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[www.sprcoalition.org](http://www.sprcoalition.org)

TO: BCDC  
FROM: Point San Pedro Road Coalition For the Public Record  
DATE: September 19, 2007  
RE: 9-20-07 Vote on Permit Application No. 10-06 from San Rafael Marina, LLC

The Point San Pedro Road Coalition is a nonprofit corporation interested in the long-term future of the Point San Pedro Community. Our Mission is to promote the interests of the residents of the Point San Pedro Road Corridor by collaborating with local home owner's associations to enhance and preserve the beauty and environment of the area, insure the health and safety of the residents, and to protect the peaceful enjoyment of the residents' homes. We have many concerns about the development of permit application for the proposed development at Loch Lomond Marina.

**FILL ISSUES, WATER QUALITY ISSUES, and SAFETY OF FILLS ISSUES:**

1. The plan calls for building homes on a low-lying site prone to flooding and filling wetlands in the process. Neighbors reported that a part of the wetland area was turned into upland in the night, by purposefully using illegal fill. The fill used was bark—bark that makes the area appear to be dry, but can be seen floating on top of the water and, when the water gets high, must be trenched to let the water flow out.
2. The existing situation includes materials in the riprap that are potentially damaging to the bay. Will these inappropriate materials be removed?
3. Given that the marina site as it now exists was created by bay mud fill on mud flats and is a flood plain, considerable added fill and surcharging will be necessary before housing can be placed on the site. This would seem to set up potential for serious problems: there may be lateral spreading of underlying material from the weigh of the surcharge and added fill. Elimination of the flood plain function may exacerbate flooding in other nearby areas.
4. Parking on the spits creates a strong likelihood of polluted run off reaching the bay.
5. Despite many objections from the public, the EIR for the proposed project did not take the impact of global warming into consideration and used quite dated materials for information on water levels. Their Sea level rise estimate is about 0.15 meters (6 inches) by 2050, but newer science has changed the estimates

for sea level rise (upwards) and, of course, sea level will continue to rise after 2050.

The BCDC application Summary for Agenda Item #8 dated September 7, 2007 refers to the applicant “reviewing sea level rise rates for a fifty-year period that are generally consistent with the California Climate Action Team Reports on Climate Change.”

Is a fifty-year projection really adequate for this bayside, flood plain location? Most housing developments are occupied far longer than 50 years. The IPCC Fourth Assessment Report (2007) report states “... *there is strong evidence that global sea level gradually rose in the 20th century and is currently rising at an increased rate, after a period of little change between AD 0 and AD 1900. Sea level is projected to rise at an even greater rate in this century. The two major causes of global sea level rise are thermal expansion of the oceans (water expands as it warms) and the loss of land-based ice due to increased melting.* (From the report accepted by Working Group I of the Intergovernmental Panel on Climate Change but not approved in detail, page 111.) (<http://www.ipcc.ch>).

We urge you to consider that the IPCC Sea level estimate keeps rising for centuries--with prospects of well more than a meter or so. 6 inches will certainly be exceeded after 2050 and estimates for Sea level rise over the next century are changing as Greenland melts faster than expected and the West Antarctic Ice Sheet shows signs of destabilization. The “precautionary” or “insurance” principle would lead one to plan for sea level rise that will continue over the course of the next century, and for the rise to be greater than estimated in the EIR -- before Greenland and Antarctica began to change at rates not accounted for in earlier climate models.

As the California Action Team Report points out in section 4.5 on pages 31-32, “California’s coastal observations and global model projections indicate that California’s open coast and estuaries will experience increasing sea levels during the next century. These changes could amplify the sea level rise, which has historically affected much of the coast of California, including the Southern California open coast, and the San Francisco Bay and upper estuary. These trends quantified from a small set of long-duration California tide gauges, show rises of about 2 mm/year. They are very similar to trends estimated for global sea levels..... So far, there is little evidence that the rate of global sea level rise has accelerated, but climate models suggest strongly that this may change.” (Underlining added for emphasis.)

Given that the site currently experiences inundation several times a year in areas near the east spit, won’t raising the housing area above flooding exacerbate flooding in the public access area? Given that a growing body of scientific knowledge indicates probable acceleration of water level rise, isn’t it wise to take a very cautious stance in regard to flooding at the marina site? It is the public

access area that will be lost. Hopefully BCDC will insist that this area receive maximum protections for future use.

#### MAXIMUM FEASIBLE PUBLIC ACCESS ISSUES:

1. The plan calls for significant reduction in parking for boaters, both for day rigs and for dry boat storage limits public access for boaters. Neighbors keeping informal counts have come up with numbers larger than those being planned for. Parking to meet actual need must focus on the peak times and not bring numbers down by averaging in times of the year when boats are seldom used because of weather conditions.
2. Additional recreational uses are planned such as playgrounds, picnic benches, improved walking trails, kayak launches, etc. However, parking studies were based on historic use only and do not allow for increased use from these added recreational offerings. Without parking the public does not really have access since there is no public transportation available.
3. Views of the bay are not being preserved to the maximum extent possible.
  - a. The current view sheds from the public streets and sidewalks to the north, an area heavily used for exercising while enjoying bay views and where roads are oriented toward the bay were not established before view corridors and building locations and heights were planned.
  - b. Under point j on page 10 of the BCDC Application Summary for Agenda Item #8, it is said that the applicant claims the project would create “clear visual connections to the shoreline from Pt. San Pedro Road....” However, focusing on view impact from Pt. San Pedro Road concentrates on an area where the public does not enjoy bay views because the area is too noisy and fume-filled for pedestrians and traffic moves at too fast a speed for those in vehicles to concentrate on views off to the side. This approach ignores the public streets and sidewalks to the north where people currently enjoy views of the bay. A strong visual connection to the Bay was planned by the owner and developers of the Loch Lomond neighborhood, which has historically included both the housing area and the marina. The marina site is now being separated off and declared a new neighborhood while little or no consideration is being shown for the negative view impact of placing tall, closely spaced buildings between existing homes which are limited to one-story and the bay.
  - c. The large, tall townhouses lining the east side of the main view corridor will block existing views. This area should contain single-story residences in order to preserve views and create a more welcoming entrance.

- d. Tall elements at the bayshore will impair views from the gradual slopes to the north. Palm trees and tall lighting fixtures should not be allowed. The bay itself and the marina are the focal point of the site – added tall elements simply degrade the views.
4. The main view corridor has been narrowed from the original submission and reconfigured to be more perpendicular to Pt. San Pedro Road. Since most of the existing views from public streets and sidewalks are oriented at an angle and look across the site to the east of the existing restaurant building, this new straightened and narrowed main view corridor especially as lined with long, tall, multifamily units on its eastern side probably eliminates most of the existing views. Repeated requests from the public to check the view impact on the area to the north.
5. The secondary view corridors are of questionable value as view corridors. They have been narrowed in order to pull the housing back from intrusion into the wetland area and probably will not function as view corridors except from the Pt. San Pedro Road sidewalk immediately at their ends, an area where the public does not gather because of traffic noise and fumes.
6. The housing element is so large and its footprint is so big that it comes too close to the wetlands on the eastern side of the site and it forces parking out onto the spits creating conditions where polluted run-off will enter the bay injuring wildlife.
7. Movement to the west along the bay shore is impeded by the restaurant jutting out into the public plaza, thereby physically and visually cutting off the western part of the site. Attaching the restaurant to the existing yacht club building also denies the restaurant the visual bay access it now enjoys by forcing it to face away from the bay and creating an outdoor seating area whose bay views are largely blocked by the yacht club building. The restaurant could instead be located just northwest of the circle at the end of the main view corridor. This would preserve its visual bay connection and keep it out of the public access area under BCDC's jurisdiction.
8. The proposal includes a laundry and bathroom facility for live-aboard households to be attached to the yacht club/restaurant building taking up precious bayside access area and blocking views of the bay. This facility is necessary, of course, but it should be located away from the shoreline in one of the commercial buildings.
9. The marina green should be at least 55 feet wide for its entire length.
10. The plan approved by the City of San Rafael did not provide a connection to the open space to the west of the site from the southern end of the western boundary. Instead it included a tall fence with plantings running from Pt. San Pedro Road down to the west spit. Plantings along the fence have potential to

hide the open space from view as well as to block the public's visual access to bay water. BCDC materials now state that the developers plan a connection. The public needs to have more information on this. Mechanisms need to be in place to assure that this valuable connection will be preserved.

## REVIEW BOARD ISSUES

1. Given that the site is located between two major earthquake faults, is comprised of fill and is a floodplain thus necessitating additional fill and surcharge, why did the BCDC Engineering Criteria Review Board not review the proposed project?
2. When the BCDC Design Review Board requested that additional view corridors be added, what was the reason for this request? Is there any review that demonstrates that these additional view corridors actually function to preserve any views? The addition of these secondary "view corridors" resulted in narrowing of the main view corridor and changing its orientation. This change along with the placement of the tallest, most massive residential units along the eastern side of the main view corridor seems to have actually eliminated views rather than preserving or enhancing them.
3. When fish cleaning stations were requested, did the request include that there be running water available? Is there consideration of the possibility of a dangerous accumulation of fish hooks in the surrounding area? Was there stipulation for frequent cleaning to avoid odors from rotting fish parts? Is consumption of fish from this location safe? (The presence of cleaning stations encourages consumption in contrast to catch and release.)
4. Tall lighting at the waterfront is not needed to provide a focal point. It, like any tall elements along the bay shore simply degrades the views, especially views from the somewhat higher streets and sidewalks on the gradual slopes to the north. The bay itself is the focal point. Tall light standards at the site also have potential to intrude on nearby residential areas.
5. The former Marina owners are reported to have accepted an obligation keep the slough at the eastern side dredged. The slough has not been dredged for decades; certainly never by the current owners. The slough is filling in slowly in part due to silt that comes in with the tide, but cannot as the flow has been blocked ever since the Marina's jetty was constructed. The problem is exacerbated by silt brought into the slough from storm drainage from Loch Lomond (see <http://sprcoalition.org/topics/wetlands/index.html> and links for details). This filling up threatens to block water flow from the Bayside Acres wetlands along Beach Drive. If water is blocked, the wetlands will cease to exist, and a currently active sanctuary for birds will be lost. BCDC should obligate the current owners to keep this slough dredged.

6. There has been some talk of a link with the Bay Trail. If a link is contemplated, how will this be provided?
7. While this may be beyond the purview of today's BCDC discussions today, residents are concerned with emergency response access to the Bay. The current marina with its open area makes this a valuable staging area in the event of a major earthquake or other disaster. Once the project is built, this capability will be severely compromised. A helicopter could land at Loch Lomond Marina now, but it is doubtful this could be done if current the plan for the development is approved.

Best regards,

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Co-President