

# **Marin Conservation League – Final Minutes - Land Use and Transportation Meeting -August 6, 2014**

Present: Susan Stompe (Chair), Priscilla Bull, Nona Dennis, Don Dickenson, Randy Greenberg, Jana Haehl, Bob Johnston, Doug Karpa, Cheryl Longinatti, Kate Powers, Judy Teichman, Doug Wilson  
Guest: David Schonbrunn, President, TRANSDEF

## **1. Announcements**

Priscilla reported on the activities of the Marin Open Space Trust – MOST has a contract to purchase the Sky Ranch property between San Anselmo and Fairfax and the ongoing fund raising efforts to purchase the property is quite promising

The Draft Santa Venetia Community Plan is to go to hearing before the Planning Commission on August 27, 2014, with a possible hearing December 8, 2014.

Nona Dennis reported that for the improvement of Sir Francis Drake, the County will be CEQA Lead agency with a Negative Declaration expected.

## **2. Minutes adopted without objection**

3. **Approval of Agenda:** approved unanimously

## **4. Action Item 1: Report from Friends of SMART on Grand Jury Report, David Schonbrunn (TRANSDEF)**

Steve Birdleough was unable to attend due to scheduling conflict. Mr. Schonbrunn wanted to comment to the committee regarding the Grand Jury report on the SMART board to provide a viewpoint favorable to SMART and its board. Mr. Schonbrunn reported that it appears that both Grand Juries only spoke to opponents of SMART in its citizen interviews, leaving the SMART staff and board as the only voices in favor of the project. Although there were two Grand Juries, they conducted a joint investigation but will produce two individual reports.

According to Mr. Schonbrunn, the key failing of the Grand Jury Report is that the Grand Jury focused on less substantive issues which are generic and obvious issues and are common to many if not all such boards while failing to address major issues under discussion between proponents and staff. For example, Grand Jury criticisms of the SMART Board as distant and staff are unfair as this is a common characteristic of virtually all boards, since most boards do not have the time or expertise to be probing all issues comprehensively the Grand Jury recommendations. In addition, the Grand Jury recommended the Board should develop a Start Up plan, but the Board is clearly aware of its duties to establish a start up plan. Among other generic recommendations were that the SMART Board needs to anticipate and plan for problems and unanticipated events, should update the strategic plan every two years, and should establish a citizen advisory board (which may or may not be useful since the Board Meetings are the current forum for citizen involvement.) The Grand Jury also recommended that the SMART Board need to consider the needs to ridership, which is difficult since there is no ridership currently.

In response to questions from the Committee, Mr. Schonbrunn outlined several substantive issues, including

- Selection of the vehicle. The Heavy FRA-compliant vehicle is inappropriate, but was a risk adverse choice to keep consistent with freight railroad requirements. However, the rail authority has since created regulations allowing lighter European style
- Construction of high platforms requires a gauntlet track to allow freight traffic to stay away from the high platforms
- SMART insisted on going with level boarding on all stations.
- The 5,000 daily ridership number is reasonable? DS: It may be low in fact, although induced highway traffic from expansion may undermine traffic. In the EIR for the Sonoma Marin Narrows, there was a significant dispute regarding the Purpose and Need Statement between MTC, Caltrans and Fed Highways.

## **5. Action Item 2: Gness Field EIR– Susan Stompe**

Susan Stompe reported on a proposal of extending runway by 1100' and an August 19, 2014, meeting on the merits which has been cancelled. The Aviation Commission held a community hearing on July 17. The Board of Supervisors had committed to convening a stakeholder group when they certified the EIR to examine alternatives of lesser length, however the Aviation Commission seems to now have that role. Several significant issues remain regarding the interaction of this project with other local uses. For example, the SMART marsh restoration may interfere which would attract birds. The SMART wetlands mitigation is pending approval from RWQCB, in part because of a lack of sites for a rare tiger beetle found onsite. Since the runway would extend also closer to the dump, additional bird scaring measures would be required to prevent interference with the operation of the airport, but Marin Landfill is not interested. Finally, sea level remains an issue for the airport. The Final EIR acknowledged that the runway would require raised levees and increased pumping. Judy Arnold (BOS) has pushed the airport as an emergency facility, but after sea level rise this would be short-lived, as the cost analysis also doesn't include mitigation for sea level rise. Overall, the project is driven by securing Federal Aviation Administration funding for the project, which cannot happen without an approved project

## **6. SMART Mitigation for Gallinas Creek watershed – Kate Powers**

Kate Powers reported on SMART mitigation and measures within the Gallinas Creek Watershed for the 401 Water Quality Certification by the Regional Water Quality Control Board. (RWQCB has jurisdiction over state wetlands area under 401 Water Quality Certification regarding for Initial Operating Segment 2, but it is not clear that RWQCB has jurisdiction over the drylands area). SMART proposed a series of measures for the wetlands and the corridor near Rafael Meadows. MCL submitted letter urging the RWQCB to assert jurisdiction over several issues, including the Puerto Suelo to Civic Center corridor, the 80 marked trees within the corridor, the proximity to Rafael Meadows neighborhood, and the several small wetland areas and riparian vegetation in the corridor. The letter requested best practices in invasive removal, e.g. in compliance with county vegetation removal guidelines.

## **7. Other Transportation/ TAM updates – Bob Johnston**

Bob Johnston updated the committee on TAM issues, including the progress on the Narrows project, which includes a new access to Olompali. David Schonbrunn mentioned that TRANSDEF sued over the acquisition of lands for expansion (since purchasing and dedicating open space would be cheaper). However, there are strict federal laws governing property acquisition around rights-of-way.

## **8. Housing Element update:**

Don Dickenson provided an update on the Housing Element Update. The Marin County Planning Commission will next take up the Housing Element Update on August 25, 2014. Key issues included how HCD calculates density bonuses and how these will be handled, since in the Countywide Plan most of the unit numbers specified include the density bonus. The State specifies that the density bonus is an addition to the maximum units specified in the plan. Some properties included in the Housing Element site inventory may need to be revised downwards to accommodate this interpretation of the density bonus and stay within the maximum number of units specified in the Countywide Plan. Randy watched the previous meeting which reviewed all of the issues included in the Staff Report. Unit allocations for several sites were changed, including the removal of the Armstrong Nursery and old Chevron sites in Tam Valley.

Other key issues center on the number of units and number of affordable units at St. Vincent's. Also, there was discussion of developing a density equivalents program which would incorporate impacts that are related to size rather than just number of units. The Housing Element requires no rezonings since existing zoning allows well over the County's Regional Housing Needs Allocation. Finally, there was discussion of second units. Second units are included as affordable housing unit projections based on historical data regarding the number of second units built and rents.

## **9. Stream Conservation Area Status**

County is currently recruiting staff person.

## **10. Canalways – removing Pampas Grass update**

Nona provided an update on the Pampas grass clearing at Canalways. The goats are clearing vegetation, reduce invasives. Paul Minault is meeting with Paul Jensen to advocate for practices with removal, implement a program, to remove plumes, and remove rhizomes. Also, point was made that Fred Grange is liability for creating a public nuisance by allowing the vegetation.

## **11. Action Item: Participation in the “Choosing the Future We Want” Forums**

Bill Carney asked the committee on July 14 asking whether we want to collaborate in creating forums. Currently, groups involved include Marin Affordable Housing Collaborative, Sustainable San Rafael, CALM. Since this is a hot button issue, the potential bias in approaches advocated in the forum is a concern. Others suggested that failing to participate may suggest endorsement of a “no change” approach in the heated debate. On balance, there are concerns that there are significant difficulties with getting different perspectives into the forum, the forum may not achieve much, given the timing (the forum is to occur after the Housing Element update is submitted to HUD for review), and that there are alternative approaches to having an impact on these issues and this debate.

**Motion: Recommendation to the board not to participate. (M/S Nona, Jana Second, Motion carried unanimously)**

## **12. PRNS ranch planning –**

Judy Teichert reported on issues surrounding growth in elk populations at the Point Reyes National Seashore which is generating conflict between ranching and elk. (Tule Elk are native, but not federally listed and are no longer state sensitive.) Last fall the Wildlands Conservancy offered to move elk to their sites at their expense, although elk that were moved would have to be disease-free. The 1998 EA of the program provided that up to 70 elk could be moved, although the park required testing for disease prior to movement. Currently, 16 elk tested were disease free, but there is a second round over two years on a rotating basis. In the meantime the elk herds are expanding, and is now currently up to 176 elk.

## **13. Community Marin update**

Community Marin is focusing on Sea Level rise to encourage county officials to be more proactive on a county-wide level and encouraging communication between local town/cities and county. Lindy Lo and Sarah Richmond of the Bay Conservation and Development Commission gave an excellent presentation also to Water Committee and Board on studies of sea level rise. Bob Johnston has applied for CSmart, West Marin

## **14. Novato General Plan Update**

The Novato General Plan Update development is proceeding, albeit slowly with no upcoming events.

## **15. Local Coastal Program progress**

Recommendations have been received from Coastal Commission Staff on the Draft LCP on May 15. The Development Code needs to be amended to reflect the changes made through the Coastal Commission adoption. There are significant loopholes in Stinson Beach area raising some concern. The next steps are amendments to LCP at the Board of Supervisors. The Sierra Club is suing over the adequacy of the LCP.

## **16. Next Meeting is on September 3<sup>rd</sup>**

## **17. Meeting Adjourned 11:20**

Notes: DK