



POINT SAN PEDRO ROAD COALITION

"Promoting Quality of Life in our Community"

Loch Lomond Marina Committee

April 9, 2020

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-open

San Rafael City Council
San Rafael City Hall
1400 Fifth Avenue, Room 203
San Rafael, CA
Via email attachment

To City Council Members:

First, on behalf of the Point San Pedro Road Coalition, I want to thank the City of San Rafael and particularly the Community Development Department (CDD) and Department of Public Works (DPW) for working with our Loch Lomond Marina Oversight Committee on a regular basis over the past several years on the development project at the Loch Lomond Marina. This cooperative and open relationship has resulted in excellent community involvement and transparency as well as expeditious resolution of several issues. Director Paul Jensen, especially, has been at the forefront of this project and his efforts have been greatly appreciated.

We understand that two items will be presented to the San Rafael City Council at their April 20, 2020 meeting related to this project. The first is a revised Subdivision Improvement Agreement (SIA) and the second is a Below Market Rate (BMR) Agreement between San Rafael and Marina Village Associates (MVA), the project owners. While we have not seen the actual texts of these documents, we have reviewed what we understand is their substance with CDD and DPW and would like to provide our input below to the Council's deliberations.

In regard to the BMR, we understand that in return for the Council's approval removing the requirement for the remaining six on-site BMR residences, MVA has agreed to make a sizable contribution to the City's low-income housing fund. We further understand that these funds will support the creation of many more low-income housing units than the six BMRs that would have been built in The Strand at Loch Lomond Marina. We feel that this would be a win-win-win-win-win situation in that: (1) MVA would be able to sell those six units at market rate, (2) San Rafael will be able to collect property tax revenue on the completed residences, (3) the City would be able to create more low-income housing, (4) residents of

The Strand could finally look forward to not living in the middle of a development project, and (5) our surrounding communities could look forward to having this development project finally completed. While we understand that no requirement can be imposed on MVA actually building out this development, it appears that they are negotiating the sale of the residential portion of the development property to a potential developer who would complete the project assuming they were unencumbered by the BMR requirement.

Regarding the revised SIA to cover the remaining work to be done, the City holds bonds to ensure the completion of the infrastructure and public access areas that are covered by the SIA. This includes among other things the marina, marina green and boardwalk, public access pathways, jetties, the breakwater and areas of Pt. San Pedro Road requiring construction work in conjunction with the marina property. We understand that MVA is in final negotiations with Safe Harbor Marinas (SHM) for the purchase of these properties which also includes the Yacht

Club building and the planned Kayak Dock, Kayak Launch Ramp, Harbormaster's Office, Boat Repair Facility and Fuel Dock Facility. We view this potential transaction very favorably. However, we do have concerns regarding the timely completion of some of the outstanding work yet to be done in these areas and San Rafael's ability to hold the owner, whether it is MVA or SHM, to a reasonable timeframe to do so.

Some of this work yet to be done is directly related to items within the SIA purview (as well as BCDC's purview) and some deal with what are often called "sticks and bricks" construction such as the refacing of the Yacht Club building and construction of the Harbormaster's Office and Boat Repair Facility. A completion schedule for these items, like the residential units, cannot be mandated by City authority, but it is hoped that a new owner, such as SHM, would be more likely to complete these projects in a timely manner than MVA has.

For items that fall under the SIA, the Point San Pedro Road Coalition does have some concerns that it would like to see addressed as part of the SIA conditions (these are not in any priority order nor are they exhaustive):

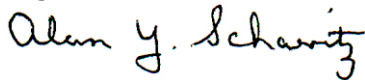
1. **Flooding Repairs at the Connector to the Breakwater and Playground Jetty:** This work is governed by BCDC permits (BCDC Permit Amendment #5) as well as CDD permits. Our understanding of the potential SHM purchase agreement is that this work would remain the responsibility of MVA even after purchase. While some delay has been due to administrative and bureaucratic processes within BCDC, MVA bears their share of responsibility with slow responses to BCDC requirements and changes. BCDC is now waiting for MVA to submit construction plans. We would like to see emphasis within the SIA on this work being completed with as little delay as possible and well before the December 1, 2021 deadline mandated by BCDC. The delays in rectifying the flooding problems have already gone on far too long and continue to cause damage.
2. **Kayak Launch Ramp:** As a result of changes to the connector topology generated by the final plans in BCDC Permit Amendment #5, MVA chose to submit a revised plan for this launch ramp on the east end of the development at the parking lot end of the connector that deviated from the original plans in significant ways. Originally, the ramp in the 2014 BCDC-approved permits was to be 20' wide and extend to the tidal lower low-water mark. The MVA-revised plan calls for the ramp to be only 12' wide and extend only to the tidal high-water mark. This is unacceptable and must be addressed appropriately. BCDC has stated that MVA must submit revised plans, but MVA has not yet done so nor has it indicated it is actively working to do so. This issue must be addressed clearly in the SIA. The MVA-proposed width is too narrow to make efficient and safe use of the ramp and the proposed length only to the high-water mark is inadequate and would require users to wade into bay mud at any tidal point lower than the high-water mark.
3. **Kayak Dock:** After extensive negotiations among CDD, the Yacht Club and the kayak advocate representative on our Marina Committee, a revised plan was drawn up for the dock at the west end of the development between the Yacht Club building and the boat launch ramp. This revised design depicted a dock with a somewhat larger square-foot area than the original design, a barrier to prohibit users from entering the yacht club property, and with an ADA-compliant slip. As agreed between CDD and MVA, MVA is to draw up official plans to be submitted to BCDC for review and approval. Thus far, no apparent activity in this regard has taken place. As with the Kayak Launch Ramp, this must be clearly addressed in the SIA.
4. **Fuel Dock:** In some ways, this is a "sticks and bricks" item but we feel it should be treated with more stringent requirements than typical. It more resembles a service similar to water, power and pump-out services provided to those who live aboard their boats, all of which is mandated by the SIA. The CDD permits call for a "full-service marina" and both our Committee and CDD have always considered that to mean the inclusion of a fuel dock. This is an exceedingly important issue for the boating community. The nearest fuel dock currently is in Sausalito, necessitating long trips to refuel, consuming fuel in the process. Some boat owners have taken to refilling their tanks using portable cans, a very unsafe practice and contributing to water pollution from spilled fuel. A letter from MVA to CDD dated March 9, 2020 on this matter clearly states that the new owner may

choose not to implement a fuel dock if it determines that it is not a “viable asset to the marina.” The SIA should make it very clear that a fuel dock is a service similar to water and power, a requirement of a full-service marina and that the City, not the developer, must determine if it is not “viable” and can be eliminated.

5. **Harbormaster’s Office:** While this is a “sticks and bricks” building, it has a direct tie to an element of the SIA. The pedestrian path that is part of the BCDC-mandated Bay Pathway runs between Andy’s Market and the proposed Harbormaster’s Office. Under existing permits, that pathway is planned to have lighted bollards for safety reasons. The electrical source for those bollards is planned to be coupled with the electrical service of the Harbormaster’s Office. To the extent that building is not built or is significantly delayed, there is no lighting on this pathway. This has already proven to be a safety problem, and it will continue and possibly get worse as time elapses. This issue must be addressed by the SIA for safety reasons. Possibly some temporary lighting, such as solar LEDs, could be installed pending the final solution or an alternative power source could be identified.
6. **Pedestrian Access Path:** A public access pedestrian path is specified in the existing permit which extends between Pt. San Pedro Road and the eastern end of the marina along the wetlands and inlet at the east end of the development. MVA has tied the timeframe for this path to the completion of the residential units that border the path. With no mandate to complete this construction and certainly no timeframe, this public access path is in permanent limbo. The SIA should address the completion of this path, set a defined timeframe that is reasonably short and provide some conditions for its completion in lieu of the residential construction being completed within that timeframe.

The Pt. San Pedro Road Coalition’s Loch Lomond Marina Oversight Committee hopes that this input contribute to a strong SIA Amendment and meaningful BMR Agreement and the ability of the developer to rapidly proceed with the successful completion of this project. That is in everyone’s best interest.

Regards,



Alan Schaevitz
Member, Point San Pedro Road Coalition Board and
Chair, Loch Lomond Marina Committee
www.sprcoalition.org
webmaster@sprcoalition.org

cc: Lindsay Lara, City Clerk
Paul Jensen, Community Development Department Director
Pt. San Pedro Road Coalition Board of Directors
Coalition Marina Oversight Committee