efficient use of resources, incorporation of renewable energy, recycling of materials to minimize impacts on land fills, and which can benefit the local economy. I would encourage the 2020 plan to provide more specific policies related to creating a healthier planet within the context of land use, building and development, business operations, transportation, etc.

Some examples of specifics could include:

1. Conversion of City vehicles to clean and low emission fuels. The County has converted one of its maintenance vehicles to bio-diesel. The plan is to continue the conversion process and have bio-diesel availability on site (which could also be available to other bio-diesel users). Diesel emits 40 carcinogens into the environment, bio-diesel zero. Fire fighters have expressed interest in exploring this further.
2. Participation in the General Services JPA and Energy Management Team (where funding from CPUC is available to assist local cities and schools with Energy Efficiencies). Projects could include assistance with solar energy or investigation into tidal and wind energy sources.
3. Clean up and reuse of Brown Field sites for housing opportunities.
4. Linking with ICLEI & the County to assess and intervene with greenhouse gasses and emissions.
5. Hazardous Waste JPA is working on safer disposal of pharmaceuticals.

These are just a few of many possible projects that could be identified for over the next 20 years. It is not anticipated that the current State fiscal difficulties will continue throughout that whole period of time.

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**Land Use**

The Oakview plan has been going through the County planning process for more than 10 years now. It lies north of Lucas Valley Road. LAFCO has identified San Rafael as being the next candidate for Sphere of Influence studies in the Spring. This would be one the properties addressed during this process. The issue of traffic mitigation on the Oakview property has yet to be fully addressed.

The San Rafael Rock Quarry currently has a judgment against it. Judge Sutro has stated that he will close it down if they do not comply with State and County regulations. He has also imposed restrictions on operations. The County, the State A.G., and the neighborhood coalition are working together on this. There is a good chance that the operation will cease before either the next Countywide plan or the next San Rafael General Plan are up for review again. It seems prudent to plan for that possibility. The 1982 Peacock Gap plan proposed 350 residential units with commercial and marina uses. This hasn't been changed. This is what the SRRO has based it's earlier reclamation plan on. If this is not realistic, then a more realistic plan needs to be identified.

This leads to 2 questions:

1. Does San Rafael plan to annex this property when the quarry ceases operations?
2. If so, what would be the proposed uses?

It seems that the City of San Rafael and the County should address this in each of the 2020 plans. It would also be important to determine whether or not the City would annex the property within the context of the SOI study with LAFCO that will begin in the Spring. I would ask that there be stronger and clearer language in both the City and the County plans regarding the intentions for future use of this site and would encourage coordinated planning and discussions.

At the very least, if San Rafael continues to develop properties along Point San Pedro Road before this property is converted, noise abatement procedures, dust management, and building for the amount of vibrations from blasting for those properties should be addressed.

*F/Supervisor Susan Adams*

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FILE  
2/10/04 hearing  
presentation

CALL DS 5/17/04  
5-7-04

NH-32. Downtown's Neighbors, second bullet. Reexamine Downtown's efforts to improve its streets and provide improved pedestrian and bicycle facilities. Consideration of a downtown committee for the residence development.

Gerstle Park Section of Neighborhoods:

1. Completeness of Narrative introducing Gerstle Park:  
a. In the opening narrative, approx fourth sentence, geography is discussed. This is incomplete. Suggestion: Gerstle Park has three distinctly unique neighbors on three sides that have a mix of residential, commercial, and office/industrial development, plus the neighborhood's location on the major Transportation Corridor.  
b. The last sentence beginning with Neighborhood issues that need to be addressed needs to be modified to include: ~~How the neighborhood will pass through commercial traffic~~ which fits in the current sentence right between lack of parking and excessive speeds.

2. NH-116 New Development (page 109) - very nice overall, but the final bullet item in reference to adjacent Downtown land use, uses the words "do not negatively affect" which is fairly subjective. I think keeping downtown activities downtown is a priority, and a DIFFICULT but imperative challenge to be met. The sentence should be strengthened.  
Suggested: ~~Recognize that adjacent Downtown land use development and its development are compatible with and provide adequate transition to Gerstle Park~~ here by no anti-theme, upon Gerstle Park, subsequent to that transition, a viable

3. NH-116a. Development Review Process (page 109) with a reference to NH-1a that basically says a Neighborhood Plan document is coming in the future that will have a say on this element. However, in the interim, I suggest a more comprehensive sentence.  
Suggested: ~~As the development review process to encourage design and uses consistent with the policy and objectives of the Downtown Revitalization Plan, the Downtown Development Review Committee will provide a review of Gerstle Park~~

4. Neighborhood Design/NH-118 Albert Park. Retitle to be more inclusive or Add/Renumber remaining suggested NH-119 Gerstle Park which is not sufficiently covered in PR-7a.  
~~The PR-7a document, which is the primary document for the Downtown Revitalization Plan, should be updated to reflect the changes in the Downtown Revitalization Plan. The PR-7a document should be updated to reflect the changes in the Downtown Revitalization Plan. The PR-7a document should be updated to reflect the changes in the Downtown Revitalization Plan.~~

5. Neighborhood Design/New #? Promote and plan for Gateway neighborhood entrances that might include signage or landscaping, traffic calming or other means

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Consideration to Gerstle Park as a potential neighborhood transit street of PR-7a and Woodland.

6. Neighborhood Design/New Element # ~~SHORR'S CHOICE~~ STIFF. This is not a survey. Patterns for community use of STIFF before consideration of housing and use of the only existing STIFF with current scale, density, and architectural design on downtown neighborhood streets.

7. Under Neighborhood Circulation, additional number, proposed as 119a? Neighborhood Parking. Improve parking in the neighborhood. Encourage parking spaces to include carshare spaces, problems and identify possible solutions that allow for street parking that does not dominate the neighborhood streets.

8. Require that all new additional developments provide for attractive and adequate parking.

9. Provide for separate bicycle storage parking spaces separate for storage of other uses.

10. Work with the City to provide for parking in the downtown area. Space for adequate parking to compensate where feasible. In the case of businesses where parking cannot be retrofitted, a shared bike rack.

11. Evaluate the benefits and drawbacks of "Pump Parking" Program to be limited to permit for limited on-street seating.

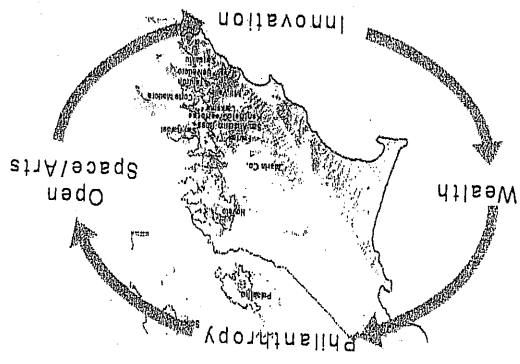
12. Consider a neighborhood ordinance prohibiting on-street parking of commercial vehicles, 600 lbs. and over, and of recreational vehicles and boats.

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AG 2/10/04

Prepared for:  
The Marin Economic Commission &  
The Community Development Agency  
Prepared by:  
Economic Competitiveness Group, Inc.  
Economic Competitiveness Group



## Marin County Targeted Industries Study

FILE  
2/10/04  
hearing presented

FILE  
2/10/04  
presented at hearing

### Vision of Gerstle Park

Gerstle Park is a unique and architecturally significant neighborhood in close proximity to downtown. Gerstle Park is a wonderful place to live; residents have the ability to carry out daily activities by walking or riding their bikes throughout the neighborhood and into downtown. Gerstle Park is essentially built-out and will remain a very diverse and active residential neighborhood with relatively little change. *Future development will be limited to small-scale infill residential projects.* Long-standing priorities for the residents include providing safety improvements at hazardous intersections, reducing the impact of traffic routing through the neighborhood, and preserving and enhancing the historic nature of the neighborhood. Opportunities should be taken to visually upgrade or replace apartment buildings to be more compatible with the historic neighborhood design character, and to restore adequate parking on neighborhood streets.

Agenda  
Copy



## Executive Summary

### Purpose of the Study

The ECG project team was tasked with developing a set of economic, social and environmental criteria that will help Martin County to evaluate which types of industries should be encouraged, or discouraged, using a variety of policy instruments available to the County. Using these criteria, the team was to develop a list of target industries that meet these criteria.

### Approach

While the team worked closely under the supervision of a subcommittee of the Martin Economic Commission, the team was given a free hand to propose a methodology that would be suitable to this type of study. As documented in this report, the team:

- conducted a review of economic trends and other factors that have an impact on business location decisions;
- undertook a *cluster analysis*, identifying the underlying drivers of the region's economy;
- conducted interviews and focus groups with community leaders and business owners and executives;
- developed a list of target industries (grouped by industry clusters), that are consistent with the criteria; and
- prepared recommendations the Martin Economic Commission can consider as it shapes its vision for Martin's economic future.

Background to the Study

This report responds to concerns, both in the business community and the County administration, that Martin's sustained prosperity cannot be taken for granted.

All regional economies are comprised of two components: the 'local-serving' employment, such as gardeners, plumbers, and haircutters; and the 'traded-sector' employment, comprised of companies whose markets are not limited to the region, but serve state-wide, national or international markets, such as software producers and financial service providers. It is this latter component which is the principal source of wealth for most communities: as the clusters in the traded sector prosper or decline, so goes the average income in the whole community, thus affecting the incomes for local-serving employment as well.

The situation in Martin is somewhat complicated by the large number of relatively wealthy commuters, who live in Martin but work elsewhere (they are in turn working in the traded sector clusters of nearby San Francisco and other counties). This source of wealth for Martin does not appear to be threatened. However, the 'traded' component of Martin's economy is quite sensitive to changes in the cost of doing business - arising from factors such as the efficiency of zoning regulators, traffic congestion, and so on.

Martin's potential to host commercial activity is also affected by its physical limitations. The County's first Countywide Plan in 1973 defined the County (unincorporated area) as 606 square miles of land and water (whereas the County's 11

cities only comprise 169 square miles) and recognized certain environmental corridors. The Coastal Recreation Corridor preserves West Martin for recreational and agricultural uses. The Inland Rural Corridor similarly preserves the central and northwestern part of the County for agricultural and compatible uses. This leaves the City-Centered Corridor along U.S. Highway 101 for urban development. This narrow band comprising only 16% of the County's land is the primary area in the County where economic development can take place.

Recommendations that affect the cost of doing business in Martin are beyond the scope of this study, although they might be considered in one or more subsequent studies. However, identifying which types of businesses can thrive in such an environment, and what policies can support them to flourish in Martin, is the focus of this report.

### Summary of Findings

The ECG project team has identified nine core existing clusters - groups of enterprises in related industries that exhibit high employment concentrations, and have strong existing or potential linkages. These are:

1. Real Estate and Construction
2. Multimedia
3. Business Services
4. Finance & Insurance
5. Restaurants & Tourism
6. Health Services
7. Agriculture
8. Community Building (Non Profits)
9. Arts & Crafts

As shown in Figure ES-1, below, these clusters all have linkages with one another, but all appear to derive from a core set of capabilities and attributes of Martin County, which is an amalgam of artistic talent, entrepreneurial spirit, environmental consciousness, creativity and innovation capacity. It is this set of capabilities which appear to explain the richness of Martin's economic fabric, from leading digital movie technologies and software, to specialty cheeses, to the invention of the mountain bike.

In addition, the population projections of 1973 have not been met: conservative estimates in 1973 forecast the county's population to grow to 485,000 in 2000. The 247,289 actual population in 2000 is nearly half of what was expected.

The first step towards achieving Martin's goals, as reflected in the Countywide Plan, is to "Target Appropriate strategy unique to Martin and its goals.

This study was commissioned, in part, due to a growing concern on the part of the Martin Economic Commission that a number of prominent, traded-sector firms have left or may leave Martin County. With their departure, Martin's economy may become unbalanced, less diversified. In addition, the threats of traffic congestion, land use constraints, and lack of affordable housing require a

*"local serving" and "traded" industries. Martin County will need to build on these strengths in order to achieve its goals of establishing and maintaining a diversified and sustainable local economy. While the market is likely to bring to Martin the types of industries that are consistent with the County's stated goals, it is also likely to bring industries that cater only to Martin in its capacity as a wealthy suburb. A healthy, well-diversified regional economy should have both*

The project team concludes that much of Martin's past economic success and social progress has been engineered by a complex process, which we have termed the *virtuous cycle*. In the *virtuous cycle*, wealth is generated within these existing clusters and then reallocated via an intricate relationship involving community-building, philanthropy, open space preservation, funding of the arts and innovation. This *virtuous cycle* is the ultimate manifestation of the Martin County ethos and links the County's existing clusters to those about to emerge.

**The Way Forward**

Existing Clusters	Real Estate & Construction	Green Building	Boutique Consulting	Business Services	Environmental Technology	Digital Imaging (Motion Pictures)	Interactive Media & Game Development	Engineering & Design Software	Biotechnology (technology distinct from Multimedia)	Integrated Wealth Management Services	Online Financial Services	Personal Financial Advising	Agri-Tourism	Outdoor Recreation and Equipment	Arts and Crafts	Alternative Healing & Meditation	Health Services	Emergent Care	Organic Value-Added (Niche) Agricultural Products	Food Product Manufacturing
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Table ES-1: Target Industries for Martin

Presentation to The Competitiveness Institute, September 19, 2003  
(www.competitiveness.org)

In many respects, Martin's uniquely attractive physical setting, combined with its proximity to San Francisco, enhances this superb innovation engine. Because of these physical characteristics and its location, Martin attracts entrepreneurs with a unique set of talents and interests, and their capacity to innovate is in high demand in today's economy. As Professor Michael Porter of Harvard Business School has stated, "prosperity is driven by productivity, and productivity is driven by innovation. The most economically competitive regions are those that can build and sustain their innovation capacity."<sup>22</sup>

– new niches and markets will be found, and a dynamic Martin's future economy will build on the clusters of today interplay between clusters makes the exact outline unpredictable. But the expansion path for Martin that is most likely is summarized in Table ES-1, and explained more fully in Section V. The project team has identified those target industries that most reflect value-added potential and are consistent with the County's social and environmental criteria.

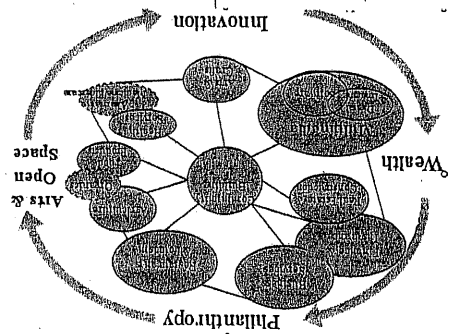


Figure ES-1: Martin County's Clusters and Linkages

Companies". The criteria developed in this study will enable the County to determine which companies are appropriate. The question of how to target them is more complex. Businesses generally respond well to a region's clarity about what it wants because it provides them the sense of assurance they need in order to make long-term investment decisions. The mechanics of shaping public policy and selecting concrete actions that help support and nourish, or target, selected industries, is the subject of the study's recommendations.

The report concludes with four main recommendations.

1. Recognize and Reinforce the Virtuous Cycle. Martin County is fortunate to be home to a unique set of mutually reinforcing phenomena that allow Martin to be a highly productive, highly prosperous place. These include the engines of wealth creation (highly productive industries and individuals), the core value of philanthropy (the Martin Community Foundation and others), a shared desire to preserve open space and encourage the arts (something afforded by the previous two elements of the cycle), and a culture that values creativity and on-going innovation. In recognizing the relationship between these four elements, the County may want to take steps to reinforce them over time. Should one weaken, the others will surely be affected, as will the ability of the County's key industries to function as well as they do today.

2. Shift Gears. Given the shifting trends in economic development thinking, Martin County officials may want to reconsider the conventional, *target industry recruitment*, approach to industry development and move toward a more

holistic, comprehensive approach that focuses on growing industries from the rich soil of the region's existing clusters. This shift involves moving away from the idea of target industry recruitment and towards the industry attraction here, but it becomes just one tool among many

3. Support Stars and Nourish Seeds. Martin County has the tremendous good fortune of having a disproportionate number of its industries in the "Star" category, meaning that the industries in which it is currently highly concentrated are also industries that are forecast to grow rapidly over the next five years. The degree of success and potential of these clusters and their component industries must be recognized, extolled, and supported in terms of public policy. The mechanics of supporting existing "Star" industries will be discussed below. The principal foundation of that support, however, and of what is needed to nourish newer industries that are beginning to emerge from existing ones, is a *healthy business climate, or garden*. As regions move from an awareness that the health of their community is founded more in their ability to tend to the core issues faced by their existing businesses rather than by their ability to attract newcomers from outside the region, the importance of maintaining an excellent business environment in which the types of industries the region wants can grow, increases.

4. Adopt A Cluster Strategy and Implement it. One way to focus County economic development priorities and provide the business community in the key industries identified in this report with the active support of the County is a "Cluster-Based Collaborative Approach" to economic development. This approach uses the clusters defined in this report as a springboard for working with the public and private sectors in a collaborative process aimed at refining the County's overall economic agenda and identifying specific action steps for achieving that agenda.

Regions around the world are realizing enormous benefits when the different parts of each cluster work better together. This means a better dialogue between businesses in the cluster. It also means a more responsive relationship between the cluster, government, and the cluster's support institutions (universities, research centers, etc.). Those regions that have fully developed economic clusters have proven to

nourishing business climate: it has identified very clearly, in the context of this study, the kinds of businesses it wants. As mentioned earlier, businesses respond well to this kind of clarity in that it helps them decide whether and to what extent they want to invest in the County. In order for the County to attain its goals of engaging with the private sector along issues of workforce training, transportation improvements, and civic participation, it is crucial that it convey to business owners that it is investing in them as much as it is asking them to invest in the long-term health of the County.

Part of this is beginning to see businesses on an equal footing with residents. A recognition on the part of the County that businesses have made at least as much (and frequently more) of an investment in the County as its residents is required. Then, once a vision for the County is established detailing the kinds of businesses that are desired, the next step in strengthening the business climate is a clear and consistent communication of that vision.

Finally, while supporting "Star" industries is essential, nourishing the seeds of new industries is equally important. No economy stands still. Economies are living organisms comprised of individuals making choices on a daily basis. Some stars will fade, and a healthy, well-diversified economy, will see that they get replaced by launching new stars.

Given the results of this Study, it is clear that Martin has fertile soil in terms of spawning new, entrepreneurial, seeds. The stories of the digital arts, organic cheese, and mountain

meet its criteria in the future.

Some of these emerging "seeds" have been identified in this Study. Others will evolve over time. By establishing a mechanism for recognizing and nourishing these seeds over time, Martin stands the best chance of breeding the types of companies that will

Adopt A Cluster Strategy and Implement it. One way to focus County economic development priorities and provide the business community in the key industries identified in this report with the active support of the County is a "Cluster-Based Collaborative Approach" to economic development. This approach uses the clusters defined in this report as a springboard for working with the public and private sectors in a collaborative process aimed at refining the County's overall economic agenda and identifying specific action steps for achieving that agenda.

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FILE  
2/10/04 Hearing Presentation

We will give the  
The project is a  
Plan: Environmental Assessment  
Support the process  
Now the site is

San Rafael General Plan 2-10-04

The San Rafael General Plan Process has correctly identified several pressing needs.

At the Dec 9<sup>th</sup> Planning Commission Meeting our Community Development Director said that the pace of development would slow substantially due to lack of remaining vacant land. As a result, quality of life issues have become very important to the public. He then discussed three major issues for the commissioners' consideration.

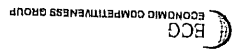
They were: 1) TRAFFIC, 2) HOUSING, and 3) THE CITIES ABILITY TO AFFORD DESIRED SERVICES AND FACILITIES.

Canalways is one of the last major infill sites in San Rafael that can contribute to those quality of life issues, but we need your help to do so.

Do you remember the Hans Christian Anderson fable about "The Emperors New Clothes"? Please recall that two swindlers convinced the King and his court that they could make the king the finest clothing in the land. While they may have been successful in convincing people for a while, the fact still remained that it was still a myth, and the King was still without cloths.

A similar myth prevents Canalways from solving those quality of life issues because some very kind, single issue, anti-development, well-connected people have apparently convinced our King that Canalways is a thriving wetlands supporting a myriad of endangered species.

And his court



the best performing regions in the world. They exhibit higher levels of job creation, higher wages, and higher levels of wealth creation than regions without well-integrated clusters

By working together and taking concrete steps to assist businesses, the County can demonstrate its commitment to creating a positive, supportive business environment. On the basis of the findings of this Study, a collaborative, cluster-based approach to economic development that focuses on nurturing and supporting existing clusters so that innovative, new industries can emerge from them would be well received by the greater Marin County community.

In 1982 the California Dept. of Fish and Game concluded:  
...the salt marsh harvest mouse does not occur on the parcel in question....  
Someone was dissatisfied with that report, so Harvey and Stanley did another 525 nights of trappings. The result? In 1982 one SMHM and one with the "gestalt" of a SMHM was captured.

There is not enough factual basis to list Canalways as an endangered species site.

3<sup>rd</sup>. Is CW a Conservation site?

In the GP public meeting process, maps listed Canalways as a conservation site, propagating the myth that nothing should be done at Canalways.

Consequently, when public votes were taken as to as to whether to use Canalways as a housing opportunity, dredge spoils or mixed used development site - the myth prevailed.

If you needed to borrow against Canalways to deliver a good project, would you prefer having the GP list it as a "wetlands, endangered species, conservation site?"

Or

Would you prefer a designation based on science that limited where wetlands and endangered species **MIGHT** be?

These are politically deft takings.

They remind me of an DJ story attributed to a staffer of a Marin supervisor which typifies conniving, no-growthers politics,

He said "Anything you can conjure up to get the developer to look at and spend money, throw it out there. That's my advice, having just gone through this with Bahia."

NIT E-m to me lenore statements might

To the best of my knowledge, these kind folks have never offered evidence to support their claims and have not responded to our evidence. For example, we have produced letters from the two independent consultants who spent over 800 trap nights unsuccessfully trying to verify the presence of a Salt Marsh Harvest Mouse Habitat Area. What have these kind people produced to rebut our findings?

Instead of improperly legislating a wetland, buffer zone, or endangered species habitat area onto Canalways in the General Plan, why not proceed like it has always been done in the past?

Wait until a development plan is submitted with all the supporting environmental studies and let the Environmental Impact Report and its related science determine the outcome. To do otherwise simply invites costly lawsuits and acrimony.

I have been in East San Rafael for well over forty years. I am proud to have been involved in the Shoreline Park Master Plan, and the East San Rafael Wetlands Mitigation Plan that resulted in a win-win for everyone. It resulted in <sup>more to</sup> 224 of new streets, and one of the highest tax generating wildlife area, 22 feet of developed shoreline park, 2 new jobs, <sup>around</sup> 22 of new streets, and one of the highest tax generating businesses in our city. It also eventually resulted in a new home for our Department Of Public Works, and many other benefits to numerous to mention here.

In closing, please do not prematurely legislate away our ability to create another win-win solution by erroneously making general plan policy based upon myths. Please delete

These Sections That So Significantly Degrade Our Ability And our Ability to Preserve the Value to our City, and the Environment, and many Quality of Life Issues

10:55 PM

Please remove the unfairly burdensome language and then add some helpful General Plan verbiage that makes doing good development more cost effective.

Don't let future litigation develop that will drain money that should be used for good development and good government.

Thank you.

1  
cont.

**Neighborhood Circulation**

**NH-119. Pedestrian Linkages.**

Improve pedestrian linkages at major entry roads from downtown. Promote and plan for gateways at neighborhood entrances that would include signage or landscape design to transition to Gerstle Park as a residential neighborhood at the main streets of B, C, E, and Woodland.

File  
2/10/04 presented at  
meeting

1

**NH-19a. Pedestrian Improvements.** Provide landscaping improvements along B, C, and D Streets.

2

**NH-19b. Bicycle Improvements.** Promote planning to afford Gerstle Park being a safe place to bicycle.

3

- Provide safe routes for children to and from school bus stop at 1st and C Streets.
- Provide safe connections for residents to and from Gerstle Park into major hubs such as downtown and west Marin (San Anselmo).

**NH-19c. Traffic Improvements.** Implement traffic calming and redesign of traffic to minimize conflict between vehicles, pedestrians, and bicycles.

- Commit to relief and prevention of non-neighborhood related pass-thru traffic. Provide for adequate gateways and traffic queuing of short-cutting that now occurs with both passenger and commercial vehicles.

101. Ensure that downtown remains downtown. Mitigate pass through traffic from 2nd Street and 101. Diverting traffic through the neighborhood is not an option to traffic flow.

4

Convert D street to 2-way between the commercially zoned 1st and 2nd to reduce the volume of traffic flow through the residential neighborhood of 1st between D and B streets.

- Adequately and safely control the traffic through 1st and C Street intersection by installing 4-way stop signs.

Consider an effective liaison point-of-contact or process to solve current and future traffic control issues given Gerstle Park's unique geography to areas with distinctly different goals

ADD COPY

FILE  
presented 2/10/04 hearing

**NH-119. Pedestrian Linkages.**

Improve pedestrian linkages at major entry roads from downtown. Promote and plan for gateways at neighborhood entrances that would include signage or landscape design to transition to Gerstle Park as a residential neighborhood at the main streets of B, C, E, and Woodland.

5

**NH-19a. Pedestrian Improvements.** Provide landscaping improvements along B, C and D Streets.

6

**NH-19b. Bicycle Improvements.** Promote planning to afford Gerstle Park being a safe place to bicycle.

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- Provide safe connections for residents to and from Gerstle Park into major hubs such as downtown and west Marin (San Anselmo).

7

**NH-19c. Traffic Improvements.** Implement traffic calming and redesign of traffic to minimize conflict between vehicles, pedestrians, and bicycles.

- Commit to relief and prevention of non-neighborhood related pass-thru traffic. Provide for adequate gateways and traffic quieting of short-cutting that now occurs of both passenger and commercial vehicles.
- Ensure that downtown remains downtown. Mitigate pass through traffic from 2<sup>nd</sup> Street and 101. Diverting traffic through the neighborhood is not an option to traffic flow.
- Convert D street to 2-way between the commercially zoned 1<sup>st</sup> and 2<sup>nd</sup> to reduce the volume of traffic flow through the residential neighborhood of 1<sup>st</sup> between D and B streets.
- Adequately and safely control the traffic through 1<sup>st</sup> and C Street intersection by installing 4-way stop signs.
- Consider an effective liaison point-of-contact or process to solve current and future traffic control issues given Gerstle Park's unique geography to areas with distinctly different goals.

8

RECEIVED

Lincoln-San Rafael Hill Neighborhood Association  
P.O. Box 150983  
San Rafael Ca. 94915-0983  
MAR 18 2004  
PLANNING  
January 31, 2003

To: Chantry Bell, Planning Department, City of San Rafael  
cc: Linda Jackson, Senior Planner  
cc: Federation of San Rafael Neighborhoods, c/o Vickie Hatos & Steve Patterson

Re: Draft Neighborhood Element of General Plan 2020

The Lincoln-San Rafael Hill Neighborhood Association is an officially recognized and active entity in this community. We have individuals on the Steering Committee, and are active members of the Federation of San Rafael Neighborhoods. Having been invited along with the other Neighborhoods to provide input into the Neighborhood Element of the General Plan 2020, is something we consider to be of extreme importance to the residents of this area. Since we as a Neighborhood Association do not currently have a formulated Neighborhood Plan, this opportunity will provide information from our point of view to assist in the development of future endeavors that may have a significant impact on this area.

Following comments address City-wide issues or perspectives of Sections N-1 through N-12, proceeding to future planning objectives specifically relating to the Lincoln-San Rafael Hill Neighborhood and Lincoln Avenue.

**N-1:** In clearly defining the terms "harmonious with prevailing scale density and design", we feel specific language that states that Neighborhood character and aesthetics should be maintained by insuring that any residential construction, rebuilding, addition and renovation should result in a completed project that is consistent with the average square footage, and lot coverage ratios of the Neighborhood as well as consideration of prevailing housing elevations. All aforementioned projects should be subject to a rigorous public conceptual and design review process with full Neighborhood involvement, review and endorsement.

1

**N-2:** This objective is a worthy undertaking however the opposite could become a major issue in the search and development of "affordable housing" with respect to the "fair share concept" of in-fill development or inclusion of policies regarding "second units".

2

**N-2: (continued)**

A policy that addresses "second units" is imperative considering the establishment of overlay zoning to accommodate needed housing. Residential housing units deemed as "second units" should be subject to rigorous review with regard to issues of scale, parking availability and impact, traffic flow and congestion and finally design standards and design review requirements. Again this process should provide for adequate notification of and participation of Neighborhoods being impacted.

2  
cont.

**N-3:** The element of increased enforcement needs to be included where owners fail to maintain their properties in good condition and appearance where visible from public streets. Too many times it has been heard that the City is helpless in requiring an owner to abate an eyesore in a Neighborhood that is having an obvious and notable "negative impact" on that Neighborhood, (i.e. too many cars stored in the garage or driveway thus causing inhabitants or visitors to park in the street unnecessarily, resulting in dangerous or impassable situations for emergency vehicles or traffic).

An additional impact from lack of enforcement is the obvious affect on property values in the immediate area and throughout the Neighborhood in general. The elimination of unsafe and unhealthy conditions are part of Code Enforcement Departmental duties, and we encourage stepped up enforcement with the backing of the City Attorneys Office to quickly abate such situations as they arise.

**N-4:** In San Rafael there are a significant number of narrow streets that traverse the hillsides and can barely handle traffic generated by its residents. Future planning endeavors in this area should not consider the possibility of narrowing existing streets, however the need for upgraded pedestrian accessibility and safety should be considered.

On hillside streets and on major thoroughfares there should be additional or a higher degree of lighting to facilitate the safety of pedestrians at crosswalks and on side streets.

**N-5:** The City should facilitate the ambition of Neighborhood Associations to install appropriate identifying signage at gateways to their Neighborhoods (similar to Gerstle Park) to encourage pride in its residents for the Neighborhood and to identify itself to those passing through.

**N-7:** In addition to providing Neighborhood streets that are safe, pleasant and attractive to drive and walk along, these conditions should be properly maintained.

6

**N-7: (continued)**

Safe streets for pedestrians, encourages walking instead of using automobiles particularly for those with local destinations. Traffic calming techniques enables safe passage for both pedestrians and drivers especially on hillside streets and on major thoroughfares.

Traffic enforcement by the Police Department on streets in the hillsides on an unannounced basis will help curtail speeding on narrow streets, which are often used as alternatives to larger busier streets.

6  
cont.

**N-8:\*** Lincoln Avenue is a very busy traffic artery, which has parking on both sides of the street for most of the day. With the newly paved street surface and refurbished sidewalks, the next step to maintaining this street is sweeping.

Mechanical sweeping on Lincoln is very difficult and ineffective with the number of automobiles parked at curbside, therefore either contracted manual sweeping and cleaning be initiated by the City on a regular basis, or parking restriction signage and towing be developed to allow for a window to facilitate mechanical street sweeping. Regularly scheduled street drain cleaning should be implemented, especially during the winter storm season.

**N-9:** On public streets, abandoned and illegally parked vehicles of all types need to be identified by Neighborhoods and communicated to the Police Department, whereupon after an informational program has been established, an aggressive removal (towing) action may follow. An aggressive program initiated through a new or revised ordinance, should call for consistent abatement of abandoned vehicles on private property.

8

**N-10:\*** To encourage the vitality of attractive, viable mixed-use neighborhood centers in the Lincoln-San Rafael Hill Neighborhood Area, is to keep intact the motels, nursery and mini-mart which all serve a need for the local residents and others who pass through or are attracted to our Neighborhood.

9

**N-11:** School sites are a valuable resource in the community and if they become less useful as a public learning facility in the traditional sense, then creative "temporary" uses other than demolition or housing should be considered, as future population increases the need for the facility may reemerge.

10

**N-12:** Community support of spiritual centers should be encouraged as meeting places for Neighborhood organizations and activities however funding in any remote way by the City is not appropriate.

- City-wide and LSRHNA specific issues

11



Lincoln-San Rafael Hill Neighborhood  
*The Neighborhood Today*

Lincoln Avenue is a transportation artery for San Rafael connecting north and central San Rafael via Los Ranchitos between Puerto Suello Hill and San Rafael Hill. This thoroughfare bisects the Lincoln-San Rafael Hill Neighborhood, which consists of a mixed-use of single-family homes, apartments, condominiums, offices, rehabilitation facilities and businesses. The area has a variety of architectural styles and history with a diverse population. Boyd Park serves as a recreational facility in the southwest corner of the Neighborhood Area.

Current planning issues throughout the Neighborhood consist of the following:

1. Traffic congestion:
  - Due to vehicles exiting Highway 101 at the north end of Lincoln Ave. and traveling south to the Downtown area or west side of San Rafael with intention of avoiding traffic on east-west routes.
  - Due to vehicles traveling south from North San Rafael connecting from Los Ranchitos on to Lincoln Ave.
  - Due to use as an alternative to Highway 101 and Heatherton Ave.
2. Traffic speed and safety:
  - Vehicles exiting from Highway 101 and those from North San Rafael are traveling at rates of speed above the prevailing and legal limits and thus create hazardous situations with those attempting the egress and ingress of Lincoln Ave.
  - This issue affects pedestrians who attempt to use the crosswalks on Lincoln Avenue, **particularly** during hours when extra lanes are utilized to facilitate vehicles traveling either north or south in the commute direction.
  - Additionally the issues previously mentioned are compounded during the hours of darkness.
3. Parking in the Lincoln-San Rafael Hill Neighborhood Area:
  - Vehicle parking on Lincoln Avenue and on the side streets has continued to be a major issue in this area. Due to a number of reasons the result is limited vehicular movement, no safe bicycle access and the inability to mechanically clean the streets.

Parking in the Lincoln-San Rafael Hill Neighborhood Area: (continued)

- On Lincoln Avenue parking is restricted by, "No Parking" (Red Painted Curbs) to approximately 45% to 50% on each side of the street. This enables drivers to safely access the street, or to control vehicle movement (curves, bus stops, driveways, etc.) on the street.
- The source of vehicles parked on Lincoln Avenue varies with the time of day. Commuters riding buses, park conveniently on Lincoln Ave. and on the side streets during work hours. Residents or homeowners with no driveway and overflow from apartment buildings use Lincoln and the side streets during the evening hours. Patrons of local business also park on Lincoln and the side streets when off-street parking is not available. Population density, number of vehicles per housing unit and lack of off-street parking seems to be the underlying cause for the parking dilemma on and around Lincoln Avenue.
- Vehicle parking on the streets in the "hillside" is also a major concern to the Neighborhood. Single family residences make up the majority of housing units on San Rafael Hill, yet second units along with "illegal" second units and the accompanying vehicles have created unsafe and congested roads too narrow to handle the number of vehicles presently parked on these streets.
- In addition to the aforementioned parking issues, the Highway 101 Gap Closure Project being planned by the California Department of Transportation has "taken both housing and parking" from this area, adding to the shortage of both and negatively impacting this Neighborhood.

Lincoln-San Rafael Hill Neighborhood Area  
*Future Vision*

The future vision of the Lincoln-San Rafael Hill Neighborhood Area is one that **does not** include:

- Living with "reflected vehicular noise" from Hwy. 101
- Re-stripping of Lincoln Avenue to 3 or 4 lanes with the removal of on-street parking!!
- Converting Lincoln Avenue into another Second or Third Street with more vehicles moving faster through the Neighborhood.
- Allowing traffic and congestion levels LOS (level of service) on Lincoln Ave. to be adjusted to reflect percentages above gridlock, and excessive delays beyond current levels.
- Overlooking the safety of pedestrians and bicyclists.
- Encouraging any structure (housing or otherwise) to exceed three stories on Lincoln Ave.
- Creation of any canyon effect on Lincoln Ave.
- Elimination of larger vital businesses (motel, nursery or mini-mart) or smaller ones in converted single-family residences.
- Development or redevelopment that will increase density creating peripheral negative impacts on the Neighborhood (parking and local traffic).
- Encouraging development or redevelopment on Lincoln Ave., or in the immediate area with out consideration of various impacts, the resident's needs, views and their full involvement.

The Lincoln-San Rafael Hill Neighborhood Association has formulated the following response to the "Initial Draft Neighborhood Element" addressing the **Future Vision** of our area:

The Neighborhood is zoned as a mixed-use area of single-family homes, apartments, condominiums, offices, rehabilitation facilities and businesses. The area has a variety of architectural styles and history with a relatively dense and diverse population. Perspectives reflecting the future of this Neighborhood have to include **both** hillside areas of San Rafael Hill with that along Lincoln Ave. The future vision of the Lincoln-San Rafael Hill Neighborhood Area is one that is balanced and based on a common sense approach to addressing the issues unique to this area and its residents.

LSRHNA *Future Vision* (continued)

In discussing the new development or redevelopment of areas within this Neighborhood one must see the direct relationship between density of population, parking of automobiles and traffic flow on Lincoln Ave. and adjacent streets. **These issues are interrelated and must be addressed together in order to formulate any future policies in this Neighborhood.**

- **The hillside areas of San Rafael Hill** are designated as low-density development, single-family residential, and **should remain as such.** Following "hillside ordinances and restrictions", along with maintaining Neighborhood character and aesthetics, in addition to insuring that any residential construction, rebuilding, addition and renovation should result in a completed project that is consistent with the average square footage, and lot coverage ratios of the Neighborhood as well as consideration of prevailing housing elevations. All aforementioned projects should be subject to a rigorous public conceptual and design review process with full Neighborhood involvement, review and endorsement.
- While some areas may be available for new development in the "hillside", single-family residences/infill housing, questions pertaining to "second units" in existing dwellings needs to be addressed. Legal second units we believe are acceptable providing there is no negative impact, due to increased number of vehicles parked on the narrow streets and the owner resides in one of the units.
- A "use-permit" for legal second units should be utilized.
- Abatement of "**illegal**" units should be a priority to relieve the Neighborhood of any negative impact, so then the "permitted" units can be counted towards meeting housing goals.
- Elevation changes in any project should be considered a negative impact and not allowed to proceed as planned when the privacy of an adjacent existing residence is infringed upon, unless mitigated and approved by the owner of the impacted property and the Neighborhood.
- It is imperative that parking restrictions on narrow streets be enforced to allow for safe passage of automobiles and access for emergency vehicles.

LSRHNA Future Vision (continued)

- The area along Lincoln Ave. is designated as a mixed-use area of single-family homes, apartments, condominiums, offices, rehabilitation facilities and businesses, with allowable higher density. Proposed development in this area should be extremely in tune with the **current actual density and its impact on local traffic and parking**, while attempting to resolve those impacts in concert with future development. It is **not appropriate to consider Lincoln Avenue as a "corridor"**, as the Neighborhood is attempting to abate such perception in future projects.
- The businesses on Lincoln Ave., such as the Villa Inn, Sloat Nursery, and the Colonial Motel and the Mini-mart, need to stay intact as they provide vital service to residents and those visiting our Neighborhood.
- Future projects on Lincoln Ave. whether "new" or "redevelopment" should follow strict guidelines relating to Neighborhood character and aesthetics, in addition to insuring that any residential construction, rebuilding, addition and renovation should result in a completed project that is consistent with the average square footage, and lot coverage ratios of the Neighborhood as well as consideration of prevailing housing elevations. All aforementioned projects should be subject to a rigorous public conceptual and design review process with full Neighborhood involvement, review and endorsement.
- Lot consolidations may occur to provide **higher quality residential** opportunities with **limited increase in density** providing such projects are not based on the presumed use of public transportation, and off-street parking and the additional traffic impact on Lincoln Ave. is addressed, and the project is endorsed by the Neighborhood.
- The conversion of housing units to office space should be kept to a minimum since a significant number of housing units have already been lost to the Highway 101 Gap Closure Project (and non-existent rail project). The City should be getting credit for those "housing units taken", from the State agencies that are managing housing quotas.
- In order to **alleviate the visual and physical perception of Lincoln Ave.** as a "corridor", it is important that projects have set backs from the sidewalks and street trees and landscaping be introduced and maintained.

13  
cont.

LSRHNA Future Vision (continued)

- In addition to the set back of a project from the sidewalk, the strict adherence to a maximum height limit of three stories should be established and maintained, with **no additional height bonuses given for lot consolidations!** Projects completed in the recent past and ones planned (1515 Lincoln Mews) are within the acceptable three-story height limit.
- Future projects along Lincoln Ave. should be formulated to achieving **limited higher density** while remaining consistent with the existing character and aesthetics of the area, and not based **solely** on the availability or proximity of public transportation. **This should not encourage the monolithic structures** allowed in the past but should encourage the type of project similar to 1515 Lincoln Mews.
- The encouragement of lot consolidations to achieve more efficient project designs is admirable but **bonuses for density and size are not beneficial to this Neighborhood** and will fall short of public endorsement.
- The prohibition of retail uses of existing housing units is acceptable unless the proposal fills a needed service to the immediate Neighborhood and encourages less traffic trips out of the area by its residents.
- The design of all projects to mitigate high noise levels is appropriate.
- Underground parking is mandatory for any new or substantial redevelopment project along Lincoln Avenue, anything less will infringe upon usable space for housing units and will only further perpetuate the mess on Lincoln Avenue.
- The Lincoln Avenue Rehabilitation Project having been completed, the sidewalks and street are in excellent condition however in the future, when feasible, the overhead utilities should be placed underground within the "parkways" along Lincoln Avenue.
- Strict parking and traffic speed enforcement on Lincoln Ave. needs to be consistent as offenders contribute substantially to the chaos we experience.

13  
cont.

Linda Jackson

From: Lillian Hames [LHames@sonomamaintrain.org]  
 Sent: Tuesday, February 24, 2004 4:34 PM  
 To: Linda Jackson  
 Cc: John Eells  
 Subject: General Plan Comments: Formal Request

Linda : Please find attached my comments to the Draft General Plan document. I would like to see these comments added into the document when the plan is finalized. I understand that they will not be incorporated into the draft document as it is in the process of being printed, but that the final version will include them. Thanks very much.

1

Lillian Hames, Project Director SMART  
 Sonoma Main Area Rail Transit District  
 4040 Civic Center Drive, Suite 200  
 San Rafael, California 94903  
 415.492.2855/FAX.492.2854  
 Project Website: www.sonomamaintrain.org  
 LHames@sonomamaintrain.org

LSRHNA Future Vision (continued)

- Lincoln Avenue is designated as a major traffic artery north and south through the Lincoln-San Rafael Hill Neighborhood, and local residents who attempt to ingress or egress Lincoln Ave. require a form of "gapping" in the flow of traffic, to allow safe passage to and from their homes or adjacent streets. Traffic signals need to be located periodically between the southbound off-ramp from Hwy. 101 onto Lincoln, down to Linden Lane, to facilitate necessary "gapping".
- Any traffic signals installed on Lincoln Ave. as suggested, should have the integrated technology to allow for Emergency Vehicles to "override" for expedient and safe response.
- Residents on Brookdale Ave. have undergone recent traumatic change to their immediate environment due to the Hwy. 101 Gap Closure Project. Automobile parking from "other than residents" impacts the street in a negative manner and consistent enforcement of applicable parking restrictions is needed.

This Future Vision of the Lincoln-San Rafael Hill Neighborhood is respectfully submitted to the City of San Rafael Planning Department, the General Plan Vision 2020 Steering Committee and all participating agencies, individuals, and Neighborhoods. We as the Executive Steering Committee of the LSRHNA have researched and documented concerns to the "Initial Draft Neighborhood Element". This Future Vision was formulated with consideration to the quality of life in this area, specifically keeping in mind the benefits to the immediate Neighborhood as well as to the Community. This response hopefully will be utilized as a foundation to establish the "Final Document" outlining the future needs and desires of this Neighborhood. As further developments occur in the formulation of the "Final Neighborhood Element", we respectfully hope to further comment, delete or change portions of this response to facilitate the issues outlined within. This Neighborhood Association appreciates its involvement with the formulation and planning of the Future Vision of the Lincoln-San Rafael Hill Neighborhood.

The Executive Steering Committee,  
 Lincoln-San Rafael Hill Neighborhood Association

Patrick J. Murphy, President  
 Nina Lilitenthal-Murphy, Vice-President  
 Marc Horn, Secretary  
 Patricia Zentner, Treasurer  
 Kingston Cole, Anne Coyne  
 Tom Martin, Helen Bacon, Dennis O'Neill, Fernando Gomez, Jimmie Thompson

for construction, with annual operating costs estimated at \$9 - 11 million for  
constructions, and \$13 million/year for operations and maintenance.

The draft EIR/EIS/AA is scheduled for release mid-2004. If funding is approved,  
operations could begin in 2007. (Source: [www.sonomamaintrain.org/fajpage.asp](http://www.sonomamaintrain.org/fajpage.asp))

The City's traffic analysis for city streets does not anticipate a mode shift, nor does it  
analyze at-grade crossing affecting city streets. The Marin County's traffic model for  
highways 101 and 580 includes rail ridership.

#### Rail Facilities

The Counties of Marin and Sonoma established the SMART (Sonoma/Marin Area Rail Transit)  
Commission in 1995 to advance the development of a regional rail transit system through joint  
planning efforts, grant applications, and community outreach efforts. In early 2003, the SMART  
Commission, Northwestern Pacific Railroad Authority, and the Golden Gate Bridge, Highway  
and Transportation District Authority were consolidated into a single rail district, the SMART  
District, governed by 12 appointed directors. SMART is evaluating multimodal service along the  
101 corridor, including commuter rail service trains are proposed to serve to 14 stations, five of  
which would be in Marin County and two in San Rafael. The service would use the rail right-of-  
way formerly owned by the Northwestern Pacific Railroad Authority (NWPRA) and the North  
Coast Railroad Authority (NCRA). Currently, the project is not fully funded.

A draft Environmental Impact Report, Environmental Impact Statement and Alternatives  
Analysis is being prepared to evaluate potential impacts of several alternatives. The SMART  
EIR/EIS/AA is evaluating looking at four a 4.75-mile corridor alternatives (the other three  
include no build, bus and express bus alternatives looking at variations of expanded  
bus service), from Cloverdale to a ferry terminal. The commuter rail alternatives include:

- Larkspur to Cloverdale
- San Quentin to Cloverdale
- San Rafael to Cloverdale + Port Sonoma link
- San Rafael to Windsor

The DEIR/EIS/AA is evaluating the preferred commuter rail vehicle types based on  
several vehicle options: traditional locomotive, and diesel multiple unit (DMU) based use  
vehicles. Initial operations would consist of 30-minute headways during peak hours,  
timed to meet bus service in San Rafael. There would be 12 to 16 trains per day, with a  
projected total daily ridership of 5,100 people. Three alignments through San Rafael to a  
ferry terminus are under development for the DEIR: one on the existing tracks to the  
Larkspur ferry and two alternatives to a waterfront site at San Quentin prison. The  
SMART project includes a continuous parallel (to the extent possible) bicycle/pedestrian  
path. The Class I path (12 foot width) would be parallel the rail corridor and provide  
direct access to all 14 rail stations a minimum of 15 feet.

The rail alignment will include replacement of an Anderson Drive crossing to access the  
proposed ferry terminal sites. Train facilities will result in a new rail bridge crossing at  
Anderson Drive (for the segment between Downtown and the ferry) to separate rail cars  
from the road. This may include a minor three-alternative, including one with  
a realignment of Anderson Drive, currently under review. Additionally, the CalPak  
Tunnel at the southern edge of the City limits will be upgraded/rebuilt. (The Puerto  
Suello Tunnel adjacent to Highway 101 is structurally sound.) Conceptual designs are  
being prepared for all proposed rail stations including the Civic Center and Downtown  
stations San Rafael. All grade crossings will include crossing protection equipment. The  
first phase of SMART operations includes service from San Rafael to Windsor (estimated  
cost is \$154 million construction; \$11 million/year for operations and maintenance).  
Incremental expansion as funding becomes available with complete the project. The  
project is currently estimated to cost. The full project is estimated to cost \$22019 - 2680

Timber Covasion  
22 Bayview Street  
San Rafael, CA 94901  
510.301.4703  
510.215.7587 fax

VIA FAX: 415-485-3184  
February 20, 2004

Dear Planning Commissioners and Staff:

The Draft General Plan 2020 (GP2020) outlines an appealing San Rafael—addressing a multitude of issues and interests. However, as I review the Draft Plan, and accompanying EIR, as well as attend the Planning Commission/Public Hearing meetings, my concern deepens about certain aspects of the Vision, and certainly the feasibility and implementation of GP2020.

Through the arduous pre-draft process, San Rafael residents and businesses set the following priorities to frame the vision for GP2020: 1) Traffic, (2) Housing, and 3) Improvements that Enhance Quality of Life. This draft document lacks appropriate means for prioritizing the implementation, and isn't believably committed to achieving the priorities of the Vision which seemingly have become diluted. The truth is without committing to—and actually making progress in—solving infrastructure limits (traffic/circulation and feasibility of other resources, like water), we don't really have the data to know where to put housing, and to what levels. Without solving these issues FIRST, resident quality of life does decline, and business/economic vitality follows. Also, opposition will likely continue, and justifiably so.

I agree that it's very important to balance and provide planning for the City's development and growth on many fronts. One of those is certainly a comprehensive housing plan, and given our unique issues, a carefully crafted one. Moreover, that Housing Plan has to be OURS to every extent possible... not State driven. We—the residents and elected, appointed and local tax-paid staff—are the ones in the best position to determine if/when built-out conditions exist in specific locations, or if other limits in capacity should determine development, for now. If trade-offs are negotiated, it is the Citizens and Constituents that should decide when it's a fair exchange.... not government. The rather subjective and untidily flexible language in GP2020 is unacceptable for determining when these trade-offs are needed. That flexibility should be removed. When considering altering the City's character, changing the zoning ordinance, varying procedures or deteriorating the resident's quality of life, nothing short of a guaranteed full Public process on a project-by-project basis before the Planning Commission and City Council, or perhaps even an actual vote, is adequate.

According to the Draft EIR, unless all of the improvements in GP2020 are funded and successfully coordinated with other agencies, we have issues that will not be fixed. It seems clear that public issue #1/Traffic will worsen in order to proceed with Issue #2 Housing. The section related to water shortage mitigation is unreasonable and underdeveloped. Relying on a desalination plant for any projected development capacity is irresponsible. If we're going to include desalination as a mitigation, where are the impacts for that? Why aren't gray water policies and improvements—which are certainly more feasible than deal—addressed at all? Infrastructure improvements that would greatly enhance our long-term natural resources, such as stormwater diversion/treatment to ease non-point source pollution to our creeks and Bay, are not discussed at all. Development burdens these systems. We are continuing the trend of "spending on credit" by not addressing critical infrastructure and environmental concerns before determining growth potential. At minimum, Commissioner Kirchman was on-track when he mentioned at the February 24th meeting discussion on Housing, Land Use and Community Development that perhaps a "winning mechanism" was needed.

Finally, while building a lot of flexibility and leniency for development growth into the Draft Plan, the Plan lacks definitive language to preserve and enhance neighborhoods, and doesn't contain methods for contingency planning. Common sense tells us that in these difficult economic times, especially with the impacts of changes at the State level of government, some of the very assumptions the Plan bases its success upon, are unlikely to pan out. In fact, most of the visionary Quality of Life parts of the Plan which make GP2020 attractive, may well have difficulty coming to fruition due to funding. The EIR offers up some alternatives—none of which would be my preference. I'd rather see a General Plan adopted that can move forward and sustain the vision set forth, but it would mean some changes.

We must commit to work within our capacities, and know our limitations. The issues we're faced with don't have easy answers, however, there's no need to complicate the problems by proceeding before we have reasonable solutions. What is the rush? The Plan proposes making changes that we cannot possibly manage in the next 16 years. Shouldn't we proceed slowly and methodically since it's difficult, and, in some cases, impossible to reverse the effects?

The State's involvement in growth planning is very likely going to be overhauled. Admittedly, it hasn't been working all that well, and there is increasing pressure to revise their participation in a process that should be better handled at a local level. State mandates shouldn't be the predominant consideration for how we change our City. The City government and appointed representatives have a duty to defend its residents when "mandates" aren't consistent with the uniqueness of the City's issues/priorities. The ABAG model used to massage the City's projections, and setup the mandate numbers is defective in several ways:

- 1. it doesn't involve infrastructure/ resource concerns but instead only looks at jobs/housing needs,
- 2. it provides rigid numbers that don't change as assumptions are proven or disproved, and
- 3. State government cannot possibly or effectively know what is the best way to proceed in specific Cities.

Our GP2020 has to protect against these deficiencies, not cater to them. It must maintain strong priorities of proving assumptions BEFORE worsening burdens that matter to residents; hence allowing a more organic approach to indicating when we've built out and what our redevelopment capacity is (due to any numbers of limitations that may reach an unacceptable standard that cannot be mitigated). The Draft Environmental Impact Report (EIR) shows us that many significant impacts exist without mitigations if the Draft GP2020 is implemented. I continue to hear comments from Staff indicating we must proceed because these trade-offs are for the "greater public benefit". According to what assessment? I don't think the public's Vision is to ignore the irreversible conditions and irreparable character changes to our town that are being proposed.

The General Plan's housing element lacks balance. Inarguably, there is an affordable housing need, but the degree to which it's the focus of the Housing and Land Use elements in this plan seems disproportionate. The priority of affordable housing must be balanced with retaining appeal and affordability of market rate housing—which is driven up by subsidizing affordable housing both under inclusionary ordinances and job-link fees. San Rafael is fortunate to attract young professionals, new families, and business owners; many Cities are not this lucky. What type of housing is needed by those that already do—and those that want to—live, work, invest and create their future here? What about the other factors of cost-of-living in San Rafael, and Marin County? Affordability is not just housing.....it's all the goods, services, taxes, gasoline prices, etc. it takes to live here. Strategically, we must accurately determine who our current and future residents are, and what type of housing is needed, and then go about finding creative ways for making that possible. Successful/ affordable housing has to provide for long-term ownership and participation in real estate appreciation, or else these occupants remain unable to afford to stay and prosper here.

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February 29, 2004  
RE: GP2020EIR Comments

Page 3

Without it, affordable housing DOES resemble subsidized projects of the past, which have horrible records, and people WILL move and commute to get home ownership. GP2020 is soft on developing the whole picture on housing. The affordable programs described might help housing numbers, and service certain business employment, but are missing a large group that contributes vitality and productivity. This has long-term, social and economical impacts for San Rafael.

I am concerned by the assumption that by changing the zoning overlay and locating density housing near public transportation that there will be little impact (or improved traffic impact), and also decreased parking requirements. We have housing near public transportation, and I see that transit use has decreased to levels that caused lines of service to be discontinued. We are also underpaid! Some of this is due to mistakes from prior zoning ordinance requirements, and some due to an incomplete transit system, perhaps... but we are still obligated to correct these problems—not worsen them—with any new development undertaken. Real usage and trend data need to be applied. The evidence does not compel me to believe that if we will only add MORE housing near transit that this trend data will change.

In the meantime, our GP2020 *should* encourage smart pocket development in areas that can be properly mitigated, increased circulation projects to deal with inevitable volume growth, improvements in water, sewer and other infrastructure resources. I cannot help but think that given there being so few sites that exist, perhaps the current method—already on the books—of looking at each variance application individually, project by project, is the better way. It's done in real-time, providing adequate time for assumptions to play out, and lengthens the public process so the community has more say about what's needed, and when. Additionally, a stronger focus on creative or relaxed conformity standards for existing stock might expedite getting units we already have safe and counted—after all, those people, cars and traffic are already here. We would then have better data to decide on the timing of other new construction, or possibly application of creative use updates for existing stock of underutilized buildings. This more methodical approach could provide the basis to really know what we can and cannot afford to do. Timing, phasing, and good management of growth could ensure San Rafael becomes a vital and appealing treasure of Marin County, and a community with a distinct and cohesive identity.

I echo other residents who have commented that attention to business development and affordable housing cannot be out of proportion or at the expense of quality of life issues for residents of San Rafael. I think there is a substantiated concern that the City needs to show their commitment by adhering to priorities mentioned repeatedly of Traffic, Housing, Quality of Life, Improvements. The Plan language needs either less flexibility for stream-lined development, or added definition guaranteeing our growth is carefully guided and smart. Timing for progress is essential. Statements like "impacts not being able to be mitigated" are inflammatory, and rightfully so. This is *not* the vision residents will sign on for.

What about a Plan that controls development to be more in line with available resources; that would allow for growth we can afford, and not overburden residents with unmitigated impacts?

Best regards,



Tymber Carabias



### MARIN CONSERVATION LEAGUE

1623A Fifth Avenue • San Rafael, CA 94901  
(415) 485-6257 • Fax (415) 485-6259  
e-mail: mcl@marinconservationleague.org • web site: www.marinconservationleague.org

March 5, 2004

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RE: General Plan 2020, Neighborhood Element

Dear Chairperson Alden and Commissioners:

The Marin Conservation League (MCL) has the following comments regarding several sections of the Canal Neighborhood section of the proposed Neighborhood element.

#### NH-82 Canalways

We support the description of this site as written in draft General Plan 2020 due to its high habitat value, and its environmental importance to the city of San Rafael. Wetlands improve the quality of our air, filter pollutants, and help to reduce flooding.

The richness of the Canalways wetland habitat is due to its size, varied conditions and to its position along the San Rafael shoreline. It is adjacent to other wetland habitat types along the shoreline as well as San Rafael Bay, and it is near the major heronry on West Marin Island, just offshore. It is the only remaining large marsh in the San Rafael drainage basin and is part of the extensive wetlands, which once extended to B Street. Over 1100 acres of the original wetland area have been filled in and developed over the last 100 years. Small ponds and wetlands remain along Starkweather Shoreline Park, but many species cannot tolerate closeness to people and can only survive in a large space.

The wetland habitat of Canalways includes areas of pickleweed marsh, of seasonal mudflats, of rocky levees and grassy uplands. The areas above the seasonal flooding level are an important part of the wetland habitat. They are used for nesting, hunting, and in times of heavy rain, refuge above water level. Sandpipers and other wading birds feed in the shallow waters of Canalways and rest on its mudflats when they are here on their winter migration. Herons and egrets feed all year in its shallows and in the grass areas, and many of their young fledglings fly here for their first hunting forays when they leave their nests on West Marin Island, as this is one of their closest feeding areas. Several species of ducks feed in its ponded areas. Hawks and owls hunt over the pickleweed marshes and grass slopes

MARIN CONSERVATION LEAGUE

and nest in upland areas. Many small birds feed and nest in the vegetation around the marsh edges.

Much of Canalways is below sea level, but because it is separated from the Bay by the levees, it is not subject to tidal action. It is therefore an important area for many birds to rest or feed during periods of stormy weather or high tides in the Bay. We have observed the Canalways area since the 1970's, and have records of bird use from the 1960's. Over 100 species of birds are seen there. Despite current management practices, where pumping of rain water results in dry mudflats and use by dog walkers, bicyclists and motorcyclists, it is of great importance to wildlife of the entire San Rafael Bay shoreline.

NH-90 We recommend that planning for Windward Way Park be added to this section. It would read "Complete planned Pickleweed Park and Starkweather Shoreline Park improvements, enhance Beach Park, and begin planning for Windward Way Park."

As pointed out in the Parks and Recreation Element, (PR-1) recreation standards are three acres of park and recreation facilities per 1,000 residents. Since the Canal Area is estimated to have about 12,000 residents, the 17-acre Pickleweed Park does not meet this standard, and another park is therefore clearly needed.

PR-9 We further recommend that PR-9-a in the Parks and Recreation Element be changed to eliminate the last sentence. ("Consider development on a portion of the site...") This park site is not only owned by the city, but in a good location on the opposite side of the Canal community from Pickleweed Park. It is 6 acres, but in a triangle shape, making any development on the site unlikely to leave room for active recreation.

NH-87 Cal-Pox site

We strongly recommend that the sentence in italics be deleted. This site is the former dump, the San Quentin Landfill. The materials in this landfill were not regulated as they would be today, with toxic materials and fluids removed before compacting. We do not believe it is appropriate, or safe, for residential use.

MCL appreciates your consideration of these comments regarding the Canal Neighborhood.

Sincerely,

Jana Haehl, President

March 5, 2004

Community Development Department  
Att: Evelyn Buckwitz

The Loch Lomond Marina development as impacted by the 2020 Plan.  
Comments on the EIR

The Oaktree Capitol Management Co., owners of the Loch Lomond Marina is a large company whose style of acquisitions has focus on obtaining real estate and companies that may not be very profitable. They seek to acquire such entities in order to convert them to higher value situations in order to sell them at a profit. That is a fair business practice, but their objective is purely profit. Their interest in the public good is restricted to that which is necessary to serve their purpose.

Oaktree has proved to be a poor risk as a partner to its neighbors and the environment at the Loch Lomond Marina. They have been fined tens of thousands of dollars by BCDC for serious misconduct in the recent past. Great care should be used in all elements of the design of the marina site to deter Oaktree from eventually damaging the area by taking the low road in this project.

The following comments on the 2020 EIR pertain exclusively to the Loch Lomond Marina site.

Dayboat and Trailer Parking

As one of only 3 boat launch facilities in Marin, the Loch Lomond Marina provides a valuable recreation asset. As the population in the north bay grows the facility will have increased usage. At this time there is overcrowding of day boat trailers during peak boating season. Fewer than 30 trailers can be parked at present available areas. There must be an objective study that will project trailer parking needs over the next 10 to 15 years. Lack of enough parking will require boat owners to park across Pt. San Pedro Road onto the streets of the Loch Lomond neighborhood. On occasion during 2003 some trailers were parked on Lochinvar Road when the marina trailer parking facilities were full.

The EIR should include the study over a 2- 3 year period at least, as the problem will be seasonal and the increase of use will grow with population changes. At the time of this writing the problem has not been thoughtfully addressed according to its importance by either the developers or the City of San Rafael Planning Department.

Landfill

After replacement of an old sewer line on Pt. San Pedro Road near Glenwood, the excavated earth was used to add fill on part of the marina land along Pt. San Pedro Road. The city engineer determined that no landfill permit process was required because the code allowed the limited quantity of fill to be used to raise the grade level to the present height without a permit. Although the earth came from the old sewer location no toxic tests were conducted.

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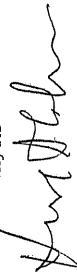
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Page 2 (letter to Evelyn Buckwitz)

The section of the code the city engineer referred to in making his decision not to require a permit process clearly states that the subject land that has had this additional fill shall NOT be used to support structures in the future. At this time the developers and city planners are considering building apartments on that part of the land. The EIR must be amended to deal with this issue.

Respectfully,  
Howard Cohn  
33 Manderly Rd



Appendix Chapter 33  
EXCAVATION AND GRADING

SECTION 3304 — PURPOSE

The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating grading on private property.

SECTION 3305 — SCOPE

This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments, establishes the administrative procedure for issuance of permits, and provides for approval of plans and inspection of grading construction.

The standards listed below are recognized standards (see Sections 3303 and 3304).

1. Testing.
  - 1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures
  - 1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method
  - 1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method
  - 1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method
  - 1.5 ASTM D 2922 and D 3017, In Place Moisture Content and Density of Soils by Nuclear Methods

SECTION 3306 — PERMITS REQUIRED

3306.1 Permits Required. Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the building official.

3306.2 Exempted Work. A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated self-contained area if there is no danger to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.
6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations are not adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in

height and steeper than 1 unit vertical in 1 1/2 units horizontal (66 2/3 slope).  
9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain a slope of less than 1 unit vertical in 5 units horizontal (20% slope) or less than 3 feet (914 mm) in depth, 300 cubic yards (227 m<sup>3</sup>) or less that does not exceed 50 cubic yards (383 m<sup>3</sup>) on any one lot and does not obstruct a drainage course.

Exemptions from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

SECTION 3307 — HAZARDS

Whenever the building official determines that any existing excavation or embankment or fill on private property presents a hazard to life and limb, or that any excavation or embankment on the site of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

SECTION 3308 — DEFINITIONS

For the purposes of this appendix, the definitions listed hereunder shall be construed as specified in this section.

APPROVAL shall mean that the proposed work or completed work conforms to this chapter in the opinion of the building official.

AS-GRADED is the extent of surface conditions on completion of grading.

BEDROCK is in-place solid rock.

BENCH is a relatively level step excavated into earth material on which fill is to be placed.

BORROW is earth material acquired from an off-site location for use in grading on a site.

CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

COMPACTION is the densification of a fill by mechanical means.

EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.

ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.

ENGINEERING GEOLOGIST is the application of geologic knowledge and principles in the design and construction of man-made structures, rock and soil for use in the design of civil works.

EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.

Christopher M. Petersen  
16 Lochness Lane  
San Rafael, CA 94901-2425

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March 9, 2004

Mr. John Alden, Chairman and Members of the Planning Commission  
c/o Community Development Department  
City of San Rafael  
P.O. Box 151360  
San Rafael, CA. 94915-1560

Re: Draft General Plan 2020 and Draft EIR - Pt. San Pedro Road

Dear Mr. Alden and Commissioners:

The following are general comments and suggestions regarding the Circulation Section of the Draft GP 2020 and the Draft EIR:

Neither report discusses traffic flow analysis (LOS) and thus mitigation and improvement of problematic areas along Pt. San Pedro Road east of 2nd/3rd and Union, the ONLY SINGLE major arterial of San Pedro Peninsula (reference GP 2020, Circulation, Exhibit 20, page 177) that affects thousands of residents.

This analysis oversight of this critical artery is unacceptable, because any increases in traffic circulation caused by residents, quarry trucks, quarry development which may occur much sooner than anticipated, and major construction of areas like the Loch Lomond Marina will further impact already negative LOS levels all along Pt. San Pedro Road, from 2nd/3rd and Union to the 101 Freeway off-ramp and on-ramp, to Pt. San Pedro Road and Biscayne Drive.

Therefore I request that the planning staff be instructed that this oversight be properly addressed and adequately discussed by being included in both the Draft GP 2020 and the Draft EIR before ratification of either document. To not do so would be a serious miscue of the highest order. We residents living along the Pt. San Pedro Road corridor will be the ones paying for this mistake forever more.

I appreciate your attention to these concerns and look forward to a response in the near future.

Thank you for considering these issues which directly affects our neighborhoods.

Sincerely,

415-721-0303

March 10, 2004

San Rafael Planning Commission  
1400 Fifth Avenue  
San Rafael, CA. 94901

Dear Planning Commission Members:

I attended last night's meeting and made a brief comment about the Level of Service changes. I would like to put those comments in writing and also comment on the commission discussion that followed.

I was afraid and my fears were confirmed that the commissioners who are not among San Rafael's 6000 that have to pass Union, Grand and Irwin hurdles to reach any destination in any direction will not appreciate the problem. Unless you are one of the unlucky who are trapped in this situation and can experience the problem, it is hard to sympathize with a group of people complaining about traffic. It is too easy to dismiss their complaints with the observation that traffic is bad everywhere.

Mr. Brown shared his experience about the "Palo Alto Experiment" where they decided to ignore traffic considerations. This proved impossible and it will not work in San Rafael either. Last night's meeting was a variation on the failed "ignore it" Palo Alto approach. What happened were extensive presentation, display, and discussion of the intersection at Union Avenue. This intersection is apparently "mid D" LOS at the time and with necessary work for safety reasons will fall to E in the future. This approach led to an appallingly hostile characterization of the 6000 as prima donnas who can't wait an extra 10 seconds and whose main goal in life is to make more car trips.

What I tried to bring out was that the Union Ave intersection is not the worst hurdle for the 6000: Grand and Irwin are, (with the exception of Grand in the PM) at the present time F, not mid D or even E. Mr. Mansourian's data says this. However, the discussion, presentations and decision's to lower LOS at the three hurdles all seemed to be based on the least significant of the three intersections in the problems of 6000 to reach the outside world. One could say the San Rafael Experiment is to talk about and act on the least significant aspect of a problem and ignore the rest instead of ignoring the whole thing as Palo Alto did.

The discussion last night strengthened my opinion that lowering the LOS at the three hurdle intersection will have ramification of further ignoring traffic problems in the future. We all know that poor planning or no planning at all have gotten us to the point where 6000 people are facing F LOS conditions to get anywhere. Please reconsider and do not change the LOS levels to further perpetuate a situation where no planning or poor planning is condoned in the planning document.

Sincerely yours,

Norman P. Jensen  
54 Lochinvar Road  
San Rafael, CA 94901

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Alan Y. Schaevitz

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March 10, 2004

Mr. John Alden, Chair  
Members of the San Rafael Planning Commission  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

Dear Mr. Alden and Commissioners,

I was in attendance at the Planning Commission meeting Tuesday night, March 9, and heard the presentations from your staff as well as the comment made by other citizens in attendance. I now realize, after careful reading of both the draft General Plan 2020 and draft Environmental Impact Report, that there were two concerns not brought up in those comments. They bear on the circulation issue as regards to the traffic corridor at 3rd Street between Grand and Union. These concerns deal specifically with 3rd and Union.

First, according to page IV.2-4 in the draft EIR (second paragraph), "Safety is not included in the measures that establish levels of service." Later, on page IV.2-31 (first full paragraph), the EIR states "Policy C-4 Safe Roadway Design allows LOS standards to be exceeded for safety considerations." I would take these two statements to clearly document that the LOS must be determined based on traffic flow considerations only, and then the resultant LOS can be exceeded, not changed, due to safety considerations. This would preclude degrading the LOS from its current level of D to E due to increased traffic. I, therefore, request that the wording regarding traffic levels and LOS for this intersection in the draft GP 2020 be altered to reflect an LOS of D, not E.

Secondly, I find it rather odd and disingenuous that concerns for safety at this intersection has even been raised at all. I have lived in Bayside Acres for over 12 years and many of my friends here (including my wife) have lived here for over 30 years. Never, in all that time, can anyone recall there having been raised any concerns about safety at this intersection by any Homeowners Association, group of concerned individuals, schools in the area, businesses, San Rafael commissions or committees or any other identifiable organization or institution.

This is not to say that there may be legitimate safety concerns at 3rd and Union, but to raise this issue now with no history of any complaints and no statistics brought forth regarding safety violations, accidents or concerns raises the

specter, real or imagined, that this is just a red herring to allow degradation of the LOS that would permit otherwise prohibited construction on the Pt. San Pedro corridor. It is interesting to note that of all the planned "improvements" at 3rd and Union only one, the changing of light timing, will degrade the LOS. The other items, such as road widening and turn lane improvements, are actually likely to improve the LOS. However, light timing change is the only "improvement" that was included for so-called safety reasons.

In conclusion, if safety is not a legitimate issue and the light timing is unaltered, the remaining improvements will likely improve LOS at this intersection, possibly to C or better. If safety concerns are legitimate, then the LOS (for traffic flow only) will still improve but might be allowed to degrade beyond LOS D for safety reasons only, not increased traffic as defined by your own policies. Thus, any light timing changes should be considered separately as a safety issue and not as part of the LOS determination for 3rd and Union.

I would appreciate your attention to these concerns and look forward to a response in the near future. The draft GP 2020 and EIR should not be finalized before these, as well as the many other, issues raised at the Tuesday meeting are resolved.

Sincerely yours,

Alan Y. Schaevitz

cc: Bob Brown, Community Development Director  
Linda Jackson, Principal Planner

Marin Athletic Coalition  
Football Club of Marin  
161 Humboldt St.  
San Rafael, CA 94901  
(415) 308-0603

March 10, 2004

Planning Commissioners & Staff  
Principal Planner  
San Rafael Planning Department  
General Plan 2020 Update

[linda.jackson@ci.san-rafael.ca.us](mailto:linda.jackson@ci.san-rafael.ca.us)  
[Evelyn.Buchwitz@ci.san-rafael.ca.us](mailto:Evelyn.Buchwitz@ci.san-rafael.ca.us)

Re: Canalways

Dear Ms. Jackson:

1  
It has come to my attention that the Canalways site may have been inappropriately and prematurely deemed a conservation site. Through my experience in working on the General Plan 2020, and attending a majority of the St. Vincent/Silveira property meetings, it has become clear that destination recreational areas are quickly disappearing.

It is the belief of the Marin Athletic Coalition and Football Club of Marin that the Canalways site would be perfect not only in location, but also within the parameters of the General Plan 2020. It is not only in an area that can be easily accessed by a large recreational population within the canal, but it is a near reclaimed water supply, and can be developed using dredge materials from the San Rafael Canal. In addition, because of the location it would also be a site that could have lighted fields if designed within the parameters of the original drawings submitted to Dwayne Humm of Kerner Boulevard, LLC in 2000.

We strongly support the re-designation of Canalways away from a protected habitat. With land disappearing quicker than ever due to politics and organized no growth environmentalists, it is crucial that we take action to at least provide the necessary athletic facilities needed in our community. In the General Plan 2020 it was clear that San Rafael, and even Marin County is an embarrassment in the way it has produced high quality athletic facilities for its citizens.

The groups we are involved with continue to hold thousands of petitions begging for better and more facilities. They need go no further than outside of our community to find state of the art facilities that take care of their citizens needs. The same question is always asked, "Why does every community in the Bay Area have better facilities than our own"? This question will continue to be asked until something is done.

Sincerely,

Tighe O'Sullivan  
Marin Athletic Coalition

March 11, 2004

Mayor Boro and The City Council  
City Hall  
1400 Fifth Ave  
San Rafael, Ca. 94901

RE: General Plan 2020

Dear Gentilepersons,

Due to a mix up concerning the agendas of the February 24<sup>th</sup> and March 9<sup>th</sup>, 2004, Planning Commission hearings (see attached letter to Planning Commission), I feel the need to address you directly on both the Circulation and Neighborhoods Elements of the General Plan.

I would like to first address the Neighborhoods Element. The Pt. San Pedro Peninsula has two major impact areas. The first is the Rock Quarry which has been overlooked in the 2020 Plan since it was assumed that the quarry would not close down in that time frame. This assumption is now suspect due to what is currently happening in the courts. The possibility of the area closing down within the next 16 years should be addressed. In my (and others) opinion the Quarry and Brickyard should be annexed to McNear's Beach and left in its current state as open space. The Brickyard Kilns and manufacturing buildings should remain as a museum for future generation's edification. Improvements in the form of hiking and biking trails, picnic areas, bridal trails, and a low level of controlled parking should be allowed. Public restrooms should be installed and the current docking facilities should be opened up for public day use. A Youth Hostel might be considered.

The second impact area on the Pt. San Pedro Peninsula is the Loch Lomond Marina. The Marina should retain its current uses (and re-institute some lost ones). First and foremost it is a Marina with all that implies:

- 1) boat docks
- 2) dry storage of boats
- 3) marine supplies
- 4) marine maintenance
- 5) yacht sales
- 6) fueling facility
- 7) launch ramps/
- 8) yacht club

The Marina has always provided retail services for the peninsula. If these resources were to include most of the following, as they once did, than fewer trips into Downtown San Rafael would be necessary:

- 1) supermarket
- 2) pharmacy
- 3) hair/nail salon
- 4) dry cleaners
- 5) video rentals
- 6) restaurant
- 7) electronics
- 8) movie rentals
- 9) dentist
- 10) hardware

2  
CONT.

Finally the areas of the Marina which are not now developed should remain as they are. The open space is regularly used for: running, walking, dog exercising, fishing and educating children in the abundance of the Bay and marshes flora and fauna including pickle-weed, heron and egrets as well as gulls, bawls, seals, and pelicans. Residential development at the Marina would not enhance the Peninsula's quality of life and would be a detriment to all.

If, however, development is to come it should be contained in the area surrounded by Bruno's, Pt. San Pedro Road, The Dental Offices and the Businesses and parking area at docks A-D. No more than 20 single family, single story dwellings should be allowed. They should be in a design which will reduce their impact on the views from both Pt. San Pedro Road and from the homes in Loch Lomond. No sound walls should be incorporated into the plan. They would infringe on views and cause the road noise from trucks and cars on Pt. San Pedro Rd. to be bounced back into the existing communities. These 20 new homes would add 40-60 cars traveling the Peninsula corridor. This would be more than enough of an increase in traffic flow considering the relatively small landmass of the Marina area. Finally, the access to the area should be through a single entrance at the current traffic light at Loch Lomond Drive. This will help the added traffic flow easily onto Pt. San Pedro Road.

Turning to circulation, at the meeting on March 9<sup>th</sup>, the Traffic Engineer stated that a study was done on traffic flow which commenced at Lochmuir in Loch Lomond at 7:45 am, moved down Pt. San Pedro Road/Third Street to Irwin and turned north on Irwin. This trip took 8 minutes. The problem is that the right hand lane on Third Street which leads to the right turn lane onto Irwin is not the problem in the AM commute. Had the driver of this test run continued straight into Downtown San Rafael or attempted to make a left onto Heatherton at least 5 additional minutes would have been added to the commute by the time the driver reached Heatherton. It appears that the best case scenarios are being presented to the Commission and therefore to all of you. It is the worst case scenarios (including the back up with accidents involved) that need to be addressed in your decision making process.

In my experience, San Pedro Road westbound from Lowrie Yacht Harbor to Heatherton is extremely congested most of the time from 7am to after 9am, with a huge spike between 8:15 and 9:10 am. Another spike occurs at the High School's lunch time. The final spike is at the close of all schools in the mid-afternoon. The evening reverse commute from 4 to 6pm is just as congested but at least you are headed home.

Upgrading the safety of the intersection at Union and Third is commendable but the alternative solution to most of the pedestrian traffic suggested by Mr. Tattersall at the meeting appears to reduce the impact of pedestrians, increase the pedestrians safety and may even improve traffic flow. He rightly expressed the solution of overhead or underground passages for pedestrians. While tunneling under Third at the High School may not be feasible due to the water table, a pedestrian over pass from the parking lot at SRHS to the overflow parking for Montecito Shopping Center would nearly eliminate the need to cross Third at Union. It could also reduce and/or eliminate the dangerous crossings between SRHS's parking lot and the Credit Union. Down grading the area to an E from a D (when it is really an F most of the multiple commute times) is not a realistic solution to the problem of traffic flow from the San Rafael Peninsula into Downtown or onto 101 North or South. All this downgrading will accomplish is to allow new development on the peninsula. These new developments could then commence without the mitigation of the current situation. Until and unless Third St. from China Camp to Union is rated LOS C at all times of the day, no new development should be undertaken. Prospective developers should help to pay for the mitigations to make and keep this stretch of road LOS C as well as providing the city with funds to defray the costs of pavement improvements from China Camp to Irwin.

Another part of the traffic problem is the limited parking in the Union and Third area. When Whole Foods was allowed to develop the older supermarket location, the planners did a very poor job of predicting the impact on the traffic circulation. Now we who live on the Peninsula are paying for that mistake. Adding turn lanes and more through lanes may help but it could also encourage increased usage of the businesses in the area. It won't impact the AM commute, as both shopping areas do not get going until 9am. Congestion from the parking lots is most evident after 11 am. At that point what are the options, tear down our fire station with the training facility? I think not. The evening commute may be helped but again that would depend upon whether the usage in

the businesses increased due to the supposed reduced congestion. This could return the area to the same LOS as before the mitigations.

Based on many of the comments and suggestions presented at the March 9th meeting from neighborhoods (Gerstle Park, The Peninsula), the bike riders of San Rafael and members of the steering committees, it appears that more needs to be done in developing a coherent General Plan and EIR. March 30, 2004 is probably much too early for the Planning Commission to vote on the acceptance of the documents. The future of San Rafael is in your hands. The people of San Rafael now and in the future will have to live with your decisions. Please be sure that you have developed the best 2020 Plan and EIR possible before accepting the documents as gospel.

Thank you for your time and consideration of my positions.

Sincerely,

*Susan R. Lynn*

Susan R. Lynn  
140 Bayview Dr.  
San Rafael, Ca. 94901-2502  
415 456-1168

Cc: Susan Adams, Supervisor District 1  
Evelyn Buchwitz, City of San Rafael 2020 Plan  
John Alden, Chair of Planning Commission

P.S. On March 9<sup>th</sup> a question was posed to the Traffic Engineer by the Commission based on a public comment, the Engineer's response was that trucks from the Quarry and Brickyard would never go through China Camp out to 101. I can assure you that they do and have for as long as I have been walking San Pedro Road (about 20 years).

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MAR 19 2004

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MAR 18 2004

CITY OF SAN RAFAEL  
PLANNING

March 11, 2004

John Alden, Chairperson San Rafael Planning Commission  
 City Hall  
 P O Box 151560  
 San Rafael, Ca. 94915

RE: Planning Commission meetings of February 24<sup>th</sup> and March 9<sup>th</sup>, 2004

Dear Mr. Alden:

I attended the March 9, 2004, planning commission meeting. To my great surprise the Neighborhoods element of the 2020 General Plan was not on the agenda. On the morning of February 24, 2004, I called Evelyn Buchwitz. She returned my call in the early afternoon and left a message that the Neighborhoods element had been postponed until the 9<sup>th</sup> of March. While I am sure this was an honest error, it was an egregious one. Because of this information several members of our community (East San Rafael) including myself did not attend the February 24<sup>th</sup> meeting. In the future you need to be sure that the information given out by your department is consistent and accurate.

Thank you for your time.

Sincerely,



Susan R. Lynn  
 140 Bayview Dr.  
 San Rafael Ca. 94901-2502  
 415-456-1168

Cc: Mayor Boro and City Council Members Cohen, Heller, Miller and Phillips

54 Lochinvar Road  
 San Rafael, CA 94901  
 March 12, 2004

Mr. John Alden, Chairman  
 Planning Commission  
 Community Development Department  
 City of San Rafael  
 P.O. Box 151560  
 San Rafael, CA 94915

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MAR 18 2004

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Dear Mr. Alden:

I have been attending the Planning Commission sessions on the Draft General Plan 2020 and its EIR. I have been impressed with your skill in running these meetings, your patience in trying to keep them under control and focused and your maintaining an even temper throughout sometimes tense situations.

I was, however, very disappointed with the conduct of some of the commission members at the March 9<sup>th</sup> meeting on circulation. There was a large group of people in attendance who were quite concerned with the traffic situation as vehicles coming from Point San Pedro Road attempt to reach downtown or 101 or any other destination. Many expressed worry about the impact of increases in traffic into an already problematic area that will result if and when the significant developments indicated in the Draft Plan 2020 for the Loch Lomond Marina, now, and for the Quarry site, later, take respectful manner, made comments such as the bad traffic situation is the fault of the people who live along Point San Pedro because they make trips in their cars and spoke in sarcastic terms of these people not wanting to tolerate a few seconds delay. The public meetings are held in order to hear from the public and verbal mistreatment of that public by commission members badly undermines public confidence in the Planning Commission.

It is not surprising that the thousands of people who live along Point San Pedro Road and other residents of San Rafael are concerned with the section of the Draft General Plan that deals with Loch Lomond Marina and have serious questions. Some of the most basic questions about the treatment of the marina include:

- As a general planning principle, is it a good idea to build housing on a flood plain?
- As a general planning principle, is it a good idea to build multistory housing on fill (indeed, fill on top of fill) in an area that is prone to earthquakes?
- As a general planning principle, is it a good idea to deliberately set up significant increases in vehicular traffic load on intersections that are already at levels that are considered intolerable and are already generating concern for pedestrian safety before some sort of alleviation is at least conceived?
- Does it represent sound planning to set up a situation in which needed services that are suitable to a unique location and have low traffic impact are diminished or eliminated in favor of dense housing that will create more need at the very time that the needed services are diminished?
- Does it represent sound planning to use condemnation of the appearance of an area as a justification for dramatically changing its land use when there is very serious question as to whether the buildings that are denigrated are really as they are described?

Loch Lomond Marina Committee  
Post Office Box 2368  
San Rafael, CA 94912-2368

March 12, 2004

Mr. John Alden, Chairman and Members of the Planning Commission  
c/o Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

Dear Mr. Alden and Members of the Planning Commission:

This is further to my letter dated Feb. 23, 2004 regarding Neighborhoods, NH-121, page 353, Sites Pending Land Use/Zoning Changes. A significant development has arisen since Feb. 23 and the public hearing portion of your consideration of this element of the 2020 General Plan.

The developer of the Loch Lomond Marina has filed a plan calling for 88 residential units to be built on a 6.3 acre portion of the site, for an average density of 14 units per acre. This density is not compatible with surrounding neighborhoods despite goals stated in the plan that residential development should be compatible.

In order to achieve this degree of density a multi family building and town homes will be built right up to Pt. San Pedro Road where they will be impacted by traffic noise from this heavily traveled road way. To mitigate the noise the developer plans to build a so-called noise barrier that will reflect traffic noise up into Loch Lomond, Loch Lomond Highlands, Bayside Acres, and St. Luke Presbyterian Church. This "barrier" will actually be an eight foot sound wall in front of the multi-family housing building west of Loch Lomond Drive, and in front of each town home east of Loch Lomond Drive along Pt. San Pedro Road. This sound wall will degrade the environment and quality of life for literally hundreds of homeowners and attendees of St. Luke's.

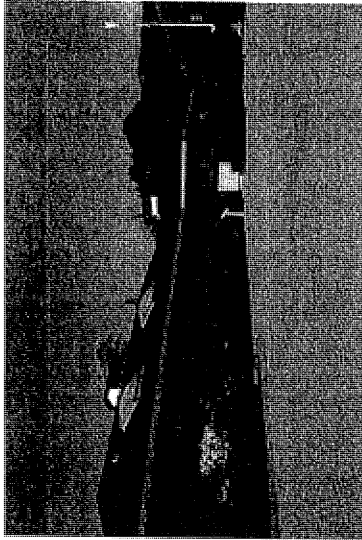
The proposed density will also curtail parking for fisherman who use the boat launch ramp and reduce dry dock boat storage from over 200 spaces to just 41. Where are these displaced boat owners supposed to go? This too contradicts goals stated in the Recreation element of the plan.

These negative impacts are all caused by the City's designation of the Loch Lomond Marina as a medium density development. Staff will say that these issues can be addressed in the EIR and planning process. But why continue this needless confrontation with surrounding neighborhoods when it is clear that a sound wall is totally unacceptable to hundreds of residents? You have the authority to set this project on a more equitable footing. This will set the stage for us to meet with the developer to come up with a plan that addresses our concerns, meets his profit objectives

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(See photo above - what is so unattractive about this low grey building that does not block bay views and maintains an open welcoming appearance? Does it really improve an area to crowd dense housing into it to the extent that those living outside the immediate area will not be able to feel comfortable there?)

- Does it represent good planning to have a developer rushing an application before the public comments on the Draft Plan are closed and before the Plan has been approved? (Doesn't the odd and questionable description of Loch Lomond Marina in the Draft Plan serve more to smooth the developer's path to quick, large profit rather than serve to protect the long-range interests of the public?)
- Does it represent good planning to set up the loss of a unique and valuable community asset supposedly to meet ABAG numbers, numbers that both ABAG staff and San Rafael planning staff say will be reduced in the quite near future? (The marina site could probably handle a small number of one-story houses without losing its current, successful, bay-related functions, but it certainly cannot retain its value to the San Rafael community with multistory housing crowded into a closed community rising high above Point San Pedro Road. Under this scheme the marina area will no longer be a friendly, wide-open area treasured by many residents of all income levels as a place to enjoy the bay and nature, and to exercise and to meet friends.)

There are many reasonable grounds for concern about the serious losses the town will experience if Loch Lomond Marina is changed from an open, welcoming marine-related area to a large, dense housing development. This dramatic change will leave the public largely closed off both visually and physically. The more than 40 years of pleasant, comfortable access to the bay will be ended. Given the serious and irreversible damage that will occur if the large-scale land use change at the Marina that is advocated in the Draft Plan is carried out, it is natural that there are going to be many questions from the public about the way that the Draft General Plan 2020 treats Loch Lomond Marina. It would be desirable for all members of the Planning Commission to treat the questioners with basic courtesy and respect, to give rational consideration to their points, and to assure that their questions are heard and given answers of substance.

Sincerely,

*Sara L. Jensen*

Sara L. Jensen

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CITY OF SAN RAFAEL  
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March 13, 2004  
Community Development Department, Planning Division  
Att: Evelyn Buchwitz

After having read the environmental impact report for the San Rafael general plan 2020 and the Thompson/Dorfman application for development at the Loch Lomond Marina, I would like to make a few comments. I have been a resident of Loch Lomond for 40 years and am very familiar with the area.

IV.1-2 Incompatible land uses to neighborhood character. This development would have significant impact on the current land use and density in surrounding areas. Mostly one-story homes are in the flat lands-36 feet would be an eyesore. The height of any project should be consistent with adjoining neighborhoods.

IV.7-1 Scenic Resources. This development plan would completely obliterate the view of San Pablo Bay. It would create a negative aesthetic impact and conflicts greatly with surrounding areas. This area is widely used by people who enjoy the beauty and serenity.

IV.8-2 Sensitive natural communities. To mitigate by a levee would be incompatible in this area because of its large wetland areas that support a multitude of birds, herons, egrets feeding from the Marin Islands National Wildlife Refuge. The clapper rail has been spied in this area and no mention of its existence. A several year review should be required to adequately determine the number and types of birds as it varies during migration.

IV.10-4 Flooding. This area at high tide has flooded many times as has Pt. San Pedro Road. Raising the fill would create even more of a problem particularly to the lower streets of Loch Lomond already using sump pumps. It is predicted that sea levels will rise because of global warming, so there is really no mitigation for this problem.

IV.5-12 Marin Municipal Water District that water is at a premium for new developments other than desalination -years away. Conservation would not adequately provide enough water, and the Russian River cannot provide more water without serious impacts.

Lastly, Pt. San Pedro Road because of development has begun having a traffic problem particularly as it heads towards Montecito shopping center. Any additional development will greatly impact this already changing problem.

The neighborhood commercial/residential plan. It is perfectly legal for developers to raise rents, but because of this the Marina has already lost the beauty parlor and video store contributing to the traffic problem. 500 names were obtained in one week in a petition to allow Bobbys Café to remain. The response of the developer was "Stop the Petition".

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and helps the City meet its housing goals.

We therefore request that you instruct staff to redesignate the Loch Lomond Marina as a low density development to avoid these serious negative impacts on several hundred home owners, boat owners, fishermen, and St. Luke Presbyterian Church.

Thank you for considering and acting on this request.

Sincerely yours,



Albert Barr  
Co-chair






D M H L A N D U S E P L A N N I N G

In closing, it bothers me that the developer submitted a plan, when the EIR or the General Plan 2020 have not been accepted. The Loch Lomond Marina should remain basically a full service marina for all to enjoy. At a time when most cities and towns are preserving water views: Chrissy Field, Blackies pasture in Tiburon, the city of San Rafael has an unique opportunity to preserve this unrestricted view of San Pablo Bay. Let the city be proud by denying this development.

Thank you for letting me comment.

Jeanne Emmons Cohn  
33 Manderly Road



March 15, 2004

John Alden, Chair  
Planning Commission  
City of San Rafael  
P. O. Box 151560  
San Rafael, CA 94915

RE: Draft San Rafael General Plan 2020

Dear Chair Alden and Members of the Planning Commission:

It is my understanding that on Tuesday evening, March 23, 2004, the Planning Commission will consider the Neighborhoods Element of the Draft San Rafael General Plan 2020. On behalf of Cal-Pox, Inc., owners of Shoreline Center, I would like to suggest that the Planning Commission support the General Plan Steering Committee's recommendation that residential and/or hotel uses may be considered for the Cal-Pox site.

Policy NH-87 Cal-Pox Site (East of Home Depot) of the Draft San Rafael General Plan 2020 states:

Allow light industrial/office and specialty retail uses. Traffic congestion in the area, prior to needed roadway improvements, may limit development on the site to low traffic-generating uses. *Residential and/or hotel use may be considered for the site provided that environmental analysis demonstrates that potentially hazardous soils conditions are in compliance with State and Federal laws and that geo-seismic conditions and commercial use conflicts have been mitigated.* (5 members did not want to include the last sentence; 7 members wanted to include the last sentence, and 3 members abstained.)

It is our belief that certain residential and/or hotel uses may be particularly suited for that portion of Shoreline Center fronting upon San Rafael Bay. Specifically, hotel use, or medium to high-density residential use would clearly benefit from the following amenities offered by this location:

- An unparallelled bay view;

- Immediate access to the City's Shoreline Park;
- Cul-de-sac location;
- Convenient access to highways serving both the East Bay and the North Bay;
- Quick access to existing Golden Gate Ferry Terminal and to San Quentin Point, should the latter someday become the ferry terminal site.

We recognize that allowing appropriate residential uses at this location will require adoption of the proposed General Plan Policy NH-87 and, ultimately, of an amendment to the approved Master Plan for Shoreline Park. However, we understand that consideration of the proposed General Plan Policy NH-87 is included in the Planning Commission's consideration of Draft San Rafael General Plan 2020.

We are not suggesting that the potential for hotel or residential uses supplant other uses allowed for this area by the Shoreline Center Master Plan. Rather, we suggest that the addition of limited residential and hotel uses would lend flexibility, so that the City may benefit from the most desirable ultimate development of this site.

We recognize that residential use may be viewed as a high traffic generating use. However, this is true of many of the uses presently permitted in this area. Some residential uses, for example senior housing, actually have a reduced traffic generation rate. Further, any future hotel or residential use of the property would be subject to the same Priority Project Procedure as is applicable to the existing permitted uses.

Finally, we understand that comments have been made suggesting that, as a former landfill, this property is unsuitable for hotel or residential use. Such is not true. The site has been reclaimed under strict state, regional and local controls that render it perfectly suitable for such uses.

The Shoreline Center was the former site of San Quentin Disposal, which ceased operation in 1987 and subsequently received regulatory closure from the State of California Integrated Waste Management Board. Title 27 of the California Code of Regulations, which governs post-closure development of landfills, allows hotel and residential uses on sites of former landfills. Several examples of residential and hotel developments that have been constructed in recent years on sites of former landfills include:

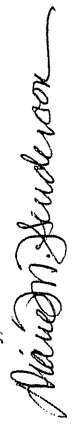
- Hilton Hotel in South San Francisco, constructed on the site of the former Oyster Point Landfill;
- Sheraton Hotel in Los Angeles, constructed on the site of the former Los Angeles Municipal Landfill;
- Sierra Point in South San Francisco, a mixed-use development including both residential and hotel uses; and
- Whalers Cove, a high-density residential development in Long Beach, California.

In addition, projects have also been developed on sites of naturally occurring methane generators (i.e. oil/gas fields) including:

- Playa Vista, a residential development in Playa del Rey, California; and
- Farmers Market Wilshire Corridor in Century City, California.

On behalf of the owners of Cal-Pox, Inc., I urge the Planning Commission to support the General Plan Steering Committee's recommendation that hotel and/or residential uses may be considered for the Cal-Pox site.

Sincerely,



Diane M. Henderson, AICP

- cc: Linda Jackson, Principal Planner  
 Martin J. Brannante  
 Stephanie K. Plante  
 Leland H. Jordan

Marin



Releaf

PO Box 9512  
San Rafael, CA 94912-0512  
Office: (415) 456-1387  
Phone: (415) 721-4374, voice Mail  
Fax: (415) 453-3178  
www.marinreleaf.org

Fax Transmittal Form

To: Linda Jackson  
Organization: City of San Rafael

Phone number: 485-3090  
Fax number: 485-3184

From: Sandra Sellinger

Date sent: 03/15/04  
Time sent: 2:35 PM  
Number of pages:

My I suggest the following for inclusion in the General Plan:

A new goal under Infrastructure:  
Urban Forest - The City should endeavor to maintain a healthy urban forest.

Urban vegetation is important for the health benefits and quality of life it provides residents and businesses. Community forestry is the art and science of managing trees and natural systems in and around our urban areas for the health and well-being of San Rafael residents. The foundation of sustainable community forestry program is:

- \* Species selection and diversification
- \* Inventory and landscape planning
- \* On going tree planting, maintenance and wood utilization
- \* Public relations and community support. >>

Programs:

- \* The City should continue to have the Municipal Arborist responsible for street trees and landscaping.
- \* Street trees should be managed using guidelines from the International Society of Arboriculture.
- \* Sidewalk repair around street trees should continue to be part of the street tree maintenance program.
- \* The City should seek out volunteers to help stretch limited public fund and to develop and support sustainable forestry programs as defined by California Department of Forestry.



MARIN CONSERVATION LEAGUE

1623A Fifth Avenue • San Rafael, CA 94901  
(415) 485-6257 • Fax (415) 485-6259  
e-mail: mc@marinconservationleague.org • web site: www.marinconservationleague.org

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March 15, 2004

MAR 17 2004

PLANNING

Linda Jackson, Senior Planner  
John Alden, Chair, Planning Commission,  
and Commissioners  
City of San Rafael  
PO Box 151560  
San Rafael, CA 94915

Re: Canalways Tour

Dear Linda, John, and Commissioners,

There was a request for comments after the Canalways tour, and I have two.

1) The current owners of Canalways describe the property as "barren", and as a "degraded marsh", and that is the way it must have looked to anyone who had not previously seen it full of water and birdlife. However, what was not explained on the tour, was the reason it looks degraded and barren.

It looks this way because the current owners have done their best to turn this wetland into dry land by insisting that the city pump out the water. In addition, they

- mowed the pickleweed, which removed saltmarsh habitat
- refused to remove invasive non-native plants which were spreading
- seeds along marsh edges and to surrounding properties
- refused to let environmental groups remove the invasive plants as a community service
- encouraged dog walkers to use the site
- allowed bicycle and motorcycle use throughout the property

The owners claim this site is considered wetland only because the city did not keep it pumped out. In reality, most of this wetland is below sea level, and naturally ponds the rain water which falls on it. Before the outer levee was built, it was part of the Bay. After levee construction it became a diked wetland, and retained water most of the year.

In 1985, the U.S. Fish and Wildlife Service considered it "the largest and most valuable seasonal wetland remaining on East San Rafael bay front."

Board of Directors  
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J. Scott Feltenherd  
Executive Director

Patricia Sisco  
Office Manager



## MARIN CONSERVATION LEAGUE

2) The second aspect of the tour needing more information was the city's drainage pond. There were some brief comments about it at the group's first stop at the pump station, but a map and a fuller explanation would have been helpful. The pond was formerly about 17 acres, but over the years it collected sediment. Former Public Works director Dave Bernardi drained the pond over several summers, explaining that he needed to remove about 3 feet of silt. Since the city did not have the funds to dredge the entire pond at once, he arranged to remove a section each year. The first section, connecting the creek channel to the pump station, was dredged in 2000. After that, economic problems intervened and the additional sections have not as yet been dredged. What the commission saw on their tour, therefore, was a deep channel without water (due to the pumping of Canalways) and the rest of the former pond high and looking dry. In former years it ponded water all year from its watershed, saving the city pumping costs and providing deep water habitat for wildlife. Looking at it last week, the commission would not have known which were its boundaries, and which areas were part of Canalways.

I hope this information is helpful.

Sincerely,



Jean Starkweather

March 15, 2004

City of San Rafael  
Department of Community Development  
City Hall, 1400 Fifth Street  
San Rafael, CA 94901

Re: General Plan 2020 Update, Canalways parcel

Dear City Staff and Planning Commissioners:

I note with alarm recent newspaper treatment of the planning process as regards the Canalways property on East Francisco Boulevard. This property has been the subject of a number of value estimate assignments by this and other firms since 1975 or so. It appears that consideration is being given designating it as a wetlands, endangered species conservation site, thus eliminating the 2.5 acre area which the former plan suggested as usable for a mixed-use development.

To my knowledge, there is no scientific determination of the existence of endangered species at this site, nor is there a Corps of Engineers determination of wetland status for it. During the course of a 1990 appraisal assignment, I verified both of these facts and am advised by the owners' representatives that there is no change in the situation since then.

An arbitrary determination by the commission designating this as a conservation site would, in my opinion, be severely deleterious to the parcel's value.

Such a designation would place a serious constraint to any appraisal or development of the site without costly efforts on the part of the owner or the probability of an inverse condemnation action against the city.

I write to be assured that these factors will be given consideration in whatever decision you make regarding the Canalways property.

Yours truly,

Charles P. Semple, MAI



292

Virginia A Coolidge  
California Technology  
Patricia A. Johnson  
Troy Johnson  
E. J. Johnson  
P. J. Johnson

Michigan, Cal  
Registries/Inventories  
C. J. Johnson

Minnesota WI  
Francis V. Johnson - This would be a great help  
I would sure help my Comm-Reg.

Beta B. Pitt 460-5354  
326 Mission Ave  
San Rafael, CA 94901

Date identical petition form has been  
submitted in addition to this one from  
the San Rafael Community Center  
during development at corner of 4th & Union  
St.

Beta B. Pitt

March 17, 2004  
San Rafael Planning Commission  
P.O. Box 151560  
San Rafael, CA 94915-1560

Dear Commissioners:

We request that the General Plan 2020 traffic model assignment of housing units to the Dixie School Board Offices (380 Nova Albion Way) and Terra Linda High School (320 Nova Albion Way) be changed.

The traffic model currently projects 20 units of teacher housing to be built on each of these sites by the year 2020 in addition to the facilities already on the properties (offices, preschool, community garden, and softball field at 380 Nova Albion; playing fields, school, and offices at 320 Nova Albion).

General Plan 2020 states that if housing is to be built on school sites, it is to be "at prevailing densities in the immediate area." These properties are surrounded by single family homes. The tiny portions of each property that could possibly be used for teacher housing border the back yards of these homes and are unsuitable for any type of multistory or dense housing.

We request that the housing assignments for these properties be removed from the traffic model or be reduced to, at most, four units per property.

1. Shirley R Fischer Shirley R. Fischer  
19 Ceramho Ct San Rafael 94903
2. Jerome S. Engerl  
19 Ceramho Court San Rafael CA 94903
3. ROBERTA C. PEEK  
15 Ceramho Court San Rafael, CA. 94903
4. Charles B. Peck  
15 Ceramho Ct. San Rafael, CA 94903
5. JACK WHITEHOUSE  
#9 Ceramho Ct. SAN RAFAEL 94903
6. RAE R. WHITEHOUSE  
#9 Ceramho Ct SAN RAFAEL 94903
7. Carol Jaffe  
#14 Ceramho Ct San Rafael 94903
8. Renee Tishler  
14 Ceramho Ct San Rafael CA 94903

1

PETTITION REGARDING PEDESTRIAN SAFETY 3/16/04

To whom it may concern:

Whereas, the citizens of San Rafael City deserve pedestrian safety when crossing city streets;

Whereas, the intersection of Third Street and Union Street, presents hazards to pedestrians crossing Third Street such as: too short a length of time to negotiate a crossing after green light appears, especially with a wheelchair or walker; and/or vehicles making a left turn out of Montecito across the crosswalk while pedestrians are crossing.

Whereas, Montecito Plaza provides a convenient shopping center within walking distance of two large senior occupied housing developments: Aldersly Retirement Community and the San Rafael Commons, adding wheeled walkers and wheelchairs to the pedestrian traffic;

Whereas the Department of Public works has worked diligently with the local residents and the Montecito shopping center management to prepare an improvement plan;

..... The following residents of Aldersly and the Commons hereby wholeheartedly endorse this plan to improve safety conditions in the intersection of 3<sup>rd</sup> Street and Union Street, the implementation of which will enhance the quality of life of elderly residents of San Rafael.

*Handwritten signatures and names:*  
 JANE B. BARRON - USE WALKER - COMMONS  
 L. K. HICKS - The Commons 3-18-04  
 Nancy Cordova - The Commons  
 Mary Yatin - Commons - 302 Fourth St. San Rafael, CA.  
 Charles B. Peck  
 Jack Whitehouse  
 Rae R. Whitehouse - SAN RAFAEL COMMONS  
 Carol Jaffe  
 Renee Tishler

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9. R. Ball Ron & Hagg KC  
22 Cermenho Ct San Rafael CA 94903
10. Joyce Haake Joyce Haake 22 Cermenho Ct SR 94903
11. Lisa Haake Lisa Haake 22 Cermenho Ct. 94903
12. Linda Ward Linda Ward 18 Cermenho Ct 94903
13. Catalina Lozano Catalina Lozano 8 Cermenho Ct 749
14. P. Magalhães Rami & Lakshmi Patange, 4 Cermenho Ct  
San Rafael CA 94903
15. Genevieve Cobb - 5 Cermenho Ct San Rafael  
CA 94903
16. Phil Campagna Levi Campagna 10 Don Timoteo Ct.  
San Rafael CA  
94903
17. LARS ELLING Edvinshausen 10 Don Timoteo Ct  
SAN RAFAEL 94903
18. Ole W. Pedersen OLE PEDERSEN 159 GOLDEN  
PLAZA DE  
SAN RAFAEL " "
19. Ursula Pedersen URSULA PEDERSEN " "  
200 Margaret M. Laughlin MARGARET McLAUGH LIN  
144 Golden Home
21. Ciri Amie Cris Acierio 383 Devon Dr.
22. Harold Markeman. 375 Devon
23. James T. Edmundson 355 Devon
24. Melvi A. Edmondson 355 Devon Dr. S.R.
25. Otha Rice & Jill Rice 343 Devon Dr. S.R.

26. Valerie Matthews Valerie J. Matthews  
339 DEVON DR. SAN RAFAEL CA 94903
27. Jeanne Leese 4 X 88 PAVO DR  
SAN RAFAEL CA 94903
28. The Family Leese 4 X 88 PAVO DR  
SAN RAFAEL CA 94903
- 29.
30. Pally Moore, 347 Devon Dr. S.R.,  
Sheryl Minkin
31. April Alley 335 Devon Dr. SR  
Amel Allen
32. Lisa J Jones 416 JONES 331 DEVON ST. SR 94903
33. Marc Mc Cormick 323 Devon Drive SR 94903
34. Ann Abster Ann Haker 323 Devon Drive, SR 94903
35. Fern Staro BEN HADAR 323 DEVON DRIVE, SAN RAFAEL 94903
36. Diana M. Coint 315 Devon Dr.  
Irene
37. Bruce Pitty 311 Devon Dr.
38. Jack Pitty MARICE STRASSBERG  
295 DEVON DR.
39. Allison ALAN COOPER 291 Devon Drive  
JON RICHARD
40. Webb Innitts Webb 283 Devon
41. Joan Thayer 279 Devon Dr.
42. John Thayer 279 Devon Drive, S.R.
43. All Kamm 275 DEVON DRIVE, SR  
ALLEN KAMAREK



44. Carl R. Nelson 271 Devon Drive, San Rafael  
CARL R. NELSON

45. Steve W. Morris  
STEVEN W. MORRIS  
267 DEVON DRIVE  
SAN RAFAEL CA 94903

46. Sharon Cushman Shrewsbury  
249 Devon Dr  
San Rafael, Ca 94903

47. Ed Cushman  
Ed Cushman  
249 Devon Dr.  
San Rafael Ca 94903

48. Elena Dolgopiatova  
Elena Dolgopiatova  
243 Devon drive  
Ben Bakhshi  
231 Devon Dr.  
SR CA 94903

49. Ben Bakhshi  
231 Devon Dr.  
SR CA 94903

50. Radhika Sitarawan  
227 Devon Drive  
San Rafael CA 94903

51. Sitarawan Venkataramani  
227 Devon Drive  
San Rafael CA 94903

**Evelyn Buchwitz**

From: cpba@aol.net  
Sent: Wednesday, March 17, 2004 11:25 AM  
To: linda.jackson@ci.san-rafael.ca.us  
Evelyn.Buchwitz@ci.san-rafael.ca.us  
Cc: General Plan 2020  
Subject: General Plan 2020

Date: March 17, 2004  
To: Principal Planner Linda Jackson  
San Rafael Planning Department  
From: Canal Property and Business Owners Association (CPBA)  
PO Box 9636  
San Rafael, CA 94912  
Re: General Plan 2020

Dear City Staff and Planning Commissioners:

I am writing you in regards to the General Plan 2020 to express our groups' dismay for plans to set aside the Canalways as a designated wetlands area.

There are certainly many people in our community who support environmental aims...and we do too. The whole truth about the Canal and the environment has been skewed by those who don't completely understand the facts and have certainly not participated in any REAL fact finding missions like "The Bucket of Mud" in their recent pre-dredge findings about the Canal environment. Their "actual" results saved the community and city untold dollars by showing that there was no polluted dredge in the Canal and that it was safe to utilize as fill anywhere (this detailed survey was paid for by Canal property and business owners). Thousands more could have been saved by utilizing the Canalways as the fill area it was planned for when it was created. It seems to us that City officials are afraid to step-up to wetland environmentalists on an issue their leaky pipe created.

Additionally, they sidelined the regularly scheduled dredge of the Canal for fear of the expense and completely avoided the Canalways fill area as those who want to save a rarely found mice raised protest.

It is also unfortunate that so many in the community view Canal issues as Canal problems. They are missing a very big impact statement being made daily here by our lovely waterway location, dense and increasingly politically involved population, potential current and future re-model potential and so much more. These are issues faced by the entire community of San Rafael...today and certainly in the future.

We urge you to request that the City get Canal property owners:

- 1) a beneficial reuse uplands disposal site.
- 2) a designated portion of Canalways for beneficial reuse of dredge spoils from the SR Creek and across the flats. This was the original plan and it should remain a viable solution.
- 3) assistance on Canalways with the Army Corps bureaucratic beneficial reuse dredge permitting process.
- 4) assistance to Canal property owners in reducing the dredge dumping fees they must pay when the City does not supply an uplands disposal site for beneficial reuse.

Thank you for your assistance.

Sincerely,

Janise Harmon, CPBA President

**Evelyn Buchwitz**

**From:** bajema@coconutmoon.com  
**Sent:** Wednesday, March 17, 2004 11:06 AM  
**To:** Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
Bruce D. Bajema (bajema@coconutmoon.com) on Wednesday, March 17, 2004 at 13:05:52

subject: San Rafael General Plan - Ask a Question Form  
email: bajema@coconutmoon.com

Address: 420 Prospect Drive

City: San Rafael

Zip: 94901-1227

Phone: 456-6271

question: To: Planning Commission, Re: Canalways Thank you for allowing the general public to participate in your tour of the "Canalways" property. In accordance with the Commission's wishes those of us who disagree with the owners' assessment of their property and its uses remained quiet during the tour. However, the owners statements that the more development allowed the more wetlands they could create is disingenuous at best and at worst they must think we are really stupid. Most of the parcel would be a lovely seasonal wetland now if the owners didn't force the city to immediately pump out the water after heavy rains. As it is, for about 10 days to 3 weeks depending on the weather and the pattern of rainfall, most of the area is a temporary wetland after a heavy rain and the birds (shorebirds, ducks, and waders) all flock in for the few days that it is a wetland. Prior to the city being forced to pump the wetlands dry, it would have seasonal water from Nov. until July or Aug. Bruce, A regular walker on the Starkweather Shoreline Park. Keep up the good work

submit: Submit

Lincoln-San Rafael Hill Neighborhood Association  
P.O. Box 150983  
San Rafael, CA. 94915-0983

March 17, 2004

Community Development Department  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA  
ATTN: Linda Jackson, Long Term Planning

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MAR 18 2004

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Dear Ms. Jackson,

Attached are the LSRHNA Comments to the "Draft General Plan 2020", dated January 9, 2004. These comments are in addition to the attached January 31, 2003 response to the "Draft Neighborhood Element of General Plan 2020".

The Lincoln-San Rafael Hill Area really comprises some of the most diverse neighborhoods and micro communities in the entire City of San Rafael. We have over 1500 members living in single-family dwellings, as well as large apartment buildings and condominiums, not to mention a number of thriving small businesses. The Area also contains a major City thoroughfare (Lincoln Avenue), large amounts of open space (San Rafael Hill) and a major, proposed transit corridor (the SMART train through the Golden Gate Bridge District's right-of-way).

The Comments we are forwarding to you reflect the long-term wishes of this Community. Our number one priority is ending the blight of noise emanating from Highway 101. We believe the City should make this a top priority by being proactive in its approach to resolve this issue well before 2020!

In other areas, including height limitations along Lincoln Avenue, aesthetic considerations throughout the neighborhoods, affordable housing, density, off street parking etc., we have tried to be practical and considerate of all our disparate elements. We pledge to work with the City on the future, but we also want the City to reflect our unique characteristics and concerns in the overall General Plan 2020.

Let us all work together for a better San Rafael.

Sincerely,

*Nina Lilienthal-Murphy*

Nina Lilienthal-Murphy, President  
Lincoln-San Rafael Hill Neighborhood Association

Attachment: LSRHNA Response to Draft Neighborhood Element, dated January 31, 2003

**TO:** Community Development Department, City of San Rafael  
**FROM:** Lincoln-San Rafael Hill Neighborhood Association  
**RE:** Comments on Draft General Plan 2020  
**DATE:** March 17, 2004

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MAR 18 2004

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**I. Preeminent Issue:**

**Reflected Vehicular Noise on 101:** This is the number one issue for residents in the Lincoln-San Rafael Hill area. Living with this noise, found in a 2001 Caltrans study to be in violation of Federal standards, has depressed property values and caused quality of life problems. More importantly, we have come to realize that this constant, thrumming noise problem is a major form of environmental pollution that threatens the health and safety of our residents. We therefore pledge to work with the City, Caltrans, the Marin Congestion Management Agency and others to resolve this problem.

In addition, monitoring and reduction in the noise level of local buses run by Golden Gate Bridge Highway Transit District, and strict enforcement of California Vehicular Codes relating to automobiles, motorcycles and other motorized vehicles violating Noise Standards should be implemented.

**II. Future Development:**

**1. Height Limitations:** The LSRHNA opposes, without equivocation, any attempt by the City to allow buildings to be built along Lincoln Avenue that exceed three (3) stories. Any new large development on Lincoln should provide adequate underground parking.

**2. Aesthetics:** We support current language that provides for "housing and office stock that is harmonious with prevailing scale density and design." We expect to have sufficient notice, and opportunity to comment, at any and all stages of the design review process, including but not limited to Planning Department review, Planning Commission hearings, City Council hearings, etc.

**3. Mixed Use:** The LSRHNA is not inalterably opposed to mixed use of properties for residential and suitable small businesses. These mixed uses must be consistent with those currently available, e.g., small businesses, professional corporations, etc., on Lincoln Avenue and surrounding areas. Small businesses must provide adequate parking for their employees and clients. We are opposed to business use larger than five full-time employees without major justification and full public hearings.

It is important to the LSRHNA that the existing motels, nursery and mini mart remain in place and intact for the use of our residents. These businesses should be incorporated into the new General Plan 2020 and not looked at for more housing. Proximity of these businesses keeps residents within the Neighborhood and out of cars, within walking distance.

**III. Lincoln Avenue Issues:**

**1. Traffic Flow on Lincoln:** The LSRHNA opposes, and will continue to oppose, any attempt to re-define or create Lincoln Avenue as a major traffic artery from 101 to the downtown San Rafael area. This includes either periodic or full-time changes of lanes to one-way traffic.

We do believe traffic can be monitored and controlled in a more efficient and modern fashion. That is, full electronic integration of existing traffic signals, addition of two signals at Grand Avenue and Linden Lane. The two (2) signals will allow for better ingress and egress to and from Lincoln and provide the needed traffic calming along the Avenue. Continued improvement/modification of traffic signals at Lincoln and Mission Streets are a necessity.

**2. Existing, Routine Parking on Lincoln:** This thoroughfare is already 50% legal parking/50% "Red zone." Given the rapid increase in red zone and other restrictions on parking on the street during the last 15 years, we believe the current ratio should be maintained for the next 15 years.

**3. Future Parking Spaces (Lincoln Avenue):** The LSRHNA opposes any development in our sphere of influence that does not have complete design and implementation of parking space that meets 100% of the needs of that development. That is, underground or other means of providing parking will only be acceptable and reliance of existing space on Lincoln or surrounding streets is not.

**IV. LSRHNA Hillside Issues:**

**1. Existing, Routine Parking on LSRHNA Hillside Areas:** We believe current regulations are sufficient—and should remain so for the foreseeable future. We do believe, however, that the City can be much more rigorous in noticing delinquent cars and drivers (e.g. more signs are required to notify car owners that parking within six feet of the center line is illegal.) and enforcing current, relevant ordinances. According to our polls and public meeting comments, this is a major quality of life issue.

**2. Affordable Housing:** The LSRHNA supports and endorses affordable housing in our sphere of influence. We do not, however, believe that our neighborhood areas should suffer a disproportionate increase in such housing vis-à-vis all other City neighborhoods. We support public hearings and monitoring of affordable housing impacts on a Citywide basis.

**V. Neighborhood Issues:**

**1. Lighting and Safety:** Improved lighting is needed for pedestrian safety along Lincoln Avenue at the crosswalks.

**2. Trees and Landscaping:** We believe the trees and significant landscaping along the sidewalks/parkways should be monitored by a "certified arborist" and maintained by the City throughout its sphere of influence.

3

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Linda Jackson  
San Rafael Planning Department  
P.O. Box 151560  
1400 5th Ave  
San Rafael, CA 94901-1560

March 17, 2004

Questions for the Draft General Plan 2020 and its Environmental Impact Report. (DEIR & DGP)

Dear Linda:

Sometimes a good story, well told, by a good storyteller, well connected, with lots of conviction, will bent the evidence, the facts and the truth. Should such a story prevent or hinder beneficial utilization of Canalways?

**THE MYTH OF THE MOUSE:** We have presented well-documented written evidence from three wetlands experts that Canalways is not a habitat site for endangered species. Our evidence has only been rebutted by good stories. Why is Canalways still referred to as an endangered species habitat?

**THE EMPERORS CLOTHING:** We have shown that there is a vast difference between upland, a transitional zone, a thriving wetland, a degraded wetland, and lowland. Why is all of Canalways only referred to as a wetland?

**UNCLEAN HANDS:** We have shown that it was the failure of the city to maintain the pump station that resulted in flooding Canalways and creating some wetlands. Why is the city so eager to prevent beneficial reuse of Canalways by deeming it entirely wetlands? Especially when its own actions were largely the cause of its present condition?

**ENVIRONMENT and HABITAT:** We have submitted a copy of the Planning Commissions staff report dated February 14, 1984 documenting the benefits created by the Kerner Blvd Wildlife Mitigation Plan wherein the economy, the environment, the shoreline park, the neighborhood, the wildlife, the city, and everyone involved was able to share in a win-win victory. To date, I have never heard a single person, including our opposition; say they preferred the effected land in its former condition. Why can't we do the same at Canalways?

**TRAFFIC:** Did you know that between the years 1970 to 2000, the population in Marin grew by only 18.5%, while the number of registered cars increased a whopping 95.3%, a 76.8% increase?

The problem is not growth; it is more often constraints upon growth that creates the traffic. An example is Lucas Films who wanted to create a new Campus at Canalways. They were discouraged by untrue stories such as the "Myth Of The Mouse" and "The Emperors Clothing". So now Lucas army of hundreds of employees will be moving to a new campus in San Francisco, and may create far more traffic as they pass through Marin.

**TRAFFIC SOLUTIONS:** Connecting Kerner Blvd through Canalways and providing an east west crossing adjacent to the pump station on Francisco Blvd. could resolve confusion and traffic issues in East San Rafael since:

- 1. Kerner Blvd is parallel to Hwy 580 and Anderson Blvd angles away from 580. The closest point between the two is at the proposed connection of Kerner at Canalways.

C:\DOCUMENT-1\Fred\My Documents\ACT\Email\Temporary Attachment Files\Microsoft Outlook\BRQMRS\Good Story well told.doc

**3. Public Agency/Private Industry Responsibility:** A number of government agencies, including Caltrans, the Golden Gate Bridge Highway Transportation District, the Marin Emergency Radio Authority (MERA) and the Sonoma Marin Area Rail Authority (SMART) occupy and maintain large swaths of open space and longitudinal rights-of-way through the Lincoln-San Rafael Hill Neighborhood Area. The LSRHNA will continue to monitor all of these properties to ensure that they are well maintained and do not become either public or private nuisances that threaten health or safety in our neighborhoods. We expect the City of San Rafael to continue its cooperation with us in these efforts. We will also continue to expect fair and strict enforcement of all statutes and ordinances in this area.

**4. Neighborhood Plan:** The Lincoln-San Rafael Hill Neighborhood Association has expressed (as stated in NH-1 Neighborhood Planning) the significant desire and need to formulate a Neighborhood Plan that addresses specific issues affecting our community.

**KERNER BOULEVARD, LLC**

2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
March 18, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us  
Evelyn.Buchwitz@ci.san-rafael.ca.us

Re: Canalways and Environs Orthophoto Map distributed by staff at 3-10-04  
Planning Commissioners public site visit

Dear City Staff and Planning Commissioners:

At the March 10, 2004 site visit for the public and six of seven Planning Commissioners, staff distributed a three-page handout. The first page listed Elements NH 82 & 83 from the Draft General Plan 2020. As you know, we have submitted proposed language changes to NH 82 & NH 83. We are likely to refine our proposed changes before your hearing process ends.

The second page listed Elements ESR 22 – ESR 24 from the San Rafael General Plan 2000. ESR 22 listed Canalways for 15 acres of medium density residential use. It listed 10 acres light industrial use near Kerner Blvd.

The third page listed a Canalways aerial map. Lines had been drawn over portions of the site listing acreage and zoning designations. The zoning and acreage designations were:

Canalways orthophoto 1997 acreage Distributed by City at 3-10-04 Canalways site tour	Conservation Light Industrial/Office	%age/site
Mapped area - listed from south to north and then west		
Depleted acreage		
Along road entrance	5.4	
West of road to west corner pond	6.1	
<b>Total L/O</b>	<b>11.5</b>	<b>14%</b>
NW Pond to light industry fence	9.3	
North corner east to Levee	50.3	
Along levee	2.9	
From levee to road-outflow pipe	0.4	

Canalways Environs Orthophoto Map Dwayne Hum <http://canalway.hypermart.net> 2/15/04 9:14 AM  
Page 1 of 2

2. Crossing 580 at Shoreline ends in the middle of the Sewage Treatment Plant, away from Anderson.
3. Crossing 580 at Canalways ends alongside the edge of the treatment plant nearest to Anderson.
4. The cost of building a roadway from Anderson to the Shoreline Crossing may be greater than the cost of a roadway from the Kerner connection to Anderson.
5. There are three options to the crossing from Kerner.
  - a. A ramp over 580 connecting the grade level +77 on the Kerner side to the elevated Anderson +457 on the opposite side. This is the same design as the Marydale Crossing that cost \$6,000,000.
  - b. A grade level crossing with a 580 bump going over the grade level crossing. This is similar to the bump further up the road where Bellam Blvd. crosses at grade level and 580 humps over it.
  - c. Both 580 and the crossing could be at grade level with stop signs to regulate traffic, since there is significant holding capacity in all directions.
6. Option 5a is not cost effective for the Shoreline Crossing because of the distance and elevation of the connection at Anderson Blvd.

Sincerely,

Fred C. Grange  
2333 Kerner Blvd.  
San Rafael, Calif. 94901

**KERNER BOULEVARD, LLC**  
2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
March 18, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
[linda.jackson@ci.san-rafael.ca.us](mailto:linda.jackson@ci.san-rafael.ca.us)  
[Evelyn.Buchwitz@ci.san-rafael.ca.us](mailto:Evelyn.Buchwitz@ci.san-rafael.ca.us)

Re: Beneficial reuse information

Dear City Staff and Planning Commissioners:

At the March 10<sup>th</sup> site visit some comments were made that indicated to me that perhaps more information is needed regarding the potential Canalways offers to beneficially reuse dredge materials from San Rafael Canal and Across the Flats (ATF).

Around 1990 various agencies, whose responsibilities include preserving and protecting the environment, went through a process of establishing the FEDERAL GOVERNMENT'S LONG TERM MANAGEMENT STUDY FOR THE PLACEMENT OF DREDGE MATERIAL IN THE SAN FRANCISCO BAY. In essence, this two-volume study proclaims that the best way to use dredge materials taken from canals, rivers, harbors, etc., is to beneficially reuse them at uplands sites near to where they are withdrawn.

The goals of the LTMS are:

- Maintain in an economically and environmentally sound manner those channels necessary for navigation in San Francisco Bay and Estuary and eliminate unnecessary dredging activities in the Bay and Estuary.
- Conduct dredged material disposal in the most environmentally sound manner.
- Maximize the use of dredged material as a resource.
- Maintain the cooperative permitting framework for dredging and disposal applications.

As six Planning Commissioners noted first-hand, Canalways has a levee, lowlands, uplands, and wetlands that could be enhanced with dredge materials. The LTMS specifies the uses that would benefit the Canal Community, City of San Rafael and Canalways. ON page 7-7 of the Final LTMS Management Plan July 2001, it states:

Northeast from pond to levee	5.8	
Total listed as Conservation acres	68.7	86%
Total listed site acreage	80.20	

This raises another set of questions that we would like answered during the Draft General Plan Process.

1. Who was involved in drawing the mapping and zoning designations that were applied to this Orthophoto?
2. When were the drawings and designations undertaken and completed?
3. Were the Canalways property owners consulted on how the lands were to be dissected with lines, acreage sizes and zoning designations?
4. What science was used in coming to these drawing and mapping conclusions?
5. What other input was used to draw these area breakouts?
6. Why was the land usable to address community needs reduced from 25 acres in General Plan 2000 to 11.5 acres in Draft General Plan 2020?
7. Was an economic impact report done to determine what detrimental effects reducing development potential would do to the Canal Community, San Rafael or the property owners?
8. Was any consideration given during this drawing and mapping process to designating portions of the site for the community cost effective beneficial reuse of dredge materials, as called for in the FEDERAL GOVERNMENT'S LONG TERM MANAGEMENT STUDY FOR THE PLACEMENT OF DREDGE MATERIAL IN THE SAN FRANCISCO BAY?

Thanks for your assistance.

Sincerely,

Dwayne Hunn

**7.4 BENEFICIAL REUSE AND DISPOSAL PROJECT PLANNING AND IMPLEMENTATION ISSUES**

The use of dredged material to restore wetlands, provide cover and construction material to landfills and other facilities, rehabilitate levees, and create sub-tidal habitat will result in important benefits to the region as well as help to accomplish the LTMS goals....

Since 1990, when environmental concerns prompted the formation of the LTMS process, in-bay disposal of dredge materials has been trending downward. San Rafael, however, has been bucking this environmentally friendly trend. Since 1990, unlike the region wide trend to reduce in-bay disposal, San Rafael's in-bay disposal has been increasing, due to San Rafael failing to supply an uplands disposal site for beneficial reuse.

(LTMS page 1-17 LTMS(1992a) Sediment Budget Study for San Francisco Bay, BCDC Road Map. USACE Quarterly Disposal Reports to SFBRWQCB In-Bay Disposal (1995-1999, Figure 1.4)

As has been mentioned and repeated on the tour, the properties surrounding Canalways, including Spinnaker's bird loving ponds as well as Home Depot were created with beneficially reused dredge materials from the San Rafael Canal and ATF. In recent years, instead of depositing those spoils at Canalways, San Rafael Canal and ATF's dredge materials have been dumped in-bay.

The attached spreadsheet shows this trend. Clamshell dredging generally means the dredge materials must be barged long distances and dumped in-bay (up the delta) where it can wash back into the places from which it was dredged; or dumped at Alcatraz, where fishing groups have often complained of its deleterious effects on their fishing environment.

The other attached map shows the dredged areas of San Rafael Canal and Across the Flats that could be beneficially reused at Canalways.

I hope this provides the Commissioners and the public with a clearer understanding of how beneficial reuse of dredge materials is supposed to work.

Thank you.

Sincerely,

Dwayne Hunn

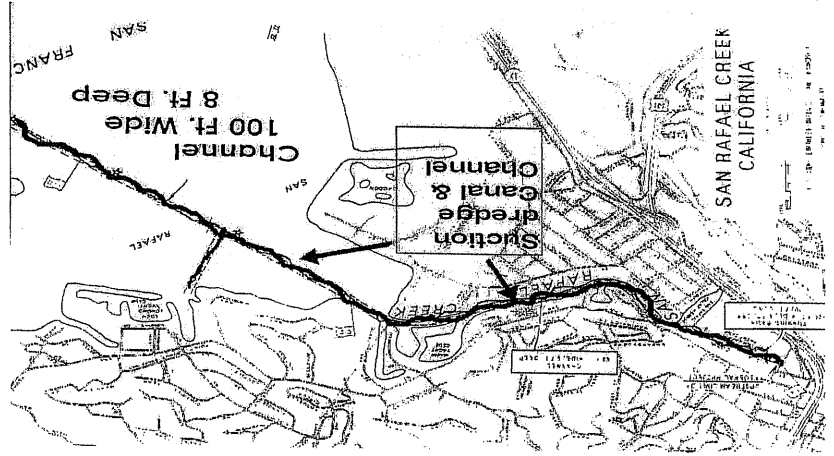
Attached:

'Dredge history sheet' from 'Clamshell v suction pumping spoils' file Map listing San Rafael Canal and Across the Flats areas from which dredge materials can be taken and deposited at Canalways.

Dredge history sheet from 1928 - 2002. Clamshell v. suction dredging

Fiscal Year	Qty Removed	Method	Area Dredged
1928	1,100?	Inner channel (IC)	
1929	201,378	hydraulic pipeline	Outer channel, (OC ATF) Much of the land presently behind the diked walls of East San
1931	37,309	IC	Channel was created by spoils from the San Rafael Creek.
1933	246,193	IC	Spoils created land includes Bay Point Lagoons as well
1935	108,045	IC	as some land on the other side of the 580 freeway.
1938	610,414	IC	
1942	101,003	OC ATF	When lands are created by silt or spoils deposited in creeks and canals, such as San Rafael Creek, it is referred to as "beneficial reuse." Beneficially reused dredge spoils have created much of East San Rafael.
1947	141,018	OC ATF	
1947	42,500	IC	
1951	127,108	OC ATF	
1954	189,100	OC ATF	
1954	76,800	IC	
1962	244,449	IC	
1966	242,886	IC	
1978	152,945	OC ATF	
1980	51,599	IC	
1986	197,750	OC ATF	When a beneficial uplands disposal site is not provided by the local jurisdiction, the city, local property owners or special federal government budgetary allocation must pay the cost of in-bay or delta dumping.
1987	54,276	hydraulic pipeline	
1991	49,680	IC	
1993	None.	Failed	
1997	145,000	Clamshell sediment test	
			OC (across Flats)
			OC (across Flats)

2002	86,000	IC	51,000 cys Alcatraz (SF-11) and Delta (SF-10); 35,000 cys of dredged material at Winter Island for levee rehabilitation	Final contract cost: \$2,868,676.26 for Inner Canal Channel	42,304 average yearly (falling) 51,000 cys Alcatraz (SF-11) and Delta (SF-10); 35,000 cys of	Total I&O	3,130,508	Per yr aver I & O		
						Inner channel total	223,608	Aver 5th yr I & O		
						Inner channel per yr. aver	1,875,206			
						Outer channel, ATF total	133,943	Aver 5th yr		
						Outer channel, ATF per yr aver	17,635			
						Aver 5th yr	93,212			
						Every 5th year apxly 250,000 cubic yds IC & OC needs disposal.				



Areas from which dredge materials can be taken and deposited at Canals.



**KERNER BOULEVARD, LLC**  
 2333 Kerner Blvd.  
 San Rafael, CA 94901  
 415-456-2712  
 March 18, 2004

Principal Planner Linda Jackson  
 San Rafael Planning Department  
 General Plan 2020 Update  
[linda.jackson@ci.san-rafael.ca.us](mailto:linda.jackson@ci.san-rafael.ca.us)  
[Evelyn.Buchwitz@ci.san-rafael.ca.us](mailto:Evelyn.Buchwitz@ci.san-rafael.ca.us)

Re: NH-82 proposed changes to DGP and DEIR

Dear City Staff and Planning Commissioners:

ON the recent Canalways tour, a tour member asked, "What do you want to see in the General Plan regarding Canalways?"

Below is what **presently appears in the Draft General Plan Neighborhood** Element section:

**NH-82. Canalways.**

Recognize the high resource value of the site's wetlands that provide habitat to rare and endangered species. In addition, recognize that this site is in an area affected by traffic congestion. Encourage and support efforts to purchase the site for open space. With any development of this property, buffer site wetlands from buildings and parking lots, and obtain trail easements and improvements for the Jean and John Starkweather Shoreline Park. Light Industrial/Office is a use that would have the least impact on the wetland habitat. Development shall be located along the western edge of the site and to the greatest extent feasible in areas outside of delineated wetlands or areas determined as critical upland habitat for endangered species.

**NH-82a. Wetlands Enhancement.** Require a wetlands delineation and wetland habitat analysis to assist in identifying appropriate area for development.

Responsibility: Community Development

Timeframe: Long Term

Resources: Fees

Below is what the Canalways partnership would like to see in the General Plan. The partnership feels it is a more fairly and accurately worded appraisal and one that would better address present and future community needs over the next 15 years. This is my third submitted edit of NH-82.

**Proposed changes to NH-82. Edit # 3 of NH-82:**

This site, situated in one of the City's most crowded communities, remains as one of San Rafael's largest developable sites. As perhaps the largest in-fill site remaining in San Rafael, its assets should be fully considered and utilized.

Cont.

Therefore, recognize that this site:

- Contains portions of land whose value as wetlands must be scientifically determined and that those portions may or may not provide habitat to rare and endangered species.
- Will buffer scientifically determined wetlands or species habitat from future development with appropriate landscaping.
- May have had on-site wetlands expanded or supported as a result of poor City maintenance of the pump station.
- Has not thus far had up-to-date science determine clear zoning designations or provide a clear image of this site's potential for mixed use and housing development.
- Should have its zoning and developmental potential based on considerations that include up-to-date jurisdictional determinations as well as community needs.
- Lies in San Rafael's most densely populated community, which has the least amount of parkland per child of any community in San Rafael, and perhaps Marin.
- Will obtain trail easements and improvements for the Jean and John Starkweather Shoreline Park.
- Has significant potential to address present and future regional and community environmental and economic needs, such as is often found in using the site for mixed use or housing development.
- Offers great interim potential to cost effectively beneficially reuse San Rafael Creek and Across the Flats dredge materials, and thereby reduce environmental damage inherent in barging spoils back into the Bay.
- Should receive City assistance in the permitting and set-up process for using Canalways as an uplands disposal site, as called for in the Federal Government's Long Term Management Study.
- With City permitting assistance, Canalways could benefit the community by cost effectively expediting the beneficial re-use of dredge materials from San Rafael Canal and Across the Flats.
- Is, without traffic improvements that will be proposed in the future, in an area affected by traffic congestion.
- Could, with the connection of Kerner Blvd. over its land, offer more beneficial traffic solutions for the area.
- Should receive City support in finding the most efficient and cost effective construction of a 580 over crossing, grade crossing, or other connection to further reduce East San Rafael traffic congestion.
- Will employ science, as well as established developmental techniques, in determining what areas and how much of the site can be developed. These techniques will include, but not be limited to, jurisdictional

Linda Jackson

From: CloseHald@aol.com  
Sent: Friday, March 19, 2004 3:15 PM  
To: linda.jackson@ci.san-rafael.ca.us  
Subject: canalways

March 19, 2004

Principle Planner Linda Jackson  
San Rafael Planning Department

Re: General Plan 2000

I am writing on behalf of the San Rafael Dredging Committee. Our group represents several hundred individual boat-owners, yacht harbors, yacht clubs, and home-owners, who bear the principle financial burden of dredging the San Rafael Canal.

During the 12 years of our existence, we have expressed our concerns to city officials. Chamber of Commerce representatives, business leaders, and others who are interested in maintaining this invaluable city asset.

The cost of dredging has increased 50% over the past few years. Canalways could be a much lower alternative disposal site. It could assist the community in its search for land for modest housing, light business, parks etc., and in extending Kerner.

To designate Canalways as a wetland would simply continue the short-sighted, uninformed, minority interests of a few. We urge you to allow usage of the land for the benefit of all San Rafael residents.

Sincerely,  
Frank M. Hall  
San Rafael Dredging Committee

3/22/2004

determinations, wetlands mitigations, wetland mitigation banking, gaining credits for enhancing degraded wetlands and species habitat, etc.

After thoughtful consideration of scientific, environmental, and economic impacts, as well as community needs, development will be placed where the developmental approval process deems the most benefit can be delivered to regional and community needs of people and the environment. A "Conservation" designation will only be placed on those portions of the site that science has determined to contain significant "biological resources" at development application time.

Thank you.

Sincerely,

Dwayne Hunn

**KERNER BOULEVARD, LLC**  
2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
March 19, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us  
evelyn.buchwitz@ci.san-rafael.ca.us

Re: Environmental Impacts of not beneficially reusing dredge materials (DEIR & DGP)  
Questions to answer during Draft EIR Draft General Plan analysis.  
For 3-23-04 PC Meeting.

Dear Staff and Planning Commissioners:

In the last thirty years whenever significant parcels of land were used to address housing or other needs, property owners were almost automatically forced into doing an Environmental Impact Report. This prompts a number of logically driven questions that we would appreciate answers to during this DEIR and DGP process.

1. Why does failing to use Canalways in-fill land for its highest and best uses not also trigger an Environmental Impact Report by those who fail or block the land from being used to benefit people and the environment?

Below are the General Plan Elements and EIR Impact Area(s) from page I - 8 of the Draft EIR.

General Plan Element	EIR Impact Area(s)
Air and Water Quality	Air Quality; and Hydrology, Water Quality and Flood Hazards
Conservation	Air Quality; Biological Resources; Geology, Soils and Seismicity; Hydrology, Water Quality and Flood Hazards; and Agriculture

For example, by barging to distant sites in the Bay Delta and/or Alcatraz rather than beneficially reusing dredge materials at Canalways:

1  
cont.

- Unnecessary diesel fuels are belched into the atmosphere,
- Fish bottom life is harmed,
- Delta dumped dredged materials wash back into the dredged harbors and canals from which they were removed,
- Turbidity caused by dumping negatively impacts water quality.
- Flood hazards, such as the Canalways levee, are not efficiently and cost effectively addressed with beneficially reused materials.
- The Federal Governments directives calling for beneficial reuse of dredge materials in its Long Term Management Study are ignored.

The Federal Government's Long Term Management Study:

- Took eleven years to complete
- Was approved by the U.S. Army Corps, U.S. Environmental Protection Agency, San Francisco Bay Regional Water Quality Control Board, and San Francisco Bay Conservation and Development Commission.
- Is supported by enforceable policies to achieve the adopted goals of the LTMS program.

Source: LTMS Management Plan 2001

Since the goals of the LTMS are:

- Maintain in an economically and environmentally sound manner those channels necessary for navigation in San Francisco Bay and Estuary and eliminate unnecessary dredging activities in the Bay and Estuary.
- Conduct dredged material disposal in the most environmentally sound manner.
- Maximize the use of dredged material as a resource.
- Maintain the cooperative permitting framework for dredging and disposal

- o Maintain in an economically and environmentally sound manner those channels necessary for navigation in San Francisco Bay and Estuary and
- o Eliminate unnecessary dredging activities in the Bay and Estuary
- o Conduct dredged material disposal in the most environmentally sound manner.
- o Maximize the use of dredged material as a resource; and
- o Establish a cooperative permitting framework for dredging and disposal applications.

2. Why then is Canalways not supported and encouraged by the City for use as an uplands, beneficial reuse dredge disposal site?

3. Why doesn't the City engage with the property owners and LTMS agencies in a "cooperative permitting framework for dredging and disposal applications,"

3  
cont.

expediting Canalways as a beneficial reuse site, so that the community and the environment can benefit?

All of the properties surrounding Canalways have utilized beneficial reuse of dredged materials to benefit the environment and community. By failing to use Canalways for its highest and best beneficial reuse uses, the environment suffers. In addition, almost all elements of the General Plan also suffer, such as the following General Plan Elements:

**General Plan**

**EIR Impact Area(s)**

- Community Design  
Land Use, Population, Employment and Housing; and Visual Quality
- Circulation  
Economic Vitality  
Land Use, Population, Employment and Housing
- Governance  
Land Use, Population, Employment and Housing.
- Housing  
Land Use, Population, Employment and Housing Infrastructure Transportation and Circulation; and Public Services and Utilities
- Neighborhoods  
Land Use, Population, Employment and Housing
- Parks and Recreation  
Land Use, Population, Employment and Housing; Public Services and Utilities; Biological Resources

All these General Plan Elements — Air & Water Quality, Conservation, Community Design, Economic Vitality, Governance, Housing, Neighborhoods, Parks & Recreation — suffer by not beneficially reusing dredge spoils to efficiently and cost effectively address the goals inherent to these elements.

4. If City support is not given to using Canalways to help better the environment and address the LTMS management principles, should not the City be required to undertake an Environment Impact Report to the negative environmental impacts that failing to use Canalways is causing?

My foggy memory tells me that the EIR process was borne after litigation forced more attention to be paid to the environment in the development process.

We don't need more formal laws to add to an already onerous developmental process. Just more common sense applied to the existing legal and political process would be much more helpful to the environment and people who live in it.

Thanks for your answers to the questions.

Sincerely,

Dwayne Hunn  
Canalways Consultant

**Evelyn Buchwitz**

From: Lynn Mason [llynn@cwnet.com]  
 Sent: Sunday, March 21, 2004 3:30 PM  
 To: evelyn.buchwitz@ci.san-rafael.ca.us  
 Subject: Traffic Changes at 3rd & Union —San Rafael, CA

Dear Evelyn

I don't know if you are the correct person to contact with a comment on Nader Mansourian's proposed changes to the intersection of Third and Union Streets, but if not, please forward it to the appropriate department. Thanks.

I have seen Nader's suggestions and I fully agree with these safety changes. The fact that the Montecito Shopping center will contribute \$120,000 to create a sidewalk and other changes is great on their part — I see students from San Rafael High walking along the east side of the Union Street entrance and they must share the lane with cars—a very unsafe situation. Also pedestrians and students often have difficulty crossing both Third and Union Street because so many vehicles make left and right turns and also, the traffic often sits on the crosswalks if cars trying to enter Whole Foods parking lot are blocked. Further, with the congestion of shoppers/cars at Trader Joes, the other businesses in the Montecito center, and Whole Foods, I think it is only a matter of time before someone is seriously injured.

I will try to attend the meeting on March 23rd, but I understand that this agenda item may not be heard until the end of the meeting, which may be very late. I, therefore, am using this letter to express my appreciation of the work that Nader's department has done and to emphasize that I feel these changes are vital for the safety of both drivers and pedestrians and particularly, the hundreds of students that use this intersection.

Lynn Mason  
 415-456-2508

3/23/2004

**Evelyn Buchwitz**

From: gateway@cwnet.com  
 Sent: Sunday, March 21, 2004 3:38 PM  
 To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Lynn Mason (gateway@cwnet.com) on Sunday, March 21, 2004 at 17:38:20

subject: San Rafael General Plan - Ask a Question Form

email: gateway@cwnet.com

Address: 18 Jewell St.

City: San Rafael

Zip: 94901-3510

Phone: 415-456-2508

question: I strongly object to any effort to change the requirement of owner occupancy in Single Family Zoned houses that have a second unit. This change would destroy all single family zoning and create duplex zoning which would lower the level of quality of many homes. In this area we have a number of duplexes with an absentee owner and the neighbors have to call the City in order to get them to cut the grass/weeds and clean up trashy yards. I take pride in our neighborhood and would not want to see it deteriorate- as it surely would if the owners did not reside in the houses.

submit: Submit

3/23/2004

**Evelyn Buchwitz**

From: gateway@cwnet.com  
 Sent: Sunday, March 21, 2004 3:43 PM  
 To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
 Lynn Mason (gateway@cwnet.com) on Sunday, March 21, 2004 at 17:42:36

subject: San Rafael General Plan - Ask a Question Form

email: gateway@cwnet.com

Address: 18 Jewell St

City: San Rafael

Zip: 94954-4654

Phone: 415-456-2508

question: Please do not remove the words "Good Design" from the GP (HL18). We in the Montecito area have contributed many hours to construction of the General Plan and "Good Design" has always been the foremost consideration of all the groups I personally have met with.

submit: Submit

**Evelyn Buchwitz**

From: Lackewandt@aol.com  
 Sent: Sunday, March 21, 2004 4:39 PM  
 To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
 Richard Swiderski (Lackewandt@aol.com) on Sunday, March 21, 2004 at 18:38:31

subject: San Rafael General Plan - Ask a Question Form

email: Lackewandt@aol.com

Address: 21 Baypoint Village Drive

City: San Rafael

Zip: 94901

Phone:

question: I wish to express my support for NH-82 as written in the General Plan. Until the City has developed and implemented a plan to relieve traffic congestion at the intersection of Route 101 and Bellam no further residential development should be contemplated. A plan for the preservation of vital wetlands also must be part of any development project. The obvious need for affordable housing should not obscure the pressures on the environment and transport systems once such housing is constructed, to the profit of absentee landlords.

submit: Submit

**Evelyn Buchwitz**

From: dsaberman@sbcglobal.net  
 Sent: Sunday, March 21, 2004 6:23 PM  
 To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Mark and Donna Saberman (dsaberman@sbcglobal.net) on Sunday, March 21, 2004 at 20:23:16

subject: San Rafael General Plan - Ask a Question Form  
 email: dsaberman@sbcglobal.net

Address: 46 Baypoint Village Dr.

City: San Rafael

Zip: 94901

Phone: 457-6044

question: We have been residents at this address for 6 years. We wish to support NH-82 as written in the General Plan. a. Traffic Circulation: Bellam/E.Franisco is very congested and cross traffic dangerous. Bellam/Anderson intersection congested especially in commuter work traffic and entrance to 101 North and South. 580/101 interchange congested and dangerous San Rafael Bridge upgrade moving slowly, congested and dangerous speeding with high volume traffic. Kerner Blvd Loop very congested Pedestrian safety and growing numbers of young children is very dangerous. Air quality deterioration is evident as result of traffic. All this traffic will also effect ambulance and other emergency equipment. b. Wetlands preservation NH-82 Canalways is specific to homeowner concerns It is essential to require a wetlands delineation and habitat analysis NH-83 requires coordinated city, canalways and Windward Way Residential site design. NH-84 Windward Way requires density residential use and avoidance of overhead wires. NH-85 Use of site at city lot at Southwest Corner of Bellam and Windward Way to provide needed neighborhood services NH-87 Cal-Pox Site east of Home Depot should allow light industrial and retail uses. Traffic congestion in the area, prior to needed roadway im provements, may limit development on the site to low traffic uses. As part of a development application, consider land use changes to Cal-Pox Site to allow for redevelopment. Please give serious consideration to homeowners' concerns. Respectfully, Mark and Donna Saberman

submit: Submit

**Evelyn Buchwitz**

From: sweepolato8888@comcast.net  
 Sent: Sunday, March 21, 2004 9:19 PM  
 To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Jean Sward (sweepolato8888@comcast.net) on Sunday, March 21, 2004 at 23:18:43

subject: San Rafael General Plan - Ask a Question Form  
 email: sweepolato8888@comcast.net

Address: 23 dowitcher way

City: san rafael

Zip: 94901

Phone: (415) 258-0826

question: Residents of the Baypoint Lagoons development at the east end of Bellam Blvd. are strongly opposed to any development of the land known as Canalways. Heavy traffic is already a problem in this area. Air quality is deteriorating due to traffic delays. The Wetlands should be restored and traffic congestion problems resolved.

submit: Submit

STATE OF CALIFORNIA



STATE CAPITOL  
P.O. BOX 94949  
SACRAMENTO, CALIFORNIA 95834-0006  
DISTRICT OFFICE  
(916) 319-2005  
3501 CIVIC CENTER DRIVE  
ROOM 412  
SAN RAFAEL, CA 94903  
(415) 478-4620  
(925) 538-9157

March 22, 2004

Al Boro, Mayor  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, California 94901

Dear Al:

I wish to commend you, the San Rafael City Council, the Planning Commission, your staff and all of the members of the public who contributed towards producing the San Rafael 2020 General Plan draft. The strategy and vision involved in the creation of a local that shapes the future and quality of life for the residents of San Rafael is an excellent example for all communities.

I am writing this letter specifically to emphasize my ongoing support for improved bicycle and pedestrian facilities and their prioritization in any plans within our communities. I wholeheartedly applaud your adoption, in 2002, of the Bicycle and Pedestrian Master Plan that established the goal of having a 20% pedestrian and bicycle mode share by 2020. It's my understanding that the Planning Commission has expressed strong support for including an element in the General Plan that states the City will fully implement its Bicycle and Pedestrian Master Plan by the year 2020.

An important project, I believe, is the planned pedestrian crossing over or under the Canal to connect with the North-South bicycle route and the Transit Center. With the high rate of injuries for pedestrians and bicyclists struck by automobiles, particularly in the Canal area, I encourage you to consider adopting this improved safety measure, with this new separated crossing, in the General Plan.

I recognize the balancing of very difficult decisions during these fiscally challenging times is an ongoing struggle for community leaders. I will continue to work to generate additional funding resources for bicycle and pedestrian infrastructure. For example, I am a co-sponsor of AB 773, a Safe Routes to Schools bill currently pending in Sacramento, which would provide over \$20 million annually for bicycle and pedestrian facilities that improve access to schools.

Once again, thank you for your leadership in demonstrating a commitment to a complete bicycle and pedestrian network in San Rafael. This is an invaluable piece in the regional transportation puzzle and the livability of a healthy, mobile community.

Sincerely,

JOE NATION  
Assemblyman, 6<sup>th</sup> District

- JN/JH  
T4f  
cc: Members, Marin County Board of Supervisors  
Steve Kinsey, President  
Supervisor Hal Brown  
Supervisor Susan Adams  
Supervisor Aunette Rose  
Supervisor Cynthia Murray



lee.buckner@americas.bnpparibas.com  
Monday, March 22, 2004 3:12 PM  
Linda.Jackson@ci.san-rafael.ca.us  
2020 General Plan Steering Committee

Linda Jackson

Linda, I am aware the process associated with the 2020 General Plan is entering its final phase. Unfortunately, I have been unable to attend many of the public hearings due to traveling for work. Nevertheless, I did want to add reinforcement to the notion that the Steering Committee process, of which I was a three year participant, was extensive, detailed, and balanced in my view. As with most strategic plans, this plan is intended to be a framework for future decisions (in this case 20 years) and was a product of a comprehensive review of a wide range of issues and agendas faced by the city's citizens. In my opinion, no single group, individual, or interest was excluded or favored in this process, and the final product should be viewed as a whole, not on any single issue. I respectfully encourage the individuals completing this work to consider this as final decisions are made.

Best Regards,

Lee S. Buckner  
Member, 2020 General Plan Steering Committee

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**Evelyn Buchwitz**

**From:** dmitidieri@prodigy.net  
**Sent:** Monday, March 22, 2004 8:30 PM  
**To:** Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Denise Mfidieri (dmitidieri@prodigy.net) on Monday, March 22, 2004 at 22:29:36

subject: San Rafael General Plan - Ask a Question Form

email: dmitidieri@prodigy.net

Address: 103 Dowitcher Way

City: San Rafael

Zip: 94901

Phone: 415-459-0471

question: I would hate to see the Canalways developed, losing a precious natural habitat for birds and animals. The area is already congested with traffic and noise, I have to listen to Home Depots trucks moving merchandise at 3am - 5am in the morning. Our neighborhood doesn't need more commercial development we need more open spaces, a place to get away from that congestion and enjoy the beautiful natural surroundings we live in. Haven't we taken enough land away from the animals & wildlife?

submit: Submit

**Evelyn Buchwitz**

**From:** Dbonifili@sprynet.com  
**Sent:** Monday, March 22, 2004 10:02 AM  
**To:** Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Dave Bonifilio (Dbonifili@sprynet.com) on Monday, March 22, 2004 at 12:02:09

subject: San Rafael General Plan - Ask a Question Form

email: Dbonifili@sprynet.com

Address: 242 Catalina Blvd

City: San Rafael

Zip: 94901

Phone: 999-7557

question: I am concerned about the East San Rafael portion of the plan, in particular Canalways and the 100 foot setback from the Bay. In the light of full disclosure, I need to tell you that I am a Planned Giving Officer for the National Audubon Society. We need to preserve what little habitat we have left, not only for the wildlife but also for the human population. East San Rafael has a very dense population. Traffic is terrible. Public transportation leaves a great deal to be desired. We have families walking down busy streets because they have no other way of moving around. We cannot do any further development until we solve the issue of traffic in East San Rafael. We also need to marry the needs of the fragile environment with the needs of the human population. A healthy wild environment enriches the soul regardless of one's economic situation. You can see that interplay everyday in Shoreline Park. In the meantime, let's try to figure out how to control the degradation of habitat which occurs daily in Canalways.

submit: Submit

**Evelyn Buchwitz**

**From:** ruthkaplan@comcast.net  
**Sent:** Monday, March 22, 2004 10:01 AM  
**To:** Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Ruth J. Kaplan (ruthkaplan@comcast.net) on Monday, March 22, 2004 at 12:01:13

subject: San Rafael General Plan - Ask a Question Form

email: ruthkaplan@comcast.net

Address: 7 Dowitcher Way

City: SAN RAFAEL

Zip: 94901

Phone: 415 485-1952

question: I am a homeowner at the above address, and wish to express my strong support of NH-82 as written in the general plan. Please help us to RESTORE the beauty to the wetlands in the Baypoint Lagoons area. I can't tell you how beautiful it is to see the birds (and many hundred rabbitts) living there. There's so few places for wild left along the shoreline--please join me in preserving this area. Sincerely, Ruth Kaplan

submit: Submit

**Evelyn Buchwitz**

**From:** jhershon@pacbell.net  
**Sent:** Monday, March 22, 2004 8:36 AM  
**To:** Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by James Hershon (jhershon@pacbell.net) on Monday, March 22, 2004 at 10:36:11

subject: San Rafael General Plan - Ask a Question Form

email: jhershon@pacbell.net

Address: 156 baypoint drive

City: san rafael

Zip: 94901

Phone: 4152561828

question: I strongly support NH-82 as written in the General Plan. There should be no development of the wetlands nor of Kemner Blvd given the already unacceptable traffic congestion in the canal area.

submit: Submit

**Evelyn Buchwitz**

From: thomas.sowa@comcast.net  
Sent: Monday, March 22, 2004 11:12 PM  
To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@slarhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Thomas Sowa (thomas.sowa@comcast.net) on Tuesday, March 23, 2004 at 01:11:44

subject: San Rafael General Plan - Ask a Question Form

email: thomas.sowa@comcast.net

Address: 2 Turnstone Drive

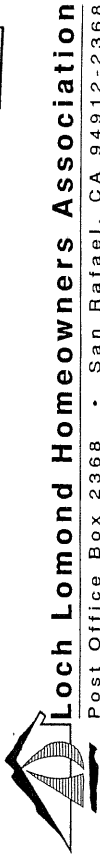
City: San Rafael

Zip: 94901

Phone: 415-498-1917

question: I'm writing to "voice my support for NH-82 as written in the General Plan." Even before getting to issues of environment/wetlands vs. affordable housing, there are several significant issues in the affected area that need to be addressed first: 1) Existing traffic congestion: the Bellam/I-580 interchange/Francisco/Anderson Drive/101 North access area has significant traffic congestion through-out the day. Despite the fine work done in the last year to improve and widen Bellam, the road system is not adequate to support today's traffic let alone any additional traffic of either bird watchers or new residents. 2) Poor city upkeep of Bellam/Anderson area: the amounts of trash, nails, etc on the road is stunning. Certainly the contractors heading to the lumber yards and the garbage truck heading to the dump are providing a valuable service to the community, but the externality of their activities should be "taxed" so that these businesses should pay to clean these streets much more often than they are cleaned today. As precedent I point to South San Pedro Road and the quarry dust on the roadway that seems to be regularly street cleaned. 3) Upgrade of Canal district area: the public facilities (i.e. parks) and status of Bellam (i.e. a de facto "Main Street" for the Canal area) need to be much improved to foster better quality of life for existing Canal residents before growing residential population. Pickleweed park is undersized for the heavy use it receives. Bellam is poorly prepared to handle the huge amount of pedestrian traffic it receives. I challenge you to walk from the intersection of Kerner and Bellam to the Marin Square shopping plaza to get the "real feel" of what it means to live in the area. The reality of "affordable housing" is that it is a pedestrian-based community...but the only upgrade done to the area in the last few years appears to be the widening of a roadway! 4) Adding "affordable housing" in the shadow of a light industrial zone and rows of car dealers is socially hypocritical - what is needed in the canal district is not more low income housing but a social program that deals with the ironies of illegal day laborers hoping to earn some cash juxtaposed with (white) panhandlers hoping for some change....all of them counting on the \$50,000+ SUV's rolling through the area to bring them their daily earnings.

submit: Submit



**Loch Lomond Homeowners Association**

Post Office Box 2368 • San Rafael, CA 94912-2368

March 22, 2004

Community Development Department  
Attn: Evelyn Buchwitz  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

Re: 2020 General Plan (GP) & Environmental Impact Report (EIR)

Following are our comments on the GP and EIR. In some cases our comments are site specific since development plans have already been filed for the Loch Lomond Marina in which we have a strong interest and our comments on the EIR relate to that project also.

**Transportation and Circulation**

**Impact IV.2-3, LOS at Third Street and Union Street.**

The EIR must examine the alternatives of building an overpass or underground passageway since safety is given as the rationale for reducing the LOS to permit reconstructing this intersection at significant expense to the City. The cost of meeting ADA requirements should be passed on to the developer who has filed plans for a project whose traffic impact would not otherwise permit the project from being considered and who will benefit from this mitigation. Therefore it will not be necessary to lower the LOS from D to E, enabling the City to require the developer to pay a mitigation fee. The City is spending a considerable amount of money and dedicating City property (the front of a fire house) which mandates that the EIR evaluate these alternatives before this project proceeds any further.

**Noise.**

**Impact IV.4-1** The EIR must mention the impact from traffic noise on existing residential areas opposite sound walls, particularly on hill side areas facing the sound wall. This would have a significant impact.

Noise studies should take into account infrequent but very significant sources of noise, i.e. fire engines going west on Pt. San Pedro Road from fire house # 5, emergency vehicles going east bound, and convoys of tandem trailer trucks to and from the quarry, often starting at 6:00 a.m. in the east bound lane to line up for the 7:00 opening.

3  
cont.

The EIR should identify the noise impact to existing residential uses created by traffic noise from new development along Pt. San Pedro Road which would raise the noise level for existing residences above the 60 dBA level. The Loch Lomond Marina project proposes an 8 foot "sound barrier" to mitigate noise from the road. There are no sound barriers that high along Pt. San Pedro Road. Therefore existing residences opposite the sound wall will be impacted as no other neighborhood is in this part of San Rafael. This sound wall will have a significant impact, and be visually offensive for all users of this vital arterial no matter how it is disguised by plantings and a berm.

4

Noise studies of road ways near the bay should also be made in evening and early morning hours when atmospheric conditions conduct sound laterally more readily than during the day. Noise contours should be drawn during these hours of high transmission.

5

**Land Use Impact IV.1-2** The GP does not address the negative impact the Loch Lomond Marina development will have on recreational use of the marina. Dry dock boat storage is being reduced by 80% (212 spaces down to 41). Day use parking for users of the launch ramp will be limited to 11 spaces that are not well designed for truck and trailer parking. This will have a significant impact.

Alternative locations for this recreational activity are very limited in Marin County, let alone San Rafael. To lose both these types of space to this degree in perpetuity is contrary to other statements of support for private providers of recreation in the GP. This will have a major significant impact.

6

The EIR does not address the possibility of strong community opposition to a development that changes the character of a neighborhood. This is important when a new development will be more dense than the surrounding neighborhood or otherwise negatively affect it. What weight is placed on existing community concerns in such situations? While the City has important reasons to encourage additional housing to meet State goals, ABAG requires that the City plan for additional housing, not actually build it. At what point does the City say that local community opposition trumps its housing goals?

The statement that "Numerous policies and programs in the GP would reduce such potential conflicts..." is perceived by residents as not being in accord with reality. The speed that this EIR and GP are being processed is symptomatic of the bias in favor of development that exists in San Rafael.

7

The statement "NH 121 Loch Lomond Marina, (IV.1-11 of the EIR) would ensure compatibility and quality design for future projects in this area by encouraging retention of marine related and recreational uses" is an exaggeration. In reality, simple retention is not sufficient. The EIR must review the degree of retention of marine related uses, since plans already filed for this project significantly reduce and discourage

7  
cont.

recreational uses by limiting parking and dry dock boat storage. Therefore, the last statement in this section of the EIR, "Successful implementation of these policies and programs would reduce any potential impacts in the Loch Lomond Marina area to a less than significant level" is incorrect, given the actual situation. This will in reality have a significant impact.

8

**Exhibit III.3-4** indicates that Marine Related acreage is reduced from 119 acres in the 2000 General Plan to 93 acres in the 2020 General Plan. Where is this reduction taking place, Loch Lomond?

9

**Exhibit II.2-1** Public Services indicates that 6 of 14 impacts are significant and unavoidable. Therefore the City will be reducing the quality of life for citizens of San Rafael. Development that is meeting strong neighborhood opposition should be reconsidered to offset unavoidable impacts to public services. The City should not deliberately add to the anticipated reduction in the quality of life of citizens in our neighborhoods.

**Visual Quality Impact IV.7.3 - 5**

The EIR does not address how visual impacts are determined. Present policy states that views are only considered from public areas such as streets. View preservation from private property should also be considered since residents form the body politic of this City.

10

Views from private property add significant value to a residence on which the City derives a tax benefit. Diminishing views by a City approved development can be considered a "taking" by the City. To further compound the problem, a property owner can not obtain a reduced assessment based on a loss of view and consequent loss of value. At the very least, the City should strive to minimize such situations by considering view impacts from private property. This could have a significant impact on a neighborhood where several residences are negatively impacted by reduced or diminished views.

11

The statement "Policy NH-121 Loch Lomond Marina would reduce impacts by encouraging improvement guidelines for the Loch Lomond property" is not correct. Guidelines proposed in this letter and in future site specific comments that will be submitted relative to the development's EIR will reduce the unfortunate impacts from this development if our comments are enacted. Until that time, it is premature to say that the quoted statement is correct so it should therefore be modified.

Linda Jackson

From: Patrick J. & Nina L. Murphy [palmhina@pacbell.net]  
Sent: Monday, March 22, 2004 4:00 PM  
To: linda.jackson@ci.san-rafael.ca.us  
Subject: Addition to Sources in Draft General Plan 2020

Linda Jackson, Sencir Long Term Planner:  
Re: Sources (Noise) in Draft General Plan 2020  
I have requested that an addition be added to the Sources in the Draft General Plan 2020 with regard to Noise Analysis and applicable references.  
I have submitted to the Community Development Department to be included as a source of reference regarding "Noise" the a copy of the following:

Traffic Noise Investigation  
U.S. 101, Marin County  
Final Long Term Measurement Report  
HMMH Report No.295071.13  
November 27, 2001  
Prepared for Caltrans District 4  
Prepared by Harris Miller Miller & Hanson  
Subconsultant to Jones & Stokes (Dave Buehler, P.E.)

Thank you,  
Patrick J. Murphy  
Chairman, Federation of San Rafael Neighborhoods  
Chairman, Soundwall Noise Abatement Committee (SNAC)  
San Rafael CA.

Height bonuses should not be provided in mixed use developments where views from surrounding neighborhoods are negatively impacted. By so doing the City just makes the development worse from the perspective of existing surrounding neighborhoods. Height should be limited to single story buildings, both residential and commercial, where development is built on land elevated to mitigate potential flooding, and where view preservation is also an issue. Otherwise height bonuses will have a significant negative impact.

**IV.9 Geology. Impact IV.9-6** should mention the impact from very heavy truck traffic on development built on expansive soil and fill. This situation exists at the Loch Lomond Marina development. Buildings along Pt. San Pedro Road will be impacted by truck traffic to and from the quarry and brick yard. Existing structures near the road on this site already experience significant vibration. If this situation is not mitigated, it will affect the safety, structural strength of the buildings, and peaceful enjoyment of the new community on this site. Therefore this is a major significant impact.

Thank you for considering these comments.

Sincerely yours,  
  
Albert Barr  
President

11  
cont.

12

Roger E. Roberts  
223 Southern Heights Blvd  
San Rafael, Calif. 94901

March 23, 2004

City of San Rafael  
Community Development Dept.  
and The Planning Commission

Subject: The Draft San Rafael General Plan 2020  
Community Design Element

Dear Sirs:

I have two comments to make. Both are intended to strengthen and clarify the intent of plan policy statements in the Community Design Element.

Under CD-3 Neighborhoods it seems important to underline our objective of maintaining neighborhood character by amending the last line in the introductory statement language as follows:

" Develop programs to ensure that new structures including additions and renovations fit within the context and normal average scale of housing and the built environment in existing neighborhoods."

(The underlined portion above is the suggested amended language.)

Very little is said in the Community Design Element regarding future policies with regard to Mixed Use sites which are a significant future land use designation. These will be sites containing both residential and non-residential uses. These should have coherent and community design character that is internally consistent for the Mixed Use site. They should be subject to Design Review and Planning Commission oversight according to some agreed policy standards consistently applied. At the very least CD-11 Nonresidential Design Guidelines in the second introductory language sentence should perhaps be amended to make reference to mixed use sites as follows:

" Develop design guidelines to ensure that new mixed use and nonresidential development fits within the scale and character of the/its immediate neighborhood, and improves the neighborhood and community as a whole."

Thank you.

Sincerely yours,

*Roger E. Roberts*

Evelyn Buchwitz

From: ptwales@comcast.net  
Sent: Tuesday, March 23, 2004 10:52 AM  
To: Evelyn.Buchwitz@ci.san-rafael.ca.us; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Philip Thomas (ptwales@comcast.net) on Tuesday, March 23, 2004 at 12:51:30

subject: San Rafael General Plan - Ask a Question Form

email: ptwales@comcast.net

Address: 135 Baypoint Drive

City: San Rafael

Zip: 94901

Phone: 415-457-8717

question: I wish to add my support for NH-82 Canalsways as written in the General Plan. Thanks, Phil Thomas

submit: Submit



**GERSTLE PARK NEIGHBORHOOD ASSOCIATION**  
P.O. BOX 150644 SAN RAFAEL, CA 94915

March 23, 2004

San Rafael Planning Commission  
c/o Community Development Department, City of San Rafael  
Via FAX (415) 485-3184

RE: *Draft General Plan 2020/Neighborhood Element*

Dear Planning Commissioners:

We have not yet had the opportunity to hear your discussions on Neighborhoods. However, given the absence of time to respond to that discussion verbally, we preemptively encourage you again to please take the additional suggestions we have voiced at the Public Hearing on Neighborhoods to heart, and to pen. They are still a long way from policies, but we think the suggested content provides language that shows more of a commitment to solutions, and at least acknowledges the work we need to do in conjunction with other Neighbors, the Council and City Staff in order to preserve and improve our Neighborhood. Gerstle Park is in a unique, and rather precarious position geographically to enable the Downtown proposed Vision to unfold without changing the face of our Neighborhood, forever. More definitive language providing acknowledgement, and hopefully protection, needs to be included in the General Plan, and subsequently in the Neighborhood Plan that will be developed and adopted over the next few years.

We are a lot of people in a small area. Approximately 50% own versus rent, many of those being second units and multi-family dwellings. We have diversity and proximity to Downtown, plus we have the quiet residential feel that offsets a vital urban environment. While not unsympathetic to the challenge for planning for growth, we are concerned! We have already been impacted by lowering buildings adjacent to small residential homes and backyards. We have flooding 2-3 times per year that seems to have worsened with the increased development and landscape added over the past several years. The General Plan 2020 speaks of *transitions and gate-ways*, yet the current land-use plan makes no provision for buffer zones from Downtown to Gerstle Park, or along the Davidson School area.

Gerstle Park has a very high concentration of the old historic architecture which contributes a distinct flavor to San Rafael, and is sought after for housing. Unfortunately, planners during the 50s and 60s didn't adequately protect this valuable resource and as a result we have a certain number of ugly modern buildings —to date still in the minority. There's also a mish-mash of design elements on any given block. This blight is difficult if not impossible to correct. It won't take much to swing that sensitive balance and it is why we are adamant we need historic preservation designations and design protection now.

We are very near all of the public transportation and circulation corridors. We are already heavily impacted by increased through traffic and diverted traffic encouraged from slow moving traffic corridors, as well as speeding vehicles, because non-neighborhood traffic frequently fails to recognize this is a RESIDENTIAL area. This jeopardizes our children, bikes, pedestrians and pets, and makes our residents less likely to walk and do daily activities on foot. In addition, two of our residential streets have seemingly already been acquired as Traffic Planning mitigations ("Street and D Street). This is unacceptable. We don't mind hearing our suggestions aren't "expert" but we don't appreciate being shut out of useful communications on this matter with the City. The Plan now essentially makes 1<sup>st</sup> a de-facto arterial by adding lights that move more cars—faster. D-street gets pushed off as part of the County Plan. How will we attain "traffic calming" through our neighborhood if we cannot communicate about it? What we want now is the City's answer as to how they will take back and solve the problem, leaving 1<sup>st</sup> to be a residential street, and provide support at other through streets such as D, Ross, and Bayview.

We care about our neighborhood and are committed to keep it a terrific place to live. Despite the high number of renters, we have amazing pride-of-ownership. Cities often cannot garner this in their Neighborhoods. We have people willing to do the work and support these efforts to keep it a fabulous in-town place to live. We need receptivity and cooperation from the City, and we need believable, reliable language in the General Plan's Neighborhood Section to ensure that our Neighborhood Vision can be upheld, and that Downtown, is in fact, kept Downtown.

Sincerely,  
  
Chandra Murphy  
President, Gerstle Park Neighborhood Association

cont.

COMMUNITY DEVELOPMENT DIVISION 715 700-5771

March 23, 2004

Community Development Department, Planning Division  
Attn: Evelyn Buchwitz  
City of San Rafael  
P. O. Box 151560  
San Rafael, CA 94915-1560

Re: San Rafael General Plan 2020  
March 23, 2004, Planning Commission Meeting

Ladies and Gentlemen:

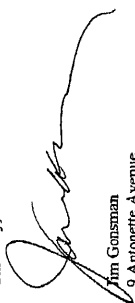
I regret that I will be unable to attend this evenings Planning Commission meeting and hearing related to the Circulation Element and Neighborhoods, Community Design and Economic Vitality Elements. As someone who is vitally interested and concerned about the future of San Rafael, I am frustrated that numerous other commitments prevent me from fully participate the 2020 General Plan hearings. The process has become too short and too intense. I know that you are struggling as well.

I have spoken on several, earlier occasions and expressed my concerns about the negative impacts on the quality of life in San Rafael that would result from implementation of certain General Plan goals. The circulation plan and its description of predicted levels-of-service are a case in point. Simply put, future traffic congestion described in the Plan, and its impact on neighborhoods and the people who live here, is unacceptable.

Many people who have recently appeared before you have suggested creative solutions for the problems that we face, most notably the housing shortage. I strongly urge you to consider these suggestions. The alternative is to give away that which cannot be regained.

I appreciate the opportunity to provide these comments.

Sincerely,



Jim Gonsman  
9 Antonette Avenue  
San Rafael, CA 94901



P.O. Box 150266  
San Rafael, CA 94915

March 23, 2004

To: Planning Dept, City of San Rafael  
Re: Third and Union St.

We understand that the issue of the proposed safety improvements to this intersection may come up at tonight's meeting. We have heard from numerous residents in our neighborhood on this subject, and we have met with Nader Mansourian to get an understanding of the proposed safety improvements.

There are over 150 elderly residents who live within 2 1/2 blocks of this intersection, and most of them do not drive to shop. We have heard from them that many of them are afraid to attempt to cross this intersection at all, which limits their ability to take advantage of the otherwise conveniently located shops there.

In addition, at noon time there is a huge flow of San Rafael High School students crossing this same intersection, heading for Montecito. At present, the sidewalk is not adequate to accommodate the crowd of kids, and they overflow onto Third Street. This is obviously extremely dangerous.

These improvements also fit in well with the general attempt to get more people to WALK TO SHOP, to lessen auto traffic - pedestrian safety is a necessary part of this idea.

We hope the above will be taken into consideration. Thank you.

Jackie Schmidt



Christopher M. Petersen  
16 Lochness Lane  
San Rafael, CA 94901-2425

March 23, 2004

Mr. John Alden, Chairman and Members of the Planning Commission  
c/o Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA. 94915-1560

Re: *Draft General Plan 2020 and Draft EIR*

Dear Mr. Alden and Commissioners:

The following are comments and suggestions regarding GP 2020 and the Draft EIR:

**2nd/3<sup>rd</sup> & Union Intersections**

With NO improvements made to this intersection, ANY DEVELOPMENT EAST OF 2<sup>nd</sup>/3<sup>rd</sup> and UNION WILL LOWER THE LOS TO E. THIS WILL BE A SIGNIFICANT IMPACT AND IS NOT BENEFICIAL TO THE CITIZENS OF SAN RAFAEL! This needs to be identified as a Significant Impact. The city has on file an application for a nine-unit single family residential development located above San Pedro School. We have been told that this project would cause LOS to fail to E.

**IV.1-2 Incompatible Land Uses and Changes to Neighborhood Character**

We disagree with the LTS designation of the Significance before Mitigation. Any changes to development consistent with GP 2020 WILL not reduce potential conflicts between new and existing uses including design and traffic conflicts. This is a significant impact. Increases in density on a small marina site are not consistent/compatible with the surrounding low-density developments.

**IV.4-1 Increased Traffic Noise**

We disagree that this LTS designation. Roadway improvement projects and the result of that project will generate unacceptable noise impacts from increased traffic noises. ANY noise increases are unacceptable. This will have a significant impact. This must be mitigated so that there are NO sound walls. Sound impacts must be analyzed particularly in the Loch Lomond subdivision, Bay side Acres, and San Pedro Cove.

**IV.5-1 Fire Protection and Emergency Services**

According to GP 2020, there will be an increased demand for fire protection and emergency services that will require one additional paramedic unit. This is currently classified as LTS before mitigation. We disagree. Where is the funding for this paramedic unit coming from? What if additional emergency vehicles and ERT's are deemed necessary in the immediate future? This is a significant impact.

Christopher M. Petersen  
16 Lochness Lane  
San Rafael, CA 94901-2425

**IV.5-4 Hazardous Materials, Substances, or Waste Near Schools**

Mitigation Measure IV.5-4 significance after mitigation to LTS does not adequately address a significant hazardous materials release within one quarter mile of the schools. Much planning needs to be made so that schools along the PSPR corridor (the only access) can be quickly notified and evacuated if required. There are currently one high school and two grammar schools in the area. What happens if all of these schools need to be evacuated immediately? This must remain Significant after Mitigation.

**IV.5-6 Police Services**

An SU designation after mitigation is unacceptable. If the our Police Services don't have enough funds available to purchase and construct additional facilities, the populace will not be protected adequately throughout San Rafael.

**IV.5-11 Wastewater Treatment Capacity – South of Puerto Suello Hill**

An SU designation after mitigation is unacceptable. If treatment capacity is of the Central Marin Sanitation Agency is exceeded, then pollution occurs and bay water quality suffers. Where are the funds for providing adequate sanitation coming from?

**IV.5-12 Water Supply**

An SU designation after mitigation is unacceptable. MAMWD has failed to act on voter legislation from years ago to add additional water capacity. Thus it is a matter of time before another drought causes yet another emergency shortage of supply. Thus an increased population will put additional pressure on an ever-dwindling water supply. Where is the water coming from? Desalination requires massive amounts of electricity for clean water production. Discussions regarding removing pollutants such as heavy metals and pesticides have not been adequately addressed when using this purification process. Where are the funds to pay for this?

GP 2020 and the EIR must be revised so that ALL SU designations no longer exist, especially regarding public services that directly affect every citizen's of San Rafael quality of life.

We appreciate your attention to these concerns and look forward to a response in the near future.

Thank you for considering these issues which directly affects our neighborhoods.

Sincerely,

Craig K. Murray  
434 Sylvia Way  
San Rafael, CA 94903  
415-499-9899 Phone/Fax  
murray.craig@comcast.net

March 23, 2004

Mr. John Alden, Chairman  
Planning Commission  
C/o Bob Brown, Director  
Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915

Dear Mr. Alden:

RE: San Rafael 2020 General Plan Update, Planning Commission Minutes

Minutes:

- Regarding SRPC Regular Meeting Minutes of 2/24/04:
- P.6, 3<sup>rd</sup> paragraph and p.12, 5<sup>th</sup> paragraph, please include correct name in both areas for the official record;
- P.6, 3<sup>rd</sup> paragraph discussed Programmatic EIR, discussed that San Rafael does not have its own allocation of HOME funds & it is foreseeable that SR would not be in jeopardy of losing these or other State funds (San Rafael does not have) if a Housing Element is locally certified by City or San Rafael. Mr. Murray inquired if the City of San Rafael, particularly this Planning Commission body, considered the cost-benefits of a locally certified element to a state approved element particularly with the RHNA mandated goals. Bob Brown answered there is no such thing as a locally certified Housing Element. Mr. Murray corrected Mr. Brown and indicated that other local Planning Commission's in other California jurisdictions have considered the Cost Benefits of both methods of certification. Ms. Jackson indicated that in fact there is a local certification of the Housing Element option. Also, I request to strike the last sentence in this paragraph Ms. Jackson responded that staff considered a self-certified option and decided to use the State's certification process;
- If this last sentence is kept within the minutes, I would like to receive a copy of the Staff Analysis of the Self Certification versus State Certification, what City of San Rafael staff or consultants participated in this review, these staff members analysis and what public body of San Rafael or Marin County reviewed this document;
- P. 12, 5<sup>th</sup> paragraph Other than name correction, summary of statements is correct. Context of statement, in regards to City Manager indicating San Rafael only receives 11 cents of each property tax dollar, was to determine why was staff pursuing this Loch Lomond intensive shoreline housing development with significant zone changes and unclear positive community benefits.

General Plan Update:

- Regarding San Rafael General Plan 2020 Nichols Berman Environmental Planning February 2004:
- Need further study on the loss of agricultural resources; potential conflicts with habitat conservation plans or natural community plans; the loss of mineral resources; adequacy of emergency access; hazards due to design features; inundation by seiche, tsunami, or mudflow; potential exposure to wildland fires; implementation of adopted emergency;

- 2. cont. response plans; and noise effects or changes in air traffic patterns from proximity to airports or private airstrips;
- 3. Under Hazards and Hazardous Materials prepare a database search of known contaminated areas for all San Rafael neighborhood areas to be included in the Draft EIR. Search should extend for one mile beyond the boundaries of each neighborhood area. This would be a first step in assessing the contamination issue within the San Rafael areas and prior to those surveys required by each individual developer;
- 4. Under Population and Housing, City could require a more detailed look at anticipated population and job growth as a result of proposed project or improvement areas. This economic study and analysis could determine the types of businesses and housing that would best fit each neighborhood area;
- 5. Coordinate each environment topic heading and recommend a set of realistic area-wide mitigation measures as warranted to reduce or avoid all identified adverse impacts this should include a consistent system of impact and mitigation "coding" in the EIR document for easy use by public, City and Agency staff, and legal counsel in clearly linking the key EIR findings with subsequent staff reports, Mitigation Monitoring Program, and Statement of Findings;
- 6. Ensure document is internally consistent with other redevelopment, city and county documents;
- 7. Define what is San Rafael's J-H Ratio and coordinate all topical areas, like citations of J-H Ratios, into an appendix;
- 8. Determine if the J-H Ratio impacts from (p.II-3) (# unstated) to current J-H of 1.22 from 1.74 in 1998 (p.IV.1-5) and then back up to 1.52 in 2020 (p.IV.1-14);
- 9. Provide research materials concluding that many of the existing buildings at Loch Lomond are old, unattractive and in need of maintenance and those changes (that) would represent an intensification of uses, and with these changes there would also be an increased possibility of land use conflicts (p.IV.1-11);
- 10. Determine if proposed housing units outside identified blighted redevelopment project areas, such as those proposed for Loch Lomond, would be counted in the San Rafael Redevelopment Agency's favor for units created outside of the redevelopment areas (Attachment J, NOP, p.3);
- 11. Describe fully bicycle and non-motorized neighborhood transit improvements summarized in Exhibit IV.3-1 (p.IV.3-5);
- 12. Seeing that Loch Lomond is included in the draft General Plan, fully describe how the proposed Loch Lomond development would not generate demand for school services beyond the existing public school capacity (p. IV.5-16);
- 13. Coastal Zone biological species and proposed impacts are not fully addressed (p. IV.8-3);
- 14. Explain why Bicycle and non-motorized transit would see increased demand although there is no apparent thoughtful analysis and coordination with this plan and coordination to other related city and county documents (p. VI-14);
- 15. Describe relationship of available zoned housing sites and those being removed, trends (open space protection/annexations) and future programs that may address these impacts ie Affordable Housing Fee for current and future reservations of areas at any time zoned for potential housing and restricted for non-housing use including fee title or conservation easements.

Regards,

  
Craig K. Murray

**KERNER BOULEVARD, LLC**

2333 Kerner Blvd.  
San Rafael, CA 94901

415-456-2712

March 23, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us  
evelyn.buchwitz@ci.san-rafael.ca.us

Re: Economic Vitality & Canalways  
Presented at 3-23-04 Planning Commission meeting

Dear Staff and Planning Commissioners:

Poor planning and myopic policies can destroy a vibrant economy. Good, smart planning and execution produces economic vitality.

With your help in changing some General Plan elements, Canalways can help San Rafael produce a healthier economy.

Allow me to quote sections from the **Economic Vitality Chapter** of the General Plan and then make brief connections from them to Canalways.

**The 'Economic Vision' in the GP states:**

While respectful of the free market's effectiveness, the City is willing to assert its authority to stimulate changes that are consistent with the City's goals.

If you help the City "assert its authority," you can use free market cost-effectiveness to keep the San Rafael Canal dredged, beneficially reuse dredge spoils to strengthen the weakest link in the City's levee system, enhance whatever wetlands are scientifically found at Canalways, and reduce filling costs on whatever future project is done on this in-fill site.

**The 'Economic Vision' also states:**

Attaining the economic vision will be the result of productive partnerships among businesses, schools, neighborhood groups, government and environmental interests that have balanced competing concerns.

Groups such as the San Rafael Chamber, Canal Business and Property Owners Association, San Rafael Dredge Committee and others have inspired the City to

form a productive partnership with Canalways to save money and address economic needs.

Even groups who have opposed every potentially significant Marin project, and who now oppose Canalways, have come to praise the things the Canalways partnership has been involved in producing, or has proposed doing, such as the East San Rafael Mitigation Ponds and the Bay Point Homes Lagoons.

**Goal 8: A Sound Economy, states:**

*Policy and land use decisions promote San Rafael's economy with an emphasis on balance and infrastructure limits, while maintaining a commitment to the environment.*

In a County with 87% of its land in a 'Conservation' designation' and where the median home price recently topped \$700,000, a future Canalways development would like to put more than just a verbal "emphasis on balance."

**EV-6. Shop Locally, states:**

Encourage local purchase of goods and services by residents, workers, businesses and City government so as to cycle dollars back into our local economy and generate revenue for the City.

A corollary to this element would include not spending City and taxpayers money on barging dredge materials long distances, when they could be more cost effectively reused in San Rafael, thereby allowing San Rafael residents to spend more locally.

**EV-7. Environmentally-Friendly Business Practices, states:**

Promote environmentally friendly business practices that reduce the need for nonrenewable resources.

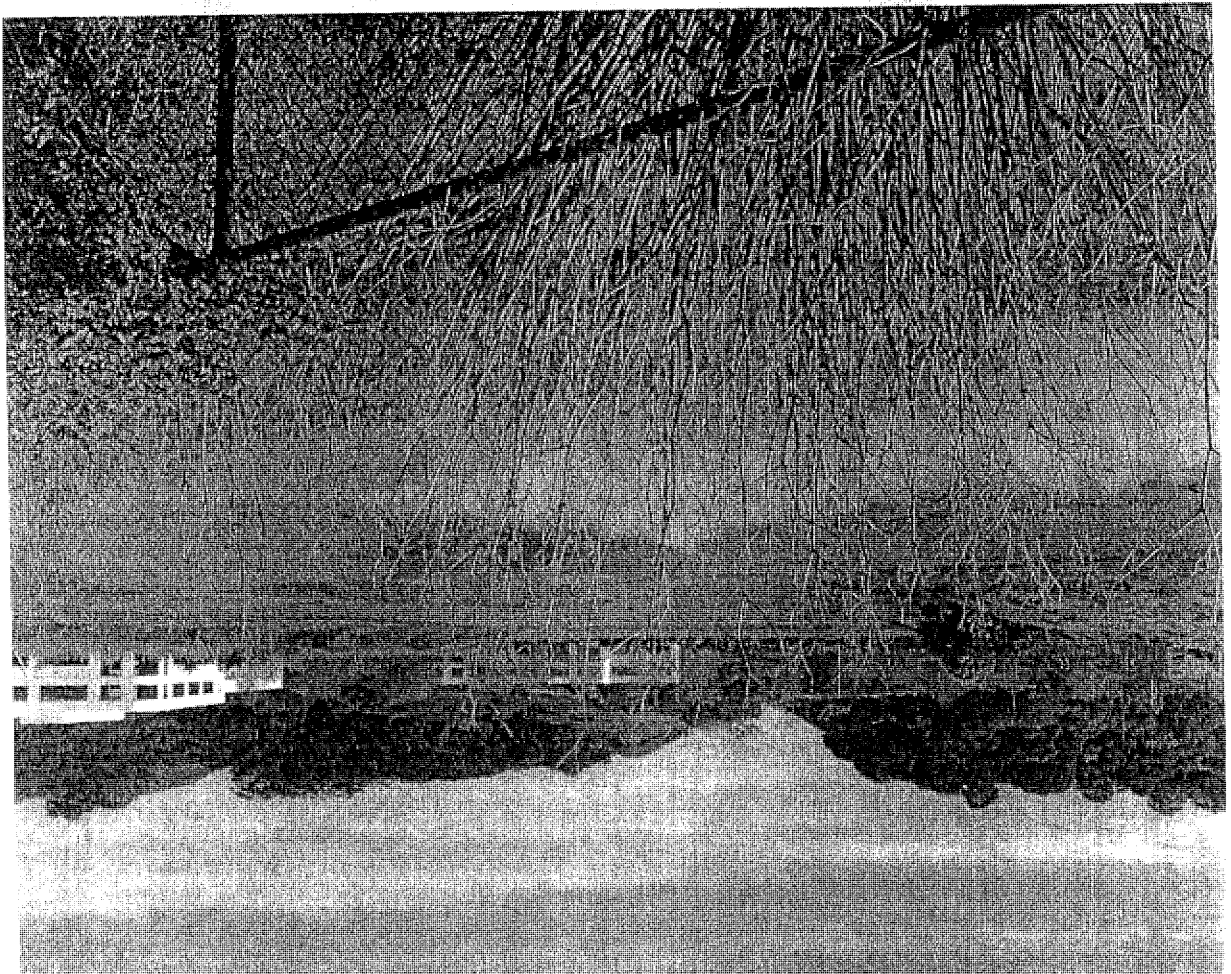
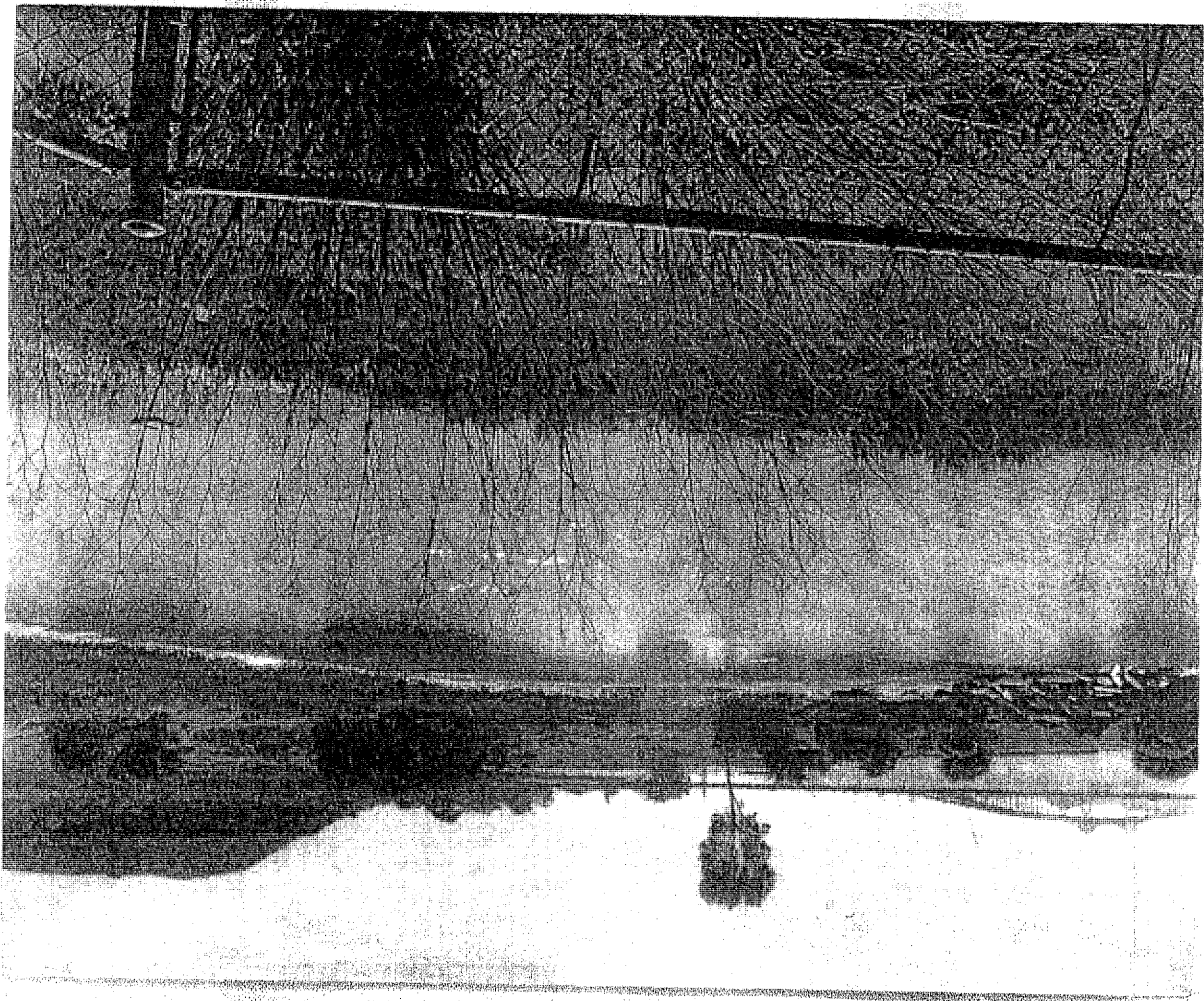
Were an EIR done on beneficially reusing dredge materials in San Rafael, versus barging those spoils long distances, it would be clear that the environmentally friendly business practice for the City would be to partner with Canalways to quickly obtain Army Corps permits to enhance the degraded Canalways site and City levee system.

Thank you.

Sincerely,



Dwayne Hunn  
Canalways Consultant



**KERNER BOULEVARD, LLC**

2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
March 23, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us  
evelyn.buchwitz@ci.san-rafael.ca.us

Re: Canal neighborhood, community design and Canalways  
Presented at 3-23-04 Planning commission Meeting

Dear Staff and Planning Commissioners:

Canalways is a "winged" neighborhood of San Rafael. So far it doesn't fly very well. In spots, it is overcrowded and under-housed. In other spots, its valuable, developed land is underutilized with aged zoning uses, such as a surplus of aging, one-story storage businesses. With redevelopment, those uses will probably change.

The Canal Community, with its limited undeveloped land, should not suffer zoning designations that underutilize the value a smart zoning could deliver to future people, environmental, and circulation needs.

Assuming there is a significant improvement in the handling of our national and state policies and budgets, here's some foggy vision of how the Canal Community's future should look.

There should be an increase in Mixed Use designations, so that cost-effective flexibility exists to address the myriad of needs and changes that will occur over the next 15+ years. A Canalways mixed-use development should be designed with a sensitivity to people, circulation and environmental improvements.

A train may reach downtown San Rafael, within or near to this 15 year time frame. From downtown, a rail link should go down the 580 right of way to help this Canal winged neighborhood and potentially developable San Quentin site fly. This train link to this winged Canal/ San Quentin area, when added to the a 580 overpass, bump or grade crossing, would further help address future people, circulation, and environmental needs.

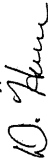
Linking these circulation improvements with smart mixed-use development would mesh nicely with a discussed ferry site at a San Quentin mixed use development. And, it should be noted, Canalways owns the water rights off of its property and could possibly also offer additional ferry transit solutions.

Such visionary planning and development would help make this increasingly mixed use Canal / San Quentin neighborhood(s) a vibrant wing of San Rafael.

It is difficult to look out and predict what may happen, or be starting to happen, 15 years out. But the design designations you assign can either help, or harm, implement the positive visions.

Thank you.

Sincerely,



Dwayne Hunn  
Canalways Consultant

FROM DWAYNE HUNN  
CANALWAYS, PROPOSED EDITS

**NH-82. Canalways.**

Balance public and private interests in this site by recognize recognizing that a portion of this site may consist of wetlands which have a high resource value of the site's wetlands that provide as existing or potential habitat to rare and endangered species, while simultaneously recognizing that some or all of such habitat value may have been artificially created by the City in failing to adequately maintain its pumping station. In addition, recognize that this site is in an area affected by traffic congestion. Encourage and support efforts to purchase the site for open space. With any development of this property, buffer site wetlands from buildings and parking lots, and obtain trail easements and improvements for the Jean and John Starkweather Shoreline Park.

Encourage long-term responsible planning for this site by:

- Obtaining a comprehensive wetlands delineation and biologic assessment of the entire site.
- To the extent such environmental analyses demonstrate feasibility, allowing use in the short-term as a dredge spoils site in order to enhance the City's navigable waterways and opportunities for recreational boating. [Note: See cross-reference to NH-52a (Dredging Program) at AW-10.]
- To the extent such environmental analyses demonstrate feasibility, allowing use over time as a housing opportunity site or as a mixed-use (Light Industrial/Office/Residential) site, taking care to preserve any pre-existing habitat value to the extent feasible. On the other hand, if such environmental analyses show severe site constraints, restricting use to Light Industrial/Office in order to minimize impact on wetland habitat. In this event, development shall be located along the western edge of the site and to the greatest extent feasible in areas outside of delineated wetlands or areas determined as critical upland habitat for endangered species. With any development of this property, buffer site wetlands from buildings and parking lots.
- Encouraging linkages to the Jean and John Starkweather Shoreline Park.
- Investigating the extension of Kerner Boulevard over this site in order to alleviate traffic congestion in East San Rafael.

NH-82a. Wetlands Enhancement. Require a wetlands delineation and wetland habitat analysis to assist in identifying appropriate area for development and, possibly, for dredge spoils disposal.

Responsibility: Community Development  
Timeframe: Short Term  
Resources: Fees

NH-82b. Enhancement of Recreational Boating Opportunities. To the extent shown feasible by scientific studies, assist owner in the permitting for use of site as an uplands disposal site per the federal government's Long Term Management Study.

Responsibility: Community Development  
Timeframe: Short Term  
Resources: Staff Time

NH-82c. Street Pattern and Traffic Flow. Support efforts by City Traffic Engineer to ascertain whether a reconfiguration of Kerner Boulevard through Canalways would assist in alleviating traffic congestion in East San Rafael.

Responsibility: Public Works  
Timeframe: Long Term  
Resources: Staff Time

NH-82 EDITS D. HUNN 3-23-04

FILE  
3/23/03

**COMMON SENSE  
LOSS PREVENTION  
SCENARIOS**

6 problems ... 6 remedies ... 6 projects

6 meetings ... 6 permits ... 6 months

**6 Crucial Sites in the San Rafael Canal Area**

<b>RAISE</b>	Levee at Canal Ways	Loss Prevention w/ new trail
<b>SPAN</b>	Kerner Blvd. Gap Closure	Transportation Remedy
<b>CREATE</b>	580 - 101 - Express Way	Transportation Remedy
<b>CROSS</b>	[Interstate 580] > 580/101 EW connecting Irene to Anderson 50% RELIEF on Bellam Ave	Transportation Remedy
<b>PRESERVE</b>	Wetlands area of Canal Ways	Preservation for Wetlands
<b>BUILD</b>	Affordable Housing at Canal Ways	Affordable Housing Rental
<b>BRIDGE</b>	Canal Street to Third Street	Pedestrian and Bicycle Use



**THEO F. POSTHUMA**  
Research & Development  
P. O. Box 54 - Russ, CA 94957 - USA

TEL & FAX: [www.greencollarworks.org](http://www.greencollarworks.org)

JOSEPH L. LEMON  
ATTORNEY AT LAW

1401 CENTRAL AVENUE  
BETTSBORO, IOWA 52722  
(563) 355-0291 Fax: (563) 355-7647

61 STANFORD WAY  
SAUSALITO, CALIFORNIA 94965  
(415) 331-4551 Fax: (415) 331-3401

March 23, 2004

Community Development Department, Planning Division  
Attn: Evelyn Buchwitz  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

sent by email attachment to Evelyn.Buchwitz@ci.san-rafael.ca.us

Re: Comments on Draft General Plan 2020 Environmental Impact Report

Dear Planning Division:

Please consider the following comments and questions regarding the Draft General Plan 2020 Environmental Impact Report:

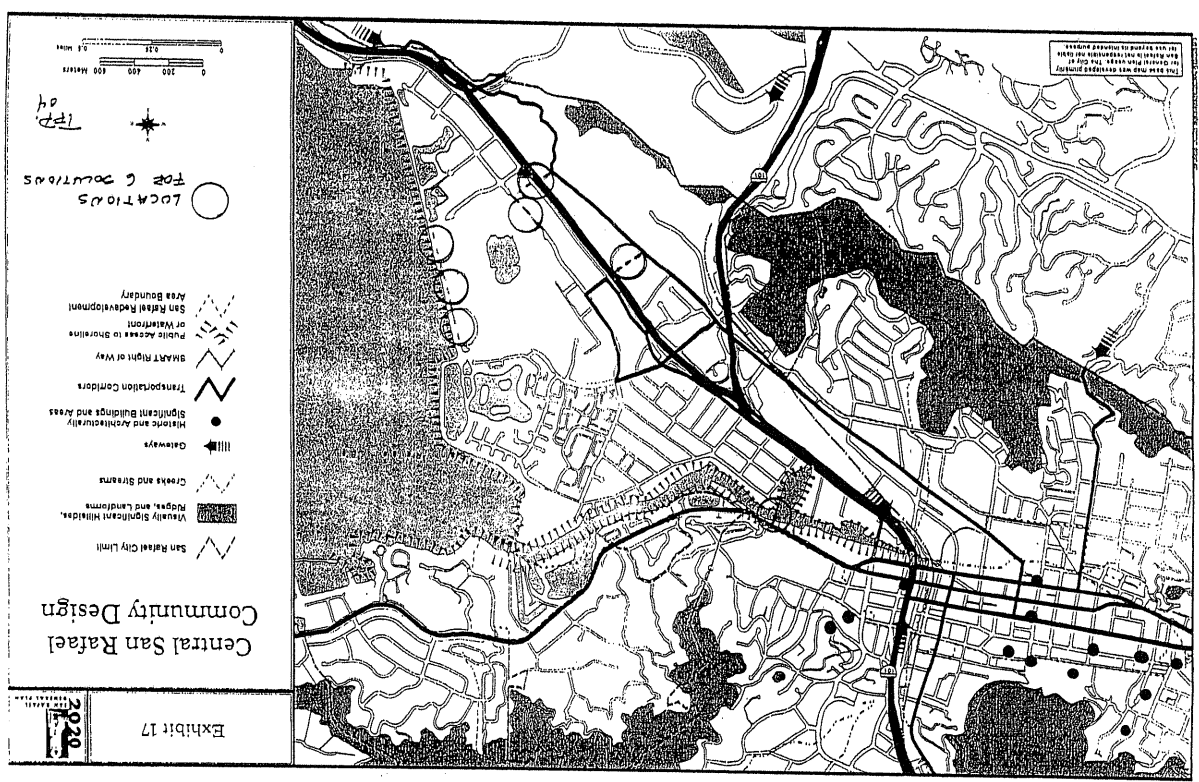
1. The City of San Rafael apparently has a dredging program to periodically dredge the San Rafael Canal. [Section AW-10 makes reference to NH-52a (Dredging Program), but NH-52a does not appear in the draft General Plan. See pp. 87-88.] The City has the choice of (a) dredging by clamshell or bucket, scooping the dredge spoils into a barge, and dumping those hundreds of thousands of cubic yards of dredge materials into the San Francisco Bay at Alcatraz, or into the Pacific Ocean at the Farallons, or to other designated "Dumping Grounds"; or (b) suction dredging the channel and depositing the dredge spoils onto a site on land, such as Canalways, where they may be beneficially reused as outlined in the LTMS.

The City has apparently decided to use the clamshell and barge method, and to dump mass quantities of dredge spoils into San Francisco Bay or Pacific Ocean, or at various Bay Delta sites.

The City's dredging actions appear to have a great and continuing impact on the aquatic life and vegetation of the bay and ocean.

Please analyze the environmental impacts of dumping hundreds of thousands of cubic yards of dredge spoils, a fine, silty mud, into the bay and/or ocean, on a repeated basis. Please consider the environmental benefits of beneficially disposing of this material on land, in a contained and controlled facility. Why has this alternative not been considered?

2. Dredge spoils have been frequently used, in San Rafael and elsewhere, to create or enhance wetlands. Some of the areas referred to as "wetlands" on Canalways could be greatly enhanced, and could have a much higher resource value, if they were supplemented with dredge spoils as specified by hydrologist Phil Williams. The owners of the Canalways property have suggested that portions of their property be converted into enhanced wetlands in this manner.



1

2

What would be the environmental impact of not enhancing the resource and habitat value of Canalways in this manner? Have you considered this alternative?

3. The City owns a storm drain retention pond and pumping station adjacent to Canalways. For many years, due to the City's intentional and willful neglect, this facility was not operational, and consequently storm water from all over East San Rafael flooded onto Canalways. Further, the 60" drain pipe from the pumping station failed, and caused flooding of seawater from the bay onto Canalways. These conditions persisted for many years, until fairly recently when the City finally fixed the pump station, excavated a channel around the silted-in retention pond, and fixed the failed drain pipe. The City was forced to make these repairs as a result of litigation initiated by the owners of Canalways.

The repeated flooding from the storm drainage (fresh water) system, and from the discharge pipe (sea water) caused Canalways to acquire some wetlands characteristics. Since the repairs have been made, the property has been slowly drying out, and the property is returning to its natural uplands character.

There has been no wetlands delineation of Canalways. No meaningful delineation can be performed until the property has been allowed to dry out after its years of being flooded.

Further, there has been no study to determine the presence of the Salt Marsh Harvest Mouse on the Canalways property in more than 20 years. The Draft General Plan states that the current presence of the SMHM on Canalways is "documented." The only documentation is a 22-year-old study which purportedly found one salt marsh harvest mouse, and one mouse with the "gestalt" of a SMHM, after more than 825 nights of trapping by two separate endangered species experts. There is no reason to believe that any SMHM are presently on the property (more recent trappings on adjacent properties with far more suitable habitat have failed to find a SMHM).

The scientist who said he found the SMHM and the "gestalt" mouse went on to state that the property's habitat value was poor and should be enhanced with dredge spoils.

The California Department of Fish and Game Biologist, Fred Botti, who trapped for 300 of the total of 825 trapping nights without finding any SMHM, stated:

"Even though the salt marsh harvest mouse is an endangered species and a negative trapping effort does not definitely prove its absence from an area, it is my feeling that the salt marsh harvest mouse does not occur on the parcel in question. The habitat does not appear to provide adequate cover and competition from the western harvest mouse probably reduces the attractiveness of the area to salt marsh harvest mice."

Given the situation that:

- (a) Canalways is currently drying out after years of being flooded by the City; and  
(b) there has been no wetlands determination; and  
(c) there may possibly be a SMHM on Canalways, but its current presence is not "documented" by any stretch of the imagination,

why, then, does NH-82 (Canalways) state, in part: "Recognize the high resource value of the site's wetlands that provide habitat to rare and endangered species...."? The resource value is low, and diminishing. Indeed, the City's own biology consultants have acknowledged that – to the extent that there are any wetlands on Canalways – "Canalways is not considered to be a pristine wetland habitat" and "after further detailed efforts, a larger portion of the Canalways may be classified as upland habitat (not wetland)."

The present existence of the mouse is purely speculative. Should the EIR not accurately reflect the true factual situation? Would it not be more honest, and truthful, and accurate, to state simply that before any development of Canalways, there will have to be a delineation of the wetlands and uplands, and that any wetlands will be protected as provided by federal law?

Should it not be simply stated that there will have to be a study of the existence of endangered species on the property, and that such species are protected by federal law?

Draft General Plan NH-82(a) adequately addresses this issue:

"NH-82(a) Wetlands Enhancement. Require a wetlands delineation and wetland habitat analysis to assist in identifying appropriate area for development."

There is no basis for the non-scientific verbiage presently in NH-82, such as "Recognize the high resource value of the site's wetlands that provide habitat to rare and endangered species....Encourage and support efforts to purchase the site for open space...." Such erroneous and politically motivated statements should be stricken from Draft General Plan 2020.

The fact that the City's faulty drainage system has flooded Canalways and has artificially impacted the site's hydrology is well established and not disputed. Consequently, it is only fair and accurate that the City's General Plan 2020 acknowledge and account for this, as follows: "For many years, the City's adjacent drainage facility was faulty, which led to flooding of Canalways with both fresh and salt water. The City acknowledges that, with proper operation of the City's drainage facility, the hydrology of the site will likely change. Only after an environmental review is undertaken will we be able to establish how much of the site is suitable for development."



**NORTH SAN RAFAEL COALITION**

RECEIVED

MAR 2 4 2004

March 23, 2004

PLANNING

Mr. Bob Brown  
Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA. 94915-1560

Re: City of San Rafael General Plan 2020 – Draft EIR Comments

Dear Mr. Brown,

On behalf of the North San Rafael Coalition (NSRC) I am happy to have this opportunity to submit the following comments on the Draft Environmental Impact Report (DEIR) for the San Rafael General Plan 2020.

1. Page III-5 discusses increasing the housing supply as a theme of GP2020 and states: "New homes ... reduce traffic..." While we understand this section of the DEIR is taken from the Draft GP 2020, no statement could be further from the truth and the EIR should not accept such a statement as fact. The statement conflicts with the numerous significant traffic impacts described in the DEIR. New housing development in San Rafael will generate significant traffic impacts and be a primary concern to residents. This statement must be revised to delete the reference to reducing traffic, or data must be provided, in this section of the EIR, to support the statement.
2. Exhibit III.3-3 is misleading and must be revised to show all land use changes. Impact IV.1-2 states that GP 2020 "would allow residential use (as part of a mixed use project) as an additionally allowable use to the currently allowed uses for properties with land use designations of General Commercial, Marine-Related, Retail/Office, and Office." This is essentially a land use change and it must be shown to the public through the CEQA process.
3. The opening paragraphs of the Land Use section (IV.1) do not accurately reflect the driving forces behind proposed housing development or the degree of increased housing development. Page IV.1-1, last paragraph states GP 2020 "is focused on harmonizing changes to existing developed area in order to better serve community needs." The housing in GP 2020 is supposedly intended to meet State/ABAG requirements more so than to serve community needs. Page IV.1-2, first full paragraph, states: growth in "households is expected to be fairly low," which we do not agree with. The increase of 5,104 housing units represents nearly a 20% increasing in housing in GP2020, from existing conditions (see Exhibit III.4-1), which is not a low number. The statement in the EIR must be deleted as it probably leads to an inaccurate evaluation of potential impacts.

General Plan 2020  
DEIR Comments

It defies reason that the Draft General Plan 2020 would reclassify any portion of Canalways to "Conservation," that it would reduce the proposed developable area from 2.5 to 11.5 acres, or that it would wholly exclude the possibility of future residential use (including affordable housing), in the absence of any environmental review to support such decisions. The owners of Canalways agree that portions of the site may have a resource value -- indeed, they would seek to enhance the environmental resource value as part of any proposed improvement to the property -- but the extent of any such determination and delineation can only be after further environmental review. Until that time, the City should make no alterations to the current uses as provided for in the General Plan 2000. The current proposed discussion of Canalways unfairly characterizes the property in an arbitrary and capricious manner.

At recent public hearings, members of the Planning Commission have conceded that necessary scientific information is not presently available to determine the environmental characteristics of Canalways. However, they have stated that their preferred course of action is to downzone Canalways to "Conservation" now, and allow the owners to try to amend General Plan 2020 later, after the scientific information is available. This is simply a case of "don't bother me with the facts; I have my mind made up." The suggestion that the General Plan could be readily amended after the scientific investigation is completed is disingenuous; it is exceedingly difficult to amend a General Plan.

What is the point of this public review and comment period? If the role of the Planning Commission is merely to anoint the Draft General Plan as prepared by special interest groups, without allowing obvious and appropriate corrections to be made, this public review is a sham.

I ask that your EIR, as the work of scientists, not politicians or special interest groups, state these facts objectively, fairly and accurately. I ask that you consider the dredging and wetlands-enhancement alternatives discussed above, which have substantial environmental consequences. I also ask that you correct the comments about Canalways in the Draft General Plan and in the EIR as described above to reflect the unvarnished truth, not speculation or supposition.

Thank you for your attention to these comments. If you desire any further information, or have any questions, please contact me at 415-331-4553 or joslemon@aol.com.

Very truly yours,

Joseph L. Lemon

**NORTH SAN RAFAEL COALITION**

4. Impact IV.1-2 states that GP 2020 would allow additional housing in the community "over existing conditions in order to encourage reinvestment and improvements in the areas." There has never been any mention that the justification for so much additional housing would be to allow reinvestment or improvements. Is this a new reason for housing or the true reason for housing? The EIR must clarify this statement. The EIR must also discuss State/ABAG requirements.
5. Under Northgate Town Center/Civic Center, the DEIR states GP 2020 would have a positive impact within the area by creating "high quality housing opportunities in an area where housing demand is high." Housing demand is no higher in the Northgate/Civic Center area than it is anywhere else in San Rafael. The EIR provides no evidence of this statement. The statement must be removed or revised with supporting evidence. Also, we suspect that the majority of residents of North San Rafael would not agree with the claim that the changes would be a positive impact. Unless there is evidence to support that claim, rather than just an opinion, it must be removed from the EIR.
6. Page IV.1-10 refers to GP 2020 Policy NH-152, related to housing on Merrydale if a Civic Center rail station is established. There are no mitigation measures in Policy NH-152 or the DEIR for the significant impacts that would be associated with such housing development. As such, these would remain unmitigated, significant impacts. The EIR must identify mitigations for this policy.
7. Impact IV.1-3, regarding population, assumes that since the projected increase in San Rafael's population would increase at about the same rate as Marin County and the Bay Area, there would be no significant impacts from the population increase in San Rafael. This seems a false conclusion, as the population increase would be within the same geographic area as there is today. More people in the same amount of space must lead to significant impacts. The EIR must reexamine this impact.
8. Under Transportation and Circulation, the significance criteria for unsignalized intersections are flawed. It assumes that significant impacts would only occur when a Level of Service (LOS) deteriorated to a LOS F (or worsened at LOS F). Under these criteria, an unsignalized intersection could deteriorate from LOS A to LOS E and still not be a significant impact. No amount of rationalization would justify that kind of deterioration not being significant. In addition, these criteria are not consistent with the significance criteria for signalized intersections and roadway segments, which would have significant impacts if they deteriorated to LOS E or F (or worsened at LOS E or F). The EIR must revise the significance criteria for unsignalized intersections, to at least be consistent with signalized intersections and roadway segments, and then reevaluate the impact analysis.
9. Other than noise impacts, the DEIR fails to evaluate impacts that would be associated with a rail transit system, an evaluation we had requested in our CEQA Scoping comment letter. The significance criteria for Transit impacts (page IV.2-2) are flawed, as it does not include impacts to traffic from a rail system. GP 2020 puts forward policies in

**NORTH SAN RAFAEL COALITION**

- 9 cont.
10. There is no explanation for the asterix (\*) in Exhibit IV.2-12. This exhibit must be revised to explain what the asterix mean.
11. Impact IV.7-2 (page IV.7-4), regarding visual impacts, neglects to include the conflicts with adjoining neighborhoods that a height bonus at North San Rafael Town Center would cause. We view the potential height bonus as a potentially significant impact. The GP 2020 does not include any specific mitigation measures for San Rafael Town Center. The impacts from a height bonus at this location must be evaluated and presented in the EIR.

We look forward to continuing to work with the City to finalize the GP 2020. Thank you.

Sincerely

Peter Martin, Chair  
Executive Committee

North San Rafael Coalition  
PO Box 6642  
San Rafael, Ca. 94903

133

Patrick J. Murphy  
21 La Vista Way  
San Rafael, CA. 94901

March 23, 2004

Community Development Department  
City of San Rafael  
1400 Fifth Ave.  
San Rafael, CA.

Attn: Linda Jackson, Long Term Planning

RECEIVED

MAR 24 2004

PLANNING

Dear Ms. Jackson,

Attached are my comments and responses to the San Rafael General Plan 2020. Draft Environmental Impact Report. I have responded or commented to the appropriate titles or paragraph numbers (in bold), followed by my concerns or observations.

In formulating this response, I have approached the document through two perspectives; first, as the current Chairman of the Federation of San Rafael Neighborhoods and second, as Past President and Executive Steering Committee Member of the Lincoln-San Rafael Hill Neighborhood Association.

Many of my comments are applicable to issues that are Citywide and others specifically oriented to the Lincoln-San Rafael Hill Area.

Sincerely,



Patrick J. Murphy

**A PROGRAM EIR:**

**CEQA TIERING:**

Since the City of San Rafael General Plan 2020 is designated as a "General Plan" and the EIR is designated as a "program EIR" and stated impacts are being questioned by the residents of San Rafael as being too "general" or even ambiguous with respect to definition or application, the conclusion that tiering might be appropriate in site specific projects is not acceptable. Due to the volatility of certain proposed projects in the City of San Rafael having a cumulative impact on a Neighborhood, an area or even the entire City leaves one to believe that in the true spirit of CEQA a sit specific EIR/EIS is the only way to analyze the true impacts of a project whereas tiering may fall short.

**II.2 SUMMARY OF IMPACTS AND MITIGATIONS**

**Exhibit II.2-1**

**Impact**

**Land Use, Population, Employment, and Housing**

**IV.1-2 Incompatible Land Uses and Changes to Neighborhood Character**  
Any development that results in changes in land use type, density, scale and neighborhood character is unacceptable to the residents of those impacted neighborhoods. Policies and programs in the Draft General Plan 2020 and specific impact information or lack thereof in the Draft EIR do not illustrate or verify the stated reduction of potential conflicts between new and existing uses, including design and particularly traffic conflicts. This is NOT a less-than-significant impact to the areas affected by development.

**IV.2-4 LOS at Lincoln Ave. and US 101 Southbound Ramp (GP 2020)**

Implementation of proposed projects in the Draft General Plan 2020 that result in increased traffic volumes, delays and degradation of intersection LOS impact the entire north end of Lincoln Avenue. Presently traffic impacts Lincoln egress and ingress from streets on both the north and south side of the intersection. LOS degradation at any intersection currently at or near capacity should be avoided.

**IV.2-13 Removal of On-Street Parking along Lincoln Ave.**  
Implementation of proposed projects in the Draft General Plan 2020 that result in increased traffic volumes, delays and degradation of intersection LOS impact the entire Lincoln Ave. and San Rafael Hill area. Egress and ingress from adjacent side streets is a continuous and ever increasing safety issue with form of state of the art technology signaling, left or right turn signals to aid in movement of vehicles during peak hours. Removal of on street parking on Lincoln Ave. is not a feasible option due to resident, small business and outreach services use. Additional reasons of non-feasibility are: no alternate areas for parking of vehicles, cost of notification and enforcement of parking restrictions, and safety issues regarding pedestrian street crossing and vehicle speed. The removal of on street parking on Lincoln Ave. during peak or any hours is not an option and should be deleted from the General Plan 2020.

#### NOISE

**IV.4-1 Increased Traffic Noise**  
Noise levels and impacts in the City of San Rafael vary with respect to location, elevation, peak hours, volumes, speeds, and environmental factors. There are areas near US 101 that are near or exceeding state and federal levels that require mitigation. The California Department of Transportation (Caltrans) in their traffic analysis for the Hwy. 101 Gap Closure Project have never released adequate traffic model projections for impacts relating to noise due to increased traffic volume in HOV Lanes. The cumulative impact of additional freeway lanes and related vehicular noise is **NOT** a "Less than significant impact", it is and will be a **VERY SIGNIFICANT** impact and all possible mitigation measures should be implemented!

**IV.4-2 Increased Rail Noise**  
Mitigation Measure IV.4-2 is acceptable in assessing noise impacts of proposed rail project, however it should also include research and implementation of state of the art noise mitigation applications appropriate in significantly reducing any impact.

**IV.4-5 Future Noise Sensitive Development**  
The phrasing in the section is contradictory!  
A noise level greater than those considered normally acceptable is **NOT** "less than significant"! Future noise sensitive development should not be exposed to either potential or a real increase of in noise levels that are greater than normally acceptable.

#### PUBLIC SERVICES and UTILITIES

**IV.5-6 Police Services**  
Mitigation Measure IV.5-6(a)  
Proposed sites/locations for future Police Facilities are not discussed in either the Draft EIR or the General Plan. Mitigation measures are discussed in detail that would facilitate construction of proposed facilities but there is no mention of any specific sites.

**IV.7-1 Scenic Resources**  
The Downtown area of San Rafael is set in a valley surrounded by hillsides that have residences with panoramic views. An intrusion of high-rise buildings will destroy the visual setting of this town and those residing in the hillsides will bear the impact of this nuisance. Contrary to published policies in the General Plan 2020, height bonuses of five and six stories for building projects will have a tremendous impact on the scenic resource and will **NOT** be considered "less than significant"!

**IV.7-3 Visual Setting and Character of the City**  
Any planned development in the City of San Rafael which by allowed height bonuses would degrade the visual setting and impact the 'character of the City should **NOT** be accommodated. The Downtown area of San Rafael is set in a valley surrounded by hillsides that have residences with panoramic views. An intrusion of high-rise buildings will destroy the visual setting of this town and those residing in the hillsides will bear the impact of this nuisance. Contrary to published policies in the General Plan 2020, height bonuses of five and six stories for building projects will have a tremendous impact on the scenic resource and will **NOT** be considered "less than significant"!

#### IV.9-3 Landsliding

Development of any type that might trigger or expose any structure or persons to damaging effects of landslides must **NOT** be considered. To propose any development that may result in a damaging effect to property or persons and then discuss the mitigation of such damages as “repairs” as a City goal is **NOT** sound planning or building.

### III.3 DESCRIPTION OF DRAFT GENERAL PLAN 2020

#### Overview of General Plan 2020

- “**hometown character**” The description and implementation of various policies as outlined in the General Plan 2020 will diminish the “unique sense of identity” that has been the drawing point of this City. Generic buildings with intrusive heights and size will degrade the character and setting of San Rafael and will make current residents want to leave in search for destinations reminiscent of what once was a beautiful small town in central Marin.
- “**committed citizenry**” This General Plan process has been arduous and lengthy however the residents have been involved from the onset. Since the hearings have begun relating to the General Plan and the EIR, the process has been flawed by poor scheduling, rescheduling, lengthy meetings that have curtailed direct involvement by the public and disenfranchisement from the process as it is finalized.
- “**graceful buildings**” Many of the buildings that have been erected in the recent past have not met with citizen approval when completed. A number of these represent the misdirected perspectives of planning staff, Planning Commission, and the City Council. Height bonuses and designs that are not compatible with surrounding structures or areas.
- “**reduce traffic**” Most any development that will be accommodated in San Rafael will only increase traffic.
- “**manage traffic**” The continued degradation of LOS at intersections, due to continued development will not allow for the appropriate management of traffic.

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### PROPOSED LAND USE CHANGES

#### Exhibit III.3-2

##### Map #5 Brookdale Avenue Area

To allow for medium density residential to be changed and become high density residential in this particular area is a mistake due to limited access to the street. Brookdale Ave. is a one-way street with limited access to and from Lincoln Avenue. This is in conjunction with the area being directly adjacent to US 101 and being impacted by noise and pollution from the highway.

12

##### Neighborhoods Element *New optional element*

General Plan 2020 should **NOT** replace all existing Neighborhood Plans rather reference and incorporate them into the Plan as foundations from which to address neighborhood concerns and issues.

13

**Circulation Element** Existing infrastructure will not accommodate increased traffic from development. This perspective is supported by analysis that has illustrated that San Rafael is almost built out and any further development without direct forms of public transportation will not provide for an increase of traffic.

14

**Infrastructure Element** This element should treat all trees private or public as critical to the City, its setting and environment and should be overseen by a certified arborist, and not be allowed to be removed with out City and Neighborhood involvement in a permitting process.

15

**Noise Element** Policies in this element should be restated to call for mitigation rather than minimizing noise impacts.

16

#### IV.2 TRANSPORTATION AND CIRCULATION Levels of Service

“**Baseline conditions**” Is very misleading in that the figures in the exhibits illustrate current traffic flow at near capacity in conjunction with proposed increases which will stress roadway infrastructure and traffic flow.

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**Exhibit IV.2-4**

**Existing and Baseline Operating Conditions at Unsignalized Intersections**

**Baseline Unsignalized intersections that would operate at LOS D or worse**

The two intersections that involve Lincoln Avenue illustrate the need for additional traffic signals on Lincoln. Linden and Grand Ave. are the specific sites that should be considered, due to the circumstances that have currently led to the existing LOS being degraded by the addition of the baseline.

17

**Exhibit IV.2-7**

**Existing and Baseline Operating Conditions on Roadway Segments**

Lincoln Avenue from 2<sup>nd</sup> to 101 SB-NB PM Peak  
Lincoln Avenue from 101 SB to 2<sup>nd</sup> - SB AM Peak

Mission from Irwin to Lincoln WB- AM Peak  
Mission from Irwin to Lincoln WB- PM Peak

18

The above streets currently suffer from continued congestion during the stated hours (peak) and normally are affected in both east and westbound directions. Any further degradation in the LOS at the stated intersections will result in further gridlock and will negatively impact the whole area.

**Bicycle Facilities**

The City's Bicycle and Pedestrian Plan identifies the following bike lanes and routes:

- **Lincoln Avenue** Due to the on street parking of vehicles on both sides of over 50% of Lincoln Avenue, in addition to the speed of moving vehicles and limited width of the street to facilitate bike lanes makes this route a candidate to be removed from this list. There are currently proposals through the SMART project that would facilitate the north-south bikeway adjacent to a new noise barrier.

19

**Rail Facilities**

- Traditional locomotive and diesel mixed-use vehicles will NOT be acceptable in facilitating the use of any rail system through the community. Any rail application is unacceptable unless it provides for use of environmentally safe fuels and state of the art noise abating applications. In addition, there are currently proposals through the SMART project that would facilitate the north-south bikeway adjacent to a new noise barrier (being moved to facilitate the Hwy. 101 Gap Closure Project).

20

**Transportation and Circulation-Significance Criteria**

**Unsignalized Intersections**

Degradation of any intersection to an LOS level of F should be avoided, as the cumulative impact will be very significant to the area in which it is located.

21

**Roadways and Arterial Segments**

No arterial roadway should be allowed to have a degraded LOS to a level of E or F, as the result is congestion of traffic flow not only in the immediate area but in adjacent areas as well.

22

**Parking**

An analysis of the current and projected needs for parking have to be considered when discussing a project. There should not be any allowance or reliance on, reduction or removal of on street parking relative to the approval of any proposed project.

23

**Exhibit IV.2-12**

**Intersection Level of Service Baseline and GP 2020 Without/With Improvements #'s 18-19**

There should be no further degradation of LOS at any intersections on Lincoln Avenue.

24

**Exhibit IV.2-14  
Draft GP 202 Circulation Element Major Planned Circulation  
Improvements**

**Proposed Roadway Improvements**

**Lincoln Avenue #9**  
Improvement to traffic flow, speed enforcement and calming on Lincoln Ave. would include a traffic signal at Grand Ave. and Linden Lane. Removal of on street parking on Lincoln Ave. is not a feasible option due to resident, small business and outreach services use. Additional reasons of non-feasibility are: no alternate areas for parking of vehicles, cost of notification and enforcement of parking restrictions, and safety issues regarding pedestrian street crossing and vehicle speed. The removal of on street parking on Lincoln Ave. during peak or any hours is not an option and should be deleted from the GP 2020.

25

**Freeway Facilities**

*Impact of SMART rail service on Hwy 101 traffic*

It is imperative that an analysis is completed either by SMART, Caltrans or the City in order to assess the potential impact at grade crossings and the affect on City streets, as well as the flow of freeway traffic.

26

**Impact IV.2-13**

**Removal of On Street Parking Spaces on Lincoln Avenue**

Implementation of proposed projects in the Draft General Plan 2020 that result in increased traffic volumes, delays and degradation of intersection LOS impact the entire Lincoln Ave. and San Rafael Hill area. Egress and ingress from adjacent side streets is a continuous and ever increasing safety issue with resident and through traffic. Yes, intersection improvement is needed, in the form of state of the art technology signaling, left or right turn signals to aid in movement of vehicles during peak hours. Removal of on street parking on Lincoln Ave. is not a feasible option due to resident, small business and outreach services use. Additional reasons of non-feasibility are: no alternate areas for parking of vehicles, cost of notification and enforcement of parking restrictions, and safety issues regarding pedestrian street crossing and vehicle speed. The removal of on street parking on Lincoln Ave. during peak or any hours is not an option and should be deleted from the General Plan 2020.

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**IV.3 Air Quality**

**Sensitive Receptors and Stationary Pollutant Sources**  
Hwy. 101 and Hwy. 580 are the largest sources of diesel particulate emissions within San Rafael. With the proposed addition of a rail service that would rely on traditional diesel fuel, the cumulative effect would significantly reduce the air quality in the area. Any application of rail vehicles should be fueled by an appropriate technology that would drastically minimize or eliminate the particulate emissions from the proposed vehicles.

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**IV.4 Noise**

Most noise that is affecting the residents in San Rafael is emanating from vehicular traffic throughout the City. The most impacted areas are adjacent to Hwy. 101, Hwy. 580, and other arterial roadways. Current state of the art abating applications addressing vehicular noise should be mandated in order to mitigate current and projected noise impacts.

29

**Existing Noise Conditions and Recent Studies**

In conjunction with the Hwy. 101 Gap Closure Project, a vital report of an additional study was omitted in the Draft EIR for the General Plan 2020. This report was submitted to the San Rafael Community Development Department. The omitted report was titled:

Traffic Noise Investigation  
U.S. 101, Marin County  
Final Long Term Measurement Report  
HMMH Report No. 295071.13  
Dated: November 27, 2001  
Prepared for: Caltrans Dist. 4  
Prepared by: Harris Miller Miller & Hanson  
Subconsultant to: Jones & Stokes

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**Noise-Impacts and Mitigation Measures**

**Impact IV.4-1**

**Increased Traffic Noise**  
The statement that traffic noise from US 101 would increase by 1dBA or less does not allow for the vehicular noise increases due to the 101 Gap Closure Project (since Caltrans will not release the projection of that increase) providing for increased volumes, and the cumulative additional impacts due to General Plan 2020 development projects.

With regard to the application of noise barriers to reduce noise levels (current or projected), all state of the art applications should be considered and implemented to mitigate any vehicular noise levels.

**Impact IV.4-2**

**Increased Rail Noise**

Any rail activity in San Rafael would be cause for increased noise levels from rail vehicles since currently there are none in operation.  
Any type of rail vehicle that is proposed would be nonimpacting with reference to noise levels, and if mitigation is necessary, then state of the art technology should be required, especially through residential areas.

**Impact IV.4-5**

**Future Noise Sensitive Development**

The phrasing in the section is contradictory!

A noise level greater than those considered normally acceptable is **NOT** "less than significant"! Future noise sensitive development should not be exposed to either potential or a real increase of in noise levels that are greater than normally acceptable.

**V. IMPACT OVERVIEW**

**IV.2-13 Removal of On Street Parking Along Lincoln Avenue**

Implementation of proposed projects in the Draft General Plan 2020 that result in increased traffic volumes, delays and degradation of intersection LOS impact the entire Lincoln Ave. and San Rafael Hill area. Egress and ingress from adjacent side streets is a continuous and ever increasing safety issue with resident and through traffic. Yes, intersection improvement is needed, in the form of state of the art technology signaling, left or right turn signals to aid in movement of vehicles during peak hours. Removal of on street parking on Lincoln Ave. is not a feasible option due to resident, small business and outreach services use. Additional reasons of non-feasibility are: no alternate areas for parking of vehicles, cost of notification and enforcement of parking restrictions, and safety issues regarding pedestrian street crossing and vehicle speed. The removal of on street parking on Lincoln Ave. during peak or any hours is not an option and should be deleted from the General Plan 2020.

The impact of this scenario is **VERY SIGNIFICANT** and should be **AVOIDED!**

**IV.4-2**

**Increased Rail Noise**

Any rail activity in San Rafael would be cause for increased noise levels from rail vehicles since currently there are none in operation.

Any type of rail vehicle that is proposed would be nonimpacting with reference to noise levels and if mitigation is necessary, then state of the art mitigation technology should be required, especially through residential areas.

**V.3 Significant Irreversible Environmental Changes**

Any activity associated with the San Rafael General Plan 2020, should avoid at all cost, irreversible changes or impacts on the environment!

**V.4 Growth Inducing Impacts**

The overall inconsistencies of the numbers of proposed residential units in various sections of the Draft General Plan 2020 and in the Draft EIR for the General Plan leave one to wonder which numbers are correct. If noted inconsistencies reflect stated impacts, then they are also inconsistent or possibly incorrect.



**V.5 Cumulative Impacts  
Parking Facilities**

In the City of San Rafael there is no reason to remove on street parking spaces, for whatever project or proposal. On Lincoln Avenue, removal of on street parking is not a feasible option due to resident, small business and outreach services use. Additional reasons of non-feasibility are: no alternate areas for parking of vehicles, cost of notification and enforcement of parking restrictions, and safety issues regarding pedestrian street crossing and vehicle speed. The removal of on street parking on Lincoln Ave. during peak or any hours is not an option and should be deleted from the General Plan 2020. The overall cumulative impact would be tremendous and should not even be in print!

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**EVALUATION OF ENVIRONMENTAL IMPACTS**

**XI. Noise**

Any potentially significant impact with regard to noise levels, existing and projected, that would have a detrimental effect on humans or the environment should be considered to be significant and must be considered for mitigation through the application of state of the art methodology.

In assessing the potential impacts of noise on the environment in San Rafael it must be noted that the EIR/EIS and the Traffic Noise Impact Report for the Hwy 101 Gap Closure Project were considered inadequate in their assessment of current and projected impacts (projected impacts from noise not available). In addition the reference or inclusion of an additional report was not included in the General Plan 2020 or its Draft EIR (which has since been submitted). Noise in San Rafael emanating from a variety of traffic sources is considered by most to be a significant impact to humans and the environment, and any proposal, which may cause impacts to be worsened, must be avoided.

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**Appendix VIII.3  
Transportation Data  
Lincoln Avenue**

It must be noted that any degradation in LOS on Lincoln Ave. is **NOT** acceptable!! Any improved signalization on Lincoln Ave. is welcomed!  
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PLANNING

Stephen L. Koska  
Direct Phone: (925) 975-5312  
Direct Fax: (925) 975-5390  
stephen.koska@bingham.com  
Our File No.: 00000307188

March 24, 2004

Via Fax and Federal Express

Community Development Department  
Planning Division  
Attn: Evelyn Buchwitz  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

Re: San Rafael General Plan Update 2020: General Plan  
Update Draft EIR

Dear Ms. Buchwitz:

On behalf of our clients, St. Vincent's School for Boys and Catholic Charities CYO, we submit these comments to help ensure that the City of San Rafael ("City") fully complies with the California Environmental Quality Act ("CEQA") and other applicable laws in considering the proposed *San Rafael General Plan 2020: General Plan Update* ("Project" or "Draft General Plan 2020").

After carefully reviewing the *San Rafael General Plan 2020: General Plan Update Draft Environmental Impact Report* ("DEIR") for the Project, we have concluded that it fails in innumerable respects to comply with the requirements of CEQA (Pub. Res. Code §§ 21000 *et seq.*) and the CEQA Guidelines (Cal. Code Regs., tit 14, §§ 15000 *et seq.* ("CEQA Guidelines").

As a result of these inadequacies, there can be no meaningful public review of the Project. CEQA accordingly requires the City to prepare and circulate a revised DEIR to permit a complete understanding of the environmental issues at stake.

Bingham McCutchen LLP  
bingham.com

Boston  
617.951.8000

Hanford  
840.240.2700

London  
020.7325.9770

Los Angeles  
213.680.6400

New York  
212.705.7000

San Francisco  
415.393.2000

Silicon Valley  
650.849.4400

Singapore  
65.6532.2769

Volunt Creek  
925.937.8000

Washington  
202.778.6150

I. THE DEIR THWARTS MEANINGFUL PUBLIC REVIEW AND INFORMED DECISION-MAKING BY INACCURATELY DESCRIBING THE PROJECT

- A. The DEIR Improperly Excluded from Consideration the City's Proposal to Remove St. Vincent's/Silveira's Properties from the Planning Area.

A basic purpose of an EIR "is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made." *Citizens of Goleta Valley v. Board of Supervisors*, 57 Cal. 3d 553, 564 (1990) (*Goleta I*) (emphasis added). The City violated this basic CEQA premise by proposing to remove the St. Vincent's/Silveira's properties (collectively, "Properties") from its Planning Area without reviewing the environmental consequences of that action.

The Properties have long been viewed as having a special relationship to San Rafael, both by our clients and by the City. In fact, the City has long contemplated development on the Properties with the City serving as lead agency in determining land use issues. The Properties are currently within the City's Sphere of Influence and Urban Service Area.<sup>1</sup> The San Rafael General Plan 2000 ("General Plan 2000"), adopted back in 1988, set forth detailed policies for the ultimate development of the Properties within the City, as the City determined that the Properties: "represent the largest potential housing opportunity area in the San Rafael Planning Area." General Plan 2000, SV/S - 1.

In 1998, the City determined that a comprehensive update of the General Plan 2000 was necessary, including the City's plans for land use relating to the Properties. To that end, the City and Marin County designated San Rafael as the appropriate lead agency in determining land use for the Properties and entered into a memorandum of understanding, which contemplated a cooperative process to produce recommendations for proposed locations for development, densities

<sup>1</sup> A sphere of influence is defined as a plan for the probable physical boundaries and service area of a local agency, as determined by the Local Agency Formation Commission. Gov't Code § 56076. An urban service area is land within a city's sphere of influence that is served or is proposed to be served by urban facilities and services during the first five years of a city's capital improvement plan. Gov't Code § 56080.

and intensities of development and design guidelines for areas appropriate for development on the Properties.

To implement this agreement, a 16-member advisory task force was appointed. Members of the Advisory Task Force worked over a 20-month period to develop recommendations and a report to be utilized to fashion General Plan policies. In 2003, based on the results of this cooperative process, a proposal for development on the Properties - St. Vincent's Village Development Project - was submitted to the City.

Apparently, the City has decided to change course and is now proposing to remove the Properties from its Planning Area. The City cannot achieve this result, however, without first evaluating the consequences of this proposal in the DEIR so that City Officials and members of the public will be informed of those consequences *before* such a significant policy shift is approved. Yet the DEIR explicitly refuses to consider this change or analyze its environmental impacts. The DEIR states:

Under *General Plan 2000*, which included the St. Vincent's/Silveira properties, undeveloped land accounts for approximately eight percent of the land area. It should be noted, however, that the St. Vincent's/Silveira properties have been removed from the Planning Area and are not considered in the *Draft General Plan 2020*. (DEIR, IV-1-1).

The DEIR describes the Draft General Plan 2020 as a comprehensive update of the General Plan 2000. The DEIR further lists the project objectives and includes as the first objective: "Address changed conditions since the adoption of the General Plan 2000 in 1998." DEIR, III-1. A particularly critical change in conditions from the General Plan 2000 to the Draft General Plan 2020 is the City's refusal to process the application for development of the Properties and the proposed removal of the Properties from the City's Sphere of Influence. All aspects of this major change in conditions must be discussed and evaluated in the DEIR. Accordingly, the DEIR must be revised to rectify this fundamental deficiency.

By excluding this proposed change from consideration in the analysis, the DEIR inaccurately describes the Project and fails to adequately evaluate the resulting impacts. This is contrary to CEQA, which requires a clear and comprehensive description of the project being proposed for approval. Indeed, "[i]n accurate,

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stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo*, 71 Cal. App. 3d 185, 193 (1977).

Under CEQA, a "project" is an activity approved by a public agency that may cause either a direct or indirect physical change on the environment, immediately or ultimately. Pub. Res. Code § 21065, CEQA Guidelines § 15378(a). In determining what constitutes a project, "the whole of an action" must be considered. CEQA Guidelines § 15378(a). Here, the update of the General Plan 2000 constitutes "the whole of the action." As part of this action, the City seeks to change its planning policy for the Properties. Rather than evaluating this proposed change as part of the Project, the DEIR expressly excludes it from consideration, thereby ensuring that the resulting environmental impacts are not studied.

Taking this kind of action without considering the environmental consequences of doing so contravenes the precept that an EIR must inform the decision-makers and the public of the environmental consequences of an action before it is taken. *Goleta I*, 52 Cal. 3d at 564. Unfortunately, the inevitable result of the City's decision is that the current DEIR process has improperly become the sort of *post hoc* rationalization that is fundamentally inconsistent with the purposes of CEQA. See *Laurel Heights Improvement Ass'n v. Regents of University of California* 47 Cal. 3d 376, 394 (1988).

To compound this flaw, the DEIR provides no discussion or analysis of the background to the City Council's determination to exclude the Properties from the Planning Area in the proposed General Plan. The DEIR wholly ignores the cooperative process undertaken regarding the Properties and the action that the City took in response. To correct this, the DEIR must describe the results of the Advisory Task Force process, the development proposed as a result of this process, and the subsequent actions by the City. The absence of this information conceals from the public and the decision-makers critical information bearing on the existing conditions and circumstances, the description and characterization of the proposed project, the effect of a decision to exclude the Properties from the Planning Area, and the other meaningful options that are available to the City. Only through the provision of this missing information will the DEIR satisfy the objective of a good faith effort at full disclosure.

**B. The DEIR's Inaccurate Project Description Has Resulted in Environmental Impacts Going Unstudied.**

The DEIR's failure to accurately describe the Project has resulted in an inadequate investigation of its environmental consequences, thereby precluding

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informed decision-making and public participation. See *Santiago City Water Dist. v. City of Orange*, 118 Cal. App. 3d 818, 829 (1981). The DEIR's failure to evaluate displacement and growth-inducing impacts, among others, is particularly egregious.

**1. The DEIR Fails to Adequately Analyze the Displacement Effects of Removing the Properties from the City's Planning Area.**

An EIR must investigate and analyze the reasonably foreseeable direct and indirect physical changes that may be caused by the project. See *Laurel Heights*, 47 Cal. 3d at 396-99.

In the case at hand, a reasonably foreseeable impact of effectively eliminating the development potential of the Properties is that such development will necessarily be displaced to other locations within or outside the Planning Area. The effects of forcing development elsewhere will have environmental consequences that are properly attributable to the Project and must be analyzed in assessing the Project's environmental impacts. See *Stanislaus Audubon Society, Inc. v. County of Stanislaus*, 33 Cal. App. 4th 144, 152 (1995).

Instead, the DEIR ignores this issue. The proposed project would eliminate a large amount of potential housing – up to 2,100 units. Yet, the DEIR fails to acknowledge that the local and regional pressure for adequate housing will be redirected to other land that may be less suitable for development.

In particular, the DEIR does not analyze the potential locations to which this housing will be displaced. In addition, the DEIR fails to evaluate the impacts of such displacement or determine whether the impacts would be significant. Accordingly, the DEIR must be revised to provide objective environmental information that analyzes whether eliminating the possibility of development on the Properties will simply push development to other areas less capable of handling it, thereby resulting in greater environmental impacts. See *City of Antioch*, 187 Cal. App. 3d 1325, 1336-37 (1986).

The long term effect that restrictive development policies in Marin County have had on the growth and development patterns in the North Bay counties is well documented in various studies. One direct effect has been rapid growth in pressure for development in Sonoma County and the resulting environmental impacts, including the impacts resulting from lengthening commute distances, such as increased traffic on Highway 101 and associated air pollution. To provide an adequate assessment of the impacts of the Project, the DEIR must include an analysis of these and other environmental impacts that will occur as development,

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particularly development of housing, is displaced from the San Rafael area as a result of the Project.

2. **The DEIR Fails to Adequately Analyze Growth-Inducing Impacts.**

An EIR must analyze the growth-inducing impacts of the proposed project. Pub. Res. Code § 21100(b), CEQA Guidelines § 15126(d). The impacts include the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The DEIR admits that the Project would induce growth, including the development of up to 401,000 additional square feet of non-residential uses, 5,104 additional households, and 12,708 more residents. DEIR, at V-7.

The DEIR then concludes: "While the *Draft General Plan 2020* would induce some growth, it would not be expected to have negative growth inducing impacts." DEIR, at V-7. A perfunctory statement regarding the location of the proposed development in areas that already have urban services, and vague claims that the Project would "not remove infrastructure limitations that otherwise would limit growth, not...remove regulatory constraints that could result in future unforeseen growth" (DEIR, V-7) are woefully inadequate support for the DEIR's conclusions.

Furthermore, the DEIR arbitrarily limits its analysis of growth-inducing impacts to those that may result only *within* the Planning Area. This is not sufficient. The DEIR is required to analyze the secondary environmental impacts, both direct and indirect, that may occur *as a result of the Project*, not simply those within the Project area. By limiting the analysis in this manner, the DEIR falls far short of this mandate. Accordingly, the DEIR must evaluate the growth-inducing impacts that could result from the Project, including, but not limited to, those that could occur because of the facilitation of economic development, the construction of housing and the potential extension of infrastructure, in areas adjacent to the Planning Area and in the other surrounding areas.

To satisfy CEQA, information and analysis must be provided, not just bare conclusions or opinions. Accordingly, the DEIR must include a complete discussion and analysis of all growth-inducing impacts that may result from the Project, along with a comparison of those impacts to those that would result under the General Plan as it now exists.

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3. **The DEIR Fails to Adequately Analyze Other Impacts That Will Result From Removing the Properties from the General Plan and the Planning Area.**

As the DEIR explains, San Rafael is the employment center for residents of Marin and Sonoma Counties. DEIR, IV.1-5. The jobs-housing ratio in the Planning Area has been out of balance for decades and continues to get worse. Current estimates place the ratio of jobs to housing at 1.74 jobs for each housing unit. *Id.* Elimination of the Properties from the Planning Area and General Plan will, over time, worsen this trend.

Yet, the DEIR includes no discussion or analysis of the traffic, air quality and other environmental impacts, both cumulative and indirect, that will inevitably result as San Rafael workers are forced to commute ever increasing distances to homes elsewhere in Marin County, Sonoma County and other, outlying locations. The DEIR must include a discussion and analysis of this fundamental effect of the Project, including an analysis that compares the impacts under the proposed plan with those expected under the existing plan.

Further, when the City adopted Resolution 11288 "disapproving" the development applications that had been submitted for the Properties, the City made findings purporting to conclude, among other things, that development of the Properties could exacerbate traffic conditions on Highway 101. No evidence has yet been developed to test the validity of this assumption. The evaluation of the effects of development in accordance with the existing General Plan, and the comparison with the proposed project, should include an evaluation of potential traffic impacts in light of the effect development of the Properties would have on the jobs-housing ratio. Such an evaluation should also consider the effect of the various traffic infrastructure improvements assumed by the DEIR.

One particularly glaring omission is the DEIR's failure to address how the Project will affect the supply of affordable housing, thereby resulting in environmental impacts. It is undisputed that the lack of available affordable housing in the City has a significant effect on traffic congestion. The lack of affordable housing pushes the population further and further away, forcing workers to commute to and through Marin County to their jobs. The proposals for development of the Properties submitted to the City in 2003 included a large component of affordable housing that would significantly contribute to mitigation of this growing problem. The proposed project would eliminate this environmental benefit, resulting in significant impacts that would not otherwise occur. To ensure that this effect is brought to the attention of the decision-makers and the public, the revised DEIR should include a full analysis of this effect.

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**C. The DEIR Omits and Mischaracterizes Crucial Information**

The DEIR is inherently flawed since it fails to adequately explain to the public and the decision-makers what the City is actually proposing to accomplish under the Draft General Plan 2020. The DEIR also refuses to provide accurate information that is vital to the decision-making process. This is a fatal error. See *Save Our Peninsula Committee v. Monterey County Board of Supervisors*, 87 Cal. App. 4th 99, 134 (2001) (failure to provide sufficient information to permit informed decision-making is fatal).

For example, the project description does not provide clear, concise explanations of what the proposed changes include. Instead, in most instances, the DEIR speaks only in generalities, focusing on seven "themes" and then only vaguely describing the various elements. The critical changes that are actually contemplated are lost in the verbiage.

Furthermore, when the DEIR does describe a proposed change, it often does so inaccurately. One such example is evident in how the project description characterizes the housing element. This section of the description purports to describe the policies proposed to be carried forward from the General Plan 2000, as well as the proposed changes. At no point does this section even mention the most significant proposed change – the removal of the Properties from the Planning Area. The conspicuous absence of this information results in a misleading project description. It also calls into question what other information has been omitted or mischaracterized in this document.

Another example of mischaracterization of information is reflected in the DEIR's depiction of existing conditions regarding availability of developable land. Repeatedly, the DEIR represents that the City is "built out" with only limited development opportunities. See, e.g., DEIR, IV.1-1. This "fact" is then used to support the proposed housing approach that effectively eliminates the development potential on the Properties and focuses almost entirely on infill development.

This characterization is simply not accurate. There is no shortage of developable land. To the contrary, the Properties consist of 943 acres of vacant land, upon which a proposal for development has been proposed. The only reason there are "limited development opportunities" is because of the City's attempt to unilaterally remove these opportunities from consideration. The DEIR must be revised to accurately reflect existing conditions to ensure informed decision-making in this regard.

Further exacerbating this inaccuracy is the DEIR's failure to acknowledge that regardless of the City's attempt to force the Properties from its Planning Area, the City does not have the authority to do so. Pursuant to Government Code sections 56425 *et seq.*, LAFCO – not the City – will make the ultimate decision regarding which local agency is best suited to plan for the Properties. Instead of making this clear, the DEIR assumes that this decision is a *fait accompli*, thereby improperly directing the course of the EIR's analysis and the decision-making process. This flawed approach infects the entirety of the DEIR, and is so fundamental that it can only be cured by completing and circulating for review a new DEIR that provides a full and fair analysis of these issues.

The DEIR also omits information in other regards as well. Discrepancies in data are presented in the DEIR without explanation. For example, different results appear in Exhibit IV 2-9 as compared to Exhibit IV 2-7. The DEIR comments that this inconsistency is due to the use of different analytical methodologies. The DEIR, however, provides no further information, failing to identify the different methodologies let alone describe them. The DEIR goes no further to explain the relevance of the discrepancy or the reason different methods were used. The lack of clarity in the DEIR makes its analysis incomplete, and therefore requires revision.

**II. THE DEIR FAILS TO PROVIDE AND ANALYZE RELEVANT INFORMATION REGARDING CRITICAL ISSUES IN A WAY THAT FACILITATES UNDERSTANDING OF THE PROJECT AND ITS IMPACTS AND FAIRLY EVALUATES IT IN LIGHT OF THE EXISTING PLAN AND POTENTIAL ALTERNATIVES.**

**A. The DEIR Includes Many Conclusory Statements and Findings Supported By No Analysis.**

An EIR must contain facts and analysis, not just an agency's bare conclusions or opinions. *Coléa Valley I*, 52 Cal. 3d at 568. The DEIR fails to do so in many regards.

CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant environmental impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal. App. 3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which

would substantially lessen the significant environmental effects of such projects.”  
Pub. Res. Code § 21002; *Laurel Heights*, 47 Cal. 3d at 400-01.

Despite this CEQA mandate, a constant theme in the DEIR is its reliance on inadequately defined and unsupported mitigation measures. For example, the DEIR identifies numerous potentially significant impacts. It then repeatedly relies on vague policies to mitigate such impacts to a less-than-significant level. This is inherently problematic. The policies are merely named with little or no description of their contents. In addition, there is no discussion of the feasibility of “successfully implementing” such policies, and no discussion *why* these policies would adequately mitigate impacts even if they could be implemented. This is not sufficient under CEQA. An EIR must provide facts and analysis so that the public and the decision-makers can understand and evaluate the EIR’s conclusions. See *Laurel Heights*, 47 Cal. 3d at 404.

Another example is provided in the Geology, Soils and Seismicity section. The DEIR acknowledges potentially significant impacts relating to seismic ground shaking. To mitigate this impact, the DEIR then vaguely alludes to a condition that the City shall require certain inspections as necessary. DEIR, IV.9-6. The DEIR fails to define the parameters of the mitigation measure and provides no supporting analysis for why this measure will adequately mitigate the impact.

The DEIR’s discussion regarding planned circulation improvements provides another illustration. The DEIR does not provide specifics regarding timing of implementation, but rather merely states that “implementation of improvements listed in Exhibit IV.2-14 are anticipated to occur within the planning period.” DEIR, IV.2-26. The DEIR then assumes that implementation of such improvements would occur concurrently with development, thereby reducing any impacts to less than significant. However, the DEIR fails to present any evidence upon which to base its conclusion that such concurrency would result. Furthermore, it fails to analyze the outcome should concurrency not take place. This is utterly inadequate under CEQA.

The DEIR’s discussion of impacts on scenic resources provides yet another instance of conclusory statements. The DEIR states that “New development in accordance with the General Plan 2020, if not carefully designed, could result in adverse impacts...” DEIR, IV.7-4. The DEIR provides no definition of “carefully designed” and no further analysis on this issue. It then concludes, “With careful implementation of the development review and design review processes...the potential impacts related to the height allowance would be less-than-significant.” *Id.* Such bare opinions without support do not allow for meaningful public review.

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When the DEIR determines that no mitigation is necessary because the impact will not be significant, the analysis is even more sparse. One such example, among many, is the DEIR’s discussion of parking impacts. The DEIR acknowledges that the Project will create additional demand. However, it fails to even attempt to quantify that demand, which is necessary to determine the level of significance of the impact. DEIR, IV.2-21. Instead, the DEIR simply concludes that because the zoning code “requires an amount of new parking considered adequate to meet the additional demand,” there is no significant impact. DEIR, IV.2-43. The DEIR must be revised to provide adequate support for this conclusion, including quantifying additional demand that would result from the Project, determining whether this constitutes a significant impact under the significance criteria, and evaluating whether the specific zoning code requirements would adequately mitigate any such impacts. The DEIR fails to make this straight forward analysis.

In the Transportation and Circulation section of this DEIR, there are absolutely no mitigation measures presented. Of the sixteen impacts reviewed in this section, ten were determined to be less-than-significant and, thus, no mitigation measures were required. For each of the remaining six impacts, the DEIR stated that “there would be no feasible mitigation measures that would further reduce [the impact]” and then determined that each impact was “significant and unavoidable.” DEIR, IV.2-31, 32, 34, 40, 43.

CEQA imposes a duty to mitigate significant effects on the environment to the extent feasible, even if the potential impacts remain significant and unavoidable. Pub. Resources Code §§ 21002, 21002.1(a),(b), CEQA Guidelines § § 15126.2(b), 15126.4. The CEQA Guidelines require that an EIR “[d]escribe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance.” CEQA Guidelines § 15126.2(b). “Once a significant effect has been identified, the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified.” *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342, 360 (2001).

By refusing to assess possible mitigation measures, the DEIR fails to meet its duties under CEQA. The DEIR identifies six significant transportation impacts, but does not evaluate even one mitigation measure in this section. The DEIR shirks responsibility by stating that “The City has examined possible mitigation measures to reduce this impact” and determined that the required modifications would be costly and mitigation infeasible. Not one feasible mitigation measure was presented. Further, the DEIR repeatedly relies on an unidentified study by

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the City, which, in each instance, leads to a decision that mitigation would be too costly and infeasible. This attempt to avoid discussing or analyzing mitigation measures does not satisfy CEQA requirements. Therefore, the DEIR must be revised.

The background report to the DEIR contains similarly conclusory statements. For example, in its discussion of existing conditions relating to employment, the background report makes the following statement:

San Rafael has more jobs than residents and the supply of jobs in the recent past has grown faster than the inventory of employed residents. This is largely due to the fact that there is more commercial and industrial areas. *There will always be more jobs than employed residents and people will commute to San Rafael...*(Background Report, D-12) (emphasis added).

This off-the-cuff conclusion is unfounded and entirely misplaced in a section that purports to discuss existing conditions. This statement does serve one purpose, however. It illustrates the flawed approach taken in this DEIR: this point is not raised in the DEIR, and therefore is not analyzed with respect to how the removal of the Properties will further exacerbate the problem highlighted.

**B. The DEIR Fails to Present Crucial Information In A Clear and Understandable Fashion.**

The DEIR's presentation of information is unnecessarily complicated and cumbersome, resulting in a document that is difficult to comprehend. The DEIR fails to provide a useful organizational framework so that the reader may follow the analysis. Furthermore, its presentation of substantive information is often confusing rather than illuminating.

From an organizational perspective, the DEIR is flawed in numerous respects. Critical information is not readily accessible. Instead, it is spread throughout various documents, forcing the reader to search for information. The lack of organizational consistency among these numerous documents further exacerbates this problem. The documents are not keyed to each other, they use different section titles, and the topic areas are not organized in the same way.

The most glaring example of the separation of data from analysis is seen in the DEIR's failure to provide any information or discussion regarding existing conditions. Rather, the DEIR refers to a "background report," which purportedly

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contains this crucial information. This improper approach is inconsistent with the fundamental purpose of an EIR, which is to compare existing conditions to the proposed project so that environmental impacts may be adequately studied.

This same mistake is evident in the DEIR's impacts analysis. The DEIR repeatedly relies on various generalized policies to mitigate impacts without providing any description of the content of such policies. For that information, the reader must hunt for a discussion of the specific policies in the Draft General Plan 2020. This imposes a significant burden on the reader and impairs the analytic purpose of the document.

The Draft General Plan then further separates out crucial data. For example, the Housing Element discusses broad goals, but does not contain the substantive information required under state housing law, such as a discussion regarding how the City will provide its fair share of affordable housing. Instead, this information is available only in an appendix entitled "Housing Background." Once again, this separation of supporting data from analysis confounds the reader, making informed decision-making impossible.

Substantively, the DEIR is also confusing. The analysis is cluttered with superfluous information, hindering understanding of the environmental issues. The traffic and circulation section provides just one example, among many. In that section, there are five pages of charts comparing "Existing" to "Baseline" conditions. DEIR, IV 2-7-IV 2-14. This comparison is useless and serves only to add to the bulk of the DEIR. CEQA requires analysis between a baseline and the project; the DEIR's extraneous charts do not add to this analysis and actually impede the reader's understanding.

Another example of the DEIR presenting unclear information is provided in the Agriculture Section. The DEIR describes the Planning Area as including "an estimated 1,000 acres of land identified as *Farmiland of Local Importance* as defined by the California Department of Conservation," DEIR, at IV 11-1. The DEIR continues on: "The majority of the *Farmiland of Local Importance* is on the St. Vincent's/Silveira properties." *Id.* Although the DEIR references the fact that the Properties have been removed from the Planning Area, the DEIR is not clear whether the Properties are included in the 1,000 acres and whether the DEIR conducted any analysis regarding the Properties in this regard. These unclear statements run rampant through the DEIR, causing confusion and debilitating efforts at meaningful public review.

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C. **The DEIR and Referenced Documents Present Inconsistent Information.**

The DEIR and the numerous accompanying documents are internally inconsistent as well as inconsistent among each other. For example, the DEIR repeatedly characterizes the City as essentially "built out." The background report concludes the same. See Background Report, D-16 ("As with the rest of the City, [North San Rafael, where the Properties lie] is almost completely built out, with very little vacant land left for development."). This conclusion is then used throughout the DEIR to support its claims that impacts from the proposed project would be insignificant.

The background report, however, also acknowledges the substantial development potential on the Properties, which is inconsistent with other statements in the report as well as those in the DEIR:

Major vacant land with significant development potential during the Plan's time frame is located primarily on land on the St. Vincent's and Silveira properties in North San Rafael. (Background Report, D-3).

This inconsistency is particularly problematic given that it centers on the key proposed change in the Project. In order to adequately study this issue and so that appropriate alternatives may be evaluated, accurate information must be provided in this regard. Otherwise, the DEIR improperly preordains the outcome of the analysis.

Other examples of inconsistency abound. With respect to the General Plan Housing Element, the DEIR touts the City's record in providing affordable housing, and proclaims that it will continue to do so. However, in the visual impacts section, this premise is called into question. The DEIR states that height bonuses for affordable housing in the North San Rafael Town Center could adversely affect views. DEIR, IV.7.3. The DEIR then relies on the evaluation of view impact and design review to limit the housing in such a manner as to provide no change in current views. Thus, the DEIR does not analyze the impacts of housing because it assumes that the housing will not be built.

In another instance, the Draft General Plan 2020 identifies locations in a number of neighborhoods for mixed-use development and allows for an increased first floor ceiling height. The DEIR states that "all of these parcels, except for one lot in the Loch Lomond neighborhood, are currently developed." DEIR, IV.7.3. Thus, the DEIR determines that no impact will exist on visual quality. The DEIR

points out an inconsistency in the Draft General Plan 2020 between land use allocations and design review. This discrepancy shows that the City has not taken appropriate steps to meet affordable housing requirements. Because the City must provide for this housing and it is not capable of providing such housing under its current Draft General Plan 2020, the plan is flawed. Those houses must have potentially viable locations in San Rafael, since the DEIR does not analyze any such locations, the DEIR is also flawed.

III. **THE DEIR'S ANALYSIS OF JOB/HOUSING/POPULATION ISSUES IS BASED ON UNSUPPORTED ASSUMPTIONS ABOUT THE HOUSING MIX**

The DEIR's attempt at addressing jobs/housing/population issues lacks any evidentiary support, relying instead on unsupported assumptions regarding the housing mix.

The DEIR makes the unsupported assumption that "Development consistent with the Draft General Plan 2020 would be expected to increase employment in the Planning Area to 47,394 and housing to 31,234, in the year 2020, which would result in a jobs-housing ratio of 1.52. This represents an improvement in the jobs-housing [sic], offering opportunities for more local workers to reside in the community, which has the potential to reduce traffic generation." DEIR, IV.I-14.

First, this conclusion is based on a comparison with 1998 data, which is out of date. Second, a jobs-housing "balance" is not itself a positive environmental objective in a subregion. Only a jobs-housing *match* would have beneficial impacts. As one report has explained: "The mobility factor accounts for the fact that county or other "legal" boundaries mean little as long as there is an efficient way to get across them....It also reflects the fact that the jobs available to employed residents where they live don't always match their skills or desired income. This mismatch also encourages workers to commute longer distances." Contra Costa Transportation Authority, *Looking to the Future*, 10-11.

It is clear from the background report and other documents in the record that a fundamental aspect of the housing problem in San Rafael is the absence of workforce and low-income housing. This problem is forecasted to get worse. Yet the DEIR fails to address the ramifications of this problem or any realistic options for addressing it.

Further, the EIR incorrectly assumes that because employment growth is going to be more limited, that improves the "balance" and therefore more housing opportunities will be available for local workers. It does not mean that the remaining employed people in the City will be able to afford the housing



opportunities made available to them. There is no discussion why there will be a match between local workers and their ability to reside in the community. The DEIR should include an analysis of whether the Project has been designed to match housing prices with existing and planned jobs in the City and whether it will result in the production of affordable housing.

In addition, the DEIR's discussion is based on a premise – that job growth will decline – without providing any evidence or other support for this proposition. An analysis that explains the factual basis for this conclusion needs to be provided so that its accuracy can be tested and its validity assessed. This discussion also does not explore which sector(s) are expected to be affected by such a decline. It is impossible to determine whether any sort of fit between the price of housing and available jobs result without such data. In the absence of this most basic information about the relationship between housing and jobs, there is no means of evaluating how severe the impacts of the jobs-housing imbalance will be under the proposed project.

#### IV. THE DEIR'S CUMULATIVE IMPACTS ANALYSIS IS INADEQUATE

The cumulative impacts analysis does not pass muster for several reasons. The standard by which the DEIR is analyzing such impacts is not clear. In the DEIR, cumulative impacts are defined "as those that, if added to the impacts of the Draft General Plan 2020, would increase the severity or the significance of impacts of the Draft General Plan 2020." DEIR, V-7-V-8. This vague definition is inadequate to guide the analysis.

Moreover, the DEIR's substantive discussion of cumulative impacts is cursory at best. The CEQA Guidelines provide that a cumulative impacts discussion must contain, among other elements, either a list of past, present, and reasonably anticipated future projects producing related or cumulative impacts or a summary of projections contained in an adopted General Plan. CEQA Guidelines § 15130(b)(1). In addition, the cumulative impacts discussion must contain a summary of the expected environmental effects to be produced by those projects with specific reference to additional information and a reasonable analysis of the cumulative impacts of the relevant projects, including discussion of reasonable mitigation measures. CEQA Guidelines § 15130(b)(1)-(3). An inadequate cumulative impacts discussion renders an EIR fatally defective. *Sara Joaquin Raptor Ctr. v. Stanislaus County*, 27 Cal. App. 4th 713, 740-42 (1994).

The DEIR contains none of these required elements. Among other things, the DEIR fails to briefly summarize the relevant part of a referenced document. See

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CEQA Guidelines § 15150. Even if done properly, however, reference to the General Plan in the introductory discussion is valueless if, as here, the cumulative impacts analysis does not contain a summary of the expected environmental effects to be produced by those projects with specific reference to additional information. CEQA Guidelines § 15130(b)(4). The purported analysis exhibits almost no attempt to identify other projects or projections, let alone quantify the cumulative impacts.

Further examples of inadequacy abound. Under the Land Use, Population, Employment and Housing section, the DEIR concedes that as development occurs in the Planning Area and surrounding communities, a greater intensification could result in cumulative land use compatibility impacts. DEIR, V-8. However, it then concludes with no supporting analysis that implementation of the Draft General Plan 2020 would result in less-than-significant cumulative impacts. The DEIR also states that there would be less-than-significant cumulative impacts on population, employment and housing because the increases are consistent with or below the projections for surrounding areas. "Consistent with surrounding areas" is not an established area with which to measure cumulative impacts. Without further analysis, the cumulative impact section is inadequate.

Under the Transportation and Circulation section, the DEIR side-steps analysis by relying on the traffic analysis for the Draft General Plan 2020. DEIR, V-8-V-10. The DEIR contains no discussion of the methodology used or why it is appropriate to utilize in evaluating cumulative impacts. In addition, the DEIR fails to properly identify and justify the geographic scope used as the basis for its cumulative impacts discussion. CEQA Guidelines § 15130(b)(3).

Analysis regarding cumulative parking impacts is also insufficient. The parking study discussed in connection with Lincoln Avenue is characterized as "recent." DEIR, V-10. However, no information is given about this survey. The DEIR should give details about the date the study was printed, the dates the data were gathered, and information regarding the author of the survey. Also, the DEIR includes specific facts from the survey in the cumulative impact section that were not discussed in the Transportation chapter. This means that either this information is not relevant to the DEIR or the DEIR is missing valuable information in the Transportation chapter.

The DEIR only provides minimal analysis of the other cumulative impacts. Repeatedly, the DEIR concludes that the cumulative impact would be less-than-significant without any explanation or rationale and without providing any data on the scope or extent of the impact. The absence of any data and analysis makes it impossible to compare the cumulative impacts associated with the proposed

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project with those of the existing general plan, to evaluate those cumulative impacts in light of growth-inducing impacts, or to compare them with the cumulative impacts of potential alternatives. To provide the requisite information, a revised discussion and analysis of cumulative impacts should be provided particularly with respect to Air Quality, Public Services and Utilities, Biological Resources, Hydrology, Water Quality and Flood Hazards, and Agriculture.

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V. THE DEIR DOES NOT ADEQUATELY DISCUSS  
ALTERNATIVES TO THE PROPOSED PROJECT

The requirement to set forth and analyze impacts of alternatives within an EIR is crucial to CEQA's mandate that avoidable significant environmental damage be substantially lessened or avoided where feasible. Pub. Res. Code § 21002, CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6; *Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal. App. 3d 433, 443-45 (1988). "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials." *Laurel Heights*, 47 Cal. 3d at 404.

It is especially important at the alternatives phase of the CEQA process that the agency keep an open mind to all feasible options of achieving the project's objectives. "The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revisions of the original proposal." [citation omitted]. . . . [T]he lead agency may determine an environmentally superior alternative is more desirable or [that] mitigation measures must be adopted." *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 736-37 (1990).

In particular, the discussion of alternatives must focus on alternatives capable of avoiding or substantially lessening the adverse environmental effects of the project, or reducing them to a level of insignificance. "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b). The alternatives to be discussed need not be identical or even substantially similar to the project as originally described. Rather, a feasible alternative is one which can be "accomplished in a successful manner within a reasonable period of time, taking

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into account economic, legal, social and technological factors." Pub. Res. Code § 21061.1, CEQA Guidelines § 15364, *Goleta I*, 52 Cal. 3d at 574.

As set forth more fully below, the DEIR alternatives analysis fails to comply with these requirements in numerous ways. Accordingly, a revised DEIR must be prepared that complies with CEQA's requirements to provide information sufficiently detailed to permit a reasonable choice of alternatives so far as environmental aspects are concerned. See *San Bernardino Valley Audubon Soc'y v. County of San Bernardino*, 155 Cal. App. 3d 738, 750-51 (1984).

The DEIR does not identify and clearly define each alternative. For instance, it is unclear whether the first alternative, No Project/No Development, is less development than the baseline or the same as the baseline. This confusion is founded in a poor description of both the alternative itself and the baseline. At times, the alternative is described as including only existing conditions. Sometimes, however, the alternative is defined to include approved projects that are not yet built. Similarly, the baseline includes projects not yet built, but also vacancies that could be occupied. Such constantly shifting assumptions undermine the integrity of the EIR's discussion and analysis.

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The DEIR concedes that CEQA requires that an EIR analyze a reasonable range of alternatives and purports to "provide a realistic and representative range of potential use and development concepts." DEIR, VI-1. However, the alternatives evaluated in this DEIR do not come close to meeting this standard. The first alternative, the purported No Project/No Development alternative, is not a realistic alternative to the proposed General Plan. It is merely a hypothetical construct that will not and cannot be implemented by the City since it is unrealistic in a practical sense as well as being legally impossible since the City cannot prohibit all further development.

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The No Project/No Action alternative represents maintenance of the existing general plan and is required to be considered under CEQA. Thus, the DEIR includes only one alternative to the Project besides maintenance of all aspects of the existing plan — the Reduced Development Alternative. Considering only one alternative cannot be considered a "reasonable range" of alternatives under any conceivable interpretation of that standard.

Furthermore, the Reduced Development alternative is not a true, feasible alternative under CEQA because as it does not satisfy the City's mandatory legal obligations relating to the provision of housing. According to the DEIR, it also does not offer any significant environmental advantages in comparison with the

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proposed project. It accordingly does not qualify as an alternative under CEQA, and certainly does not qualify as an environmentally superior alternative.

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The second alternative, No Project/General Plan 2000, glosses over the most significant proposed change – the effective elimination of the Properties’ development potential. The DEIR does not even attempt to analyze this issue when the second alternative is compared to the Project. By ignoring this major change to the General Plan 2000, the description and analysis of the existing plan alternative conceals a critical issue from public view.

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The most significant change proposed to be made by the proposed General Plan is the removal of the Properties, with a development potential of 2,100 housing units and 361,000 square feet of nonresidential use, from the Planning Area. The effects of this proposed change are greater than the other changes that are proposed by several orders of magnitude. Yet the DEIR includes no alternatives involving any option other than complete elimination of the Properties from the Planning Area. An obvious, feasible alternative that should have been included in the DEIR would entail retention of the Properties as under the existing general plan along with the other changes proposed for the new plan. Evaluation of such an alternative would provide the discussion and analysis that is necessary for the City to make a decision on the potential environmental advantages and disadvantages of excluding the Properties from its Planning Area and deleting it from the General Plan as proposed. The City cannot intelligently consider this proposal absent such a review.

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The DEIR should also include development alternatives that reflect the concepts for avoiding environmental impacts and enhancing the quality of the built environment reflected in the recommendations of the Advisory Task Force and the St. Vincent’s Village Development Project submitted to the City.

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The Advisory Task Force recommendations were the result of 20 months of consensus building among various constituencies in the community, including property owners, business representatives, the community-at-large, environmentalists, housing advocates, the League of Women Voters, neighbors and representatives from the City Council and Marin County Board of Supervisors. After much time, effort and study, this Task Force developed recommendations setting forth proposed locations for development, densities, intensities, and design guidelines for those areas appropriate for development, and environmental preservation and management policies for those areas inappropriate for development. Upon the City’s acceptance of the Task Force recommendations, the St. Vincent’s Village Development Project was submitted for a project that was not only consistent with those recommendations, but at a

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considerably lower density level than the maximum level recommended by the Task Force. Particularly given the level of study and support such alternatives have previously received coupled with the utter lack of a reasonable range of alternatives, their omission from consideration in the DEIR is particularly egregious. Accordingly, the DEIR should be revised to incorporate analysis of these feasible alternatives to ensure that the decision-makers and the public have all the necessary information regarding meaningful options to the Project prior to any decision.

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Furthermore, in August of 2003 the City requested that LAFCO modify the City’s Sphere of Influence and Urban Service Area boundaries to exclude the Properties. The City has proposed that LAFCO make its decision on this request using the information in this EIR. But this EIR is not sufficient for this purpose because, among others, its discussion of alternatives provides no analysis that would enable LAFCO – or any other individual or entity for that matter – to determine what the environmental advantages and disadvantages of such a proposal might be. So that the document will be suitable for decision-making on this proposal, it must be revised to correct this deficiency. The absence of such alternatives to complete removal of the Properties from the City’s Sphere of Influence and Urban Service Area is also a fundamental flaw that makes the EIR legally inadequate for use by LAFCO. See *Resource Defense Fund v LAFCO*, 191 Cal.App.3d 886, 893-94 (1987).

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To adequately address the housing and environmental issues implicated by this proposed change to the plan, the DEIR must also include additional alternatives to complete elimination of these Properties from the Planning Area, including, but not limited to, alternatives involving removal of only a portion of the Properties from the Planning Area and reduced development alternatives that would provide for development at levels less than the full development potential of the Properties. The DEIR must also include one or more alternatives that examine options for replacing the planned housing that will be eliminated in the absence of the Properties from the City’s General Plan 2020. The DEIR fails in its basic purpose as an informational document in the absence of such alternatives.

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The DEIR also ignores the alternative of developing a full range of housing on the Properties at levels greater than contemplated by the existing General Plan. Such an alternative would drastically reduce traffic and air pollution impacts due to the jobs-housing imbalance in the area (and particularly the mismatch due to the serious lack of affordable housing) as well as the many other adverse impacts that will result if needed housing is developed elsewhere instead. This alternative would also present an opportunity to address the serious problems faced not only by the City of San Rafael, but as well as various other cities and the County itself

of the need to satisfy fair share housing obligations, address the affordable housing crisis and halt the trend away from population diversity within the community.

The absence of such an alternative from the DEIR creates a major hole in the analysis. Consideration of such an alternative would reveal the many environmental benefits that would flow from the expansion of the City's affordable housing stock. And while developing these properties for housing would potentially lead to other environmental impacts, as well as proposals for mitigating those impacts, the environmental pros and cons cannot be weighed and balanced by the public and the City unless and until such an alternative is explored in the DEIR. The DEIR simply is not adequate as an informational document in the absence of such an alternative.

The DEIR's evaluation of the few alternatives that are presented is so general and conclusory as to amount to no useful comparison and analysis with the proposed project at all. The discussion amounts to nothing more than a general recitation of potential impacts that will occur under each of the alternatives as well as under the proposed project. This problem is endemic to the DEIR's discussion of the purported alternatives to the project. The discussion includes no data or other information on the specific nature, location, scope or extent of the impacts being discussed. Instead, for each impact (other than traffic and transportation) it simply makes a general statement that the impacts would either be the same as or greater than the proposed project without providing any information that would allow the reader to actually make a useful comparison of the impacts.

To provide an example, The DEIR's discussion of the No Project/No Action alternative claims that it would have greater biological impacts than the proposed project and refers to various types of habitat that might be affected. But it provides no analysis of the location of the habitats that it claims would be affected and no data on the amount of each type of habitat that would be affected. Then for the reduced development alternative the DEIR simply states that biological impacts would be similar for those of the Project except that they would "potentially" be at a "reduced scale." DEIR, at VI-16. The complete absence of any data, quantification of the impacts, or other analysis makes it impossible to make any sort of meaningful comparison of the impacts of these alternatives with each other or with the Project.

Indeed, in many instances, the DEIR simply presumes that the second alternative would have more impacts than the proposed General Plan, ostensibly because it would involve "more development" and that the third alternative would have fewer impacts than the proposed General Plan, ostensibly because it would

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involve "less development" than the proposed General Plan. No evidence or analysis is provided to support such a conclusion. This approach fails to satisfy the basic requirement that the EIR include sufficient information about each alternative to allow a meaningful evaluation, analysis and comparison with the proposed project. At a minimum, an analysis of the scope and nature of the impacts at issue, linked to the type and location of the development under consideration, and a quantification of the impacts for each alternative is necessary to an adequate presentation of these alternatives.

The discussion of alternatives is also fundamentally flawed because it fails to include any comparison of the indirect, cumulative and growth-inducing impacts of the alternatives and the proposed project. The omission of this information is a matter of particular concern given the fact that, as explained elsewhere in these comments, these impacts undoubtedly represent one of the most critical and far-reaching effects of the proposed General Plan.

Many other specific deficiencies undermine the accuracy and adequacy of the discussion of alternatives. These many deficiencies must also be corrected in the revised DEIR.

The revised DEIR must describe the alternatives that were considered and rejected, and the reasons underlying the determination not to include those alternatives in the EIR. Infeasible alternatives in the administrative record cannot replace the CEQA-mandated discussion of the alternatives in the EIR.

For instance, the DEIR avoids an important and necessary component of the analysis in the project alternatives section by assuming that no development means there is no change in population. The DEIR relies on this conclusory and inaccurate statement to determine that there will be no impacts under the first alternative.

Another omission of critical concern relates to the DEIR's treatment of housing issues as they relate to alternatives. The goal of the third alternative "is to reduce traffic impacts while still meeting the City's housing objectives." The DEIR does not demonstrate how this alternative meets the city's housing objectives. Also, there is no source given for all the data and interpolation of that data on population and population growth that is discussed in the third alternative.

In fact, the absence of a quantified analysis of housing and the match between the type and level of housing expected to be provided and the expected jobs makes the alternatives discussion seriously deficient when it comes to evaluating not only the relative impacts relating to jobs-housing balance and jobs-housing match ratios, it also omits critical information regarding the relative housing benefits that

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might be provided by the alternatives in comparison with each other and the proposed project.

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The alternatives are not accurate either. For example, the first alternative's description changes throughout the section, and the extension of the McInnis Parkway is not included in the second alternative, even though it is a build-out of General Plan 2000.

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Under the transportation and circulation section of the first alternative, the DEIR uses the default baseline conditions for analysis. As discussed above, the description of both the alternative and the baseline are unclear. Furthermore, there are many significant unavoidable traffic impacts under the first alternative. Yet, the DEIR presumes that the first alternative is the environmentally superior alternative without discussing these significant impacts.

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Under Biological Resources section of the second alternative, the DEIR states that the impacts could be reduced by "mitigation measures identified in this EIR." It is unclear as to which mitigation measures the DEIR is referring. Furthermore, under the Agriculture section of the second alternative, no potential mitigation measures are discussed. The EIR must discuss mitigation measures that would be available in order to allow a fair, accurate and complete comparison of the proposed project and the alternatives.

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Indeed, in its failure to consider the availability of mitigation measures, the discussion of alternatives in the DEIR appears to stack the deck against the second alternative when comparing it to the Project. The discussion of the second alternative finds that impacts relating to Noise, Visual Resources, Biological Resources, Geology, Hydrology and Water Quality, and Agriculture would be greater (in some unspecified way and to an unspecified degree) under the second alternative than with the proposed project. Yet the DEIR never considers the question whether the development that supposedly would cause these impacts could be designed to avoid these impacts, or could incorporate mitigation measures that would render them less-than-significant. The absence of such a discussion makes the DEIR's discussion of alternatives fatally deficient.

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This omission is particularly glaring with respect to potential development of the Properties. As discussed above, comprehensive and detailed reviews have been undertaken on the possible alternatives for use of the Properties, environmental constraints, and planning and development options for minimizing environmental impacts. Yet the DEIR includes no discussion or analysis which even recognizes the existence of this information. Instead, it misleadingly creates the impression that development of the Properties would inevitably result in significant adverse

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impacts that cannot be avoided or mitigated. The DEIR must be revised to correct this critical deficiency.

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Other problems with the third alternative also need correcting. Under the Air Quality section of this alternative, the standard used is the rate increase in Vehicle Miles Traveled ("VMT") to rate increase in population. The DEIR does not explain why this standard is used. Further, there is missing information in Impact IV.2-3 under the Transportation section. The statement does not include when the LOS would be unacceptable. Without this information, the DEIR is incomplete.

67

The discussion of alternatives considered but not included is also inadequate. The DEIR states that removal of the Properties results in a loss of 2100 housing units. The DEIR gives no answer as to how these housing units will be replaced elsewhere in the Planning Area. The DEIR then erroneously states that the Marin County Plan will "likely propose some limited amount of development to these sites." The DEIR then forgoes further analysis deferring instead to the unreleased Marin Countywide Plan update. This is improper. If it is contended that it is reasonably foreseeable that revision of the Marin County Plan will include some amount of development of these sites, then the environmental consequences of this alternative must be analyzed and discussed in this EIR.

## VI. CONCLUSION

CEQA contains detailed provisions setting forth the circumstances under which environmental impact reports must be supplemented and recirculated. As specified in CEQA Guideline section 15088.5, a DEIR must be recirculated where it is revised to include "significant new information."

The opportunity for meaningful public review of significant new information is essential to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom. *City of San Jose v. Great Oaks Water Co.*, 192 Cal. App. 3d 1005, 1017 (1987). An agency cannot simply release a draft report "that hedges on important environmental issues while deferring more detailed analysis to the final [EIR] that is insulated from public review." *Mountain Lion Coalition v. California Fish and Game Comm'n*, 214 Cal. App. 3d 1043, 1052 (1989).

In order to cure the paucity of DEIR defects identified in this letter, the City will have to obtain substantial new information to adequately assess the proposed project's environmental impacts, and to identify effective mitigation measures and alternatives capable of alleviating the Project's significant impacts. CEQA requires that the public have a meaningful opportunity to review and comment upon this significant new information in the form of a recirculated draft EIR.

**KERNER BOULEVARD, LLC**  
2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
March 24, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us  
Evelyn.Buchwitz@ci.san-rafael.ca.us

Re: Remaining unanswered questions for Environmental Impact Report answers

Dear City Staff and Planning Commissioners:

Before the DEIR end comment period ends, we'd like to remind you that we would like answers to all the previous questions we have submitted. Please included in those yet unanswered questions, answers to the following questions:

1. Who drew the lines for the Orthophoto map distributed at the March 10<sup>th</sup> Canalways site tour?
2. It is my understanding that a subcommittee of the GP Steering Committee drew this map. Is this correct?
3. If correct, who were the members of the subcommittee that designed the Orthophoto map distributed at the March 10<sup>th</sup> Canalways site tour?
4. Please be specific in naming the names of those whose input determined this map? For instance, was Jean Stark Weather on this sub-committee?
5. Who determined that 11.5 acres of the site should be delineated for L/O?
6. What science was used in that delineation?
7. What science was used in determining that all of the rest of the site should be delineated as Conservation?
8. How current and detailed was the science that was use in the determination? Please detail the scientific reports or background used.
9. Were the City's:
  - a. Non-dredging of the silted-up City Flood Pond,
  - b. Lack of automated pumps, as called for in the 1973 pump house design,
  - c. Broken 60" discharge pipe
 considered by the City's experts and in-put committee in coming to land use designation conclusions included in this Orthophoto map?
10. Were the property owners contacted for input?
11. Were the property owner's wetlands experts contacted for their input?
12. Other than the over two decade old California Fish & Game Botti Report, Stanley and Associates Shellhammer Report, and a Canalways site walk

Ms. Buchwitz  
March 24, 2004  
Page 26

Based on the aforementioned reasons, a revised draft EIR is required because the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment and informed decision-making are precluded.

Accordingly, St. Vincent's School for Boys and Catholic Charities CYO request that a revised Draft EIR be prepared prior to any further action on the DEIR or the Project.

Very truly yours,

  
Stephen T. Koska

cc: Rod Gould, City Manager  
Gary T. Regghianti, City Attorney  
Bob Brown, Planning Director

68  
cont.

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cont.

- through by the City's biology consultants, Live Oak Associates March 10, 2004 site visit, what other empirical and scientific data was used to determine the conservation, wetlands, endangered species designations presently applied to almost all of this site?
13. Was this Orthophoto map the one used for the ABAG maps that were distributed and used at the public meetings to determine what sites would be considered Housing Opportunity Sites?
14. If not this map, what map was used?
15. Who developed the map used for those public ABAG / General Plan outreach meetings?
16. When votes were taken on which sites should be used for Housing Opportunity Sites (HOS), were not the ABAG maps used to assist people in choosing which sites should be ranked as HOS?
17. How many of the potential HOS sites were designated as "Conservation" for that voting?
18. How many of the potential 37 HOS sites zoning designations had more housing friendly designations on the ABAG map used for voting and ranking HOP sites? Please provide a list of the all the sites and their zoning designations listed for voting in that HOS voting.
19. Were Steering Committee Members shown the potential HOP sites?
20. Was there a Steering Committee Subcommittee dedicated to HOP sites?
21. If so, who were the members of that sub-committee?
22. Was Canalways given a full presentation and site tour as a HOP site?
23. Who presented the details on Canalways?
24. Who were the members of the Steering Committee who received a presentation on Canalways as a potential HOP site?
25. NH-82 (Canalways) states, in part: "Recognize the high resource value of the site's wetlands that provide habitat to rare and endangered species..." In our estimation, our science and wetlands experts maintain that the resource value at Canalways is low and diminishing. In addition, it shows that the existence of the mouse is speculative. Is not the EIR required to accurately reflect the factual situation or back up contentions with science?
26. NH-82 presently refers to the "high resource value of the site's wetlands." Since NH-82 claims Canalways has a "high resource value," is not the City required to document the "resource value?" How and with what science is this value documented as part of the General Plan EIR?
27. The previous General Plan allowed 10 acres of light industry and 15 acres of residential development. In a county starved for workforce housing and plagued with commuters forced to commute in from more affordable housing areas, removing 15 acres from potential housing sites has economic and environmental impacts. Please detail the environmental impacts of removing 15 acres from potential housing sites when weighed

- against the impacts of continuing the current residential designation on these 15 Canalways acres.
28. If the City maintains the present wording in NH-82 based on skimpy science and continues to downzone the property to 11.5 acres of L/O, should not then the City assume the expense of a wetlands delineation to support its NH-82 contention?
29. Would it not be smarter, more cost effective for all parties involved, and less prone to lead to litigation for the General Plan to simply state that any future development of the site will require a study of the existence of protected species and wetlands on the property?
30. It would be fairly obvious, to a panel of peers studying the litigation that forced the City to stop flooding the Canalways site, that the City caused damage to the Canalways land and impacted its environment. Has an environmental impact report been done to determine how the Canalways environment has been changed due to prior City flooding and poor maintenance? Was such a report included in Live Oak Associates's walk through assessment of Canalways?

Thank you.

Sincerely,

Dwayne Hunn

**KERNER BOULEVARD, LLC**  
2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
March 24, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
[linda.jackson@ci.san-rafael.ca.us](mailto:linda.jackson@ci.san-rafael.ca.us)  
[Evelyn.Buchwitz@ci.san-rafael.ca.us](mailto:Evelyn.Buchwitz@ci.san-rafael.ca.us)

Re: Questions from 3-23-04 staff report  
for Draft Environmental Impact Report process answers

Dear City Staff, Planning Commissioners and Environmental Consultants:

I appreciate the tiring and often thankless work and hours you put in as Planning Commissioners. However, I had a great deal of difficulty accepting the finding you made regarding accepting the wording for NH-82. In my mind, even your staff report should have driven you to change the wording of NH-82.

Therefore, would you please explain your findings by answering the following questions? Your staff report states on page 6:

There is the possibility that after further detailed efforts, a larger portion of the Canalways may be classified as upland habitat (not wetland). For instance a portion of the subject property along the western boundary contains a mix of wetland and upland plant species and the hydrology is not as prevalent. However, it is not possible to make a final determination of the boundary between upland and wetland habitat without having a wetland delineation conducted...

1. Since your own biology consultant states: "...A larger portion of the Canalways may be classified as upland habitat (not wetland). What then gives the City the authority to designate almost the entire site as a conservation, wetlands, endangered species site?

Regarding the Salt Marsh Harvest Mouse (SMHM): your expert states: " It is quite possible that conditions (both natural degradation and anthropogenic causes such as mowing) have changed during the last 20 years and the SMHM has been extirpated from the site."

2. Under what authority then are you, and consequently the City, able to maintain that the SMHM exists at Canalways? How can the designation be maintained on our site that it is an endangered species site?

In essence, the City has successfully and significantly downzoned our property from 25 acres of land open to mixed-use development to 11.5 of light industry office space. The change in designation is a significant taking.

The loss of 13.5 acres is another significant taking. Yet, your expert states: "However, it is not possible to make a final determination of the boundary between upland and wetland habitat without having a wetland delineation conducted..."

3. How then did staff come to the conclusion that only the selected 11.5 acres is developable?
4. Did the Live Oak consultant determine the 11.5-acre choice?
5. Did a committee reduce the acreage 11.5 and choose the parcels of land?
6. Who participated in or made this decision?
7. On what science is this 11.5-acre L/O decision based?

There are significant needs for workforce housing in Marin and the Canal Community. It is my understanding that when the City had public outreach meetings to decide on which sites should be housing opportunity sites, Canalways was listed as conservation, wetlands, and an endangered species site.

8. Is this correct? Exactly how was Canalways designated on those publicly distributed maps?
9. If this is correct, is this a fair manner for the City to pose the Canalways site to the public?
10. When was the last jurisdictional determination done on Canalways?

I am a Marin County taxpayer and one of the Canalways owners who would like to do something good at Canalways. I was one of the partners who paid significant back taxes, penalties and interest and unpaid East San Rafael Assessment District fees. I entered purchase negotiations for this parcel without knowing anything about others, like the City, being interested in purchasing the property. Had I known of the City's interest, I probably would have followed my Dad's often-expressed advice: "Don't get in a fight with Rome."

Now I would like to know whether my feelings of not being treated fairly stem partly from having bought a piece of land that Rome wanted. I would like my questions answered in this Environmental Review process, because I feel our site is not being fairly treated.

Sincerely,

John Gladish



Evelyn Buchwitz

From: Joseph Lemon [joseph.lemon@yahoo.com]

Sent: Wednesday, March 24, 2004 4:38 PM

To: Evelyn.Buchwitz@ci.san-rafael.ca.us

Subject: Re: Canalways, Draft EIR 2020, and General Plan 2020; PLEASE INCLUDE IN EIR REVIEW PROCESS

Re: Canalways, Draft EIR 2020, and General Plan 2020

Dear Members of Planning Commission and the Planning Department:

I had the opportunity to attend last night's Planning Commission meeting (March 23, 2004), and I have just a few comments.

First, I want to thank all those involved with the General Plan process -- it is evident that a lot of hard work is involved, and I am sure that there are many instances where it is difficult to balance the interests of different groups.

My family is involved in the Canalways project. (I believe my father will be contacting you under separate cover; I mention this because we share the same name and are both attorneys, and I want to avoid any confusion in identity.)

I am concerned about (1) the classification of most of the Canalways site as "Conservation," (2) the reduction in permitted development from 25 to 11.3 acres, and (3) the elimination of residential housing as an anticipated permitted use.

I can appreciate that, if there were an environmental review that revealed such a need for a change in policy, then the new General Plan should accommodate such a shift.

However, where, as here, there has not been any such review, it seems the preferred course of action would be to retain existing zoning and planned uses until such time that an environmental review necessitated some variation.

As proposed, the General Plan places an undue burden on future improvement to Canalways without due process. If this type of planning is permitted, what prohibits the City from waving a magic wand over different areas of the City and declaring them to be any type of classification it so chooses, without any evidence to substantiate such claims?

I understand that the General Plan may be amended at a later date to allow for rezoning and expanded uses. However, I further understand that, as a practical matter, the General Plan is never amended, which makes the current restrictions effectively final decisions.

It was evident that there was some sentiment amongst the Commissioners that resisted such draconian reclassification of Canalways, but that any unease about such change in policy was allayed by the (purely hypothetical) possibility that the General Plan may someday be amended.

I urge the Commission to reconsider the proposed restrictions on improvements to Canalways.

I hope that you can appreciate that the property has been flooded for years by the City -- can you imagine how you would feel if your property was continually flooded by the City? --

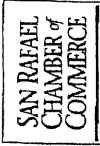
and that we should be provided with an opportunity to allow the land to return to its natural (i.e., not tortuously flooded) state before making any environmental review determinations. Only then can we know what the ideal use of the site is.

Remember, also, that the City faces desperate affordable housing needs, and Canalways provides (probably) the best opportunity to meet those needs. Restricting such uses now may tie the City's hands as well as the owners' for years to come.

Respectfully submitted for your consideration,

/Joey Lemon

Joseph L. Lemon, Jr.  
Attorney at Law



817 Mission Avenue • San Rafael, CA 94901 • (415) 454-4163 • FAX: (415) 454-7039

March 24, 2004

San Rafael Planning Commission  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA 94901

Re: Draft General Plan Comments

Dear Commissioners:

I made the following comments at the Commission's public hearing last night and am following up in writing for clarity. We are very concerned about housing sites being dismissed or densities lowered merely because of complaints from residents about traffic. We have so few feasible housing sites that we cannot dismiss any of them lightly as potentials for future workforce housing development.

We would like to know how and when staff plans to address the March 12 letter from the HCD stating that San Rafael's housing element still does not identify adequate sites to accommodate San Rafael's share of the regional housing need.

NH 82: Canalways

Residential should not be dismissed as a future land use for the 11 acre uplands designated by staff.

NH 121: Loch Lomond

We believe it is important to adopt the policy calling for varying building heights up to 36 feet. This will give the developer more flexibility in design and will allow some residential parking garages to be under the homes. We strongly urge you not to set a low-density designation on this site, because the lower the density, the larger – and more expensive – the homes will have to be for any developer to take on the project.

NH 139: Northgate Mall

Allow height bonuses of two stories for affordable housing.

NH-166 Terra Linda Shopping Center

Allow height bonuses of two stories for affordable housing.

Nova Albion School Sites

The densities at 380 Nova Albion Way and 320 Nova Albion Way owned by the Diocese and San Rafael school districts should not be lowered. It will be impossible for the school

sic@sanrafael.org • www.sanrafael.org

General Plan Comments  
Page 2

districts to create affordable teacher housing unless these properties are zoned at least at medium density. The petitioners state in their letter that the General Plan says that any development at school sites must be at "prevailing densities in the immediate area." Where is this policy in the draft plan?

CD 5: Preserve vs. Respect views

The discussion at the Commission meeting last night regarding view preservation was disturbing. As Community Development Director Brown pointed out, a view from any home can be disturbed for various reasons. If a "preservation" perspective is adopted, then any development, or redevelopment, including Downtown, can be contested as in conflict with the general plan.

CD 22a: Sign Ordinance

We think that the language of this policy needs to be clarified. What are the "cumulative effects" of signage along a roadway or corridor? Does this mean that if every existing sign is in compliance with the sign ordinance, new businesses could still be denied their rightful signage, because somehow they had "tipped the scale," on a particular street?

As always, we appreciate the opportunity to comment.  
Cordially,

Elissa Giambastiani  
President/CEO

139



STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit

Arnold Schwarzenegger  
Governor

March 26, 2004

Chantry Bell  
City of San Rafael  
1400 Fifth Avenue, Third Floor  
San Rafael, CA 94901

Subject: City of San Rafael General Plan 2020  
SCH#: 2003052031

Dear Chantry Bell:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 25, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

*Terry Roberts*

Terry Roberts  
Director, State Clearinghouse

Jan Boel  
Acting Deputy  
Director

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MAR 30 2004

CITY OF SAN RAFAEL  
PLANNING

Document Details Report  
State Clearinghouse Data Base

SCH# 2003052031  
Project Title City of San Rafael General Plan 2020  
Lead Agency San Rafael, City of

Type EIR Draft EIR  
Description A comprehensive update of San Rafael General Plan 2020.

Lead Agency Contact

Name Chantry Bell  
Agency City of San Rafael  
Phone 415 485-3116 Fax  
email  
Address 1400 Fifth Avenue, Third Floor State CA Zip 94901  
City San Rafael

Project Location

County Marin  
City San Rafael  
Region  
Cross Streets  
Parcel No.  
Township  
Range  
Section  
Base

Proximity to:

Highways 101 and 560  
Airports San Rafael and Gross  
Railways  
Waterways San Rafael Canal, San Francisco Bay  
Schools San Rafael and Dixie School District  
Land Use

Project Issues

Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood  
Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance;  
Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil  
Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water  
Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies

Resources Agency; Department of Boating and Waterways; Department of Conservation; Department  
of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San  
Francisco Bay Conservation and Development Commission; Department of Water Resources;  
Caltrans, District 4; Department of Housing and Community Development; Department of Food and  
Agriculture; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

Date Received 02/10/2004 Start of Review 02/10/2004 End of Review 03/25/2004

LOCHLOMOND MARINA COMMITTEE  
PT. SAN PEDRO ROAD COALITION  
26 BEACH DRIVE  
SAN RAFAEL, CA. 94901

March 25, 2004

RECEIVED

Mr. John Alden, Chair  
Members of the San Rafael Planning Commission  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

MAR 30 2004  
CITY OF SAN RAFAEL  
PLANNING

Dear Mr. Alden and Commissioners,

The Staff report to the Planning Commission dated March 23, 2004 cites sections of the California Government Code on Pages 51-56.

One section deals with a "Program" EIR, which is the type of EIR for the General Plan, and a "Project" EIR, which is the type of EIR prepared for a specific project.

Of great concern to our neighborhoods is the fact that if an impact is not identified in the Program EIR, then the "Project" EIR does not have to address the issue because the "Project" EIR would be consistent with the General Plan.

The General Plan EIR has not identified the LOS at 3<sup>rd</sup> and Union as significant as a result of development the General Plan would permit, east of Union Street. However, the LOS is identified as a significant impact for safety reasons.

The EIR and the General Plan need to address the fact that with no traffic improvements to the 3<sup>rd</sup> and Union junction, any development east of Union would lower the 3<sup>rd</sup> and Union LOS to E and this would be a significant impact. Only with this insertion can the Pt. San Pedro Peninsula neighborhoods be protected from unacceptable development changes without the appropriate Project EIR addressing this impact. Omitting this would mean that a Project EIR would not have to address this traffic issue. Such a situation is entirely unacceptable to the residents of the Point San Pedro Peninsula.

I would appreciate your attention to these concerns and look forward to a response in the near future.

Sincerely yours,



David N. Tattersall  
Co-Chair, LLAMC

Tel:(415) 453-4195

KERNER BOULEVARD, LLC  
2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
March 30, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us  
Evelyn.Buchwitz@ci.san-rafael.ca.us

Re: Affordable housing implementing program  
For 3-31-04 Planning Commission meeting

Dear City Staff and Planning Commissioners:

I address you from under two hats:

- 1) As a Canalways consultant and
- 2) As a former affordable housing developer, with a state affordable ownership housing record and National Fannie Mae model notched on my belt back when I worked with what is today known as North Bay Family Homes.

By continuing to increase BMR requirements as in H-19 a. Points 1-2 you express a written commitment to critical workforce housing needs. General Plan words are needed, but sometimes the words need lots of critical thought applied to them before helpful programs may evolve.

Continuously pressing the percentage of BMR units and requirements upward, while the homes actually produced skids downward for decades, bleeds out the good your words propose doing.

As I mentioned in a previous letter, the General Plans of almost every Marin city has each decade listed sufficient affordable housing sites. Each decade, however, each city has failed to actually deliver anywhere near the homes listed as to-be delivered.

With decades of undelivered homes, the seemingly ignored basic law of supply and demand has made Marin's housing market unaffordable, as \$700,000 median home prices become a norm.

1 cont.

Policy makers then feel badly for our starting police, teachers, public workers, laborers, etc., and then want to do something good. BMR requirements are seen as the "written" answer. The BMR requirements are stiffened and passed on to home builders via General Plans. The builders, if they even decide to develop in Marin, then pass the added subsidy cost onto the unsubsidized home buyers.

The BMR requirements you consider tonight are probably a done deal. But please consider that what you may be doing is driving home builders out of even trying to address Marin's market needs. Homebuilders know Marin's land use, zoning and developmental process is dominated politically by no-growth groups.

The "real world" answer lies not in General Plan words that have seldom been supported in earlier decades when they might have made some difference. The answers now lie in providing more than enough housing opportunity sites to actually produce critically needed workforce housing. Were God, or just a benevolent dictator in charge, he/she would make you build more workforce homes to make up for all those homes Marin's General Plans failed to deliver over the past 30+ years.

The other answer is enough political will to stand up to those who deftly use politics to deny sufficient land capacity to deliver critically needed workforce housing. Part of the reason previous General Plans have seldom produced enough middle class homes lies in the political fear no-growth dominated groups put into the minds of policy makers.

If workforce housing is a critical need, why should Canalways have costly, wasteful hurdles placed in its path before trying to deliver on those critical housing needs?

Had every General Plan since the 1960's been forced to provide double the number of affordable housing opportunity sites, then, even with no growth resistance, a lot more affordable workforce homes would probably exist in Marin.

I restate the grade for San Rafael, the city that probably does better than any other Marin city on providing workforce housing. If the best city grades at "F," no wonder we have a critical housing cost problem. Yet, little is truly done to address the critical housing problem other than through lip, or word, service.

Bay Area Housing Production Compared to Regional Housing Needs Determination Obligation (RHND Fair-Share) for the **City of San Rafael** in Marin County. CIRB = **Construction Industry Research Bureau**

CIRB Housing Units	% Total	% Total	ABAG	CIRB 99-02 units	1999-02 units vs.	%change CIRB

1999-2002	County Production	Regional Production To date	Projected Production To date	ABAG Projected Need vs. Production To date	ABAG Projected Need vs. Production To date	SCORE
469	21.52%	0.46%	1114	-645	42%	F

In closing, let me quote from Sumne McPeak, Secretary of California's Business, Transportation and Housing Agency in HBA News of March/April 2004.

The way most jurisdictions have developed and implemented inclusionary ordinances is to declare that a certain percentage of units in a given project are to be affordable. The way that affordability is achieved is having the other homebuyers subsidize the affordable units in one way or another.

Some inclusionary advocates think it just amounts to taking profits away from home builders. There is a real limit to that capacity or the builders won't be in business. Profits are usually achieved through higher prices on the market-rate homebuyers.

That's not right. It is exacerbating housing affordability for middle-class income Californians and the bulk of our work force.

McPeak repeats part of the point I made above:

Inclusionary ordinances are only symbolic victories because they fall well short of meeting existing needs.

In closing, McPeak makes another point that would do more to provide real workforce homes in Marin than any of the good vibe, well-intentioned words policy makers use in General Plans, but which are seldom supported with the political will that delivers significant homes for the workforce.

Producing affordable housing requires a partnership where all participants use their powers to contribute to the solution. Local governments have the powers of general plan designation and zoning; [they can] streamline the review and permitting process....

Designating and zoning Canalways so that it has fewer future hurdles to overcome in order to deliver future workforce homes is the local government power and partnership to which McPeak speaks.

Thanks for your consideration.

Sincerely,

Dwayne Hunn

1 cont.

**MARIN COUNTY  
CONGESTION MANAGEMENT AGENCY**

RECEIVED

March 24, 2004      MARCH 9 2004  
Linda Jackson      CITY OF SAN RAFAEL  
Senior Planner - City of San Rafael      PLANNING  
P.O. Box 151560  
San Rafael, CA 94915-1560

Belvedere: Bruce Sams  
Corte Madera: Cortie Madera, Melissa Gill  
County of Marin: Steve Kinsey  
Fairfax: Lou Tremaine  
Larkspur: Joan Lundstrom  
Mill Valley: Dick Swanson  
Novato: Pat Eklund  
Ross: Tom Byrnes  
San Anselmo: Peter Breen  
San Rafael: Al Boro  
Sausalito: Amy Belser  
Tiburon: Alice Fredericks

REF: San Rafael General Plan 2020 - General Plan Update

Dear Linda,

The Marin CMA staff has reviewed the proposed San Rafael General Plan 2020 Update. In our checking, we found that the projected new general plan build-out conditions at four critical checkpoints (Highway 101 north of Miller Creek, Highway 101 north of Sir Francis Drake Blvd, I-580 at the Highway 101 / I-580 interchange, and I-580 at the San Rafael Richmond Bridge) were generally better than conditions were projected to be with the existing General Plan.

Location	Existing GP AM Peak LOS V/C Dir	Proposed GP AM Peak LOS V/C Dir	Existing GP PM Peak LOS V/C Dir	Proposed GP PM Peak LOS V/C Dir
Highway 101 north of Miller Creek	F 1.04 SB C 0.57 NB	E 1.00 SB B 0.51 NB	D 0.79 SB F 1.19 NB	C 0.71 SB F 1.11 NB
Highway 101 north of Sir Francis Drake Blvd	E 0.89 SB C 0.59 NB	D 0.87 SB C 0.58 NB	D 0.78 SB F 1.01 NB	C 0.76 SB E 1.00 NB
I-580 at the Highway 101 / I-580 interchange	E 0.94 SB to EB F 2.07 WB to NB	D 0.84 SB to EB F 2.07 WB to NB About a 3 trip decrease	C 0.63 SB to EB F 1.77 WB to NB	C 0.74 SB to EB F 1.62 WB to NB

Marin County Department of Public Works, P.O. Box 4186, San Rafael, CA 94913  
Phone: 415/499-6570 - FAX 415/499-3799  
www.marintraffic.org

Linda Jackson  
March 24, 2004  
Page 2

I-580 at the San Rafael Richmond Bridge	D 0.90 EB F 1.12 WB	D 0.89 EB F 1.05 WB	F 1.11 EB D 0.78 WB	F 1.02 EB C 0.76 WB
---	------------------------	------------------------	------------------------	------------------------

The one area of continuing concern is that the AM peak WB to NB I-580/101 connection is projected to be particularly bad. It appears that this is due to a several factors: 1) in some past San Rafael modeling an Irene St over-cross was included and the Bellam Blvd ramps eliminated, the new modeling shows the "Loop" and retains the Bellam Blvd ramps (the existing), so there continues to be good access to the highway from East San Rafael in the newest modeling; 2) the balance of total employment to employed residents within sub-areas of the city could also be a positive influence. In the old City General Plan TAZ 131, 132, 133, 137 (the downtown and adjoining area) showed 8,826 jobs and 4,378 employed residents indicating that the area needed to import 4,448 workers daily. In the proposed General Plan those same zones show 8,708 jobs and 5,471 employed residents indicating a need to import 3,237 workers. A slight shift of the westbound I-580 on ramp to the east, and improved jobs to employed resident balance should reduce this concern. We would be happy to discuss this further with you.

The only other comments we have are some minor corrections for the Exhibit IV.2-18 as attached.

Sincerely,



Art Brook  
Deputy Director

- Attachment  
c: CMA Directors  
Farhad Mansourian, Director  
Craig Tackabery, Executive Director  
Dean Powell, Principal Transportation Planner  
Fred Vogler, CDA Advance Planning  
Michele Rodriguez, CDA Advance Planning  
Tho Do, Associate Engineer

**LEGAL AID OF MARIN**  
 30 North San Pedro Road, Suite 220  
 San Rafael, California 94903  
 (415) 492-0230  
 (800) 498-7666  
 Fax: (415) 492-0947

RECEIVED  
 March 25, 2004  
 MAR 29 2004  
 CITY OF SAN RAFAEL  
 PLANNING

Mr. Robert M. Brown  
 Community Development Director  
 City of San Rafael  
 P.O. Box 151560  
 San Rafael, CA 94915-1560

Re: City of San Rafael Revised Draft Housing Element

Dear Mr. Brown:

This letter is in response to your letter to me of March 15, 2004. First of all, I want to be clear that Legal Aid of Marin in no way meant to castigate the City of San Rafael for its commitment to affordable housing. If my letter of March 5, 2004 seemed to do so, I apologize from the heart. Indeed, San Rafael rightly deserves praise for its previous accomplishments.

However, I was truly dismayed by the Revised Draft Housing Element (Draft) that the City of San Rafael submitted to the Department of Housing and Community Development (HCD). In a nutshell, I sincerely doubted that the Draft would be sufficient to plan for the requisite number of new units by 2007, which, after all, is the paramount goal of a viable Housing Element.

Now, HCD has responded to the Draft. While in its letter to you of March 12, 2004, HCD acknowledged that the Draft "addressed most of the requirements described in [HCD's previous] review," it also concluded that "the [Draft] still does not identify adequate sites to accommodate San Rafael's share of the regional housing need and as a result requires revision . . ."

Let's use the revision process to elevate this discussion. What can I and other affordable housing advocates do to help create a climate in which a Draft can be created that will truly assist home builders create housing that's desperately needed? I promise to work with San Rafael to that end.

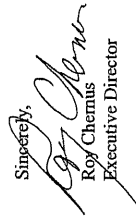
Sincerely,  
  
 Roy Chernus  
 Executive Director

Exhibit IV-2-18  
 Freeway Mainline Operations under Existing Conditions and Draft General Plan 2020 Conditions

Highway Section	AM Peak			PM Peak		
	Volumes per hour	V/C LOS <sup>a</sup>	% of Traffic	Volumes per hour	V/C LOS <sup>a</sup>	% of Traffic
US 101 north of Miller Creek	7,415	0.87	D	5,281	0.59	C
a. Southbound	3,356	0.37	B	8,232	1.00	D
Pacheco Hill				4,587	0.51	B
US 101 north of Sir Francis Drake	7,026	1.17	F	5,428	0.90	D
d. Northbound	4,100	0.59	C	6,520	0.93	E
Cal Park Hill				5,197	0.58	C
US 101 & I-580 Interchange	2,075	1.65	F	2,000	1.59	F
e. Southbound US 101 to Eastbound I-580	2,263	1.80	F	1,751	1.39	F
I. Westbound I-580 to Northbound Hwy 101	2,047	1.62	F	2,529	0.84	D
1-580 at Richmond Bridge	2,075	1.62	F	2,047	1.62	F
g. Eastbound	2,728	0.68	C	3,530	0.88	D
h. Westbound	3,468	0.87	D	2,451	0.61	C
				4,193	1.05	F
				3,059	0.76	C

<sup>a</sup> Boldface text indicates unacceptable LOS  
<sup>b</sup> The percent of traffic attributable to new development as a result of Draft General Plan 2020  
 Sources: Martin Transportation Model (MTM), November 2003; and San Rafael Department of Public Works, December 2003

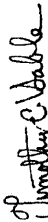
54 Lochinvar Road  
San Rafael, CA 94901  
March 25, 2004

Mr. John Alden, Chairman  
Planning Commission  
Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915

Mrs. Evelyn Buchwalter, City of San Rafael  
March 25, 2004  
Page 3

Should you require further information or have any questions regarding this letter, please call  
Majaja Cottle of my staff at (510) 286-5737.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

c: Stare Clearinghouse

Dear Mr. Alden:  
The draft General Plan's design for the Loch Lomond Marina seems to treat the Marina as if it were vacant land in an isolated location. But this is not the case.

The Loch Lomond Marina is a functioning marine-related area that is an integral part of the Loch Lomond Neighborhood. It is a part of the basic design of the Loch Lomond Neighborhood which creates its special open feel by having wide streets and low one-story houses covering gradual slopes that lead down to the Bay. The neighborhood is intimately connected to the Bay by the many views of the Bay that are available from its streets and homes. The Loch Lomond Marina was designed to be a part of this neighborhood, leaving open space next to the Bay for marine-related, profit-making uses such as dry boat storage, day boat parking, boat sales and a few neighborhood serving businesses housed in small low structures that do not cut the Loch Lomond housing off from the Bay. These land uses were designed to preserve the views from Loch Lomond and to continue the open feeling down to the Bay.

In the draft General Plan 2020, CD-2 says it is desirable to recognize the unique character and integrity of the city's residential neighborhoods, and to preserve and enhance the scale of the City's residential neighborhoods. CD-3 says the City should develop programs to ensure that new structures fit within the context of existing neighborhoods. CD-3c asks for identification of unique neighborhood qualities. Yet the vision for Loch Lomond essentially replaces the marina with a housing development that is mandated to be 5 times the density of Loch Lomond with structures 2 to 3 times the height set on top of 4 feet of additional fill.

CD-5a concerns preserving/respecting and enhancing views to focal points such as the Bay. It specifies protections for the canal waterfront, but the Plan fails to specify protection for the Bay waterfront such as exists at the Loch Lomond Marina. CD-6 purports to protect the visual identity of the Hillslides and Bay, but in the Loch Lomond marina the developers seem to be getting a reward for failing to provide setbacks from the Bay. Why aren't there regulations that mandate one-story only structures everywhere near the Bay? Why aren't there regulations that mandate only low density housing near the Bay so that bayside sites are not overwhelmed with structures? Why are Bay views cherished generally, and specifically in some places, but destroyed at Loch Lomond? How is this good design? How is this fair?

The draft General Plan 2020 on page 136 discusses the need to have transportation corridors be inviting and attractive, stating the need to control the mass and height of buildings along such corridors. A number of corridors are mentioned by name, but Point San Pedro Road, although identified in Exhibit 16 as a transportation corridor, is not mentioned. The Plan instead treats the section of Point San Pedro Road that runs along the Loch Lomond Marina in a manner that destroys its attractiveness forcing the construction of an 8-foot high sound wall there, closing off the Bay, destroying the open feel, cutting Loch Lomond residential neighborhood off from the bay, and creating the feel of a cattle chute for those driving on Point San Pedro Road.

CD-11a and 11b stress ensuring that new structures for commercial use be visually compatible with and have a building scale and height that is compatible the neighborhood where they are located. CD-12a calls for compatibility with neighborhood building scale, height, and parking patterns. Loch Lomond Marina is and historically has been an integral part of the Loch Lomond neighborhood, a neighborhood characterized by an open feel created by wide streets, 1/3 acre plots, and one-story homes.

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4



STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION  
 111 GRAND AVENUE  
 P. O. BOX 236680 04673-0660  
 OAKLAND, CA 94623-5505  
 PHONE (510) 236-5505  
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APR 10 2004

March 25, 2004

MRN-General  
MRN000054  
SCH# 2003052031

Ms. Evelyn Buchwitz  
 Community Development Department  
 City of San Rafael  
 1400 Fifth Avenue, Third Floor  
 San Rafael, CA 94901

Dear Ms. Buchwitz:

San Rafael General Plan 2020 - Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation in the environmental review process for the proposed general plan update. We have reviewed the DEIR and Background Report and have the following comments to offer:

1. Levels of Service (LOS), Page IV.2-4: Paragraph 3 states that the A.M. peak hour is from 7:00 a.m. to 9:00 a.m. Since this period lasts two hours the sentence should state either "A.M. peak" or "A.M. peak period".
2. Page IV.2-12 indicates that the information in Exhibit IV.2-11 was obtained from the Marin Transportation Model-Y2003. Since this is model data, we assume that the levels-of-service are based on traffic demand volumes. If so, were freeway constraints/ bottlenecks considered when determining the levels-of-service? If the impacts of bottlenecks were not considered, the reported levels-of-service can be misleading. For example, the A.M. LOS reported north of Miller Creek is D. However, the freeway segment north of Miller Creek is generally congested during the A.M. peak hour and the actual LOS is F.
3. Page IV.2-15: Paragraph 1 indicates three freeway segments which operate at LOS F. Again this can be misleading if the impacts of both upstream and downstream bottlenecks were not considered.
4. Exhibit IV.2-12: A.M. LOS at the Lincoln Avenue/ Southbound U.S. 101 ramps intersection is shown in the exhibit to improve from E to D with year 2020 improvements, but no improvements are listed. Why is the A.M. LOS improved? We should also note that delays increase slightly in the P.M. peak hour with the year 2020 improvements. Please explain this. This is addressed somewhat in Impact IV.2-12, but the explanation indicates

*"Citizens improve mobility across California"*

Yet the draft Plan in the specifications for developing Loch Lomond Marina, mandates a height of 3 stories on top of 4 feet of fill, and a density that forces narrow streets, walkways, and inadequate parking CD-14 calls for new single family residences to "recognize, preserve, and enhance elements that contribute to the livability of neighborhoods." It states that it should be ensured "that new development fits within and improves the character-defining elements of neighborhoods." But the draft Plan does not follow this principle in its planning for Loch Lomond Marina. Instead, it proposes a major change in land use designation robbing Loch Lomond of its marina and replacing an open marine-related area with a high, dense housing development shielded by a tall wall. This destroys the character of the Loch Lomond neighborhood, reduces the quality of life, and thereby lowers the value of housing there.

CD-16 states that the city wants public involvement in the review of new development yet sets up mandates for height and density for the Loch Lomond marina in a manner such that the public is barred from having any meaningful involvement. The Loch Lomond neighborhood is very strongly opposed to the drastic change in land use designation, the height and density requirements that the city is setting up for the Loch Lomond Marina. Our serious concerns are often met with a cavalier "we'll take care of that through design." However, it seems impossible to design away the negative impacts of an 8-foot sound wall, which may actually rise 12 feet above Pt. San Pedro Road because of added fill; it seems impossible to design away the negative impact of 2- and 3-story structures on top of 4 feet of fill rising up in front of the Bay, towering over the homes in the lower part of Loch Lomond.

CD-17 states that the city will provide incentives and enforcement to achieve desirable property maintenance. In the Vision for the Loch Lomond neighborhood the draft General Plan 2020 claims that there has been a lack of maintenance at the Loch Lomond Marina and uses this lack as a rational to claim that the area needs to be improved. The City goes on to propose a major change in land use designation at the marina that will dramatically raise the profit potential of the land. Such action will harm the Loch Lomond neighborhood as well as the city at large by the diminishing of the marina and its use as an informal park, but the land owner will get a huge financial reward. This situation provides incentive for owners to fail to maintain property - the exact opposite of what CD-17 says the City wants to do.

The principles in the Design section do not seem to have been applied in the proposal for a major change to the Loch Lomond Marina. This seems arbitrary and capricious.

If all of the land in the Loch Lomond neighborhood were not yet developed, no one would ever suggest developing it in the manner that the City plans to impose on this established area. Would a wise designer ever create a situation in which low one-story homes on 1/3 acres lots situated on land that slopes gradually down to the Bay and set up so that the Bay can be enjoyed from the streets and homes then have the land closest to the Bay elevated and covered with 2 and 3-story houses at 5 times the density thus blocking the Bay off? This clearly would not be good design, yet that is exactly what the city is mandating under the Loch Lomond Vision.

Who stole the Loch Lomond Vision? Why was it stolen? What the draft General Plan purports to be the Vision of the Loch Lomond neighborhood is certainly not Loch Lomond's vision. The voices of other neighborhoods are heard in their visions, but the voice of Loch Lomond has been co-opted. The treatment of the neighborhood Vision seems arbitrary and capricious. Loch Lomond wants to have its Vision just as other neighborhoods have theirs.

Sincerely,

*Sara L. Jensen*

Sara L. Jensen

*cc: Mayor and Council*

4 cont.

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9

Mrs. Evelyn Buchwitz/ City of San Rafael  
March 25, 2004  
Page 2

4  
cont.  
that this intersection is exempt because delay is affected by regional traffic and not local measures.  
Since these ramps will be used by local traffic as access to the freeway, we disagree with this exemption. At a minimum, mitigation should be included to ensure that vehicle queues at this intersection, resulting from traffic increases due to local development, do not extend onto southbound U.S. 101 and impact its operations.

5  
5. Exhibit IV.2-18 and Impact IV.2-9, pages IV.2-37 & 38: Similar to comment #2 above, in order to accurately assess freeway impacts associated with implementation of this general plan the impacts of freeway bottlenecks/ constraints would have to be assessed. As mentioned in comment #2, the levels-of-service reported in this Exhibit appear to have been based on demand traffic projections without consideration of bottleneck impacts and may not reflect actual operations on some freeway segments.

6  
6. Impact IV.2-10, pages IV.2-40 & 41: This impact addresses off-ramp queues that exceed existing storage and states that off-ramp queues will remain on the off-ramp and not extend onto the freeway. This document should also address the adequacy of the existing turn lanes on intersection approaches. Inadequate turn lane storage may have a negative impact on intersection operations. Highway Capacity Manual methods of determining LOS assume that adequate storage is available.

7  
7. The DEIR should assess on-ramp queuing and its impacts on intersection operations. Depending on where freeway constraints (bottlenecks) are located, some freeway segments may not have adequate capacity to accommodate all on-ramp demand traffic. If adequate freeway capacity is not available, on-ramp queues could develop and have adverse impacts at the ramp or nearby intersections.

8  
8. The DEIR does not contain an estimate of trips that would be generated as a result of developing the land uses proposed for each alternative in Exhibit VI.1-1 on page VI-2. Please provide this information for our review.

9  
9. Provide an intersection diagram for the ramp intersections in Exhibit IV.2-12 that shows traffic volume by turning movements for background and general plan 2020 conditions.

10  
10. Background Report, page E-8 indicates that the "Gap Closure" project on U.S. 101 will include a reversible high-occupancy vehicle (HOV) lane. Although this was the preferred alternative at one time, it is no longer true and the report should be changed. Please contact Mr. Jit Pander at (510) 286-6425 for the most current information on the "Gap Closure" project.

We look forward to receiving a response to our comments at least ten days prior to certification of the EIR pursuant to Section 21092.5(e) of the CEQA.

**LEGAL AID OF MARIN**  
30 North San Pedro Road, Suite 220  
San Rafael, California 94903  
(415) 492-0230  
(800) 498-7666  
Fax: (415) 492-0947

RECEIVED  
March 25, 2004

MAR 29 2004

CITY OF SAN RAFAEL  
PLANNING

Mr. Robert M. Brown  
Community Development Director  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

Re: City of San Rafael Revised Draft Housing Element

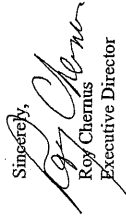
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Sincerely,  
  
Roy Chernus  
Executive Director

**MARIN COUNTY  
CONGESTION MANAGEMENT AGENCY**

**Belvedere:**  
Bruce Sams

**Corte Madera:**  
Melissa Gill

**County of Marin:**  
Steve Kinsey

**Fairfax:**  
Lou Tremaine

**Larkspur:**  
Joan Lundstrom

**Mill Valley:**  
Dick Swanson

**Novato:**  
Pat Eklund

**Ross:**  
Tom Byrnes

**San Anselmo:**  
Peter Breen

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MAY 29 2004

March 24, 2004

Linda Jackson  
Senior Planner - City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

REF: San Rafael General Plan 2020 - General Plan Update

Dear Linda,

The Marin CMA staff has reviewed the proposed San Rafael General Plan 2020 Update. In our checking, we found that the projected new general plan build-out conditions at four critical checkpoints (Highway 101 north of Miller Creek, Highway 101 north of Sir Francis Drake Blvd, I-580 at the Highway 101 / I-580 interchange, and I-580 at the San Rafael Richmond Bridge) were generally better than conditions were projected to be with the existing General Plan.

Location	Existing GP AM Peak LOS V/C Dir	Proposed GP AM Peak LOS V/C Dir	Existing GP PM Peak LOS V/C Dir	Proposed GP PM Peak LOS V/C Dir
Highway 101 north of Miller Creek	F 1.04 SB C 0.57 NB	E 1.00 SB B 0.51 NB	D 0.79 SB F 1.19 NB	C 0.71 SB F 1.11 NB
Highway 101 north of Sir Francis Drake Blvd	E 0.89 SB C 0.59 NB	D 0.87 SB C 0.58 NB	D 0.78 SB F 1.01 NB	C 0.76 SB E 1.00 NB
I-580 at the Highway 101 / I-580 interchange	E 0.94 SB to EB F 2.07 WB to NB	D 0.84 SB to EB F 2.07 WB to NB About a 3 trip decrease	C 0.63 SB to EB F 1.77 WB to NB	C 0.74 SB to EB F 1.62 WB to NB

Marin County Department of Public Works, P.O. Box 4186, San Rafael, CA 94913  
Phone: 415/499-6570 - FAX 415/499-3799  
[www.marintraffic.org](http://www.marintraffic.org)

Linda Jackson  
March 24, 2004  
Page 2

I-580 at the San Rafael Richmond Bridge	D 0.90 EB F 1.12 WB	D 0.89 EB F 1.05 WB	F 1.11 EB D 0.78 WB	F 1.02 EB C 0.76 WB
---	------------------------	------------------------	------------------------	------------------------

The one area of continuing concern is that the AM peak WB to NB I-580/101 connection is projected to be particularly bad. It appears that this is due to a several factors: 1) in some past San Rafael modeling an Irene St over-cross was included and the Bellam Blvd ramps eliminated, the new modeling shows the "Loop" and retains the Bellam Blvd ramps (the existing), so there continues to be good access to the highway from East San Rafael in the newest modeling; 2) the balance of total employment to employed residents within sub-areas of the city could also be a positive influence. In the old City General Plan TAZ 131, 132, 133, 137 (the downtown and adjoining area) showed 8,826 jobs and 4,378 employed residents indicating that the area needed to import 4,448 workers daily. In the proposed General Plan those same zones show 8,708 jobs and 5,471 employed residents indicating a need to import 3,237 workers. A slight shift of the westbound I-580 on ramp to the east, and improved jobs to employed resident balance should reduce this concern. We would be happy to discuss this further with you.

The only other comments we have are some minor corrections for the Exhibit IV.2-18 as attached.

Sincerely,



Art Brook  
Deputy Director

Attachment

c: CMA Directors  
Farhad Mansourian, Director  
Craig Tackabery, Executive Director  
Dean Powell, Principal Transportation Planner  
Fred Vogler, CDA Advance Planning  
Michele Rodriguez, CDA Advance Planning  
Tho Do, Associate Engineer



STATE OF CALIFORNIA  
 Governor's Office of Planning and Research  
 State Clearinghouse and Planning Unit



Arnold Schwarzenegger  
 Governor

Jan Boel  
 Acting Deputy Director

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MAR 5 2004

CITY OF SAN RAFAEL  
 PLANNING

March 26, 2004

Chantry Bell  
 City of San Rafael  
 1400 Fifth Avenue, Third Floor  
 San Rafael, CA 94901

Subject: City of San Rafael General Plan 2020  
 SCH#: 2003052031

Dear Chantry Bell:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 25, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

*Terry Roberts*

Terry Roberts  
 Director, State Clearinghouse

Highway Section	Existing Conditions		Draft General Plan 2020 Conditions	
	AM Peak	PM Peak	AM Peak	PM Peak
US 101 north of Miller Creek	a. Southbound	7,415 0.87 D	5,281 0.59 C	8,532 1.00 B
	b. Northbound	3,356 0.37 B	8,232 1.00 D	4,587 0.51 B
US 101 north of Sir Francis Drake	c. Southbound	7,026 1.17 F	5,428 0.90 D	7,719 0.87 D
	d. Northbound	4,100 0.59 C	6,520 0.93 E	5,197 0.58 C
US 101 & I-580 Interchange	e. Southbound US 101 to Eastbound I-580	2,075 1.63 F	2,000 1.59 F	2,529 0.84 D
f. Westbound I-580 to Northbound Hwy 101	2,263 1.80 F	1,751 1.39 F	2,609 2.07 F	2,047 1.62 F
I-580 at Richmond Bridge	E. Eastbound	2,728 0.68 C	3,530 0.88 D	3,577 0.89 D
h. Westbound	3,468 0.87 D	2,451 0.61 C	4,193 1.05 F	3,059 0.76 C

<sup>a</sup> Boldface text indicates unacceptable LOS  
<sup>b</sup> The percent of traffic attributable to new development as a result of Draft General Plan 2020

Sources: Martin Transportation Model (MTM), November 2003; and San Rafael Department of Public Works, December 2003

IV.2-39

Exhibit IV.2-18  
 Freeway Mainline Operations under Existing Conditions and Draft General Plan 2020 Conditions

Document Details Report  
State Clearinghouse Data Base

<b>SCH#</b>	2009052031
<b>Project Title</b>	City of San Rafael General Plan 2020
<b>Lead Agency</b>	San Rafael, City of
<b>Type</b>	EIR Draft EIR
<b>Description</b>	A comprehensive update of San Rafael General Plan 2020.
<b>Lead Agency Contact</b>	
<b>Name</b>	Chantily Bell
<b>Agency</b>	City of San Rafael
<b>Phone</b>	415 485-3116
<b>email</b>	
<b>Address</b>	1400 Fifth Avenue, Third Floor
<b>City</b>	San Rafael
<b>State</b>	CA
<b>Zip</b>	94901
<b>Fax</b>	
<b>Project Location</b>	
<b>County</b>	Marin
<b>City</b>	San Rafael
<b>Region</b>	
<b>Cross Streets</b>	
<b>Parcel No.</b>	
<b>Township</b>	
<b>Range</b>	
<b>Section</b>	
<b>Base</b>	
<b>Proximity to:</b>	
Highways	101 and 560
Airports	San Rafael and Gross
Railways	
Waterways	San Rafael Canal, San Francisco Bay
Schools	San Rafael and Dixie School District
Land Use	
<b>Project Issues</b>	Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects
<b>Reviewing Agencies</b>	Resources Agency; Department of Boating and Waterways; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Caltrans, District 4; Department of Housing and Community Development; Department of Food and Agriculture; Regional Water Quality Control Board, Region 2; Native American Heritage Commission
<b>Date Received</b>	02/10/2004
<b>Start of Review</b>	02/10/2004
<b>End of Review</b>	03/25/2004

**KERNER BOULEVARD, LLC**  
2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
March 30, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us  
Evelyn.Buchwitz@ci.san-rafael.ca.us

Re: Affordable housing implementing program  
For 3-31-04 Planning Commission meeting

Dear City Staff and Planning Commissioners:

I address you from under two hats:  
1) As a Canalways consultant and  
2) As a former affordable housing developer, with a state affordable ownership housing record and National Fannie Mae model notched on my belt back when I worked with what is today known as North Bay Family Homes.

By continuing to increase BMR requirements as in H-19 a. Points 1-2 you express a written commitment to critical workforce housing needs. General Plan words are needed, but sometimes the words need lots of critical thought applied to them before helpful programs may evolve.

Continuously pressing the percentage of BMR units and requirements upward, while the homes actually produced skids downward for decades, bleeds out the good your words propose doing.

As I mentioned in a previous letter, the General Plans of almost every Marin city has each decade listed sufficient affordable housing sites. Each decade, however, each city has failed to actually deliver anywhere near the homes listed as-to-be delivered.

With decades of undelivered homes, the seemingly ignored basic law of supply and demand has made Marin's housing market unaffordable, as \$700,000 median home prices become a norm.

Note: Blanks in data fields result from insufficient information provided by lead agency.

Policy makers then feel badly for our starting police, teachers, public workers, laborers, etc., and then want to do something good. BMR requirements are seen as the "written" answer. The BMR requirements are stiffened and passed on to home builders via General Plans. The builders, if they even decide to develop in Marin, then pass the added subsidy cost onto the unsubsidized home buyers.

The BMR requirements you consider tonight are probably a done deal. But please consider that what you may be doing is driving home builders out of even trying to address Marin's market needs. Homebuilders know Marin's land use, zoning and developmental process is dominated politically by no-growth groups.

The "real world" answer lies not in General Plan words that have seldom been supported in earlier decades when they might have made some difference. The answers now lie in providing more than enough housing opportunity sites to actually produce critically needed workforce housing. Were God, or just a benevolent dictator in charge, he/she would make you build more workforce homes to make up for all those homes Marin's General Plans failed to deliver over the past 30+ years.

The other answer is enough political will to stand up to those who deftly use politics to deny sufficient land capacity to deliver critically needed workforce housing. Part of the reason previous General Plans have seldom produced enough middle class homes lies in the political fear no-growth dominated groups put into the minds of policy makers.

If workforce housing is a critical need, why should Canalways have costly, wasteful hurdles placed in its path before trying to deliver on those critical housing needs?

Had every General Plan since the 1960's been forced to provide double the number of affordable housing opportunity sites, then, even with no growth resistance, a lot more affordable workforce homes would probably exist in Marin.

I restate the grade for San Rafael, the city that probably does better than any other Marin city on providing workforce housing. If the best city grades at "F," no wonder we have a critical housing cost problem. Yet, little is truly done to address the critical housing problem other than through lip, or word, service.

Bay Area Housing Production Compared to Regional Housing Needs Determination Obligation (RHND Fajr-Share) for the **City of San Rafael** in Marin County. CIRB = **Construction Industry Research Bureau**

CIRB Housing Units	% Total	% Total	ABAG	CIRB 99-02 units	1999-02 units vs. %change CIRB

1999-2002	County Production	Regional Production	Projected Need vs. Production	ABAG Projected Need vs. Production	ABAG projected Need vs. Production	SCORE
			To date	To date	To date	

469 21.52% 0.46% 1114 -645 42% F

In closing, let me quote from Sunne McPeak, Secretary of California's Business, Transportation and Housing Agency in HBA News of March/April 2004.

The way most jurisdictions have developed and implemented inclusionary ordinances is to declare that a certain percentage of units in a given project are to be affordable. The way that affordability is achieved is having the other homebuyers subsidize the affordable units in one way or another.

Some inclusionary advocates think it just amounts to taking profits away from home builders. There is a real limit to that capacity or the builders won't be in business. Profits are usually achieved through higher prices on the market-rate homebuyers.

That's not right. It is exacerbating housing affordability for middle-class income Californians and the bulk of our work force.

McPeak repeats part of the point I made above:

Inclusionary ordinances are only symbolic victories because they fall well short of meeting existing needs.

In closing, McPeak makes another point that would do more to provide real workforce homes in Marin than any of the good vibe, well-intentioned words policy makers use in General Plans, but which are seldom supported with the political will that delivers significant homes for the workforce.

Producing affordable housing requires a partnership where all participants use their powers to contribute to the solution. Local governments have the powers of general plan designation and zoning; [they can] streamline the review and permitting process.....

Designating and zoning Canalways so that it has fewer future hurdles to overcome in order to deliver future workforce homes is the local government power and partnership to which McPeak speaks.

Thanks for your consideration.

Sincerely,

Dwayne Hunn

LOCH LOMOND MARINA COMMITTEE  
 PT. SAN PEDRO ROAD COALITION  
 26 BEACH DRIVE  
 SAN RAFAEL, CA. 94901

COMMON SENSE  
 LOSS PREVENTION  
 SCENARIOS

6 problems ... 6 remedies ... 6 projects  
 6 meetings ... 6 permits ... 6 months

6 Crucial Sites in the San Rafael Canal Area

- |     |          |  |                              |
|-----|----------|--|------------------------------|
| 1.  | SPAN     | Kerner Blvd. Gap Closure                                   | Transportation Remedy        |
| 2.  | BRIDGE   | Canal Street to Third Street                               | Pedestrian and Bicycle Use   |
| 3.  | RAISE    | Levee at Canal Ways  | Loss Prevention w/ new trail |
| 4a. | CREATE   | 580 - 101 - Express Way                                    | Transportation Remedy        |
| 4b. | CROSS    | [Interstate 580] > 580/101 EW connecting Irene to Anderson | Transportation Remedy        |
|     |          | 50% RELIEF on Bellam Ave                                   |                              |
| 5.  | PRESERVE | Wetlands area of Canal Ways                                | Preservation for Wetlands    |
| 6.  | BUILD    | Affordable Housing at Canal Ways                           | Affordable Housing Rental    |

March 25, 2004

RECEIVED

Mr. John Alden, Chair  
 Members of the San Rafael Planning Commission  
 City of San Rafael  
 P.O. Box 151560  
 San Rafael, CA 94915-1560

MAR 30 2004  
 CITY OF SAN RAFAEL  
 PLANNING

Dear Mr. Alden and Commissioners,

The Staff report to the Planning Commission dated March 23, 2004 cites sections of the California Government Code on Pages 51-56.

One section deals with a "Program" EIR, which is the type of EIR for the General Plan, and a "Project" EIR, which is the type of EIR prepared for a specific project.

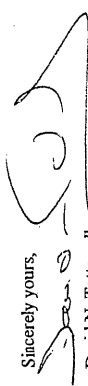
Of great concern to our neighborhoods is the fact that if an impact is not identified in the Program EIR, then the "Project" EIR does not have to address the issue because the "Project" EIR would be consistent with the General Plan.

The General Plan EIR has not identified the LOS at 3<sup>rd</sup> and Union as significant as a result of development the General Plan would permit, east of Union Street. However, the LOS is identified as a significant impact for safety reasons.

The EIR and the General Plan need to address the fact that with no traffic improvements to the 3<sup>rd</sup> and Union junction, any development east of Union would lower the 3<sup>rd</sup> and Union LOS to E and this would be a significant impact. Only with this insertion can the Pt San Pedro Peninsula neighborhoods be protected from unacceptable development changes without the appropriate Project EIR addressing this impact. Omitting this would mean that a Project EIR would not have to address this traffic issue. Such a situation is entirely unacceptable to the residents of the Point San Pedro Peninsula.

I would appreciate your attention to these concerns and look forward to a response in the near future.

Sincerely yours,



David N. Tattersall  
 Co-Chair, LLMC

**Evelyn Buchwitz**

From: sweepolato8888@comcast.net  
Sent: Wednesday, March 31, 2004 11:26 PM  
To: Evelyn Buchwitz; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Jean Sward (sweepolato8888@comcast.net) on Thursday, April 1, 2004 at 01:25:38

subject: San Rafael General Plan - Ask a Question Form

email: sweepolato8888@comcast.net

Address: 23 Dowitcher Way

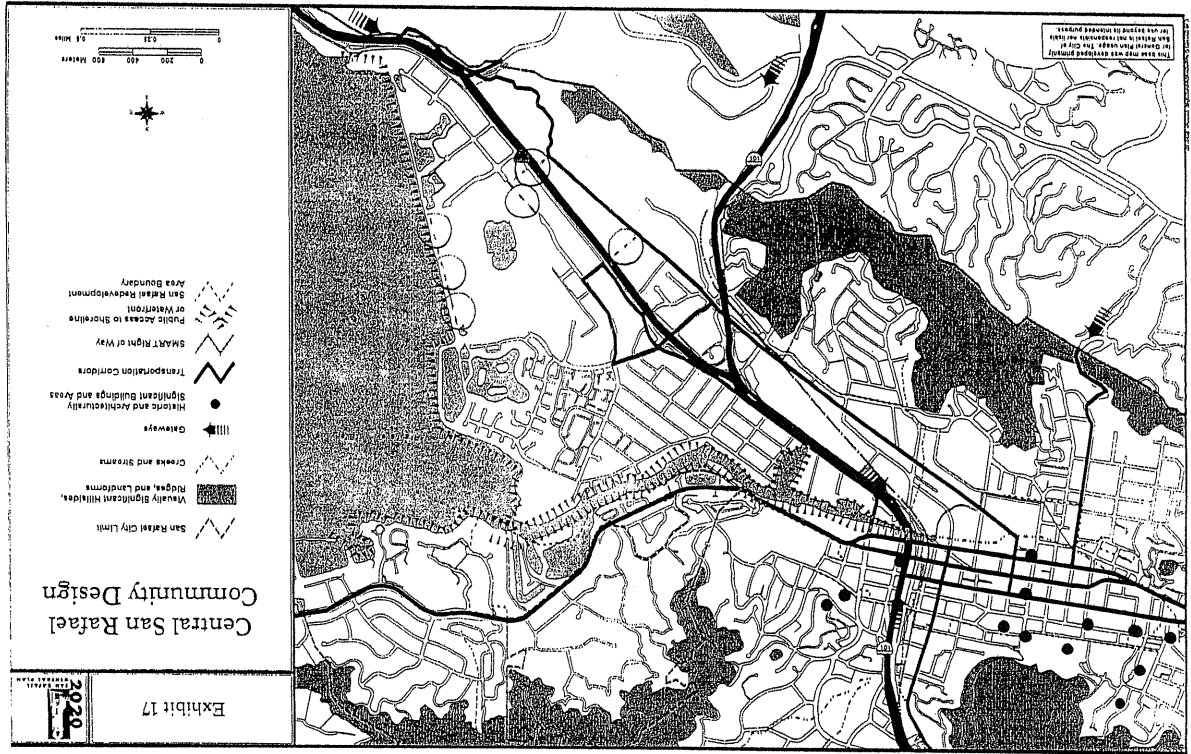
City: san rafael

Zip: 94901

Phone: (415)258-0826

question: I'm a resident of Baypoint Lagoons at the east end of Bellam, and I want to thank the Planning Commission for your position on NH-82. This area couldn't handle the traffic increase that would result from development of Canalways, and further, the Canalways area is the last remaining undeveloped San Rafael Shoreline habitat for many species.

submit: Submit



Central San Rafael Community Design

Exhibit 17

2020



Roger E. Roberts  
223 So. Heights Blvd.  
San Rafael, Calif. 94901

March 31, 2004

City of San Rafael  
Community Development Dept.  
and The Planning Commission

Subject: The Draft San Rafael General Plan 2020  
- Economic Vitality Element -

Gentlemen and Ladies:

I will not be able to attend your April 27th meeting on, among other things, The Economic Vitality Element of the Draft San Rafael General Plan 2020. Therefore, I want to submit the following comments for your consideration:

Under EV-2 - Seek, Retain, and Promote Businesses that Enhance San Rafael I suggest that you add an additional program as follows:

EV-2b. Business Recruitment. Coordinate the City's business recruitment program and policies with the County's efforts.  
Responsibility: Economic Development  
Timeframe: Ongoing  
Resources: Staff Time, Partnership with County and Chamber of Commerce

It seems appropriate to add this program inasmuch as the Draft Marin Countywide Plan's Socioeconomic Element includes policies and programs to encourage new targeted businesses, and develop Screening Criteria to facilitate this planning process. The idea behind this approach is to focus on high-wage businesses with linkages to the existing business base of the County that also promote social equity, and assist in meeting planning goals. (Reference Draft Marin Countywide Plan, pages 4-13 through 4-18.)

Under EV-7 - Environmentally-Friendly Business Practices, I suggest adding an additional program as follows:

EV-7b. Green Business Certification. Promote and participate in the County's Green Business Certification Program.  
Responsibility: Community Development  
Time Frame: Ongoing  
Resources: Staff Time

cont'd.

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2

March 31, 2004 Letter to The City of San Rafael re. The Draft San Rafael General Plan 2020 - Economic Vitality Element -

Under EV-8 - Diversity of our Economic Base, Program EV-8b Day Laborers, it would seem appropriate to expand the program description to make reference to the need for the City to identify and partner with a Non-Profit Agency to actually implement a day laborer employment center.

3

Under Goal 10: Distinctive Business Areas, it seems appropriate to include or add West End Village to the list of areas.

4

Under EV-15. - Business Areas, the first bullet point (Planning and managing the supply and operations and parking) something is missing in the sentence. I presume the thrust of the statement is to ensure that the supply of parking is managed as well as its operations, but it is not clear to me, at least, what this statement says. Some clarification seems necessary.

5

Under EV-15a - Zoning Regulations I would suggest that it make sense to also cross reference the Neighborhood Elements for the various Business Areas i.e., The Downtown, West End Village, Francisco Blvd. West, North San Rafael Commercial Center, and, possibly, the Canal Waterfront.

6

I hope this is helpful to you in your review of the Economic Vitality Element of the Draft General Plan.

Sincerely yours,

Roger Roberts

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APR 01 2004

PLANNING

**Evelyn Buchwitz**

From: stuart.snyder@att.net  
 Sent: Wednesday, March 31, 2004 11:58 PM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
 Stuart Snyder (stuart.snyder@att.net) on Thursday, April 1, 2004 at 01:58:16

subject: San Rafael General Plan - Ask a Question Form

email: stuart.snyder@att.net

Address: 208 Baypoint Drive

City: San Rafael

Zip: 94901-8420

Phone: 415-4576-5341

question: Why build in an area that will surely mean more traffic congestion. The extra runoff into the bay from the traffic will surely further pollute the bay. When you have your meetings people who have to work cannot stay until your ordinary business is over but those people who represent builders get paid to stay so you get a distorted picture of what your citizens think. Stuart Snyder

submit: Submit

**Evelyn Buchwitz**

From: RRATS550@AOL.COM  
 Sent: Thursday, April 01, 2004 8:35 AM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
 STARR TABER (RRATS50@AOL.COM) on Thursday, April 1, 2004 at 10:55:14

subject: San Rafael General Plan - Ask a Question Form

email: RRATS550@AOL.COM

Address: 31 BAYPOINT DR.

City: SAN RAFAEL

Zip: 94901

Phone: 415 482 1684

question: I SUPPORT THE POSITION OF THE PLANNING COMMISSION REGARDING NH-82. WE NEED TO PROTECT OUR VERY SPECIAL ENVIRONMENT FOR FUTURE GENERATIONS. THE LESS DEVELOPMENT, THE BETTER!

submit: Submit

**Evelyn Buchwitz**

**From:** jebdds@sbcglobal.net  
**Sent:** Thursday, April 01, 2004 8:48 AM  
**To:** Evelyn Buchwitz; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by John Boland (jebdds@sbcglobal.net) on Thursday, April 1, 2004 at 10:48:29

subject: San Rafael General Plan - Ask a Question Form

email: jebdds@sbcglobal.net

Address: 35 Egret View

City: San Rafael

Zip: 94901

Phone: 721-7118

question: Dear Mr. Alden and Commission Members, I support NH-82. Please dedicate the Canalways for the purposes of public use and education. The traffic funneling out of the area through Bellam at East Francisco is increasingly gridlocked. I have lived in the area for 5 years and in that time the congestion and foot traffic has dramatically increased. The safety and health issues cannot be ignored. Adding more high density housing will make matters all that much more difficult and add to the congestion. Additionally, the developers of the Canalways parcel are creating an environmental blight in not allowing the natural waters to fill the marsh. Thank you for your consideration and interest in maintaining the quality of life and safety of our neighborhood. John Boland

submit: Submit

**Evelyn Buchwitz**

**From:** Carol\_Kreeger@cand.uscourts.gov  
**Sent:** Thursday, April 01, 2004 9:17 AM  
**To:** Evelyn Buchwitz; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Richard and Carol Kreeger (Carol\_Kreeger@cand.uscourts.gov) on Thursday, April 1, 2004 at 11:17:24

subject: San Rafael General Plan - Ask a Question Form

email: Carol\_Kreeger@cand.uscourts.gov

Address: 268 Baypoint Drive

City: San Rafael

Zip: CA 94901

Phone: 415-482-6595

question: Please add our names to the large number of San Rafael residents who support NH-82 as written. The current property owners are drying out the parcel and polluting it with litter, off-road vehicle sports and even target shooting. It is a unique wildlife habitat recognized by the US Fish & Wildlife Dept. By allowing Canalways to naturally fill with run off, the city could provide refuge to many species, including various waterfowl which nest offshort on East & West Marin Islands. We support the city's efforts to obtain Canalways for public use and education. Building in this area would further congest traffic along Bellam Blvd. and imperil emergency vehicles. This area already supports more than its fair share of high density housing. Please don't let it be ruined! Thank you very much for your consideration.

submit: Submit

**Evelyn Buchwitz**

From: ronpostrel@yahoo.com  
Sent: Thursday, April 01, 2004 10:06 AM  
To: Evelyn Buchwitz; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Ron Postrel (ronpostrel@yahoo.com) on Thursday, April 1, 2004 at 12:05:59

subject: San Rafael General Plan - Ask a Question Form

email: ronpostrel@yahoo.com

Address: 6 Egret View

City: San Rafael

Zip: 94901

Phone: 415-454-2020

question: I strongly support the purchase of open space in Marin County for the purposes of conservation. NO MORE DEVELOPMENT!!

submit: Submit

1

**Evelyn Buchwitz**

From: dsaberman@sbcglobal.net  
Sent: Thursday, April 01, 2004 10:09 AM  
To: Evelyn Buchwitz; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Donna Saberman (dsaberman@sbcglobal.net) on Thursday, April 1, 2004 at 12:08:38

subject: San Rafael General Plan - Ask a Question Form

email: dsaberman@sbcglobal.net

Address: 46 Baypoint Village Drive

City: San Rafael

Zip: 94901

Phone: 415-457-6044

question: I AM A RESIDENT ALONG SHORELINE PATH IN BAYPOINT LAGOONS AND AM SUPPORTING THE PLANNING COMMISSIONS CURRENT POSITION ON NH-82. NO FURTHER DEVELOPMENT IN CANALWAYS. THE CURRENT PARCEL IS ON ITS WAY TO BEING DESTROYED AND THE TRAFFIC CONGESTION IS ALREADY A SAFETY ISSUE.

submit: Submit

1

**Evelyn Buchwitz**

From: kisscher@aol.com  
 Sent: Thursday, April 01, 2004 10:40 AM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Cheryle Hangartner (kisscher@aol.com) on Thursday, April 1, 2004 at 12:40:19

subject: San Rafael General Plan - Ask a Question Form

email: kisscher@aol.com

Address: 236 Boypoint Drive

City: San Rafael

Zip: 94901

Phone: 415-454-1353

question: I am a supporter of NH-82. As a resident of the area for 10 years now, I see that the congestion and traffic have grown to almost intolerable proportions (access to 101 south). New developments would just exacerbate the situation.

submit: Submit

**Evelyn Buchwitz**

From: hbpostrel@comcast.net  
 Sent: Thursday, April 01, 2004 10:49 AM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Helene Postrel (hbpostrel@comcast.net) on Thursday, April 1, 2004 at 12:49:01

subject: San Rafael General Plan - Ask a Question Form

email: hbpostrel@comcast.net

Address: 6 Egret View

City: San Rafael

Zip: 94901

Phone: 482-1050

question: Dear Mr. Alden and Commission Members, Please add my name to the large number of San Rafael residents who support NH-82 as written. The current property owners are drying out the parcel and polluting it with litter and off road vehicle sports. It is a unique wildlife habitat recognized by the US Fish and Wildlife Dept. By allowing Canalways to naturally fill with run off, the city could provide refuge to many species, including various waterfowl which nest offshore on East & West Marin Islands. I support the city's efforts to obtain Canalways for public use and education. Building in this area would further congest traffic along Bellam Blvd, which is badly clogged during commute times. It takes me 10 minutes to get from E. Francisco@Bellam to southbound 101. More building imperils emergency vehicles, and the increasing amount of pedestrians who have few walkways across Bellam. This area already supports more than its fair share of high density housing. Please don't let it be ruined! Thank-you, Helene Postrel

submit: Submit

**Evelyn Buchwitz**

From: jane\_e\_winter@hotmail.com  
 Sent: Thursday, April 01, 2004 10:49 AM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Jane Winter (jane\_e\_winter@hotmail.com) on Thursday, April 1, 2004 at 12:48:49

subject: San Rafael General Plan - Ask a Question Form

email: jane\_e\_winter@hotmail.com

Address: 256 Baypoint Drive

City: San Rafael

Zip: 94901

Phone: 415.721.0388

question: Dear Mr. Alden and Commission Members, Please add my name to the large number of San Rafael residents who support NH-82 as written. This parcel is a unique wildlife habitat recognized by the US Fish and Wildlife Dept. The current owners are drying the land out and allowing it to be polluted with litter and offroad vehicle sports. If the Canalways were allowed to naturally fill with run off, the city could provide refuge to many species, including various waterfowl which nest offshore on East & West Marin Islands. This is one of the remaining undeveloped shoreline properties in San Rafael. I support the city's efforts to obtain Canalways for public use and education. Building in this area would further congest traffic along Bellam Blvd, which is badly clogged during commute times. It often takes me 10-15 minutes to get from E. Francisco/Bellam to southbound 101. Adding more residential vehicles to this already congested area would hinder emergency vehicles, and the increasing amount of pedestrians who have few walkways across Bellam. The Canal area of San Rafael (including Kerner, Pickleweed, Spinaker Point and Baypoint Lagoons) already supports more than its fair share of high density housing. Please don't let this area become an overbuilt nightmare! A Concerned Citizen, Jane Winter

submit: Submit

**Evelyn Buchwitz**

From: jbkranztz@att.net  
 Sent: Thursday, April 01, 2004 11:36 AM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Janet and Barry Kranztz (jbkranztz@att.net) on Thursday, April 1, 2004 at 13:35:59

subject: San Rafael General Plan - Ask a Question Form

email: jbkranztz@att.net

Address: 252 Baypoint Drive

City: San Rafael

Zip: 94901

Phone: 415-785-2670

question: I attended the general meeting on March 23, and was pleased with your decision regarding NH-82 (Canalways). I feel that this unique property should remain as open space and hopefully be designated as a preserved wetlands. This area is home to many species of waterfowl and the beautiful white-tailed kite. California's wetlands have been destroyed at an alarming rate, and these watersheds are crucial to our environment. Please continue to preserve our wetlands and consider the alternative of polluting our environment with the increase in traffic that development would bring. Janet Kranztz

submit: Submit

**Evelyn Buchwitz**

From: lezleyh@pacbell.net  
 Sent: Thursday, April 01, 2004 12:02 PM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
 Lezley Hoffman (lezleyh@pacbell.net) on Thursday, April 1, 2004 at 14:02:18

subject: San Rafael General Plan - Ask a Question Form

email: lezleyh@pacbell.net

Address: 176 Baypoint Drive

City: San Rafael

Zip: 94901

Phone: 415-482-6385

question: I am in support of NH-82 as written. If Canalways, as the last remaining shoreline habitat in San Rafael, were to be developed, I worry about many species losing their homes, as well as increased traffic problems in the area to enter onto 101, 580, and other roads. Please let the wetland area be conserved!

submit: Submit

4/1/2004

**Evelyn Buchwitz**

From: jhleonhard@earthlink.net  
 Sent: Thursday, April 01, 2004 12:54 PM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by  
 Jim & Mállia Leonhard (jhleonhard@earthlink.net) on Thursday, April 1, 2004 at 14:54:21

subject: San Rafael General Plan - Ask a Question Form

email: jhleonhard@earthlink.net

Address: 47 Dowitcher Way

City: San Rafael

Zip: 94901

Phone: 415-482-7766

question: Dear Mr. Alden and Commission Members, Please add our names to the large number of San Rafael residents who support NH-82 as written. The current property owners are drying out the parcel and polluting it with litter and off road vehicle sports. It is a unique wildlife habitat recognized by the US Fish and Wildlife Dept. By allowing Canalways to naturally fill with run off, the city could provide refuge to many species, including various waterfowl which nest offshore on East & West Marin Islands. I support the city's efforts to obtain Canalways for public use and education. Building in this area would further congest traffic along Bellam Blvd, which is badly clogged during commute times. It takes me 10 minutes to get from E. Francisco@Bellam to southbound 101. More building imperils emergency vehicles, and the increasing amount of pedestrians who have few walkways across Bellam. This area already supports more than its fair share of high density housing. Please don't let it be ruined! Very truly yours, Jim & Mállia Leonhard 47 Dowitcher Way San Rafael, CA 94901

submit: Submit

4/1/2004

**Evelyn Buchwitz**

**Sent:** Thursday, April 01, 2004 1:13 PM  
**To:** Evelyn Buchwitz; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Anne Colletti O on Thursday, April 1, 2004 at 15:12:45

subject: San Rafael General Plan - Ask a Question Form  
Address: 51 Dowitcher Way

City: San Rafael  
Zip: 94901  
Phone: 415-456-9124

question: Dear Mr. Alden and Commission Members, Please add our names to the large number of San Rafael residents who support NH-82 as written. Thank you very much, Chris and Anne Colletti

submit: Submit

**Evelyn Buchwitz**

**From:** cwalter15@comcast.net  
**Sent:** Thursday, April 01, 2004 1:47 PM  
**To:** Evelyn Buchwitz; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by C A Walter (cwalter15@comcast.net) on Thursday, April 1, 2004 at 15:47:13

subject: San Rafael General Plan - Ask a Question Form  
email: cwalter15@comcast.net

Address: 15 Dowitcher Way  
City: San Rafael  
Zip: 94901  
Phone: 510-262-8769

question: Dear Mr. Alden and Commission Members: Please add my name to the large number of San Rafael residents who support NH-82 as written. The current property owners are drying out the parcel and polluting it with litter and off road vehicle activities. It is a unique wildlife habitat recognized by the US Fish and Wildlife Dept. By allowing Canalways to naturally fill with run off, the city could provide refuge to many species, including various waterfowl which nest offshore on East & West Marin Islands. I support the city's efforts to obtain Canalways for public use and education. Building in this area would further congest traffic along Bellam Blvd, which is badly clogged during commute times. Traveling from E. Francisco@Bellam to southbound 101 already is a lengthy drive. More building imperils emergency vehicles access and the increasing number of pedestrians who have few walkways across Bellam. This area already supports more than its fair share of high-density housing. Please don't let it be ruined!

submit: Submit



**Evelyn Buchwitz**

**From:** pallasj1@comcast.net  
**Sent:** Thursday, April 01, 2004 3:09 PM  
**To:** Evelyn Buchwitz; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Jane G. Pallas (pallasj1@comcast.net) on Thursday, April 1, 2004 at 17:08:45

subject: San Rafael General Plan - Ask a Question Form

email: pallasj1@comcast.net

Address: 7 Tern Court

City: San Rafael

Zip: 94901

Phone: 415-454-8665

question: Dear Mr. Alden and Commission Members, Please add my name to the large number of San Rafael residents who support NH-82 as written. The current property owners are drying out the parcel and polluting it with litter and off road vehicle sports. It is a unique wildlife habitat recognized by the US Fish and Wildlife Dept. By allowing Canalways to naturally fill with run off, the city could provide refuge to many species, including various waterfowl which nest offshore on East & West Marin Islands. I support the city's efforts to obtain Canalways for public use and education. Building in this area would further congest traffic along Bellam Blvd, which is badly clogged during commute times. It takes me 10 minutes to get from E. Francisco@Bellam to southbound 101. More building imperils emergency vehicles, and the increasing amount of pedestrians who have few walkways across Bellam. This area already supports more than its fair share of high density housing. Please don't let it be ruined! Jane Pallas

submit: Submit

**Evelyn Buchwitz**

**From:** mwortzman@comcast.net  
**Sent:** Thursday, April 01, 2004 4:24 PM  
**To:** Evelyn Buchwitz; bill@starhawk.com  
**Subject:** San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Marilyn Wortzman (mwortzman@comcast.net) on Thursday, April 1, 2004 at 18:23:55

subject: San Rafael General Plan - Ask a Question Form

email: mwortzman@comcast.net

Address: 19 Dowitcher Way

City: San Rafael

Zip: 94901

Phone: 415-456-5041

question: I support NH-82 as written based on: 1. Development will lead to increased traffic flow problems getting on 101 South, and 580 East, and 2. Canalways is the last remaining undeveloped San Rafael shoreline habitat area for many species.

submit: Submit

**Evelyn Buchwitz**

From: caire@itsa.ucsf.edu  
Sent: Thursday, April 01, 2004 6:39 PM  
To: Evelyn Buchwitz; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form  
Below is the result of your form. It was submitted by  
Jill B. Caire (caire@itsa.ucsf.edu) on Thursday, April 1, 2004 at 20:38:32

subject: San Rafael General Plan - Ask a Question Form  
email: caire@itsa.ucsf.edu  
Address: 212 Baypoint Drive  
City: San Rafael  
Zip: 94901  
Phone: (415) 458-1734

question: I was gratified to see the SR Planning Commission support NH-82 as written. Canalways is a critical wetland habitat. We need affordable housing in San Rafael. However, because of the traffic issues in the area and potential threat to the wetlands, I don't think that any of the Canalways property is suitable for housing. Currently the owners are doing their best to ensure that the wetlands is being destroyed. A compromise might be to allow light industrial development in the SE corner if the wetlands were permanently protected.

submit: Submit

1

**Evelyn Buchwitz**

From: gphilpott@comcast.net  
Sent: Thursday, April 01, 2004 10:13 PM  
To: Evelyn Buchwitz; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form  
Below is the result of your form. It was submitted by  
Glen Philpott (gphilpott@comcast.net) on Friday, April 2, 2004 at 00:13:24

subject: San Rafael General Plan - Ask a Question Form  
email: gphilpott@comcast.net  
Address: 1 Baypoint Village Drive  
City: San Rafael  
Zip: 94901  
Phone: 4154575019

question: I support your position on NH-82. It is critically important for the natural habitat and local property values to preserve the wetlands in San Rafael. Thank you. Glen Philpott

submit: Submit

1

**Evelyn Buchwitz**

From: AHTSF@aol.com  
Sent: Thursday, April 01, 2004 11:58 PM  
To: Evelyn Buchwitz; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Mark Edelman (AHTSF@aol.com) on Friday, April 2, 2004 at 01:57:35

subject: San Rafael General Plan - Ask a Question Form

email: AHTSF@aol.com

Address: 184 Baypoint Drive

City: San Rafael

Zip: 94901

Phone: 415-459-0223

question: I want to voice my support for the Commissions position on NH-82, conservation makes by far the most sense for the bulk of this parcel. When one considers that the last 100 years have brought the immense destruction of huge amounts of bay wetlands. It is paramount to save or restore wetlands whenever possible. Further more it is prudent to consider that the canal district currently has probably the highest housing density in San Rafael. Which has led to the current situation of traffic flow problems in the area. Certainly it would be highly undesirable to add more traffic to an already clogged area streets, by increasing density of residents further.

submit: Submit

**Evelyn Buchwitz**

From: mlo@tmno.com  
Sent: Friday, April 02, 2004 11:20 AM  
To: Evelyn Buchwitz; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Michael Ohleyer (mlo@tmno.com) on Friday, April 2, 2004 at 13:19:37

subject: San Rafael General Plan - Ask a Question Form

email: mlo@tmno.com

Address: 172 Baypoint

City: San Rafael

Zip: 94901

Phone: 454 7393

question: My wife and I support the conservation position on NH 82  
submit: Submit

**Evelyn Buchwitz**

From: patsylou10@earthlink.net  
 Sent: Sunday, April 04, 2004 3:48 PM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by Patsy Guglielmo (patsylou10@earthlink.net) on Sunday, April 4, 2004 at 17:48:02

subject: San Rafael General Plan - Ask a Question Form

email: patsylou10@earthlink.net

Address: 272 Baypoint Dr.

City: San Rafael

Zip: 94901

Phone: 454-7817

question: Having lived inn the area many years and being married to a builder held in high esteem, I plead with you to refrain from permitting the owner Mr. Granage to utilize the entire acreage for building. This is a lifelong decision you are making for generations to come. It is a decision that cannot easily be reversed. Please consider carefully how best to preserve the habitat. Once it is gone, it is gone forever. Builders build wherever possible and as it gets harder they work harder to continue building. Therefore it stands to reason that planners must work harder as well to preserve and hold that line for future generations. Please help us retain beauty in our lives. Gratefully submitted by Patsy Guglielmo

submit: Submit

**Evelyn Buchwitz**

From: lalalynn@aol.com  
 Sent: Monday, April 05, 2004 9:32 AM  
 To: Evelyn Buchwitz; bill@starhawk.com  
 Subject: San Rafael General Plan - Ask a Question Form

Below is the result of your form. It was submitted by William C Callender (lalalynn@aol.com) on Monday, April 5, 2004 at 11:32:28

subject: San Rafael General Plan - Ask a Question Form

email: lalalynn@aol.com

Address: 25 Egret View

City: San Rafael

Zip: 949801

Phone: 415 - 456 - 0394

question: Please add my name to the large number of San Rafael residents who support NH-82 as written

submit: Submit

175

Loch Lomond Marina Committee  
Pt. San Pedro Road Coalition  
26 Beach Drive, San Rafael, CA. 94901

April 9, 2004

Mr. John Alden, Chair  
Members of the San Rafael Planning Commission  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

RECEIVED

APR 13 2004

CITY OF SAN RAFAEL  
PLANNING

Dear Mr. Alden and Commissioners,

The Loch Lomond Marina Committee, representing a coalition of Pt. San Pedro Peninsula neighborhood associations, has raised several issues in past letters and presentations to the Planning Commission and staff regarding the Draft General Plan 2020. In many of those communications we have expressed our concern regarding changes to the land use criteria for neighborhood commercial and marine-related designations. As yet, we have received no responses from the Commission or its staff on these or other issues we have raised. We are positive that modifications to the draft General Plan 2020 can be incorporated that will expand the ability of the City to meet its housing needs while preserving the essential character of existing sites such as the Loch Lomond Marina.

The current General Plan's description for the marine-related designation permits no residential development while the neighborhood commercial designation states "residential uses may be allowed". The proposed General Plan 2020 not only permits residential use in both these designations, it goes even further to specify medium density housing (6.5 - 15 units/acre). Please refer to Section LU-24 Land Use Map and Categories, page 36-39, in the Draft General Plan 2020. This drastic change would significantly alter the intent of these two designations, especially given the Draft General Plan's strong bias toward the upper end of the density range (please refer to Section H-184, page 59). The result would be to fundamentally change the characteristics of the designated properties as well as of those surrounding them. Such properties would become primarily residential and be "neighborhood commercial" or "marine-related," in name only. This is not an inconsequential change. It is both drastic and severe and in the best interests of neither our neighborhoods nor the City as a whole.

This negative impact is exacerbated with regard to the Loch Lomond Marina where there is a fundamental change in the land use designation. In the current Plan, this property is primarily marine-related with a very small section designated neighborhood commercial. In the draft Plan, only a very narrow portion directly along the waterfront is to be designated marine-related with the rest designated neighborhood commercial. This would have the effect of changing what is now primarily a marine-related site to one in which the marina is a minor adjunct to a residential community. The marina's ability to provide its very popular, County-wide services for boat launching and trailer parking/storage would be severely reduced. With inadequate parking for boat trailers,

Tel: (415) 453-4195

they will overflow onto city and county streets creating a safety hazard for all concerned. While a developer could retain marine-related activities on this property, there would be no directive or bias to do so given the neighborhood commercial designation. With a mandated medium-density residential quota, the marina could easily be over-filled with housing with little or no room for marina or neighborhood commercial usage.

It is our fervent desire to work cooperatively with the developers of the Loch Lomond Marina property to create a development that would be pleasing to our neighbors, function as a robust marina, provide necessary neighborhood services, offer some residential usage and be profitable to the developers. However, should the policies currently in the Draft General Plan 2020 be put into effect, this will become impossible. The ability to conduct a constructive dialog will be severely constrained by pre-determined policy, and the result will be quite unacceptable to all concerned.

We strongly urge the Planning Commission to modify the Draft General Plan 2020 regarding housing density for the neighborhood commercial and marine-related designations. We believe that the best policy would be to permit housing in these two designations as an exception rather than a rule and that the density should be negotiated on a case-by-case basis between the City, developers and neighbors. A mandated minimum density is contrary to such negotiations. In addition, we urge you to increase the portion of the Loch Lomond Marina property designated as marine-related to insure that the marina will continue to provide its vital recreational services to San Rafael and the County of Marin. Finally, we hope we will hear from you in the near future regarding these and other petitions, such as the LOS for 3<sup>rd</sup> and Union, which we have made to the Planning Commission regarding the Draft General Plan 2020.

Sincerely yours,

David N. Tattersall  
Chair, Loch Lomond Marina Committee

cc: Mayor Al Boro  
San Rafael City Council Members  
Bob Brown, Community Development Director  
Linda Jackson, Principal Planner

1  
cont.



Citizens for Sustainable Urban Forestry

PO Box 9512 San Rafael California 94912-0512 (415)721-4374 www.marinreleaf.org

RECEIVED April 12, 2004

APR 19 2004

CITY OF SAN RAFAEL PLANNING

San Rafael Planning Commission  
City of San Rafael  
PO Box 151560  
San Rafael, California 94915-1560

Re: Street Trees

We suggest the following for the General Plan:

~~CD-20-Street-Trees~~, Page 140. See Urban Forest below  
~~CD-23-Parking-Lot-Landscaping~~, page 141, See Urban Forest  
~~Street Tree Maintenance and Landscaping~~. See Urban Forest

A new goal under **INFRASTRUCTURE**:

**I-7. Urban Forest**—The City should endeavor to maintain a healthy urban forest based on systemic, collective management of urban ecosystems for their present and potential contribution to the physiological, sociological and economic well-being of our community, to minimize the impact on environment and maximize the value received for dollars expended over time.

Urban vegetation is important for the health benefits and quality of life it provides residents and businesses. Community forestry is the art and science of managing trees and natural systems in and around our urban areas for the health and well being of San Rafael residents. The foundation of sustainable community forestry program is

- \* Species selection and diversification
- \* Inventory and landscape planning
- \* Ongoing tree planting, maintenance and wood utilization
- \* Public relations and community support

Programs:

- The City should continue to have a Municipal Arborist with dedicated responsibility for the urban forest.
- All trees should be managed using guidelines from the International Society of Arboriculture.
- Sidewalk repair around street trees should be part of the street tree maintenance program.

1 cont.

- The City should seek out volunteers to help stretch limited public funds, to develop and support sustainable urban forestry programs as defined by Division of Urban Forestry by California Department of Forestry.

**I-7a. Create an Urban Forestry Board:** Develop funding and programs for the implementation of a sustainable urban forestry based upon the models by the Urban Forest Division of California Department of forestry. *(Unlike common tree boards, this board would not engage in settling disputes about trees between neighbors that can be contentious and decisive.)*

**I-7B. Street Tree Program:** Using the existing street trees as a resource, develop a survey to address and map trees for purposes of long-term management, replacement, and a wood utilization program to conform with AB 939, CA Waste Management Recycling law.

**I-7c. Street Trees for Development:** Require developers to plant street trees and to contribute a certain amount per tree for the future maintenance of each tree planted. Assure ample off-street plantings in new development and rehabilitation of redevelopment projects.

**I-7d. Street Tree Maintenance:** Seek diversified funding sources for street tree maintenance and replacement. ~~Consider an ordinance placing greater responsibilities on property-owners for maintenance and replacement of street trees.~~ Consider an ordinance of street tree control under direction of Municipal Arborist with tree planting, management and replacement be cost-share responsibility with property owners.

**I-7e. Sidewalk Repair:** Develop techniques to accommodate rootzones of street trees so as to protect trees and prolong their lives. Consider an ordinance placing sidewalk maintenance to be cost-share responsibility with property owners.

**I-7f. Parking Lot Landscaping:** ~~Provide parking lot landscaping to create heat build-up from pavement, reduce air pollution and soften the appearance of the parking lot. Emphasize the use of trees, and limit shrub plantings so as to avoid creating security problems.~~ Update parking lot landscape requirements so that they reflect the health needs of the community; increase screening from the street, control surface water to prevent runoff into our local creeks, increase canopy-cover within the parking lots to control heat buildup of hard surfaces including automobiles and buildings in order to reduce energy demand. Increase tree protection measures for the health of trees in parking lots.

**I-7g. Public Education and Support:** Pursue an active program of public education about the urban forest.

Respectfully submitted  
Sandra Selinger  
Director

April 17, 2004

Mr. John Alden, Chairman  
Planning Committee  
Re: Loch Lomond Marina

Dear Commission Members:

The steering committee for the San Rafael 2020 general plan didn't include any member from the Loch Lomond neighborhood, one of the areas most severely impacted by the Loch Lomond Marina development plan. In addition, the EIR for the 2020 general plan stresses wetland expansion not reduction as is now being entertained as part of the proposed Loch Lomond Marina development. The general plan also calls for compatible height with surrounding area, as opposed to the Loch Lomond Marina development plans. There has been a reduction in population which should be considered in the housing target of the present, so that poor planning doesn't happen as it did in the overbuilding of office space.

The proposed Loch Lomond Marina plan completely ignores that criteria, and has been created in concert with the city planner and a high priced, well connected land use advocate. The Loch Lomond Marina lands should be considered a recreational and community treasure. When the citizens express their feelings to the planning commission or the city planner, our concerns seem to fall on deaf ears, as though there is a predetermined mind set. Land use decisions in San Rafael should be shaped by the communities desire to preserve and protect its natural resources, unique character, existing, land use patterns and quality of life.

Why is the city of San Rafael so willing to reduce the quality of life that has been afforded by the Marina for so long? The Loch Lomond Marina should remain a full service marina, not a crowded residential area. My remarks are not the opinion of a single person, but are unanimously supported by the entire adjoining communities. A drive through the streets of Loch Lomond will illustrate by signs "Save The Marina" the feelings of the neighborhood.

Respectfully,  
Jeanne Emmons Cohn  
33 Manderly Rd.  
*Jeanne Emmons Cohn*  
cc: Mayor Al Boro  
and City Council

Linda Jackson

From: Dominican-Area-News [dbcna@msn.com]  
Sent: Saturday, April 17, 2004 9:35 PM  
To: Linda Jackson  
Cc: Npaplant@aol.com; MirandaREH@aol.com; lewing@marinballet.org  
Subject: Marin Ballet Zoning Request

Dear Linda,

The DBCNA Board met on Wed 4/14/04 and voted unanimously in agreement with the Marin Ballet General Plan land use designation request to the Planning Commission. We think this will be of benefit to both Marin Ballet and the Dominican neighborhood at large. Please let me know if you require anything else from our organization to demonstrate neighborhood support.

Thanks for your efforts in assisting the school with this change.

Regards,  
Peggy Toth  
President, Dominican / Black Canyon Neighborhood Association  
DBCNA

**Evelyn Buchwitz**

Sent: Wednesday, April 21, 2004 10:21 PM  
To: Evelyn Buchwitz; bill@starhawk.com  
Subject: San Rafael General Plan - Ask a Question Form  
roberta hoffman O on Thursday, April 22, 2004 at 00:21:29

subject: San Rafael General Plan - Ask a Question Form

Address: 17 egret view

City: san rafael

Zip: 94901

Phone: 454 0797

question: Re: NH 82, Canalways. I live in the Baypoint development. This part of the city is the most densely populated part of San Rafael. It is important for "quality of life" to have a scenic walking path (starkweather path) for exercise and the enjoyment of nature and open space. If the property south of this path, is developed it will diminish the quality of life for local residents. In addition, high density housing will further conjest the area, specifically, Bellam Avenue between Kermer and Anderson. Please keep the Canalways property undeveloped. It is important to have the last remaining shoreline habitat area open for the enjoyment of many citizens in perpetuity. Thank you, Roberta Hoffman

submit: Submit

Mr. John Alden, Chair  
Members of the San Rafael Planning Commission  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA 94915-1560

April 12, 2004

Dear Mr. Alden and Commissioners,

This is a follow up letter to my comments at the planning commission meeting of March 23<sup>rd</sup> 2004.

I am writing this because all of us were all more than a little tired that evening and I am not sure I got my point across in a clear fashion. I also believe it is a very important addition to an important section in the plan and as a result, I would appreciate if you would give it strong consideration.

The General Plan 2020 has a section that is of particular importance to the residents of the San Pedro Peninsula, our development, Pedro Cove, and I believe, to all the residents in San Rafael. That is section NH-12 section b. on page 112 in my book under the heading of Land Use.

It currently states the following, which our home owners agree with: "Preserve and enhance existing marsh and wetland habitat areas, with development set backs consistent with conservation element policies. Locate buildings and use appropriate landscaping to preserve and enhance, where appropriate, views of the Bay and its islands, Bay wetlands and the marina from public streets and parks."

We strongly support this statement but believe that the following addition is needed.  
".....and the marina from public streets, parks and public access areas."

This small addition is important because a great deal of time and money and effort has gone into working with developers, home owners and staff to set aside public access and pathways to valuable and very limited city assets to insure all residents have access to wetlands, Bay views and its islands; not just a few. Without this extra protection developers could block these views and loose much of the reason for their existence.

I would greatly appreciate it if you could give me your thoughts on this issue in the normal process of response.

Sincerely,



Michael J. Nelson  
Board Member & Public Representative  
San Pedro Cove Home owners Association  
503 San Pedro Cove  
San Rafael CA, 94901

RECEIVED

APR 21 2004

PLANNING



17 Egret View  
San Rafael, CA 94901

San Rafael Planning Commission  
C/O Planning Division  
City Hall  
1400 Fifth Avenue, Third Floor  
San Rafael, CA 94901

Dear Commission Members:

RE: NH-82, Canalways

Through the Baypoint Homeowner's Association meetings and attending the Planning Commission meeting on March 23, 2004 I have been following the discussions regarding NH-82, the Canalways property located between the Baypoint development and Home Depot.

This letter is to state my opinion regarding the value of the NH-82 property to me as a resident of Baypoint and San Rafael. The Canal area and Baypoint developments are the highest density housing areas in San Rafael. Traffic flow and congestion on Bellam between Kerner and Anderson is high at most times of day. The only open space for local residents is the Starkweather path between Baypoint Drive and Pickleweed Park. High density housing on this parcel would diminish the quality of life for local residents by making the area more dense and traffic more congested. This valuable open space bordering the wetlands and the bay provides quality of life to the area's residents. The path is used for walking and bicycling—enabling residents to exercise and relax through contact with a natural habitat. As a nurse, I believe that exercise and contact with natural habitats improves the physical and mental health of community members.

Canalways is the last remaining undeveloped San Rafael shoreline habitat area. At one time it was an abandoned parcel with tax liens. The local residents raised money to purchase it as open space, but it was bought out from under them by a developer. Bay front property such as the Wetlands (NH-82) parcel is a valuable commodity that I believe should be preserved in perpetuity for the local citizens to enjoy and use for recreational purposes—enhancing quality of life.

Sincerely,



Roberta Hoffman, CSRN, MS

**KERNER BOULEVARD, LLC**

2333 Kerner Blvd.  
San Rafael, CA 94901  
415-456-2712  
April 22, 2004

Principal Planner Linda Jackson  
San Rafael Planning Department  
General Plan 2020 Update  
linda.jackson@ci.san-rafael.ca.us  
Evelyn.Buchwitz@ci.san-rafael.ca.us

Re: Canalways claimed as "Wetlands habitat."

Improper zoning affects community design and economic vitality  
For inclusion in 4-27-04 Planning Commission Report

Dear City Staff and Planning Commissioners:

During the public comment period at the March 23<sup>rd</sup> Planning Commission (PC) meeting, some inaccurate statements were again made that continue contributing to harmful Canalways myths. These myths then negatively affect economic vitality and policy needs. These statements, taken at face value because they are often delivered by representatives of politically connected groups, continue to harm the ability of this Canalways parcel to cost effectively address community needs.

On the 23<sup>rd</sup>, Jean Starkweather congratulated the Planning Commission on continuing the 'conservation, wetlands, endangered species' designation on Canalways. Mrs. Starkweather maintained that Canalways is a "wetlands habitat." She lamented that Canalways was no longer flooding, since the property owners were now requiring the City to pump its flood control pond water to the Bay, as it was originally designed to do. In spite of the discontinued flooding, she said, "birds still hunt there."

She then added that we are "down to our **last 85 acres** of wetlands at Canalways." To support her contention that Canalways is all wetlands, she told the Commission that in 1985-86 the Corps **denied the previous owner development rights "because of the Canalways habitat."**

The implication of her statement, usually accepted without questions by policy makers, was that Canalways was officially determined as an endangered species wetlands habitat.

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Jean Starkweather and her late husband are well respected at the City for their years of work on the Planning Commission and their leadership power among Marin's politically powerful environmentally titled organizations. This respect, however, should not be blindly followed in the public policy arena without valid, confirming support for her contentions and the contentions of those politically intimidating groups.

On many occasions, the Canalways partnership has asked for the scientific, up-to-date support that allows the City to designate Canalways as a 'conservation, wetlands, endangered species' site. None has been given. The undocumented contentions of environmentally titled groups, however, seems to be taken as gospel by policy makers.

Since the City seems to be blindly accepting the proclamations of Marin's powerful environmentally titled organizations, instead of using up-to-date science to determine land use designations, let me address what may be the evidence upon which those feared and politically connected groups may be relying.

First, there is no evidence I can find that indicates all 85 acres of Canalways is wetlands, as Jeans Starkweather said at the March 23<sup>rd</sup> meeting. Jean has repeated this "all wetlands" contention while serving as one of the reputed leaders of the General Plan Steering Committee (GPSC). This GPSC has supplied you, the Planning Commission, with direction on this DGP (Draft General Plan).

In fact, the largest implied wetlands/endangered species area for Canalways that we can find in a governmental report is 40 acres. This is found in the US Department of Fish and Wildlife Service's January 12, 1983 Formal Section 7 Endangered Species Consultation done on the Canalways site. (See below for more.)

As has been stated many times, most of San Rafael, up to around Zapatinis Steel Works, was at one time marsh or wetlands. It is a little late to now claim that an 85 acres site that has been flooded by poor City maintenance is now to be considered wetlands, especially when 21 years ago the US Dept. of Fish and Wildlife Services thought there might only be 40 acres of wetlands at the site.

Second, the US Department of Fish and Wildlife Service's January 12, 1983 Formal Section 7 Endangered Species Consultation, which henceforth I will refer to as the 1983 Jurisdictional Determination, was based on a very ambitious 1982 project proposal that is not even being considered by this Canalways partnership. The report on that ambitious project stated:

### Impact Analysis

The subject proposal would permanently eliminate the SMHM and its habitat (about 40 acres) on site by covering about 65 acres with approximately 1,615,000 cubic yards of imported fill.

For your information, that 1982 proposal, two owners prior to the present Canalways ownership, proposed:

### Project Description

The permit application proposes to fill 64.28 acres to an approved elevation for the purpose of providing residential and light industrial development. The project would require the trucking of about 1,615,000 cubic yards of fill to the site. For mitigation, the applicant proposes to breach the existing levee to restore 18.5 acres to tidal action. The proposed mitigation would primarily benefit migratory and resident waterfowl species. Other on-site mitigation (part of the 64.28 acres) is also proposed, including 7.39 acres of shoreline park and 3.02 acres of buffer zone. At a 15 December 1982 meeting attended by the Corps, permit applicant, and FWS, modifications to the mitigation plan proposed in the Public Notice were discussed, but no final agreements were reached.

This project was proposed 22+ years ago. It is not anything near what the present owners anticipate at some time proposing for this site. The concern the present owners have in this Draft GP process is that:

- 1) The property not be down zoned in this General Plan,
- 2) The City of San Rafael support the interim use of Canalways as a beneficial reuse upland disposal site, as called for by the Federal Government's Long Term Management Strategy;
- 3) That politically connected groups cease having undue influence on usage designations on this site and not continue their string of successes in politically denying regionally beneficial projects that could have addressed workforce housing and transit needs.

The Jurisdictional Determination done on Canalways, on a 22+-year-old proposed project which was rejected by even those earlier owners, seems to be the report which Mrs. Starkweather, and well connected environmental titled organizations, are now using to add costly planning and developmental hurdles to Canalways. Even past officers of the Army Corps tell us that it is quite a stretch to rely on such outdated reports in order to downzone a property.

The Canalways partnership recognizes that some wetlands exist at Canalways. The partnership believes, like Hydrologist Philip Williams pointed out in the 1980's, Levine and Fricke Environmental Engineers suggested in the 1990's and Wetlands Research & Associates in the 21<sup>st</sup> century, that a good means of enhancing Canalways existing degraded wetlands is by beneficially reusing dredge materials. This beneficial reuse is precisely what the Canalways

cont.

partnership proposes as an interim use. For what seems like political reasons, this cost effective beneficial reuse program gets no support from the City of San Rafael.

The belief that the SMHM (Sal Marsh Harvest Mouse) lives at Canalways, when only one pure SMHM was found there after 825 trapping days and nights in 1982, also stretches the credibility of the City and its zoning designation process when such evidence is presented to a jury of peers.

Next door, at Bay Point Lagoon Homes, our evidence indicates that in 1983 SMHM were trapped at a 1.5 SMHM rate per 100 trapping days and nights. This is a trapping success rate 1,238% higher than the Canalways rate of 1 in 825 trapping days and nights.

Although we have requested up-to-date Bay Point Lagoon Trapping Reports from Marin's environmental groups as well as from the City, we have received nothing other than a verbal report that no SMHM were found at Bay Point Lagoon Homes since the mid 1990's.

If Bay Point Lagoons was 1,238% more hospitable to the SMHM in 1983 than was Canalways, if today the SMHM no longer lives at Bay Point, if no trappings have been done at Canalways since 1982, on what current science can the City base its decision that the endangered SMHM lives at Canalways?

The solution to this festering General Plan policy issue seems relatively simple in the context of today's more pressing budgetary, housing and traffic problems facing local jurisdictions. The simple solution:

- 1) Remove the 'conservation, wetlands, endangered species' designation from Canalways.
- 2) Give Canalways a designation that allows it the most flexibility in addressing foreseeable housing and traffic issues. Using the "Mixed Use" designation attributed to Canalways in the last General Plan would probably give that flexibility.
- 3) Do not give Canalways a designation that would force it to go through a costly, time-consuming General Plan Amendment process. In such a process, the politically connected groups mentioned herein would drain resources from Canalways that could be better used to address community needs.
- 4) Fulfill the federal government's mandate that local jurisdictions supply beneficial reuse uplands disposal sites by supporting Canalways through the beneficial reuse permitting process, and thereby save local property owners and the City of San Rafael money.
- 5) Have wetlands and endangered species designations be placed on this and other sites based upon relatively current, science based jurisdictional

partnership proposes as an interim use. For what seems like political reasons, this cost effective beneficial reuse program gets no support from the City of San Rafael.

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- 5) Have wetlands and endangered species designations be placed on this and other sites based upon relatively current, science based jurisdictional

cont.

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determinations. Do not preordain the usage of sites based on undocumented presumptions assumed by politically connected groups.

We hope you will consider these comments as you go through the implementing policies and prepare to pass your recommendations regarding the DGP onto the City Council.

Sincerely,  
Dwayne Hunn  
Dwayne Hunn  
Canalways Consultant

39 Locksly Lane  
San Rafael, California 94901  
April 20, 2004

RECEIVED  
APR 27 2004  
CITY OF SAN RAFAEL  
PLANNING  
Mr. John Alden, Chairman  
Planning Commission  
Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, California 94915

Dear Mr. Alden:  
I have been attending the Planning Commission meetings concerning the draft General Plan 2020 and have many concerns. One of my strongest concerns is that the public is losing — or perhaps has already lost — confidence in our city planners. The city council and the planners seem to value growth more than they value quality of life for the residents of San Rafael. Such a pro-development stance undermines the very things that make San Rafael a good place to live and is ultimately counterproductive. The city council and the city planners seem to simplistically label their plans as beneficial while showing little or no real understanding of the social and psychological impacts of their actions on the residents of affected areas of the city. A recent example of a poorly thought out action was the proposal to place a crematory in a downtown area of San Rafael close to homes and businesses. It was time-consuming and costly for San Rafael residents to have to oppose what common sense would indicate was not a good plan even though it, at first, had the backing of the city.

A similar situation now exists in the city's proposal in the draft General Plan 2020 to make a drastic change in the land use designation at Loch Lomond Marina. The owner, in seeming secure anticipation of the city granting him a land use change that will allow him to greatly increase the profit he can make from the property, is already forcing the businesses there into month-to-month leases with much higher rents. This, of course, makes it extremely difficult or impossible for the businesses to continue operating at the Marina. Some have already left; others will undoubtedly be forced out. Valuable neighborhood services such as a video store and a hair salon have already been lost. A new tenant has been brought in, a drug rehabilitation center that plans to bus in clients for treatment. This treatment facility, unlike the popular dental offices at the Marina, does not in any way serve the neighborhood. Current loss of neighborhood-serving businesses and future additional losses force more traffic onto Pt. San Pedro Road and into the bottle neck where Point San Pedro feeds vehicles into the city and the freeway. How is this good planning? How does this improve quality of life for the San Rafael residents in the area?

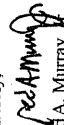
Appropriate, profit-making uses for a flood plain location are being diminished in anticipation of large profits from a dense housing development. The dry boat storage is being forced out by very rapid escalation of their costs. Truly low-cost housing is being removed. At least one very low income household that lived on a boat in the Marina has

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cont.  
been forced to move by price rises; there may be more. How is this good planning? How is this socially responsible?

It is difficult to understand why the city planners feel that it is a beneficial situation to essentially replace a marina located on a flood plain with a housing project which will tower above adjacent homes and will reflect noise into adjacent areas through its use of an eight-foot high sound wall. The height for structures that the city is mandating will block views of the bay from Loch Lomond homes and streets and from Pt. San Pedro Road. This will significantly diminish quality of life and thereby reduce home values for already existing homes. The density that the city is mandating will create a situation where there can't be adequate parking for the new housing and whatever retail and marine use remains at the Marina. This will create a parking situation worse than that at Montecito. The addition of the large number of homes in combination with the reduction of suitable, neighborhood serving businesses will increase traffic on an already problematic road. The proposed crowded conditions will greatly diminish the value that the site has as an informal neighborhood park, a place where San Rafael residents have historically gathered to socialize, to exercise, to shop at Bruno's, to use the services of the cleaners, the hair salon, the video shop, the computer shop, the dentists, etc., and to eat at Bobbi's and to enjoy the Bay. Is this good planning? Does this reflect the vision of the residents of Loch Lomond?

Why is this particular "vision" being forced on Loch Lomond? The visions for other neighborhoods such as Dominican/Black Canyon and Sun Valley reflect the desires of the residents and set up means to protect their neighborhoods. The Dominican vision lists "long standing priorities for the residents," including development of a neighborhood park and relief from noise impacts from the sound wall at the freeway and from on-street parking impacts from the University. The Sun Valley vision states that the scale and residential character of the area need to be maintained, makes reference to the Sun Valley Neighborhood Plan, limits new commercial uses to those that will benefit the neighborhood and lists desires of the neighborhood for particular improvements. In sharp contrast, the vision for Loch Lomond makes no mention of what the residents of Loch Lomond want, but instead simply imposes a drastic change in land use designation in their neighborhood, a change that will rob them of a long-standing, integral part of their neighborhood. The city's "vision" for Loch Lomond will force the construction of a sound wall, already has begun a removal of neighborhood serving businesses, will block Bay views, and will, with its current density mandates certainly cause on-street parking impacts in Loch Lomond. It is clear that the "vision at Loch Lomond" belongs only to the city, not to the Loch Lomond neighborhood which strongly opposes it. Is this good planning? Is this fair?

Sincerely,

  
Ted A. Murray

cc: Mayor Boro and members of the city council

Wednesday, April 21, 2004

Linda Jackson, Senior Planner  
John Alden, Chair, Planning Commission, and Commissioners  
City of San Rafael  
PO Box 15160  
San Rafael, CA 94915

Re: Attached Petition Pages

Dear Linda, John and Commissioners,

Please find attached an informal petition collected along the Starkweather Shoreline Pathway and neighboring areas in support of the Marin Conservation League position regarding SR General Plan items NH-82, NH-90, PR-9, NH-87.

Thank you,

Name Withheld

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APR 27 2004  
CITY OF SAN RAFAEL  
PLANNING

cityofsanrafael.org/generalplan/

Petition for the Restoration of the Canalways Wetlands  
 I, the undersigned, support the Marin Conservation League position regarding the following Canal  
 Neighborhood elements of the San Rafael General Plan:

NH - 82 Canalways, NH - 90 Windward Park, PR - 9 Parks and Recreation, NH - 87 Cal-Fox site

We need to make the City Planning Commission aware of the strong community opposition to  
 any development until the City has outlined a comprehensive plan to RESTORE the wetlands  
 and effectively RESOLVE the traffic congestion (circulation) problems of the Canal area.

Name	Address	Phone	Email	Visits to Shoreline Path / Month
THOMAS LEE	10 TURKSPOTE DR			
SHAW BOLAND	35 ESBET VIEW			10-15
JAMES HERSHER	156 BAYPOINT			Mo-Fr
CYNTHIA CHOAYE	173 BAYPOINT			Sat
MICHAEL BROWN	6 HEWES CT			Weekly
MICHAEL LUCIANO	6 HERRON ST			one hour on com
MARY & GARY EDWARDS SLABERMAN	42 BAYPOINT VIL			sit. with Pauley at meet weekly + daily
MARLA EDELHAYN	46 BAYPOINT VILLAG			Weekly
JAN WINTOR	184 BAYPOINT DR.			daily - 85-30
JANET KNOX	256 BAYPOINT DR			3-5 / week 20 days / mo.
ROBERTA HOFFMAN	17 EGRET VIEW			7 days / wk
CHRISTINE BACHMAN	10 KNOX CT.			7 days / week

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 any development until the City has outlined a comprehensive plan to RESTORE the wetlands  
 and effectively RESOLVE the traffic congestion (circulation) problems of the Canal area.

Name	Address	Phone	Email	Visits to Shoreline Path / Month
ANDREW EASTMAN	232 BAYPOINT DRIVE			8
DAVE KLYOS	37 BAYPOINT VILLAGE			3
RICHARD + SANDI SWINESEK	21 BAYPOINT VILLAGE			8 com
RICHARD L. AKERST STEPHEN L. HARTNEY	13 BAYPOINT VILLAG			30
SHERI WHITNEY	13 BAYPOINT VILLAG			2
CLAIRE SHOEN	9 BAYPOINT VILLAG			10
MICHELLE FUREY	5 BAYPOINT DR			15
GLEN PHILPOTT	1 BAYPOINT VILLAGE DR.			10
DAN PRONFELG	2400 CARAVAN			4
J.M. BONFILIO	242 CATALINA			4-6

*cityplanning@psd.org/generalplan1*

Petition for the Restoration of the Canalways Wetlands  
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 any development until the City has outlined a comprehensive plan to RESTORE the wetlands  
 and effectively RESOLVE the traffic congestion (circulation) problems of the Canal area.

Name	Address	Phone	Email	Visits to Shoreline Path / Month
Shelby Cummings	129 Baypointe			
Col. Beatty	129 Baypoint			
M. L. Beatty	"			
Amanda Beatty	"			
A. Glaser	125 Baypointe			
W. R.	105 Baypointe			
Stephanie	68 Baypoint			
Peter R. Rappold	58 Downatch			
John Kitto	12 Baypoint			
Dee	7 Baypoint			
Tom	15 Baypoint			
Ann	11 Baypoint			
John	37 Baypoint			

Petition for the Restoration of the Canalways Wetlands  
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 and effectively RESOLVE the traffic congestion (circulation) problems of the Canal area.

Name	Address	Phone	Email	Visits to Shoreline Path / Month
David H. Shepard	136 Tiburon Blvd			54 4x wk
Kara W.	412 Bodwin Way			3x wk
Setuko Karamura	5 Heron			4x wk
Michael Lee	29 Egret View			7 days/mo
Indo Moroff	13 Tiburon Circle			4 weeks
Sevette Bering	13 Tiburon Circle			4x-5x
Aaron Goldberg	22 Portsmouth Cove			1x wk
Jennifer Colbus	"			"
Debra Tolson	53 Dowitcher Way			1x wk
A. Simpson	31 Dowitcher Way			4x
M. J. D'Amico	31 Dowitcher Way			4-1
John Swand	23 Dowitcher Way			4x
Kurt Kaplan	7 Dowitcher Way			2x

cityofsanrafael.org/generalplan1

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 any development until the City has outlined a comprehensive plan to RESTORE the wetlands  
 and effectively RESOLVE the traffic congestion (circulation) problems of the Canal area.

Name	Address	Phone	Email	Visits to Shoreline Path / Month
<del>MAKILA</del> LEONARD	147 DAVITCHER WAY			30 x month
JIM LEONHARD	47 DOWITCHER WAY			30 x / mo.
Phyllis Berry	13 Egret View			most days
Lynn Harrison	18 Baypoint Dr.			daily or more
SALVA RUMENNIK	101 DAVITCHER WAY			daily
Frederick Herb	164 Baypoint Dr.			15 times

cityofsanrafael.org/generalplan1

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 and effectively RESOLVE the traffic congestion (circulation) problems of the Canal area.

Name	Address	Phone	Email	Visits to Shoreline Path / Month
Carla Nunez	96 Naushkin			10 x / mo
Lopez Ernesto	manon 35- Vista			10 x / mo
Don Alvarez	160 Baypoint DR			20
Nancy Fox	45 Fernwood Dr. San Anselmo			10
TOZARVA	157 WOODSIDE SUN VALLEY CA			10
Bythia Astor	118 Baypoint San Rafael			twice Daily
Michael	118 Baypoint San Rafael			35
MURRAY Peterson	70 Windward Ave NH			1
Allyson Peterson	509921 70 Windward Ave NH			
Jenny Sait	121 DEWITT SAN RAFAEL			4 x 5
DANN WALKER	121 DEWITT SAN RAFAEL			6 x 5
MARSHALL	4 Salem Court			2 x Daily
STEPHEN J. MOLIN	7025A W. 5TH ST. S.F.			2 x DAILY





**KERNER BOULEVARD, LLC**  
 2333 Kerner Blvd.  
 San Rafael, CA 94901  
 415-456-2712  
 April 26, 2004

Principal Planner Linda Jackson  
 San Rafael Planning Department  
 General Plan 2020 Update  
 linda.jackson@ci.san-rafael.ca.us  
 Evelyn.Buchwitz@ci.san-rafael.ca.us

Re: Economic Vitality involves cost efficiencies  
 Past \$3 + million beneficial reuse cost savings missed and potential future savings  
 For April 27, 2004 Planning Commission meeting

Dear City Staff and Planning Commissioners:

Essential to producing or prolonging economic vitality is the efficient use of scarce resources, including monetary resources. Based on this economic assumption, I'd like to supply additional information on how the improper use of the Canalways site is severely weakening the City and region's ability to produce greater economic vitality.

From 1928 - 1986 the City and its tax payers did not have to take money from its budgets to dispose of dredged materials from the maintenance dredging of the San Rafael Creek. During all of those years, San Rafael provided beneficial reuse uplands disposal sites. Consequently, the City and its taxpayers or property owners did not have to pay for in-bay disposal of dredge materials.

Fiscal Year	Qty Removed	Method Dredged	Area Dredged
1928	1,100	?	Inner channel
1929	201,378	hydraulic pipeline	Outer channel
1931	123,976	"	IC
1933	37,309	"	IC
1935	246,193	"	IC
1938	108,045	"	IC
1942	510,414	"	IC
1947	101,003	"	OC ATF
1947	141,018	"	OC ATF
1947	42,500	"	IC
1951	127,108	"	OC ATF

uch of San Rafael created by hydraulic dredged material from San Rafael Creek and Across the Flats dredge materials.

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1954	189,100	"	OC ATF
1954	76,800	"	IC
1962	244,449	"	IC
1969	242,886	"	IC
1978	152,945	"	OC ATF
1980	51,589	"	IC
1986	197,750	clamshell	OC ATF
1987	54,275	hydraulic pipeline	IC
1991	49,660	clamshell	IC
1993	None. Failed sediment test		
1997	145,000	Clamshell	OC, ATF (across the flats)
2002	56,000	Clamshell	IC
2002	30,000	Clamshell	IC

Reuse created Bay Point ponds & housing  
 Reuse created Bay Point ponds & housing To Alcatraz  
 Failed sediment test for dumping at Alcatraz  
 OC, ATF (across the flats)  
 SF11 Alcatraz, 1st time since 91  
 Chlorinated front canal to Winter Island @\$5

**Total I & O 3,130,508**

In 1986, 1991, 1997 and 2002 San Rafael did not provide a local beneficial reuse uplands disposal site. During these years, maintenance dredged materials were raised via clamshell dredging, rather than hydraulic pipeline, and disposed of in the Bay Delta or at Alcatraz. Under federal government guidelines, the failure to provide beneficial reuse uplands disposal sites requires the local jurisdiction to pay for the disposal costs.

In the 1980's the disposal costs of barging to a Bay or Delta site were about \$1,00,000. Since San Rafael was facing budgetary problems then, rather than draw those costs from the city's budget, the cost of disposal was passed on to Canal property owners as a surcharge to their dredging costs. In the 1990's those disposal costs soared, and city property owners along the Canal were again surcharged to cover the disposal costs. Those disposal cost continue to climb in this new century.

The City's answer to these increasing disposal costs? 1) Continue surcharging the Canal property owners in their dredge maintenance contacts to cover disposal costs. 2) Encourage a larger contingent of Canal property owners to form an assessment district to cover disposal costs.

There is, however, another answer. That answer is to do what the City did for almost 60 years --- provide the federally called for local uplands site for beneficial reuse of dredged materials. Canalways, like the beneficial reuse function surrounding parcels such as Baypoint Homes, Home Depot, etc., provided in the past, provides such a site.

During each of the above mentioned Delta/Bay disposals (1986, 1991, 1997 and 2002) federal tax payers could have saved millions of dollars from their San Rafael dredging costs; and San Rafael property tax payers could have had hundreds of

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thousands of dollars saved from their disposal costs. What follows are some examples of how the City could have in the past, and should in the near-term future, save taxpayers money, while benefiting the land and bay's environment.

In the 1990's Canalways received three estimates saying hydraulic pumping of San Rafael Creek dredge materials to Canalways would cost \$2.00 - \$4.00 per cubic yard. Consequently, I have used \$3.00 per cubic yard as the estimate for hydraulic dredging to Canalways. In 1986, the contracted cost to dredge the San Rafael Creek was \$8.70 per cubic yard. Those prices rose in the 1990's, but I left that number the same in order to simply and remain conservative in my calculations.

In 2002, the Army Corps at \$13.00 per cubic yard contracted dredging costs for San Rafael Creek. In 2004 a large dredge contractor estimated hydraulic pumping to Canalways might cost \$7 - \$15 per cubic yard. I used the Army Corps figures and raised Canalways hydraulic cost estimates to \$10.00 per cubic yard for the year 2002.

Using the above costs, these are the savings that could have accrued to the City of San Rafael and the federal budget in the past:

**Significant taxpayer savings**

**1986 Clamshell dredging Across the Flats**

Cost		In-Bay dumpingCost	
Cu.yds	Hydraulic Area	Canalways reuse	Clamshell Total Clamshell
197,750 \$	3.00 ATF	Hydraulic Total	\$ 1,720,425 \$ 8.70
	Total	\$ 593,250	\$ 1,720,425
Estimated Savings if to Canalways \$		1,127,175	

**1991 Clamshell dredging Inner Channel**

Cost		In-Bay dumpingCost	
Cu.yds	Hydraulic Area	Canalways reuse	Clamshell Total Clamshell
49,660 \$	3.00 Inner Channel	Hydraulic Total	\$ 432,042 \$ 8.70
	Total	\$ 148,980	\$ 432,042
Estimated Savings if to Canalways \$		283,062	

**1997 Clamshell dredging Across the Flats**

Cost		In-Bay dumpingCost	
Cu.yds	Hydraulic Area	Canalways reuse	Clamshell Total Clamshell
145,000 \$	3.00 ATF	Hydraulic Total	\$ 1,261,500 \$ 8.70
	Total	\$ 435,000	\$ 1,261,500
Estimated Savings if to Canalways \$		826,500	

**2002 Clamshell Inner Canal to SF11**

Cost		Canalways reuse		In-Bay dumpingCost	
Cu.yds	Hydraulic Area	Hydraulic Total	Clamshell Total Clamshell	Cu.yds	Hydraulic Area
51,000 \$	10.00 IC	\$ 510,000	\$ 663,000	\$ 13.00	
	Total	\$ 510,000	\$ 663,000		
Estimated Savings if to Canalways \$		153,000			

**2002 Clamshell Inner Canal to Winter Island**

Cost		Canalways reuse		In-Bay dumpingCost	
Cu.yds	Hydraulic Area	Hydraulic Total	Clamshell Total Clamshell	Cu.yds	Hydraulic Area
35,000 \$	10.00 IC	\$ 350,000	\$ 1,750,000	\$ 50.00	
	Total	\$ 350,000	\$ 1,750,000		
Estimated Savings if to Canalways \$		1,400,000			

Had a beneficial reuse uplands disposal site, such as Canalways, been used for dredge material disposal instead of San Francisco Delta and Alcatraz (SF11), disposal savings to federal and local taxpayers from 1986 - 2002 are estimated at:

1986	\$	1,127,175
1991	\$	283,062
1997	\$	826,500
2002 To SF11	\$	153,000
2002	\$	1,400,000
<b>Estimated Savings if to Canalways</b>	<b>\$</b>	<b>3,789,737</b>

Some of our recent national policies have put a chokehold on state and local budgets. Consequently, it is incumbent on local jurisdictions to pursue the cost effective beneficial reuse directives stated in the Federal Government's Long Term Management Strategy (LTMS).

In a global village where competition, dwindling resources, terrorism, pre-emptive wars and poor policy and planning decisions squeeze those in the middle and lower classes, local jurisdictions must smartly use beneficial cost saving proposals.

**Upcoming Savings**

Generally, there are 5-6 sites at which dredged materials, including those scheduled in the near future, can be disposed. The Army Corps FONSLS (Finding of No Significant Impact) for Maintenance Dredging of San Rafael Creek, September 2002, listed five unit cost estimates for disposal sites, excluding Canalways. Those stated costs are listed below and are likely to increase.

I have added the nearby Canalways site to the list. We believe the cost to beneficially reuse dredge material at Canalways would be in the lowered end of

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the \$7 - \$15 estimated range. Therefore, I used the \$10 estimate below and in the following estimates for scheduled 2004 and 2005 maintenance dredgings.

**US Army Corps FONSI September 2002**

Cost estimates are based on following unit prices:

Dredged materials to:	Cost
	Per cyd.
SF11 (Alcatraz)	\$13 No beneficial reuse
Winter Island	\$50 SR Creek materials bolstered Winter Island levees in 02
SF-DODS (Deep ocean)	\$32
Redwood Land Fill	\$150 (\$100 - \$200)
Montezuma Wetlands	\$65
Canalways	\$10 (\$7 - \$15 est) Could beneficially bolster San Rafael levee

Depending on sediment testing, there are generally 6-7 alternative means to dispose of dredge material from the IC and ATF. Canalways offers significant savings as an interim beneficial reuse site and should be included in those alternative means of disposal. In addition, its beneficial reuse of dredged materials to enhance the levee, wetlands, uplands, and potential park areas provide community security and benefits in a most pragmatic and cost effective manner.

According to its 7 year dredging maintenance schedule, the Across the Flats (ATF) portion of the San Rafael Channel is scheduled for dredging in 2004.

According to its 3 year dredging maintenance schedule, the Inner Channel (IC) of the San Rafael Channel is scheduled for dredging in 2005.

Using the same cubic yard quantities dredged in 2002, if those maintenance dredgings are hydraulically beneficially reused at Canalways, here are some estimated savings.

<b>2005 Clamshell Inner Canal to SF11</b>			
Cost	Canalways reuse	In-Bay dumping	Cost
Hydraulic	Hydraulic Total	Clamshell Total	Clamshell
51,000 \$ 10.00	IC \$ 510,000	\$ 663,000	\$ 13.00
Estimated	Total \$ 510,000	\$ 663,000	
Estimated Savings if to Canalways \$	153,000		

IC on 3 year cycle, scheduled 05

<b>2005 Clamshell Inner Canal to Winter Island</b>			
Cost	Canalways reuse	In-Bay dumping	Cost
Hydraulic	Hydraulic Total	Clamshell Total	Clamshell

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cont.

35,000 \$ 10.00	IC	\$ 350,000	\$ 1,750,000	\$ 50.00
Estimated	Total	\$ 350,000	\$ 1,750,000	
Estimated Savings if to Canalways \$	1,400,000			

**Common Sense Economics**

Doesn't it baffle common sense to expensively barge dredged materials from San Rafael Creek up the Delta to strengthen Winter Island's levee when nearby San Rafael's levee needs strengthening?

When dredged materials are beneficially reused on the uplands portions of a site, such as Canalways, site development costs are reduced. If that uplands area were zoned to deliver additional workforce housing, in a county that many experts would say needs it more than any other California county, then workforce housing units cost are reduced. Cost reductions increase the number of those who can then qualify for home ownership or rental opportunities.

To those desiring and working long and hard to obtain workforce housing in Marin, beneficially reusing dredged materials at Canalways seems like a common sense, no-brainer. To those politically connected groups who don't care about increasing gridlock/pollution and about increasing the working hours of those seeking workforce housing at the expense of quality family time, beneficial reuse is just another issue to oppose.

The Canalways Partnership hopes that practical, common sense decisions prevail on behalf of the greater common good through the General Plan process, rather than have weakly supported evidence provided by well-connected opposition groups limit the parcel's ability to address community needs. In the end, the partnership hopes that the City supports Canalways' application to be an interim beneficial reuse site, and zones it so that it can be a significant parcel in addressing community needs, such as workforce housing.

**Environmental and Economic Assessments**

Thank you for considering the estimated \$3- 4 million in savings that could have been made by following the LTMS requirements over past decades, and factoring in such future estimated savings into your considerations on San Rafael's Draft General Plan 2020. As we have mentioned in questions submitted for the Draft EIR, such economic questions and their impact on the environment may not be considered sufficiently in today's traditional Environmental Assessments under socio/economic impacts analysis.

When Environmental Impact Reports were added to our governing bureaucracy in the 1970's, it was done to provide some defense to a defenseless environment. Today, some Marin groups use EIRs as another political tool to thwart the delivery of nearby work force housing, to produce added pollution by forcing longer

commutes, to load unwarranted costly expenditures onto homebuilders. Hopefully, the final General Plan will alleviate our concerns that a more detailed Environmental Assessment may need to be done in order to offset the negative impacts mis-designating Canalways will do in addressing future community needs.

If a more detailed Environmental Assessment delving into the socio/economic impacts of designation Canalways as a conservation site is needed, perhaps those groups opposing Canalways' ability to address beneficial reuse and mixed-use needs should be burdened with the cost of funding the additional study.

In summary, beneficial reuse of dredged materials at Canalways could have saved taxpayers money, while enhancing levee, wetlands and uplands. Beneficial reuse could have reduced resourced use and costs of future development, which could include workforce housing. Policy decisions being made in this General Plan Process could provide those smart planning benefits in the future. We hope your insights will help make that smart planning happen.

Thanks for your time and consideration.

Sincerely,  
Dwayne Hunn  
Dwayne Hunn  
Canalways Consultant



April 26, 2004

San Rafael Planning Commission  
San Rafael City Hall  
1400 Fifth Avenue  
San Rafael, CA 94901

Re: General Plan 2020; Canalways

Dear Planning Commissioners:

This firm represents Kerner Boulevard LLC ("Kerner LLC"), the owner of Canalways, a vacant 85-acre parcel of land in East San Rafael. I represented Kerner LLC in the litigation against the City regarding the flooding of Canalways by the City's failed drainage system.

The City Planning Commission has recently released its draft General Plan 2020. In that draft General Plan, the Canalways property is designated as "Conservation". This newly-created designation aims at making any development of Canalways impossible and denying any economic use to the owner.

This proposed designation is the latest City action in a continuing course of conduct attempting to eliminate all possible development of Canalways. This course of conduct has included physical invasion as well as direct legal restraint.

The City's continued course of oppressive acts, involving both physical invasion and direct legal restraint on the use of property, amounts to a "de facto taking" of the affected property absent formal condemnation of it. The California Supreme Court recognizes the rights of property owners in such cases to compensation for inverse condemnation for the public entity's inequitable precondemnation conduct not amounting to an actual taking of property. *Klopping v. City of Whittier* 8 Cal. 3d 39 (1972); *Peacock v. County of Sacramento*, 271 Cal. App. 2d 845 (1969); *San Diego Metropolitan Transit Development Bd. v. Handlery Hotel, Inc.*, 73 Cal. App. 4th 517, 529-31 (Cal. App., 1999).

The history of the City's actions is as follows:

Oregon  
Washington  
California  
Utah  
Idaho

186

111 Sutter Street, Suite 700  
San Francisco, California 94104  
phone: 415.677.8900  
fax: 415.676.3000  
www.stoel.com

DAVID M. IVESTER  
Direct (415) 617-8904  
dmivester@stoel.com

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APR 27 2004

CITY OF SAN RAFAEL  
PLANNING



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In 1971, East San Rafael Assessment District #1 was formed to provide drainage for developable properties in East San Rafael, including Canalways. The Assessment District was taken over by the City of San Rafael after the facilities were built in 1975, at a cost of about \$3,000,000.

Canalways was assessed a huge share of the cost of constructing the drainage facilities. This assessment was based on the development potential of the property. The City determined that about 25 to 30 acres of Canalways could be developed.

The City constructed a network of storm sewer lines and trenches from all over East San Rafael, leading to a retention pond and pump station built immediately adjacent to Canalways. Storm water was pumped from the pump station into the Bay at low tide. The retention pond was designed to hold excess storm water on a temporarily basis, until it could be pumped out to the Bay.

The previous owner of Canalways did not pay all of the drainage assessment, and the City sued to collect the unpaid balance, plus interest, penalties and attorneys fees. When Kerner LLC purchased the controlling interest in the property from the FDIC in 1991, it assumed the responsibility of paying that assessment. Kerner LLC and its members paid all of the outstanding balance due.

Thus, Canalways owners have paid approximately \$750,000 to the assessment district and the City for these storm drainage facilities with the full and reasonable expectation that they would be permitted to proceed with development as designated by the City's General Plan. Indeed, in incurring these expenses, the Canalways owners relied to their detriment on this reasonable expectation that the assessment fees were imposed specifically as an exaction required as a condition to future development.

At the same time that the City was suing Kerner LLC to collect the balance of the assessment, the City was aware that its East San Rafael drainage facilities had failed, and that the City was not draining Canalways, but flooding it.

- 1) The City allowed the retention pond to silt up, and did not dredge it, so that the pond area had no retention capability.



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- 2) The large pumps which were designed to send the storm water into the Bay failed completely. The City did not repair or replace them, but instead removed them entirely.

- 3) In the late 1990's, after persistent inquiry by Kerner LLC, City staff reluctantly acknowledged to Kerner LLC that the 60-inch diameter discharge line from the non-functioning pump station to the Bay had completely failed, and that this line was bringing sea water from the Bay onto Canalways at every high tide.

*Thus, the City's drainage facility flooded Canalways with fresh water from the storm drains every time it rained, and with salt water twice a day, at each high tide.*

Though the City acknowledged to Kerner LLC that its facilities had failed, it refused to repair them. City staff privately advised Kerner LLC that certain members of the public who had the ear of City Hall had demanded that the repairs not be made. Kerner LLC was told that it would have to sue the City to have the repairs made.

I represented Kerner LLC in that suit against the City, and immediately tried to reach a settlement agreement, since the failure of the drainage system was so obvious, and since the Kerner LLC members simply desired to have the drainage system repaired. The City, however, was resistant to settlement. After each side had spent more than \$150,000 in attorneys fees, a settlement was reached which was substantially similar to the first proposal made by Kerner LLC: the City would repair its facility. This was accomplished about three years ago. However, even though the City has supposedly completed all of the negotiated repairs, the actual implementation of the improved pump system has been erratic, at best, requiring the owners to call on the City numerous occasions to force the City to comply with the terms of the settlement. Indeed, this spotty record of simply making sure that the pumps are *turned on* most likely constitutes a material breach of the settlement agreement.

The City's continued flooding of Canalways over a period of many years changed the character of the property. To the extent that any areas of the Canalways property currently exhibit properties associated with wetlands, it is only because normally dry uplands were tortuously invaded and flooded by pooling resulting from the City's willful neglect of its pumping facilities. It will take years before this damage is rectified by the operation of the pumps and by natural processes. Only then will wetlands scientists be able to perform a delineation between uplands and wetlands as they naturally exist.



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It is interesting to note that nowhere in the draft General Plan, nor in the Environmental Impact Report, is there any mention of the City's flooding of Canalways over a period of many years. The most significant environmental effect on one of the largest, most significant undeveloped properties in San Rafael is completely ignored.

Now, while the property is slowly drying out, the City Planning Commission proposes to seize upon this temporary situation of its own creation, and declare Canalways to be "Conservation" land, essentially destroying its development potential, thereby denying the owners all economically beneficial use of their property. In an transparent attempt to avoid the compensation obligations of outright condemnation, the City seeks to devalue the property and hobble its development by misapplying a new and ambiguous zoning designation to this privately-held property. The designation was also applied to a few other large properties, but those properties have, at least, some current level of development which will be allowed to continue. Canalways, however, is vacant land, so there can be no economic use of this property as long as it is burdened by this zoning.

To bolster its position that Canalways should not be developed, the Planning Commission proposes to declare that the current presence of the Salt Marsh Harvest Mouse (SMHM) on the property is "documented". The Planning Commission has resurrected a 22-year-old trapping study which found *one* salt marsh harvest mouse, and one mouse with the "gestalt" of a SMHM, after more than 825 nights of trapping. There is no reason to believe that any SMHM are presently on the property (more recent trappings on adjacent properties with far more suitable habitat have failed to find a SMHM). The facts, thus, belie the Planning Commission's proposed declaration that the current presence of the SMHM on the property is "documented".

Before any development of Canalways can occur, federal and state regulators will require the developer to have to have a wetlands delineation conducted by a biologist. Further, the owner will have to satisfy the federal and state agencies regarding the presence of any endangered species. These scientific studies will be conducted in accordance with all applicable laws. For the City to prejudice these studies by determining today that the property is all wetlands, and that it is habitat for the SMHM, is patently unfair, prejudicial and unreasonable.

The City's motives in this continued conduct of unfair treatment of Canalways are obvious and transparent. It is a well-known fact that the City unsuccessfully tried to purchase Canalways at a tax sale in 1991, intending to convert it to open space. It is a fact—though for years, a closely-guarded secret—that the City intentionally flooded Canalways for years, and refused to stop its flooding only when sued. Interested potential developers and



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certain honest City officials and staff will testify to the fact that senior City officials have openly discouraged any potential development of Canalways for years, even though the current General Plan calls for 30 acres of development. It is a fact that the City has openly and effectively decided that it is going to deny all development opportunity, and all economic use, to Kerner LLC for having the audacity to buy the property and pay the back taxes, when the City wanted to purchase it buy paying the back taxes only.

The *modus operandi* of the City is clear: to (1) tortiously flood the property it desires to purchase, (2) mischaracterize—in the absence of any supporting data—the site as a wetlands with a habitat containing an endangered species, (3) downzone the property to "Conservation," so as to prohibit development as previously allocated, (4) depress the economic value of the parcel, and (5) purchase the land (or enable its friends to purchase it) for its own uses for pennies on the dollar. Fortunately, the law protects property owners from this type of faking achieved through an elaborate course of conduct.

In *Klopping v. City of Whittier*, supra, the California Supreme Court recognized a property owner's right of compensation for inverse condemnation for a public entity's precondemnation conduct not amounting to an actual taking of property. The court had already established that particularly oppressive acts by a public entity, involving **physical invasion or direct legal restraint** on the use of property, could amount to a "de facto taking" of the affected property absent formal condemnation of it. *Id.* at 46; see also *Barthelemy v. Orange County Flood Control Dist.*, 65 Cal. App. 4th at 564.

Here, we find that the City has both physically invaded Canalways by persistent massive flooding, and has imposed direct legal restraint in the form of new zoning designation designed specifically to prevent the development or use of Canalways.

It is regrettable that the members of Kerner LLC have been demonized by the City and no-growth proponents. In fact, these members would like to pursue a cooperative project that results in the creation of a vast, enhanced wetlands and a modest development which would meet the City's desperate need for affordable housing—or any other beneficial use which the City may suggest.

On behalf of Kerner LLC, I ask that you not apply the proposed "Conservation" designation to Canalways, but rather keep its current mixed-use designation, with potential development of 25 acres, as in the existing General Plan 2000. Further, I ask that you remove

Christopher M. Petersen  
16 Lochness Lane  
San Rafael, CA 94901-2425

April 27, 2004

San Rafael Planning Commission  
April 26, 2004  
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Mr. John Alden, Chairman and Members of the Planning Commission  
c/o Community Development Department  
City of San Rafael  
P.O. Box 151560  
San Rafael, CA. 94915-1560

the inaccurate and unfair characterization of Canalways as both a wetlands and as a habitat for endangered species.

Re: *Draft General Plan 2020*

Dear Mr. Alden and Commissioners:

The following are comments and suggestions regarding GP 2020.

The General Plan is the governing document for the development of the City. Anything that gets built must be consistent with the goals and policies contained in the Plan. The Draft General Plan 2020 is proposing some goals and policies that will have a very drastic effect on the Loch Lomond Marina and surrounding neighborhoods. Goals are where the City wants to be in 2020, Policies provide guidance on how to achieve the goals. The following goals and policies in the Draft General Plan 2020 will drastically impact the "Quality of Life" the residents of Point San Pedro Peninsula currently enjoy.

Yours truly,



David Ivester

**Land Use Goal 1: Growth to enhance Quality of Life.** It is the goal of the City of San Rafael to have growth that serves community needs and enhances the quality of life in San Rafael. *San Rafael values its historically significant and inspirational natural setting, with the widest variety of culture, residential, employment, and entertainment offerings in Marin County. While the City will not grow significantly, it will be important to maintain and improve the existing types and areas of development that make San Rafael such a desirable place.*

**Policy LU-8. Density of Residential Development.** Maximum densities are not guaranteed but minimum densities are generally required. Densities of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas. Residential development should not be built below the minimum density allowed on the land use district unless there are significant environmental constraints. (Note: density refers to the number of dwelling units per gross acre of land).

This goal and policy sound like they are just what we want; however, the statement "minimum densities are generally required" and "should not be built below the minimum density allowed" is new for this Draft GP. Does this really reflect Goal 1? The current



Christopher M. Petersen  
16 Lochness Lane  
San Rafael, CA 94901-2425

GP states that development can not exceed the maximum unless there is a density bonus for affordable housing, minimum densities are not required.

Policy LU-24. Land Use Map and Categories. Exhibit 10: Land Use Categories. Marine Related and Neighborhood Commercial designations now permit residential uses at **MEDIUM DENSITY**, 6.5 - 15 dwelling units per acre. Medium density is described in this Exhibit as duplexes, garden apartments and condominiums.

The current General Plan does not permit residential uses in the Marine Related land use designated areas and minimal residential in the Neighborhood Commercial. In addition, much of the Marina land area is designated Marine Related with only Bruno's and the dentist offices designated Neighborhood Commercial. The current General Plan would permit approximately 20 - 30+ residential units, the General Plan 2020 would permit a range of 65 to 150 residential units, guaranteeing 65, if there is 10 acres of area that can be developed, in addition, the 2020 Plan suggests these units should be duplexes, garden apartments and condominiums. A drastic change, compatible with our surrounding areas??? Again, does this support Goal 1?

**General Plan 2020 Land Use Map, Exhibit 11.** This map identifies the marina site largely as Neighborhood Commercial with Marine Related only in the area of the breakwater and adjacent to the boat slips. This is another drastic change, in every other Neighborhood Commercial designation in the City, the area is small and in some instances so small you can't even see it (Sun Valley Market and Bret Harte Center can't be seen, Scotties Market in Terra Linda can be seen with a magnifying glass). The new NC designation in the canal area is also larger, which also encourages residential. Again, does this support Goal 1?

**Goal 5: Distinctive Neighborhoods.** It is the goal for San Rafael to have neighborhoods of integrity and distinctive hometown character. San Rafael is a city of neighborhoods that support each other and provide a network of parks, gathering places and services. The unique identity, distinctive design and upkeep of each neighborhood will continue to be a source of pride.

Neighborhood Policy NH 121. Lock Lomond Marina. Land Use. Encourage a mixed use development that includes ALL of the following land uses.

- Marine and related facilities
- Recreation including fishing ...
- Neighborhood serving commercial
- Residential, with a mix of housing types.

Does this change requiring residential development at the marina support Goal 5 to have "distinctive character" when residential at a medium density with the need for sound

Christopher M. Petersen  
16 Lochness Lane  
San Rafael, CA 94901-2425

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mitigation will obscure all the marina character that exists today. This again is a drastic change from the current General Plan Policy which states:

"CB-20 Loch Lomond Marina. Encourage redevelopment of the Loch Lomond site with expanded marine related uses, given its prime waterfront location. Allow minor expansion of neighborhood commercial uses at the site as part of any project. Provide an additional boat launch facility at Loch Lomond Marina, if possible, and secure public access to the site's fishing breakwater when redevelopment occurs."

This is what the community wanted in the late 1980's when the 2000 General Plan was adopted, what we have all lived with and what we anticipated to remain. It appears the City believes the ABAG numbers are more important than community desires and our "Quality of Life."

We appreciate your attention to these concerns and look forward to a response in the near future.

Thank you for considering these issues which directly affects our neighborhoods.

Sincerely,



cc: Mayor Al Boro  
San Rafael City Council Members  
Bob Brown, Community Development Director  
Linda Jackson, Principal Planner

MARIN COUNTY BICYCLE COALITION

TO: SAN RAFAEL PLANNING COMMISSION
FROM: ERIC ANDERSON, MCBC
SUBJECT: COMMENTS ON DRAFT SAN RAFAEL 2020 GENERAL PLAN
DATE: MARCH 23, 2004

The Marin County Bicycle Coalition (MCBC) respectfully submits the following comments on the Circulation Element of the San Rafael 2020 General Plan.

MCBC applauds the City of San Rafael for its attention to non-motorized and alternative modes of transportation in the Circulation Element. The following comments are intended to help clarify, deepen and constructively criticize these laudable planning efforts. Please note that comments follow Circulation Plan headings which have been placed in quotations. All comments follow the order of the draft Circulation Plan document.

Introduction/Overview

The MCBC is encouraged by the inclusion of bicyclists' needs in both the "Overview of Key Recommendations" and the "Circulation Needs in San Rafael" lists. However, we believe that bicycling should be considered as a higher priority for implementation. The listing of bicycling behind such other modes and projects as improved ferry service, new commuter rail and inter-modal transit hubs belies the ease and cost-effectiveness with which bicycle projects can help to relieve traffic congestion. For example, whereas the SMART rail project, listed ahead of bicycle plan implementation, will cost millions and require a decades-long planning and implementation process, many improvements listed in the bicycle plan can be implemented quickly and cheaply (and without inter-jurisdictional cooperation), resulting in immediate congestion reduction. In addition, the improvement of walking and bicycling routes to access transit terminals can result in an increase in transit ridership.

The San Rafael Bicycle and Pedestrian Master Plan establishes a goal of 20% pedestrian and bicycle mode share within twenty years, roughly the same timeline as the General Plan. In order to achieve this ambitious goal, a complete bicycle and pedestrian network will be required in San Rafael by the year 2020. Without a complete network, San Rafael will never fully realize its non-motorized transportation potential. Therefore, MCBC requests that the bullet point on implementation of the bike/ped plan be revised to read: "Full implementation of the San Rafael Bicycle and Pedestrian Master Plan to provide a complete bikeway, pathway and sidewalk network."

Roadway Improvements

The MCBC recognizes the negative impact on San Rafael's roadways of regional traffic and applauds the City for recommending more connections between neighborhoods for pedestrians and cyclists. However, it is unclear how increasing connections between neighborhoods for automobiles will mitigate the impact of regional traffic on those neighborhoods. Rather, as a means to decrease the impact of regional traffic spill-over onto neighborhood streets, MCBC respectfully suggests that the City focus on and expand the language in this section that emphasizes the importance of traffic calming in areas where neighborhoods interface with regional traffic routes such as freeway interchanges.

Bicycling and Pedestrian Facilities

Again, MCBC recommends that the language "expanded bikeway network" be revised to read "complete bikeway network" to reaffirm the plan's commitment to fully implementing the Bicycle and Pedestrian Plan.

Parking Facilities

Bicycle parking is an important amenity implementation of which could decrease the demand for automobile parking in the critical downtown area. MCBC requests that all discussions of parking include provisions for alternative modes such as bicycling and recognize the importance of bicycle parking as a part of the solution to our ongoing automobile problems.

Goal 13: Mobility For All Users

The MCBC affirms the goal of achieving mobility for all users of the public right of way. However, we are concerned that the introduction to this section may condone and suggest continued accommodation of single occupancy vehicles. Rather, we recommend that the plan emphasize the environmental, health and safety dangers of an SOV-dependant transportation system and thus the acute need for a shift away from SOVs.

C-4 Safe Roadway Design

Again, the MCBC supports San Rafael's inclusion of all modes in consideration of roadway design and applauds placing safety as a priority. In order to clarify the hierarchy of user safety needs, we would request that San Rafael state a policy that recognizes pedestrians and cyclists (in that order) as the most vulnerable roadway users and establishes priorities for mitigation accordingly.

C-4b. Street Design Criteria to Support Alternative Modes

MCBC encourages the City to remove the language "As feasible" from this section. As suggested above, for safety reasons every roadway project should be built according to design criteria that protect the most endangered users of the public right of way.

<p><b>“C-5. Traffic Level of Service Standards”</b></p> <p>Level of Service is an established automobile traffic engineering tool. Until recently, similar tools did not exist for non-motorized users. However, methods such as the Bicycle Compatibility Index and the Bicycle Level of Service have been developed in order to assess a roadway’s performance with regard to bicycle user safety and comfort. MCBC respectfully requests that San Rafael include language in the General Plan that will lead to an adoption of a Bicycle Level of Service methodology and accompanying standards for bike LOS.</p>	<p><b>“Improving Transit and Related Services”</b></p> <p>As enablers of transit as an effective mode-shift tool, bicycling and walking are a key part of ensuring transit trip profiles free of single occupancy vehicles (SOVs). Likewise, transit is an enabler of bicycling and walking as regionally effective modes of transportation that can eliminate SOV trips. MCBC requests that the transit section of the Circulation element be revised to include this orientation toward mode shift and non-motorized access.</p>
<p><b>“C-5b. Monitoring Traffic”</b></p> <p>Traffic monitoring activities present an excellent opportunity to track both motorized and non-motorized users. Collecting data on non-motorized users is beneficial as it allows for demand assessment planning as well as evaluation of the effectiveness of bicycle facilities that have already been installed. The MCBC requests that language be added to this section calling for bicycle counts along with automobile traffic monitoring.</p>	<p><b>“C-17a. SMART Service”</b></p> <p>MCBC requests that language be added endorsing the current SMART Bicycle Technical Committee recommendation for a continuous parallel Class I pathway as part of the overall SMART corridor. SMART will be evaluating pathway plans as part of their EIR.</p>
<p><b>“C-6. Proposed Improvements”</b></p> <p>MCBC requests that this section include language reaffirming San Rafael’s commitment to implement Bicycle and Pedestrian Plan improvements whenever they are found within planned roadway projects.</p>	<p><b>“C-23a. As opportunities arise, provide better signage for bicycle, pedestrian and transit routes to identify pathways between neighborhoods.”</b></p> <p>MCBC requests that the language in this section be revised to read: “As opportunities arise, improve infrastructure and provide better signage for bicycle, pedestrian and transit routes to identify pathways between neighborhoods.”</p>
<p><b>“C-7a. Planned Roadway Improvements”</b></p> <p>The MCBC requests that language be appended to this section requiring that all planned roadway projects implement projects from the San Rafael Bicycle and Pedestrian Plan that fall within the roadway project limits.</p>	<p><b>“C-24a. North San Rafael Promenade.”</b></p> <p>MCBC is encouraged by the inclusion of the language that “requires” sections of the promenade to be constructed by private developers. We recommend adoption of this stronger language for all non-motorized projects adjacent to private development or public transportation projects.</p>
<p><b>“C-8. Eliminating and Shifting Peak Hour Trips”</b></p> <p>MCBC requests that language be adopted emphasizing the importance of bicycling and walking in achieving mode shift. Such language is currently missing from this section.</p>	<p><b>“C-25. Meeting Local Circulation Needs Around Highway Interchanges.”</b></p> <p>The interface of freeway interchanges and local roads are one of the most dangerous areas for pedestrians and cyclists. MCBC recommends that the language be revised to read “...address local circulation needs for all modes – emphasizing safety for non-motorized users – when freeway improvements...”.</p>
<p><b>“C-11d. Bike to Work Day”</b></p> <p>MCBC commends the inclusion of this promotion in the list of possible TDM mode shift outreach activities. We would also like to suggest that other possible promotions be listed, such as “Shop by Bike”, bicycle safety training classes, “how-to” classes for would-be bicycle commuters, and accessing open space via transit/foot/bicycle (e.g. Transit Outdoors map and “Bike to Transit”). Finally, we believe that these bicycle promotions should be listed before obscure promotions such as those promoting “alternative” motorized vehicles.</p>	<p><b>“C-26. Bicycle Plan Implementation”</b></p> <p>MCBC requests that the following elements be considered, <i>in addition to the policies and programs outlined in both the San Rafael General Plan 2020 and the San Rafael Bicycle and Pedestrian Master Plan</i>. Several of these recommendations are drawn directly from the language found in the following pedestrian improvements section.</p> <ul style="list-style-type: none"> <li>- Study and implementation of “bicycle boulevards” and other forms of traffic-calmed bicycle priority streets.</li> <li>- Pursue funding for unfunded elements of the plan.</li> <li>- Promote improvements to bicycle access to transit.</li> <li>- Pursue enforcement strategies that will improve the safety of the bicycling environment.</li> <li>- Monitor progress in implementing the bicycle-related goals and objectives of the Bicycle and Pedestrian Master Plan on a bi-annual basis.</li> </ul>
<p><b>“Transportation Demand Management Tools” (sidebar)</b></p> <p>MCBC requests that bicycling (which is listed behind several less effective means of achieving mode shift) and walking (which is completely absent from the list of TDM tools) be given higher priority. One rationale for this is that most transit can begin or end with a bicycle or pedestrian access or egress trip segment.</p>	<p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>

21 cont.	<ul style="list-style-type: none"> <li>- Develop a program for prioritizing the maintenance of existing bicycle facilities based on their transportation utility.</li> <li>- Confirm the 20-year timeline for completion of the <i>San Rafael Bicycle and Pedestrian Master Plan</i> in conjunction with the timeline for the General Plan.</li> </ul>
22	<p>“C-26a. Implementation”  MCBC recommends stronger language that clarifies the requirement to implement bicycle and pedestrian projects when those plans are within the limits of a roadway project slated for construction.</p>
23	<p><b>“C-27a. Implementation. Monitor progress in implementing the pedestrian-related goals and objectives of the Bicycle and Pedestrian Master Plan on an annual basis.”</b>  See above recommendation.</p>
24	<p><b>“C-28a. Urban Trail Network Project.”</b>  MCBC requests that bicyclists be included in the scope of these proposed projects wherever conflicts between cyclists and pedestrians will not be increased.</p>
25	<p><b>“C-32. Parking for Alternative Modes of Transportation”</b>  MCBC requests that bicycles be given priority in the consideration of alternative mode parking efforts, ahead of more obscure and currently unutilized. Specifically, language is needed calling for City ordinances requiring bicycle parking at businesses, employers and residences. Such an ordinance can be modeled after successful programs from the City of Portland, Oregon among others. The Metropolitan Transportation Commission’s Regional Bicycle Plan includes language for many sample ordinances.</p>

**RESPONSE TO LETTER 1 – JACK AND JAN GRIMES**

**Response to Comment 1-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20c (Street Tree Maintenance)”.

**RESPONSE TO LETTER 2 – JOHN GRIMES**

**Response to Comment 2-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION, “PR-15 (Community Gardens)”.

**RESPONSE TO LETTER 3 – CAROL OLWELL**

**Response to Comment 3-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20 Street Trees”.

**RESPONSE TO LETTER 4 – ALBERT BARR**

**Response to Comment 4-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-36 (a) (Downtown Gateway)”.

**Response to Comment 4-2**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-36 (a) (Downtown Gateway)”.

**Response to Comment 4-3**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-36 (d) (Under Highway 101 Viaduct)”.

**RESPONSE TO LETTER 5 – RETHA SPROFERA**

**Response to Comment 5-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20c (Street Tree Maintenance)”.

**RESPONSE TO LETTER 6 – BERTIL THUNSTROM, MD**

**Response to Comment 6-1**

Complaints regarding music noise from a construction site are best resolved through the enforcement of the City’s Noise Ordinance. Policy **N-10a Enforce and Update the Noise Ordinance** indicates that it is the City’s policy to enforce the noise ordinance.

**RESPONSE TO LETTER 7 – DONALD WIDDER, MD**

**Response to Comment 7-1**

See Master Response E – Noise for a discussion of noise issues at the San Rafael Rock quarry.

**Response to Comment 7-2**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-147 (San Rafael Rock Quarry and McNear Brickworks)”.

**RESPONSE TO LETTER 8 – SHARLENE MOSS, ET AL.**

**Response to Comment 8-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20c (Street Tree Maintenance)”.

**RESPONSE TO LETTER 9 – DWAYNE HUNN**

**Response to Comment 9-1**

See Master Response D – Canalways for a discussion of habitat for the salt marsh harvest mouse at Canalways.

**RESPONSE TO LETTER 10 – KAY NOGUCHI**

**Response to Comment 10-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GOVERNANCE ELEMENT, “G-7 (Community Participation)”.

**Response to Comment 10-2**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION ELEMENT, “Page 228, Exhibit 25 (Parks and Recreation Facilities in San Rafael)”.

## **RESPONSE TO LETTER 11 – TYMBER CAVASIAN**

### **Response to Comment 11-1**

Policy **CON-3 Unavoidable Filling of Wetlands** specifically states that any created wetlands must be of at least equal functional quality. The function of the wetland would be dependant upon local species having the opportunity to utilize the newly created habitat. Compensatory mitigation would be necessary for the loss of wetland habitat, but it is not always possible or desired to create habitat identical to that which is being disturbed. For instance, if an isolated wetland occurs on a project site that is dominated by non-native plant species, a similar wetland would be required to compensate for the loss of this habitat; it would be recommended that the mitigated wetland be created in a way that would support native species. Another example is if mitigation could be executed on the specific site of the original impact, but the wetland was going to take a slightly different form. This would be preferred over moving the wetlands off site. Typically in situations such as these, a higher compensatory ratio is required (which would be decided upon during the CEQA process and consultation with various state and federal agencies).

Policy **CON-3 Unavoidable Filling of Wetlands** also states that the created wetlands should occur within the same drainage basin as the impacted wetland and should occur on or adjacent to the specific site. It is not necessary to add additional language stating that mitigation banks would not be acceptable. Mitigation banks that may currently exist within or in the vicinity of the Planning Area, along with any future mitigation banks that could be created in the vicinity of the Planning Area would be acceptable mitigation to compensate for the loss of wetland habitat.

### **Response to Comment 11-2**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under PARKS AND RECREATION ELEMENT, “PR-2a (Park Criteria)”.

### **Response to Comment 11-3**

City staff and the Planning Commission have made every effort to make the public review process as “user friendly” as possible. Planning Commission staff reports are posted on the city’s General Plan website in a timely manner. Prior to the May 25, 2004 Planning Commission meeting City staff released a report *Responses to Comments on the Draft General Plan 2020* which contains all of the comments on *Draft General Plan 2020* collected via public hearings, the website, e-mail, fax, and written comment submitted at Planning Commission meetings. City staff responses to the comments are in the report. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under GENERAL COMMENTS, “Process comment”.

## **RESPONSE TO LETTER 12 – ROGER E. ROBERTS**

### **Response to Comment 12-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-9b (Trust Fund for Housing)”.

### **Response to Comment 12-2**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-9c (In-Lieu Fees for Affordable Housing)”.

**Response to Comment 12-3**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under HOUSING ELEMENT, “H-19a (Inclusionary Requirement by Project and Size) (1) and (2)”.

**RESPONSE TO LETTER 13 – JIM GONSMAN**

**Response to Comment 13-1**

Comment noted.

Prior to adopting *General Plan 2020* the City Council will be required to adopt findings for each significant impact identified in the EIR. For each significant impact the City Council must make one of the following findings:

- Changes in the project have been made to avoid or substantially reduce the magnitude of the impact.
- Changes to the project are within another agency’s jurisdiction and have been or should be adopted.
- Specific economic, social, legal, technical, or other considerations make mitigation measures or alternatives infeasible.

In addition, for each unavoidable significant impact the City Council will be required to adopt a Statement of Overriding Considerations which explains why the City is willing to accept the significant effect. In this way the City Council is required to balance the benefits of adopting *General Plan 2020* against the unavoidable significant impacts.

**RESPONSE TO LETTER 14 – PATRCIA ZENTNER**

**Response to Comment 14-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under COMMUNITY DESIGN ELEMENT, “CD-20c (Street Tree Maintenance)”.

**RESPONSE TO LETTER 15 – WILLIAM B. MCNEW**

**Response to Comment 15-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)”.

**RESPONSE TO LETTER 16 – LEE SWEENEY**

**Response to Comment 16-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)”.



**RESPONSE TO LETTER 17 – WILLIAM J. NEEDLE**

**Response to Comment 17-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Land Use Map”.

**RESPONSE TO LETTER 18 – STACY M. LEOPOLD**

**Response to Comment 18-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under LAND USE ELEMENT, “Land Use Map”.

**RESPONSE TO LETTER 19 – DONNA HANNA**

**Response to Comment 19-1**

The commentor expresses concern for the wetlands on the Canalways property. Impacts related to wetlands are discussed in *Impact IV.8-3*, which concludes that the policies and programs contained in *Draft General Plan 2020* would reduce potential impacts to federally protected wetlands to a less-than-significant level. However, an official US Army Corps of Engineers wetlands survey has not been conducted on the Canalways property, and therefore the site is not currently considered to include federally protected wetlands. Policy **NH-82 Canalways** specifically addresses future development on the Canalways property. Program **NH-82a Wetlands Enhancement** would require that a wetlands delineation and habitat analysis be undertaken to assist in the identification of appropriate areas for development on that site. Further discussion of the Canalways property is included in Master Response D – Canalways.

**RESPONSE TO LETTER 20 – KEVIN STOCKMAN, ET AL.**

**Response to Comment 20-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under SAFETY ELEMENT, “S-16 (Creekside Management Plan): Implementation of Creekside Management Plan”.

**RESPONSE TO LETTER 21 – KEVIN STOCKMAN, ET AL.**

**Response to Comment 21-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-38a (Mahon Creek)”.

**RESPONSE TO LETTER 22 – ANDY EASTERLIN**

**Response to Comment 22-1**

Commentor expresses support for policy **NH-82 Canalways** and the policy’s potential to support the restoration of wetlands on the Canalways property. Comment noted.

**Response to Comment 22-2**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

**Response to Comment 22-3**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT “NH-82 (Canalways)”.

**RESPONSE TO LETTER 23 – JIM LEONHARD**

**Response to Comment 23-1**

See Response to Comment 22-1. Also see *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

**RESPONSE TO LETTER 24 – JOHN ORTEGA**

**Response to Comment 24-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-82 (Canalways)”.

**RESPONSE TO LETTER 25 – ANDY EASTERLIN**

**Response to Comment 25-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under NEIGHBORHOODS ELEMENT, “NH-87 (Cal-Pox Site)”.

**RESPONSE TO LETTER 26 – JULES & ANNETTE THAM**

**Response to Comment 26-1**

See *Section IX.5 Responses to Comments on the Draft General Plan 2020* response under CIRCULATION ELEMENT, “C-5A (Intersection LOS)”.