

Marin Conservation League

PARKS AND OPEN SPACE COMMITTEE

AGENDA for November 13, 2014, 3:00 – 5:00

Muir Woods meeting room, 1st Floor, 175 N. Redwood Drive (first left off Smith Ranch Road)

ANNOUNCEMENTS and CHANGES/ADDITIONS TO AGENDA: 1) Parks and Open Space Commission meeting, 3:00 – 5:00; 2) Parks Forward Commission meeting, November 20, Capitol Plaza Ballroom, Sacramento, 9:30 – 12:30; 3) McInnis Park Skate Park, public meeting at McInnis Park Golf Center, Smith Ranch Road, November 22, 10:00 – 12:00; 4) MCL Holiday Open House, December 12 ("Save the date"); 5) Other??

APPROVAL OF MINUTES: October 9, 2014.

INFORMATION UPDATES:

- 1) Marin County Parks:
 - a. RTMP – Status of Draft Plan and Recirculated Draft EIR --
- 2) MCL Draft Trail Policy -- status
- 3) MCL Invasive Plants Subcommittee: Report from Subcommittee (Paul Minault)
- 4) State Parks update:
 - a. Parks Forward Commission Draft Report update – MCL letter sent (attached): Next meeting of Commission on November 20 in Sacramento (Susan Stompe)
 - b. Marin State Park updates?
- 5) National Parks in Marin:
 - a. Pt. Reyes National Seashore – Brief recap of November 12 joint committee meeting on Ranch Planning EA
 - b. Muir Woods parking and traffic issues; brief recap of ongoing meetings
- 6) "Park Watch Program": Overview of program, adoption by Marin State Parks (Larry Minikes)
- 7) Martha Property – Tiburon Ridge: Draft letter from MCL to property owners to encourage dialogue with conservation organization. (attached) (Nona Dennis)

Next MCL P&OS meeting: December 11 , 2014

MARIN CONSERVATION LEAGUE

Parks and Open Space Committee October 9, 2014

DRAFT MINUTES

ATTENDEES: Nona Dennis, Chair; Larry Minikes, Greg Zitney, Larry Kennings, Susan Stompe, Eva Buxton, Robert Eichstadt, Linda Novy, Joyce Britt, Judy Teichman, Al Baumann, Friends of Stafford Lake Bike Park; Doug Wilson, Tom Boss, Periann Wood ; Mike Swezy, MMWD, and Sharon Farrell, GG Parks Conservancy; and Ron Miska, Steve Peterlee, and Nancy Peak, Marin County Parks

Meeting was called to order by Nona at 3:05 p.m.

ANNOUNCEMENTS and AGENDA CHANGES: 1) Nicasio Grass Ranch "Fibershed" event, October 19, 10:00 – noon; 2) Walk into Conservation History, Horse Hill, 9:30 – 12:30; 3) Joint meeting of MCL Parks and Open space, Agricultural Land Use, and Land Use, November 12, at MCL. time tbd.

MINUTES for September 11, 2014 – Approved

INFORMATION AND DISCUSSION ITEMS:

1. Tamalpais Land Collaborative. The meeting opened with a Power Point presentation by Sharon Farrell on progress of the 5-Year Strategic Plan being developed by TLC staff. Among other information, Sharon reviewed basic information about the TLC: the MOU among collaborating agencies; map of the geographic area encompassed by the Collaborative; what the TLC is *not* (Doesn't make policy or replace member agencies; Not a new agency; TLC activities are not the end-all for participating agencies, who have other ongoing activities.). She outlined current activities: Developing five-year Plan and vision, reaching out to organizations (27 to date), expanding public outreach to include events like Farmers' Market, and setting up www.onetam.org web site. Much of this activity has been funded by Bechtel.

Sharon illustrated "One Tam" logo, and brochure. TLC plans "Mt. Tam Day of Thanks" on November 22 on Mt. Tam. She reviewed categories of projects and programs (Community and Conservation; Wetlands& Waterways, Signature Trail Corridors, and Legacy Projects), and criteria that will be used to select projects put forward by individual collaborators, such as consistency with TLC vision and goals, serves area of focus, enhances natural and cultural resources and visitor experience, and can be implemented within 10-year MOU.

Sharon and Mike were commended for idea of Day of Thanks. Questions were raised on the governance of the TLC. Sharon described the origins of the TLC idea and how collaboration evolved in discussions among the participating agencies.

2. MMWD: Two projects are active at MMWD: 1) Wildfire Protection and Habitat Improvement Plan (WPWHIP, or Vegetation management) and EIR. The Draft EIR is expected to be released in early 2015. In the meantime the rate of spread of broom has increased from 30%/year to a projected 50%/year. Reported by Janet Klein at meeting of MCL Water and Watersheds. 2) The Water Storage Improvement Project EIR has gotten under way, with a Scoping Session held on September 30. Nona and Larry attended for Parks and Open Space Committee. Both projects are being tracked by MCL Water and Watershed Committee.
3. Marin County Parks
 - a. RTMP Final Plan and EIR MCL submitted two letters of comment on the Recirculated Draft Tiered Program EIR (RD TPEIR) on September 22. The second letter concerned impacts of the RTMP on invasive non-native plants, including the impact of horses in spread of invasive plants and in trampling of vegetation off trail. Several members of the committee objected to the conclusions and agreed to discuss pertinent scientific research with members of the Invasive Plant Subcommittee. Depending on the outcome of the discussion, MCL will submit a supplementary comment to County Parks when the Final EIR is released
 - b. Stafford Lake Master Plan is in process. A focus group, including Susan Stompe, met with Nancy Peak, County Parks landscape architect and consultant on site. Nancy explained that master plan issues include circulation, need for bridge repair over creeks and additional protections, moving corporation yard facilities to behind bike park, possible connection to bike park. A loop trail around the lake is being considered. A public meeting is planned for October 15 at Margaret Todd Center. There are no proposals on the table yet. A preliminary master plan is expected in spring 2015.
 - c. Mill-Valley-Sausalito Multi-use Path Issue. Ron Miska described the actions that are being taken to resolve conflicts on this busy path where an accident occurred 2 weeks ago. Prior to that accident, no one was charged with enforcement; County Parks is responsible for maintenance only. Involved agencies have met – MV, Sausalito, MV Police, County Sheriff, County Parks and DPW, MCBC – and developed a plan of action. Team is working on signage and messaging; enforcement resulted in 15 recent citations by Sheriff; regulations are being researched in order to draft County ordinance to lower speed limits within 1,800 feet of ?? BOS will hear first reading of ordinance on Nov. 4, with adoption expected 3 weeks later. Other physical improvements: striping? Signs? Long-planned roundabout will be under construction soon. Other public paths can follow model (Greenbrae-Creekside). Other options are being considered by the working group.
4. Priority Conservation Areas. Several years ago, ABAG requested local planning agencies to submit a list of local priority development areas – (PDAs), or areas most appropriate for future development. As a counter to development, they also requested lists of Priority Conservation Areas – PCAs, or areas designated for conservation into the future. In a meeting 5 years ago, chaired by TAM, Marin representatives of various organizations and agencies developed such a list. It

has not been updated. ABAG is requesting that any areas to be deleted be submitted to them by December 2014; any areas to be added should be submitted by April 2015. We agreed that a small group would meet, perhaps with other representative organizations, like Marin Audubon, and review the list for either deletions or additions

5. State Department of Parks: Parks Forward Commission and Draft Report. Susan has reviewed the July 30 Draft Report and outlined key conclusions and recommendations, as well as MCL concerns. The next meeting of the Commission, originally scheduled for November, will be rescheduled.

The Draft Report reaches strong conclusions and makes recommendations. 1) In all respects the Park System is debilitated and not sustainable – technologically, organizationally, etc. –and does not reward excellence; 2) The System does not serve needs of the diverse populations of California.

Recommendations in the report would transform management – how state parks are run, how they protect natural and cultural resources, and how they should serve all Californians and other visitors.

The Draft Report recommends that a transformation team develop and implement a new organizational structure and business model. State Parks must create new partnerships. A non-profit California Parks Conservancy should be established. Access must be expanded for all Californians, and work forces should reflect diverse demographics. Establish stable and diversified funding, including entrepreneurial and revenue generating strategies, coupled with increased efficiency and accountability throughout the department.

MCL has several concerns: How will public be included in steps going forward? Why should leadership require being a peace officer? Essential that natural resources not be sacrificed to meet recreational needs. How will a new Parks Conservancy work with State Parks Foundation? Carrying capacity should be established in each park, with minimum level of staffing to ensure some Parks “face” with public and volunteers.

MCL will submit these comments to Parks Forward Commission.

6. National Parks in Marin:

a. Pt. Reyes National Seashore Ranch Plan/EA. About 3,000 comments were received and have been analyzed by NPS. They cover a wide range of interests. A joint meeting of MCL Parks & Open Space, Agricultural Land Use, and Land Use will discuss on November 12 at MCL.

The meeting was adjourned at 5:00
Minutes by Nona Dennis

Date

D R A F T

Directors, Martha Co.
405 Via Del Norte, Suite D
La Jolla, CA 92037

Re: Martha Property, Tiburon, California

Dear Martha Co. Directors:

The Board of Marin Conservation League is taking the liberty of writing you today in the hope that we may bring a useful perspective to the Martha Co.'s long-standing desire to develop the family's property on Tiburon Ridge. Marin Conservation League ("MCL") has followed your efforts to develop 'Easton Point' for many decades. It is our hope now to open the opportunity for discussion in good faith of possible acquisition of your property by a land trust or conservation organization at fair value. Such a transaction would enable the land to be preserved as a significant family conservation legacy and at the same time ensure that members receive optimum value for their property.

The Marin Conservation League was founded 80 years ago by four local citizens who recognized that the Golden Gate Bridge, when completed, would change the landscape of Marin forever. With little political experience, they set about identifying Marin County's most scenic and vulnerable lands. Many of them are visible from your property – Angel Island, Mt. Tamalpais State Park, Golden Gate National Recreation Area, Tiburon Uplands Preserve, Ring Mt. Preserve, among others. Over the ensuing decades, MCL was successful in facilitating acquisition of many of Marin's park lands by providing initial seed money and promoting broad community financial support. The Martha property, with its unmatched natural and scenic qualities, is equally worthy of such protection.

MCL's conservation focus has shifted over the years, and we no longer directly engage in acquiring public lands. We have participated in many land-use debates in Marin County, however, and reviewed many Environmental Impact Reports (EIRs). We have observed the kinds of obstacles and constraints that stand in the way of and can become future liabilities to development, often involving enormous cost and considerable investment risk.

Although the Martha Co. property offers stunning sites for homes overlooking Angel Island and the Bay, it is also extremely problematic from a development perspective. This has been borne out in the series of EIRs on the project and in subsequent debate. Site-specific challenges that still must be addressed before any development can begin include basic issues of access, dozens of landslides, inadequacy of water supply, and threats to endangered species present on the site. This does not include the significant complication of the private in-holding in the middle of the site owned by the Keil family, who have vowed to litigate their rights to spring

water that sustains habitat for an endangered species in their gardens below. These gardens are protected in perpetuity by a conservation easement with the Garden Conservancy.

We have listed the major constraints in Attachment A. All of the safety and traffic impacts flowing from the project will need to be mitigated at the outset, representing not only substantial upfront expense before development can proceed, but also potential liabilities over the life of the project. Required project mitigations are enumerated in the most recent EIR. Their implementation could result in significant project redesign, giving rise to unknown costs and time and likely to result in new issues that will have to be addressed.

Like the Keil family, your neighbors in Tiburon are engaged, educated, affluent, and determined. They have made it clear that they intend to shine a bright light on all of these challenges, if only to ensure that the property owner – *not the community* – will bear the cost burdens (e.g., financial, environmental, safety, and bonding costs, as well as contingent liabilities) of developing the property. This could well mean protracted battles at the County level and litigation over any of the issues raised. In MCL's long experience in Marin County, we have observed that highly constrained properties typically take far longer than anticipated to become a reality – or they are never built. This is what MCL wants you and your family to consider.

The Martha property holds outstanding values as public open space: physical connectivity with other beautiful protected lands, visual command of the Bay Region, habitat for unique species, recreational opportunities for families, and the list goes on. Given all the adjacent public land, there is also the potential for creating a very special regional conservation area with Martha property at its center. MCL recognizes that you and your family also treasure these values and for that reason we urge you to consider a path that would enable you to reap well-deserved financial benefits from your land, to continue to share it with the community with whom you have generously shared it for many decades, and to create a lasting legacy for your family. By choosing this path, you can be assured that you will have the active support and assistance of MCL and the larger community of Tiburon and Marin County.

In closing, we hope that the Martha Company Board of Directors will see this letter as a sincere gesture of MCL's interest in achieving the best for your family and your heritage on Tiburon Ridge. To that end, we hope that you will entertain the alternative we suggested at the outset of this letter: selling your property to a land trust or conservation organization for fair compensation. We understand that there is a great deal of capacity and interest (including from your neighbors in Tiburon) in financing such an acquisition. We look forward to the opportunity to be of assistance and to provide support for such an endeavor.

Sincerely yours, Jon Elam, President

Marin Conservation League Board of Directors

cc: ADD NAMES OF SELECTED FAMILY MEMBERS HERE

ATTACHMENT A

CONSTRAINTS ON DEVELOPING THE MARTHA PROPERTY

Challenges to developing the Martha property fall into two general categories: 1) those that impact the site itself and would require extraordinary measures with associated costs to install necessary infrastructure and building pads for envisioned homes, as well as give rise to future liability for a homeowners association; and 2) those that impact Tiburon neighborhoods and the larger community, during extended construction periods and into future home occupancy. *All the issues below address either safety or protected species and will influence the conditions of approval that the County could apply to the project. The likelihood of legal challenge appears high and could occur in an unknown timeframe. It is entirely possible that it will be years before site preparation, let alone home construction, could begin.*

Site-specific Constraints

1. Keil Water Rights

Because site preparation, landslide repair, and construction of houses above or in the large east facing bowl will likely alter and/or shrink groundwater flows to the Keil-owned spring, we consider this a primary constraint to development of contributing sites. This issue is likely to result in time consuming water rights litigation only *after* the full project is approved, resulting in further delay and an uncertain outcome. No mitigation measure has been offered that satisfies the owner of the spring, who has promised litigation, orally and in writing.

2. Landslides

The property has 28 landslides. The engineering details and cost of repair are yet to be determined. During landslide repair, some slides may be found to be worse than projected, resulting in unanticipated cost and possible reduction in size, relocation, or elimination of some building sites. Further, while it is not known at this time whether the site would be developed in its entirety or in phases, for safety reasons, there is a strong argument that landslide repair should be coordinated and should precede lot sale in either case; this would entail significant up front developer expense.

3. Construction Road

The dedicated construction road, as proposed, has unresolved safety issues. The Tiburon Fire Department has stated officially that they won't use it due to safety concerns. Resolution of safety matters involves unknown redesign at unknown cost and may not be achievable.

4. Water Tank and Fire Flow

The location of the water tank presents a constraint for two reasons. Its location will determine whether fire flow is adequate for those homes planned for the upper ridge, an important safety issue. If pressure is not adequate, ridge top homes (if allowed) would require special fire retardant construction

materials and limited house size, thereby reducing profit margins. If constructed to meet water district bottom elevation requirements for flow, however, the tank would be highly visible from Angel Island, the larger Bay and the adjoining Old St. Hilary's County Open Space. Testimony and written comments from the public, as well as from the Town of Tiburon, strongly oppose such visual impact, which is of importance to – and will guide – the permitting agencies.

5. Protected Species

The protected plant and animal species located on the property are situated so that mitigations required by the EIR to ensure protection are likely to result in relocating lots, reducing their size and/or reducing their number.

6. House Size and Location

It is difficult to anticipate the results of the merits phase of the approval process. It is quite possible that County approval will be for much smaller houses on half-acre lots. An unknown number of houses planned for the ridge area could be moved lower on the hill, resulting in new, unforeseen impacts.

Neighborhood and Community Issues

1. Neighborhood Construction Traffic

If the dedicated construction road is not considered safe and therefore not approved, the Hill Haven, Lyford Cove and Old Tiburon neighborhoods will be subjected to extended periods of construction traffic. This raises myriad issues of routing construction traffic through narrow, substandard neighborhood streets, prompting unknown mitigation measures. These might include limiting the amount of construction traffic during any single period, resulting in lengthened construction timeframes and additional insurance costs. The Town of Tiburon would be reluctant to take on the added financial and legal burden for ensuring safety on these neighborhood streets.

2. Paradise Drive

Paradise Drive is narrow, winding, and lacking shoulders for significant distances. Even under normal circumstances, it is hazardous for truck travel. The additional burden of Easton Pt. construction equipment on Paradise Drive will exacerbate an already dangerous condition. The County may require that Paradise Drive be widened to address safety issues, an unknown cost for the developer.

3. Tiburon Blvd. Traffic

Finally, the construction traffic impacts of this project, in combination with other construction projects ongoing on the Tiburon Peninsula and compounded by local commuter and school traffic, will contribute to already untenable traffic delays on Tiburon Blvd, and will exacerbate already unsafe conditions for school children at crosswalks. This cumulative impact is not adequately described in the EIR, nor has it been determined what kind of mitigations might be required from the developer.

October 24, 2014

Ken Wiseman, Executive Director
Parks Forward Initiative
California Natural Resources Agency
1416 Ninth Street
Sacramento, CA 95814



Dear Mr. Wiseman and Parks Forward Commissioners,

The Marin Conservation League has been closely involved with the state parks in Marin since its founding 80 years ago, even assisting with the funding of some. We have been monitoring the Parks Forward initiative with interest and genuine hope that this effort will yield productive improvements to the Parks Department and our treasured State Parks. The Draft Plan is on track in many respects.

We are disappointed that the recommendation to remove peace officer training for all park rangers was not in the final draft. **Creating a separate division for law enforcement** makes sense, opens the ranger position to people with varied skills, dramatically reduces the cost to the department and is more consistent with other park jurisdictions. We strongly support your recommendation to open advancement within the department to qualified people with diverse skills. Rewarding innovation and leadership should be encouraged.

In "meeting future recreational needs of the state," we anticipate that there will be a public process which addresses recreational additions to the parks and the natural resources that may be compromised. **Our natural resources are irreplaceable** and should be protected for future generations. Expanding overnight options will create demand and put greater stress on popular parks. Establishing a carrying capacity should be included in the mission of each park.

The State Parks Foundation has done an outstanding job of raising funds during these troubled times to keep parks open, training volunteers as park guardians and organizing work parties. It is not clear how the proposed California Parks Conservancy will work with the Foundation.

We suggest that a **minimum level of staffing** should be established at each park so there is some "face" with the public and potential volunteer entities. State Parks needs to return to the helm. The volunteer efforts that have kept many parks open are not sustainable in the long run. It is appropriate to have volunteer or supplemental programs provided by outside sources, but the core operations should be handled by the Department.

We appreciate the work that the Parks Forward Commission has done and encourage any next steps to provide opportunity for **public involvement**.

Yours truly,

A handwritten signature in blue ink that reads "Jon Elam".

Jon Elam, President