

MARIN CONSERVATION LEAGUE
Land Use and Transportation Committee Meeting Notes: July 3, 2013

Present: Susan Stompe, chair; also Alan Bortel, Priscilla Bull, Nona Dennis, Don Dickenson, Randy Greenberg, Jana Haehl, Bob Johnston, David Schnapf, Judith Teichman, Ann Thomas. Met 9 to 11 AM at MCL offices.

Announcements. 1) MCL's picnic will be July 27, 12 to 3, at Tam Valley Community Center.

June 5, 2013 Meeting Notes. Approved as revised: under Solar Policy , 2nd sentence should read "Nona and David recorded....and David will revise...".

Koontz v. St. Johns River Water Management District. Committee members discussed the Supreme Court's June 25 ruling that the water district's imposition of a condition for a development approval that the property owner pay for environmental improvements miles away from his property was a taking without compensation, though acknowledging that the agency could avoid the compensation if it could establish a nexus between what the agency wanted and the social costs of the applicant's proposal. It is unclear how this ruling will influence land use decisions. As Marin County and other jurisdictions are reviewing the ruling and seeking opinions from their legal staffs Land Use members agreed that MCL should monitor information as available. Bob said he believes the ruling could prompt greater specificity in local regulations.

Easton Point FEIR. Don reviewed some background as follows: A stipulated judgment called for this project being acted on by the Board of Supervisors without prior review and recommendations from the Planning Commission. The PC has, however, agendized a workshop discussion of the FEIR for July 22 and at that time commissioners can provide comments, similar to any reviewing agency, which Supervisors may find to be helpful information. The BOS hearing on the FEIR is set for October 22. The project merits, unlike the EIR, requires a PC recommendation, so the project will be reviewed by the PC prior to the Supervisors' October meeting. An MOU on the property exists between the developer and the Town of Tiburon, but this is not binding on the County. Land Use Committee members found that the EIR had insufficient information on two of the alternatives, including disturbance impacts, grading, and road construction. Nona and Randy will work on a letter regarding EIR adequacy, due July 29.

City of Novato/McPhail's/Senior Housing. Susan reported that the North Marin Unit requests that MCL submit a letter to Novato opposing the proposed senior housing at this five-acre site. The site is somewhat isolated because the City relinquished direct access to the site during the Hanna Ranch development process and access to the proposed 122 senior units would only be from Highway 37. Unit members were also concerned about noise and air quality at the site. As this project is not yet an active application, Land Use Committee members agreed to wait for more information before deciding on a recommendation. It was M/S (David/Nona) to table the item for the time being and continue to monitor the proposed development.

Community Marin/Stream Conservation Area (SCA) Ordinance. A Community Marin letter addressed to Supervisors Kinsey and Sears, who are on a BOS task force to recommend a process for the SCA ordinance, was approved the MCL executive committee. The draft ordinance prepared by staff through several months of hearings was rejected by the BOS and environmental groups are organizing to oppose weakening of creek protections. In addition MCL signed on to a letter prepared by the San Geronimo Valley Planning Group outlining nine recommendations.

Supervisor Meetings. The meetings with County Supervisors, organized through Community Marin, continue to be held. The most recent meeting was with board president Judy Arnold and discussion focused on the SCA ordinance, the Balestreri solar farm and other items.

Community Marin. Representatives for the CM collaborating organizations meet next on July 12 to discuss whether CM will continue and, if so, the operating procedures, alliance membership and future advocacy efforts.

Housing Element/EIR. The County PC hearings are being held on the draft element and there was a large and vocal turnout on Monday, June 24. Advocates pro and con affordable housing, and higher density at select locations, are increasingly contentious. Unfortunately, the Plan Bay Area recommendations are being confused by many of the public with housing element procedures, resulting in heated discourse. From MCL's point of view, the Grady Ranch and Tam Junction (20 units) sites are not appropriate development sites. The area around Tam Junction is unsuitable for further development due to existing and future flooding from sea level rise and traffic congestion. The Grady Ranch in Lucas Valley is unsuitable for affordable housing due to its topography and other environmental constraints, lack of basic water and wastewater infrastructure, and distance from public transit.

There was a discussion about the Tam Valley housing situation in particular. It was noted that this site, and others, are already zoned to a level that would permit the housing numbers specified in the One Bay Area plan. It was concluded that all the numbers in the current draft housing element should remain as is, although it is unlikely they will be built. At the conclusion of this element's applicability period these could be included in a future element.

Nona and others who have monitored the draft 2012 housing element reported that the Subsequent Environmental Impact Report (SEIR) for the element is deficient in several respects. Nona and David will draft a letter opposing certification of this document, to be presented at the July 8 Planning Commission meeting.

It was noted that to be consistent with the Countywide Plan, St. Vincent's should be rezoned.

Hwy 101/Greenbrae Interchange/Twin Cities Project. Jana reported that the Marin Deserves Better alternative plan for this project was one of the ones selected by TAM (Transportation Authority of Marin) for further study. Other community proposals selected for further review are the southbound portion of the Bracken plan and the northbound segment of the Tam Builds plan.

Sonoma Marin Area Rail Transit (SMART) Wetlands Fill/USACE Public Notice. The rail district has applied to the Army Corps for a Section 404 permit to discharge fill in 1.91 acres in conjunction reconstruction of 18 miles of existing track in Marin and Sonoma counties. The Public Notice for the project indicates the applicant plans to mitigate at a mitigation bank or through purchase of credits at a mitigation bank in an area that could be outside Marin County. Ann will draft a short letter asking that mitigation be designated close to the site and, at any rate, within the watershed where the impact occurs.

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