



Investigative Series Strengthens Committee's Objectives

by Julie Hutcheson

An investigative series exploring land use issues facing south Santa Clara County helped to increase awareness of the Committee for Green Foothills among the public and state and local representatives. The goal of the series was to build an understanding of the vital link between the health of South County's landscapes and the quality of life enjoyed in the communities there.

The events took place in late winter and early spring of this year and were a joint effort between the Committee for Green Foothills and Greenbelt Alliance. The series was designed to highlight topical themes and covered four areas: water, agriculture, quality of life, and vision for the future.

Essence of Life: Water Tour

The first event in the series, the Water Tour, focused on water supply and management and creek stewardship. The tour began at the Nordstrom Well in Morgan Hill where Director Don Gage of the Santa Clara Valley Water District addressed conservation, supply, and water quality issues. He was followed by Mario Iglesias, Utility Systems Manager for the City of Morgan Hill, who explained the workings of the well, including the challenges associated with providing water services to hillside developments.

Silva's Crossing over Uvas Creek in Gilroy was the second stop on the tour. There, Herman Garcia, President of Coastal Habitat Education and Environmental Restoration (CHEER), discussed his organization's en-

deavor to restore Uvas Creek to a healthy living stream. At the third stop, Jean Myers shared with the group her native plant and riparian restoration project along the mile stretch of Uvas and Little Arthur Creeks that runs along her property and near her home, the aptly named, Casa Dos Rios. The tour ended with lunch at Jason Stephens Winery where Herman Garcia described CHEER's impressive efforts over the past five years to restore steelhead populations. A section of Uvas Creek that runs by the winery serves as CHEER's steelhead nursery and intensive care unit.

Food of Life: Agricultural Panel

The second event of the series was an Agricultural Panel that included two South County farmers, the Executive Director of the Brentwood Land Trust, and the Director of Bronco Urban Gardens, an urban agriculture and food justice program at Santa Clara University. The evening began with opening remarks by Kevin O'Day, Santa Clara County's Agricultural Commissioner, who spoke about the current state of agriculture in the county.

Panelists engaged in a dynamic and lively discussion on current farming practices, economic viability, land stewardship, perceptions surrounding part-time farming, branding, agro-tourism, and marketing challenges, just to name a few. The event was very well received by the audience, which numbered over 60 people. The evening was supported by a number of organizations including The Health Trust, the Santa Clara County Department of Agriculture, the Santa Clara County Food System Alliance, and County's Farm Bureau.

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COMMITTEE FOR GREEN FOOTHILLS

Committee for Green Foothills is a grassroots 501(c)(3) nonprofit organization working to establish and maintain land use policies that protect the environment throughout Santa Clara and San Mateo Counties.

Committee for Green Foothills mission is to protect the open space, farmlands, and natural resources of Santa Clara and San Mateo counties through advocacy, education and grassroots action.

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Green Footnotes is published three times a year by the Committee for Green Foothills.

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CGF members have told me that the length of our newsletters is “just about right” for a lunch or break time engagement, and that they always contain a “wealth of information.” This is indeed good feedback to have received from our primary audience and confirms that we’ve met the goal of communicating concise information in an easy-to-read format. Although each edition may be read in 20 to 30 minutes, production takes about three to four months on average, which is why we publish only three editions a year. In each we focus on communicating our passion for our work, but with this edition I note the coverage has gone even further—capturing the breadth, depth, and integrity of our dynamic Advo-

From the Executive Director

Cynthia D'Agosta

cate Team. Reflected in their work is first and foremost, their love for the land, but additionally their dedication and commitment to representing our organization and volunteer Board of Directors. In this edition, our Advocates deliver their messages with conviction and the embodiment of the meaning of “CGF at work.”

The articles that follow illustrate very serious land use issues CGF monitors in both counties, our positions

on these projects — and how our positions can sometimes lead to lawsuits. In addition, we demonstrate our superb programming, which included the educational Investigative Series held in the spring. And look for information on our annual celebration — the annual Nature’s Inspiration gathering where this year we salute environmental leader, Peter Douglas. Please join us!

This summer we have some new faces in the house. Once again, we welcome an intern from the Bill Lane Center for American Studies, Kelsey Grousbeck, a senior at Stanford in Human Biology with a concentration on Environmental Policy and Marine Ecology. Kelsey G will be working with our Advocates on the upcoming General Plan reviews. Returning this summer to help out in the office is Kelsey Wolfram, a recent high school graduate, who will be starting a Bachelor’s degree program at the University of San Francisco in the fall. Mike Sanchez joins us as lead I.T. guy. Mike is hard at work getting the website ready for a new launch! Nina Sakelarios joined us last fall and continues to help us with Finance Management. I couldn’t ask for a more dedicated staff and Board of Directors. Each person goes the extra mile to keep us “local, vocal, and effective.”

As Board President Margaret MacNiven mentions in her article, we are gearing up for our 50th anniversary in 2012. We very much want you to join us in this celebration. Please let us know what you’d like to commemorate — bring us your history and stories or think about writing an article for one of our 2012 newsletters. We will be acknowledging those who’ve gone on to elected positions after serving on our Board, and track our longest standing members. Let’s have some fun with this celebration! **CGF**



CGF and others opposed Caltrans' decision to build a four-lane freeway over Montara Mountain to bypass the infamous Devil's Slide. CGF instead backed the tunnel project, which will be completed in late 2012, as a way to save McNee Ranch State Park.

Looking Forward

Next year's 50th anniversary of the Committee for Green Foothills has been uppermost in my mind recently. What an extraordinary feat! Our goal on the Board is to ensure that CGF continues to be as effective in protecting open space now as it has been for the last 50 years. For the rest of this year, we will focus on CGF's future as a non-profit organization, and the

direction needed to be taken to ensure sustainability for the next 50 years, ideologically and, particularly, financially.

From the President

Margaret MacNiven

To move forward, it is sometimes important to look back—to get an understanding of


where we have come from and how we have achieved so much to preserve the beauty of our local environment. To that end, I have found there is a theme running through CGF's successes: there is always a passion and determination to protect open space; there is a detailed knowledge and understanding of the law; there is the ability to face the public and our lawmakers in a calm and patient manner; and finally, there is the background necessary to suggest an alternative solution.

Take the case of the Devil's Slide bypass on Highway 1. For almost 30 years, CGF and others opposed Caltrans' decision to build a four-lane freeway over Montara Mountain, a road that would have bisected the sensitive and pristine habitat of McNee Ranch State Park. End result (to make a very long story short): CGF's Legislative Advocate, Lennie Roberts, who worked tirelessly to protect the park, was Caltrans' choice to be the backhoe operator at the ground-breaking ceremony for the voter-approved tunnel under Montara Mountain. McNee Ranch was saved! The protection of the foothills above Palo Alto from industrial development not only by Stanford but also by the City of Palo Alto; the creation of the Midpeninsula Regional Open Space District as well as its expansion to the coast; the preservation of Coyote Ridge; opposition to development in rural Coyote Valley—these are just a few environmental victories that have that CGF stamp.

We intend to use these lessons as a guide to make the changes and decisions necessary for our future as a sustainable and viable organization, especially as environmental problems in the 21st century are significantly different from those of the 1960's and have expanded beyond CGF's current mission and scope. Our Executive Director, Cynthia D'Agosta, is restructuring the office and adding staff; our website is undergoing a major revamp that will "go live" later this year; the Finance Committee, led by Board Treasurer Bill Whitmer, has prepared spreadsheets demonstrating necessary goals for financial sustainability; the Development Committee, led by Chair Gail Kaiser, is focusing on an outreach program for current and new members; this year's Nature's Inspiration Committee, led by chair Pete LaTourette, is diligently working out the details of what promises to be another fun annual celebration for our members; and, all the while, the Advocacy Committee, led by Chair Alex Kennett, continues to address local environmental issues.

The Board will put this all together at our annual Board Advance this summer. Yes, Advance. As our former, wonderful Board member, the late Mary Davey, always said, "Board Advance — we never Retreat!" CGF is the recipient of an Organizational Effectiveness Grant from the David and Lucile Packard Foundation, and these funds have enabled us to conduct a Strategic Planning session with a facilitator from Grove International, a consulting and facilitation firm, that will help us address the challenges that lie ahead.

I am honored to welcome Nancy Arbuckle to the CGF Board. Nancy is a freelance writer and book editor. She has written and edited a number of books including city guides to sustainable businesses. She has served on the Board of Directors of Sequoia Audubon Society where she was Conservation Advocate for three years. She is also involved in raising funds and volunteering for local public schools. Nancy has lived in San Mateo County for almost 25 years and loves to hike on Peninsula trails and cook locally grown produce.

In other Board news, please join me in congratulating former CGF Board member Dave Pine who was elected to the San Mateo County Board of Supervisors in May. Dave, a lawyer by training, served on the CGF Board from 2004 until 2010. 



Supervisors Approve “Big Wave” Project

CGF, Sierra Club, Surfrider Foundation, Pillar Ridge Homeowners Association, and San Mateo County League for Coastsides Protection have filed an Appeal of the Supervisors decision to the California Coastal Commission

by Lennie Roberts

Less than a month after the tragic earthquake and tsunami in Japan, the San Mateo County Board of Supervisors approved the “Big Wave” project, consisting of 225,000 square feet of office park, plus 91,000 square feet of housing for developmentally disabled adults—all located on a low-lying area next to the Pillar Point Marsh and within the County’s Tsunami Inundation Area.

In approving the project, the Supervisors ignored their own long-standing zoning regulations, which prohibit locating public schools, hospitals, and buildings for people with disabilities in a tsunami zone. Ironically, the Supervisors had just proclaimed the week of March 21-25 as “Tsunami Awareness Week.”

What’s wrong with this proposal?

The proposed development would violate numerous, long-standing General Plan, Local Coastal Plan, and zoning regulations.

In addition to the tsunami hazard, the housing would be located too close to the Half Moon Bay Airport runway. The Federal Aviation Administration, California Division of Aeronautics, and the County’s own Airport Manager have warned that the County risks losing federal funds for the airport if housing is built in this unsafe area. Hazards associated with a major earthquake on the adjacent Seal Cove Fault include severe ground shaking, liquefaction, sand boils, lurch cracking,

and differential settlement.

The eight buildings of the proposed office park, ranging up to 46 feet high, would be twice as high as typical buildings in the area and would block scenic views of the coast from Highway One and public trails in the area. The project would generate an estimated 2,200 daily vehicle trips, which must use sub-standard, narrow roads to access the area. There are only two ingress-egress points; in any emergency it would be difficult for people to leave and emergency vehicles to access the area.

“Predevelopment farming” destroys wetlands

The developers have systematically destroyed wetlands over the past five years by repeatedly disking and plowing the site, and bringing in topsoil to raise the elevation, all under the guise of farming. Although the developer proposes to restore the wetlands by planting thousands of trees and shrubs, many of the proposed species (such as oaks, madrones, and buckeyes) are not found in wetlands and thus are not suitable for this site. Touting the restoration as a “green” aspect of their project belies the fact that there would be no need for wetland restoration if the developers had not destroyed them in the first place.

Appeals to Coastal Commission and the Courts

Committee for Green Foothills, Sierra Club, Surfrider Foundation, Pillar Ridge Homeowners Association, and San Mateo County League for Coastsides Protection have filed an Appeal of the Supervisors decision to the California Coastal Commission. The two utility districts serving this area have filed separate appeals, due to the project’s proposal to duplicate the public utility services by using private onsite water treatment and wastewater systems. CGF, represented by the highly respected law firm of Shute, Mihaly and Weinberger, in conjunction with the utility districts, has also filed legal challenges to the inadequate EIR.

We hope the project will face greater scrutiny in these venues. The environmental and community organizations have been clear from the outset that they are not against this type of housing, but Big Wave’s location is not appropriate from both a policy and environmental perspective. **CGF**


CGF, Coastsiders named in Strategic Lawsuit Against Public Participation (SLAPP) suit

by Lennie Roberts

In a bizarre challenge to the fundamental rights of citizens and groups to appeal permits to the Coastal Commission granted by the County, CGF Advocate Lennie Roberts, Montara Neighbors for Responsible Building, and nine neighbors have been named as Defendants in a lawsuit brought by coastsider home builder, Thomas Mahon.

Opponents of Mr. Mahon's development had appealed the County's approval of two Design Review permits for two massive, oversized houses on one legal parcel in Montara. The Coastal Commission unanimously found that the Appeals raised a Substantial Issue as to the project's conformity with the County's Local Coastal Plan, and further decided that a Coastal Development permit was required in addition to the Design Review permits. Rather than comply with the Commission's findings, Mr. Mahon went to court, and named the Appellants, including CGF, as Defendants in addition to the Coastal Commission.

Mr. Mahon's unwarranted lawsuit is a clear example of a Strategic Lawsuit Against Public Participation (SLAPP) suit. CGF and the neighbors have filed an Anti-SLAPP motion against Mr. Mahon, and have asked the court to dismiss us from the lawsuit, pointing out that Mr. Mahon's lawsuit is an unwarranted attempt to suppress the public's participation in the legally established appeal process for County approvals of development in the Coastal Zone.

The California Anti-SLAPP Statute was enacted in 1992 to protect the fundamental Constitutional and statutory rights of petition and speech, and courts have construed its purpose broadly. The Anti-SLAPP action will be heard in San Mateo Superior Court in early August. If CGF and the Appellants prevail, we will be eligible for attorney fees and costs. The law firm of Wittwer and Parkin is representing the community groups and individuals. 



Assemblymember Monning addressing the crowd at the design charrette.

Investigative Series — Continued from page 1


Quality of Life: Urban Tour

Greenbelt Alliance conducted a walking tour of downtown Morgan Hill at this event. The tour highlighted elements of a vibrant community designed around people. It included a visit to the burgeoning community garden, an opportunity to envision a creek walk, and a tour of The Granary, Morgan Hill's premier LEED Gold building, a prominent reminder of this area's once preeminent economic engine, agriculture.

Combining the Components of Life: Community Design Day

The aforementioned Granary fittingly served as the location of the last event in the South County series. The purpose of the Community Design Day was to solicit the public's input on ideas for the future of south Santa Clara County. The goal was to take these ideas and create a community-driven vision for the region—from South San Jose, to the Valley's fertile farmlands in Gilroy, to Sargent Ranch at the County border. The end product—under development—will be used to communicate the vision and inform current and future decision makers, shaping the landscape, the dialogue, and the quality of life for the region.

Assembly member William Monning (27th District) is one of the current decision makers who has already expressed appreciation of this endeavor. After taking a guided tour of the exhibits with CGF's Executive Director, the Assembly member told a roomful of participants that the event "should be bottled and replicated in every community."

Indeed, overall, the Committee for Green Foothills- and Greenbelt Alliance-sponsored South County investigative series is worthy of imitation. Informative, thought provoking, and well attended; the overall result was a fruitful combination of the two organizations' resources and voices successfully bolstering our objectives in South County. 

Environmentalists and developers — can we cooperate?

by Brian Schmidt

Even in a housing-deficient area like here in the San Francisco Bay region, it's wrong to simply say any new house, anywhere, is a good thing. This is true economically as well as environmentally. For instance, a potential house location ten miles due east of San Jose might sound like a quick jaunt away from Silicon Valley, but that could actually put it in a place with no

TippingPoints roads, no services, no water in reach, and no geologically-safe spot to build on. It wouldn't sell economically, and it would be bad environmentally.

Alternatively, a potential high-density housing location near a train station might appeal to environmentalists but seem too risky economically. There are different tipping points for different issues. In some places, the economics might favor changing zoning to be more dense or less dense, while environmental considerations favor the opposite, making conflict inevitable. However, in other areas, economics and the various types of environmental issues might favor the same change in zoning.

Committee for Green Foothills does not oppose all development. In fact, our emphasis on protection of open space in a housing-deficient region suggests that increased housing density, in some circumstances, could actually be beneficial to open space. Examining the tipping points for various issues helps clarify the opportunities for cooperation.

So here are some ideas:

Transportation issues: Adding housing in an area that has little future prospect of public transit use is unlikely to help the transit situation. The transportation tipping point is a certain level of density that can use transit effectively. Any increase in density above the tipping point makes transit even more cost effective. Proximity to good transit also creates a tipping point, where any increase in density is beneficial to transit. Inner suburbs might be at the density level that constitutes the tipping point for transportation. Increasing density for suburbs, maybe starting at somewhere between four to ten residences per acre, results in more use of public transit. Increasing density from, say, one to two residences per acre, does almost nothing to increase transit use.

Walkability: Making a low-density residential area slightly less low density isn't going to make the area more walkable, it just puts more cars on the roads. On the other hand, adding more housing to an area that is already walkable means that more people will be using the local stores, making them more financially viable. The tipping point is when an area is already walkable, or likely to become walkable. Urban townhouses and brownstones may move an area toward the walkability tipping point.

Natural open space: At first glance, there doesn't seem

to be a tipping point—any increase in density decreases open space and habitat potential. Even a tiny yard might offer potential habitat that an apartment block wouldn't. However, dense housing removes pressure to construct less-dense housing somewhere else. And habitat values for wildlife decrease rapidly once roads and structures take up more land than is available for natural habitat. Low-density suburbia, somewhere in the range of two houses per acre, is a likely tipping point for natural open space.

To apply this concept, imagine rezoning an area from four homes per acre to ten. That would likely benefit open space, because the area already has minimal open space value, and the additional housing would reduce pressure for sprawl elsewhere. Rezoning homes from one per five acres to one per acre, by contrast, destroys significant open space values and lies on the opposite side of the open space tipping point.

Farming: Farming may be even more sensitive to density than natural open space. Rural residential levels of density, one house per acre or even less, probably constitute a tipping point for farming. Any more density than this and farming operations become increasingly difficult to operate.

Financial/economic: Up to a certain point, more is better. Two homes on 50-acre lots are worth more than one on 100 acres. A tall apartment building might be more risky and appeal to a smaller market segment than a small condo building, however.

So what's the upshot of all this? From an environmental perspective, something equivalent to low-density suburbs, maybe two houses per acre, is the point where almost all environmental incentives are to avoid increases in density. That is, in areas at that level of density or less, environmental groups should oppose efforts to add housing. Somewhere around the density level found in inner suburbs, maybe ten houses per acre, the environmental incentives are to support increases in density. Thus, environmental groups should support policies that increase housing densities above that point. Finally, from the inner suburbs up to city areas where multi-story apartments are possible, environmental and economic interests are closely aligned.

This is all a simplification, of course. Dense housing in the wrong place is just a mistake. Natural open space in an urban area near a stream can also be very beneficial given the importance of stream environments. Two to four houses per acre seems to be a pretty inefficient use of land in most circumstances, but if residences were clustered with most land in open space, it might not be so bad.

A tipping "range" rather than a tipping "point" might be the most appropriate concept—the incentives don't change instantly, but go through a transition. Overall, however, a tipping-point or tipping-range analysis may point to areas of overlap between environmental and economic or developer interests. **CGF**

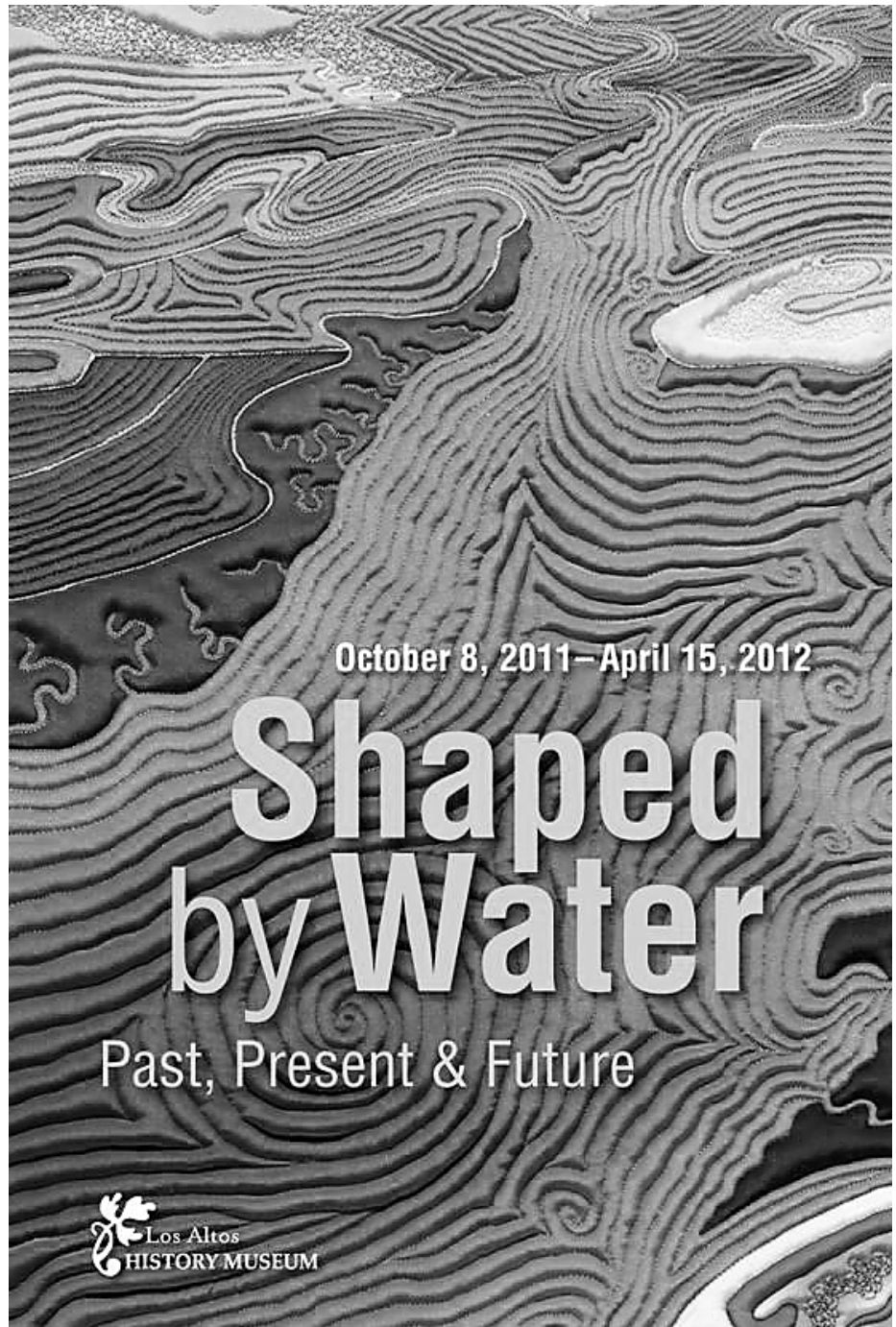
The Pulse of the Past Still Beats in the Valley of Heart's Delight

by Brian Schmidt

June 2011 brought an intriguing proposal by **Apple Computer's Steve Jobs** to the Cupertino City Council. He proposed taking over the 150 acre, already developed corporate campus that Hewlett Packard no longer needs, and transforming it into a new Apple headquarters. Removing the standard buildings, the usual massive surface parking, and all the "corporate" landscaping, Apple proposes limiting its development to only a fifth of the land. The remainder would be filled with native plants and trees, and with the **orchards** that Steve Jobs (and many others) remember from their childhoods here in the **Valley of Heart's Delight**.

This and other projects, such as Full Circle Farm in Sunnyvale, Martial Cottle Park in San Jose, the interest in bringing an orchard to Mountain View, and the surprising number of remnant orchards scattered in our cities — all remind us that **the pulse of our orchard-farming past still beats here**.

The architectural features of Apple's proposal go beyond our scope here at Committee for Green Foothills, but the merits of removing vast amounts of hardscape and its replacement with native landscaping and orchards do not. The company's proposal raises other issues, though — will they support housing like Google is doing? Will they manage traffic impacts and air quality impacts on sensitive serpentine soil habitats as outlined in the **County's crucial Habitat Plan?** Those issues must be addressed, but for now we can relish the opportunity to highlight this pulse, resonating from the orchards of the past, alive again in our valley. **CGF**



Shaped by Water

Mark your calendars for the big opening weekend of the exhibition **Shaped by Water: Past Present & Future** at the Los Altos History Museum October 15-16. Water shaped the history of the Santa Clara Valley, and how we use it will shape our future. Come experience a unique connection to our precious and finite water—past, present, and future—through photographs, art, stories, and interactive exhibits for kids of all ages.

In collaboration with the exhibition, Committee for Green Foothills is co-sponsoring a winter watershed tour of Adobe Creek! Stay tuned for details.

Thank You from all of us at CGF!

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CGF is grateful for the following remembrance gifts made this year.

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In Memory of Adele and Lewis Lawyerr
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CGF thanks these donors for their gifts in honor of special individuals.

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La Honda Winery
John Morris
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Thomas Fogarty Winery
Vogue Cleaners
Woodside Vineyards

CGF would especially like to remember Mary Stegner who invested in CGF's work beyond her lifetime.

Developing Morgan Hill's Southeast Quadrant: A Half-Baked Idea Whose Time Has Not Come

by Julie Hutcheson

Despite having decades worth of vacant and underutilized commercial land available within its urban growth boundary, the City of Morgan Hill is marching forward with its ill-advised plan to needlessly annex and develop 760 of the 1300 acres of farmland and open space known as the Southeast Quadrant (SEQ).

From the very beginning, CGF has stood in staunch opposition to this unnecessary annexation and development proposal. The farmlands of the SEQ serve as the last large buffer zone between Morgan Hill and San Martin, its neighbor to the south. They also play a part in the rural image and quality of life valued by so many of the people who make Morgan Hill their home (see Investigative Series article). More than that though, the SEQ represents the front line in the fight to stop sprawl from paving over what is left of specialty-crop agriculture in South County.

The City of Morgan Hill claims that the SEQ will, in all probability, soon be overrun by rural residential housing. So, in order to save and protect agriculture in Morgan Hill, the City feels they must hurry up and allow these lands to be developed. Of course, they have yet to produce a basis for this claim. The reality is that carving up the SEQ for development would decrease the amount of farmland left in the area, and increase urban encroachment on the remaining farmland, placing an additional burden on local farming operations.

The loss of farmland—and with it the ability to produce more fresh, locally grown foods—would not be the only cost of sprawling out into the SEQ. Morgan Hill residents already pay more than Gilroy, Sunnyvale, and San Jose for water and wastewater services because of poor land-use planning, and rates are slated to increase 16.5% while services decline. Adding more infrastructure demand to what the City cannot already adequately service is not a smart or sustainable model.

With all the City's budgetary woes, one has to wonder why they would want to stretch their fiscal and staffing resources further on a project that the Santa Clara County's Local Agency Formation Commission (LAFCO) staff has made plainly clear

runs counter to a number of LAFCO's core policies. Without LAFCO approval, the City cannot move forward with the annexation or project.

So why invest City resources into this now? A number of the SEQ landowners have been chomping at the bit for years to get their land inside the city's jurisdiction in order to be free of County development constraints. Unfortunately, the City has obliged them by paying over \$173,000 of the proposed projects' Environmental Impact Report fees and by inventing a new land-use designation called Sports-Recreation-Leisure to sell this project and disguise its commercial uses. The new designation serves as a catch-all category

allowing developers to build just about anything from actual sporting facilities to gas stations.

There is a problem there too, however, in that some of the developers aren't even sure what they will build. Of the five private project applications submitted, two are devoid of any real plan and two lack definitive descriptions.

This absence of information further exacerbates the problem of ascertaining what the environmental and fiscal impacts of the SEQ annexation would ultimately be.

Overlaying all of this is the City's lack of effort to inform residents of the annexation and solicit community-wide input on it. The City of Morgan Hill has spent an enormous amount of time and effort in soliciting and gathering community-wide input over the redevelopment of 117 acres of the city's downtown core, yet has done very little for a project six times that size on undeveloped land.

The silver lining in all this could be the Agricultural Mitigation and Preservation Policies that the City is drafting as part of the overall project. The City has an opportunity here to show how serious it is about ensuring the long-term viability of agriculture in Morgan Hill. Unfortunately, preliminary indicators suggest that the draft policies too may fall pitifully short of the mark.

Morgan Hill must wake up and realize the true cost of reckless expansion. Development impact fees don't cover the full cost of growth, half-baked project ideas don't amount to economic boon, and building a sustainable community doesn't include unnecessarily paving over farmland. **CGF**



Mark Grzan / former Morgan Hill Councilmember



Honoring Peter Douglas, Coastal Champion Extraordinaire

by Lennie Roberts

On October 2, CGF will be honoring Peter Douglas, longtime Executive Director of the California Coastal Commission, for his distinguished career in coastal protection. Peter must have some strands of coastal prairie grass or giant sea kelp somewhere in his DNA, for this extraordinary person has had an extraordinary influence on this extraordinary place.

The California coast is highly prized for its world-class scenic vistas, productive farm fields and forests, beautiful beaches, and abundant ocean resources. These natural resources unavoidably generate clashes between people who envision the coast as an asset to exploit for financial gain, and others who see it as a place to be protected for its intrinsic values. For over four decades, Peter Douglas has been at the forefront of the most important and far-reaching regulatory program to protect any area in the country.

Beginning in the early 1970's, California was besieged by intensified pressure to develop the coast. PG&E had started construction of a nuclear power plant at Diablo Canyon, and excavated a second site at Bodega Head; offshore oil drilling was gaining momentum (notwithstanding the devastating effects of the 1969 Santa Barbara oil spill); freeways were proposed to open up vast areas for sprawling development; public access to beaches was being cut off; and wetlands were being filled or dredged without regard for their ecological value. People up and down the state were alarmed. Something had to be done or the coast would be transformed forever.

Into this crisis stepped Peter Doug-

las, an idealistic recent graduate from UCLA Law School, unsure of where his career path might lead. Peter saw many areas of injustice and exploitation that troubled him and took a job as an aide to Assemblymember Alan Sieroty in 1971—in spite of his misgivings about working within a political system that could be corrupt and dominated by special interests.

Peter's first project was to draft a coastal protection bill for some environmental organizations that had formed a statewide alliance. The bill went down to defeat by one vote in 1971 but Peter was not deterred. Changing strategies, Peter, and other coastal supporters, decided to turn to the voters, whom they felt could potentially overcome the tremendous economic pressures that caused the legislation to fail in Sacramento. In 1972, citizens throughout California, galvanized by the inability of the Legislature to stand up to powerful economic interests, qualified for the ballot a landmark initiative, Proposition 20, which was approved by the voters despite tremendous opposition. The principal co-author of Proposition 20, and a key organizer up and down the state, was none other than Peter Douglas.

Proposition 20 mandated an interim study commission that would make recommendations to the California Legislature for a permanent coastal conservation plan. During this critical period, Peter was a consultant to the Legislature, and a principal author of the 1976 Coastal Act that made California's coastal management program permanent. The coastal legislation was approved by one vote at the eleventh

hour of the legislative session, thanks to enormous public pressure, and the incredible skill and persuasive abilities of the person who would become the California Coastal Commission's first Chairman, Mel Lane.

Peter joined the fledgling agency as a staff member, and became its third Executive Director in 1985. Although the twelve Commission members who make the critical decisions regarding development along the coast are all political appointees, the Commission's highly professional staff provides the legal and policy basis that keeps the Commission's work consistent with the mandates of the Coastal Act. Decisions of the Commission are not always popular, and frustrated landowners, real estate agents, lawyers, and consultants have often sparred with Peter and other Commission members. Environmentalists have also complained that the Commission's decisions often do not go far enough to protect the coast. They point out that victories are merely temporary, and defeats are permanent.

Throughout the tumultuous storms of controversy, Peter Douglas has remained steadfast. He says, "I follow the law, and it's a very strong law."

In reflecting on his decades of devotion to the coast, Peter has written, "I have always considered the Coastal Act as the People's Law because it was citizen activists and strong, ongoing, public support that has made possible California's remarkable record of success in coastal conservation."

This is true, but without Peter's leadership beginning in 1971, protection of the coast may well have had a far different outcome. **CGF**

CGF at Work

Below is a letter that Committee for Green Foothills sent to the Gilroy City Council when that City had briefly removed itself from the County Habitat Plan that local agencies and environmental groups had been preparing for years. The Habitat Plan would be crucial in restricting some development in general and in forcing some developers to mitigate environmental damage in particular. CGF and many other groups undertook an effort that succeeded in reversing the City Council decision. As stated in the letter, the City or any other city that might remove itself from the Plan is legally

vulnerable, namely, “we would add that the failure to get [a Habitat Plan] permit means the habitat alteration is a violation of Section 9 of the ESA. That habitat alteration is already happening—for example, the traffic Gilroy creates through Silicon Valley causes damage to serpentine-soil habitat and ESA-listed species using that habitat. Wildlife agencies, and others, have the ability to enforce Section 9 of the ESA.”

We applaud Gilroy’s reconsideration and will continue to work vigorously to get the best possible Habitat Plan in place.



COMMITTEE FOR
GREEN FOOTHILLS

May 2, 2011
City Council
City of Gilroy

Re: Item 10b, Gilroy's participation in the County Habitat Plan

Dear City Council Members;

As an organization representing families in both South County and North County for nearly 50 years, the Committee for Green Foothills urges the City to reconsider the decision to withdraw from the County Habitat Plan before it becomes impractical to do so.

We note first of all that while the Habitat Plan only covers two-thirds of the County and not the whole region, that is not the end of the process. We and the other environmental organizations are well aware that similar comprehensive planning must come to North County, and the city governments that participate in the County Habitat Plan at the outset have a much better chance to shape the outline of the plan, and especially its initial operations, than cities that lag behind. Furthermore, two other habitat plans are in process that cover significant parts of North County (Three Creeks Habitat Conservation Plan and the Stanford HCP) as well as significant efforts to protect burrowing owl habitat in Mountain View, the South Bay Saltponds restoration, and extensive stream restoration/protection projects in Milpitas and other cities not included in the County Habitat Plan.

Simply put, the habitat planning process is equitable between South County and North County, and early participation gives Gilroy a better chance to shape that process.

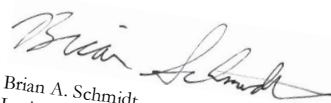
Second, Gilroy's financial interest and especially recovery of funds invested to date favor its continued participation. Documents from other agencies make clear the advantage to Gilroy (such as the letter from US Fish and Wildlife pointing out the backlog in processing new HCPs, and pointing out that future increases in capacity for the South County Water Treatment Plant could be permitted under the Habitat Plan for Morgan Hill but not for Gilroy). Something that has received little attention is the sum of over \$450,000 that Gilroy has paid or owes for the Habitat Plan preparation costs to date. The Habitat Plan allows preparation cost recovery from permit fees incurred over the 50-year course of the Plan, but that recovery won't be available to Gilroy if the City remains outside of the Plan. The costs to complete the Plan for Gilroy over the next year are less than \$50,000, so dropping out of the Plan now to save \$50,000 will cost the City the \$450,000 it could have recovered.

Finally, the US Fish and Wildlife Service letter notes that habitat alterations done without permission under Section 7 of the Endangered Species Act will require a permit under Section 10 of the ESA. In addition to what the letter stated, we would add that the failure to get such a permit means the habitat alteration is a violation of Section 9 of the ESA. That habitat alteration is already happening—for example, the traffic Gilroy creates through Silicon Valley causes damage to serpentine soil habitat and ESA-listed species using that habitat. Wildlife agencies, and others, have the ability to enforce Section 9 of the ESA. No one has yet used that capability because of the progress that seems to be apparent both in Habitat Plan area and in North County for habitat protection, but if Gilroy definitively removes itself from the Habitat Plan process, then it needs to demonstrate what steps it will take to bring the City's actions into compliance with Section 9 of the ESA.

The simplest and most-financially sound way for Gilroy to move forward is to reconsider a withdrawal from the Habitat Plan, making use of the additional information and the opportunity Gilroy will have to control and reduce costs of Plan administration.

Please contact us if you have any questions.

Sincerely,


Brian A. Schmidt



CGF Opposes a Proposed Eastern Location for the Gilroy High Speed Rail Train Station

by Julie Hutcheson

The path of high speed rail through south Santa Clara County could be devastating to the fertile farmlands in Gilroy should the proposed eastern Highway 101 alignment become the alignment of choice.

In all fairness, this alignment was not the preferred option of the California High Speed Rail Authority (CHSRA) which originally proposed to run the high speed train adjacent to the Union Pacific line along Monterey Road. It was actually a hastily thought out resolution brought by both Gilroy's and Morgan Hill's City Councils in reaction to their fear of the impacts a high speed rail system would bring to their downtowns. Unfortunately, the Councils' timing was as problematic as their proposal since their request came too late for the eastern 101 alignment to be evaluated in the program level Environmental Impact Report. Yet, that did not stop the CHSRA from considering it as a viable alternative.

The Committee has expressed its deep concerns both to the Authority and local and regional decision makers about the proposed location of a Gilroy high speed train station on working farmland east of Highway 101. Should this location be chosen, the rail line and station would cause a significant loss of vital urban-edge agriculture that currently limits destructive sprawl. This loss would result both from the station's footprint and

the tracks leading north and south from the station. The east station would pull Gilroy development in general away from downtown and towards outward sprawl—directly aimed at the stronghold of Santa Clara County agriculture currently existing to the east and south of Gilroy. This station location would increase the likelihood that the rail alignment from Gilroy to San Jose would further destroy even more farmland on its route.

Additionally, the proposal would orient the train station toward servicing cars rather than public transit. A downtown location would encourage customers to arrive and depart by public transit, while the Highway 101 location would require auto use. The potential Highway 101 station would make it easier for sprawling hillside subdivisions to be created an hour's drive away in multiple directions from Gilroy, allowing commuters to drive in on the highways and then take the High Speed Rail to their jobs.

Placing the station east of Highway 101 in Gilroy completely ignores, and is counter to, the HSR Authority's prescribed criteria for high speed train station area development. One such criterion is to give priority to stations for which the city and/or county has adopted station-area transit-oriented development (TOD) plans and general plans that focus and prioritize development on the TOD areas rather than on auto-oriented outlying areas. Clearly,

The east station would pull Gilroy development in general away from downtown and towards outward sprawl ...

the proposed eastern 101 station fails to meet this requirement.

The Local Agency Formation Commission (LAFCo) has also warned the City of Gilroy and the CHSRA that this area is within the County's jurisdiction and part of the Agricultural Preserve. Therefore, the development of the high speed rail station in this area would require LAFCo's approval to annex this area into the City of Gilroy and to extend their urban service area.

Despite all this, the City of Gilroy is moving forward with a high speed train station Visioning Process to study which of the two proposed locations—either downtown or in the Agricultural Preserve—would be the preferable location. The City's effort will be used to inform and influence the CHSRA as it considers final decisions on the station location.

Community input is part of the Visioning Process and CGF has already weighed in, and will continue to do so, opposing any use of the limited transit and high speed rail funding for the further planning of this destructive site proposal. **CGF**

Ongoing Projects Update

San Jose/Santa Clara Water Pollution Control Plant and San Jose General Plan

by **Brian Schmidt**

Committee for Green Foothills tracks projects for years, and sometimes for decades. The San Jose/Santa Clara Water Pollution Control Plant and San Jose General Plan revision definitely count as multi-year projects, and both have been written about before in Green Footnotes.

The Treatment Plant forms a core part of Silicon Valley history—an enhancement process in the 1950's led to a drive to sprawl San Jose outward in order to have enough users to pay for the massive upgrade.

We hope this misguided past will not repeat itself in the near future with the proposed new upgrade. Innovative technologies supposedly reduce the need for large buffer zones between the plant and other uses, so a new land-rush is on for these newly-

available, rare, undeveloped flatland areas near the Bay. The upland portions form one of the last strongholds of the burrowing owl in our region; adjacent flatland areas can be tidal or freshwater wetlands and buffer zones along Coyote Creek.

We can be pleased that the San Jose City Council has supported consideration of what we call an “Environmental Alternative” in the upcoming environmental review of the Treatment Plant. We, together

with many other community groups, successfully lobbied the City Council to consider an option that upgrades the water treatment plant itself but adds no other unrelated development to the area.

Other issues with the Plant remain, including whether its impacts will be mitigated in the County Habitat Plan, and whether associated projects have been improperly considered as being separate. We will continue to monitor things closely.

The San Jose General Plan has been undergoing revision for an even longer time period than the Treatment Plant. We have had tremendous success in putting South Almaden Valley and Mid-Coyote Valley off limits to massive development for the next 30 years. This is the first time since the 1970's when San Jose slated those areas for development that the City has been willing to put off development, and we hope to make it permanent. We have also followed many other aspects of the planning process, including our long-running effort to free environmental review from developer control. San Jose, unlike most other cities, lets developers prepare the initial version of its environmental documents, a biased and conflict-ridden process



that shouts for reform. The shouts are finally being heard!

The draft environmental review for the General Plan should come out this summer. We will continue to put significant amounts of time into reviewing the document, and we hope to make whatever improvements are possible to ensure the City plans to grow upward instead of outward. Saving North Coyote Valley and the Water Pollution Control Plant areas are important goals that will be hard to reach, but we will make every effort to do so. **CGF**



The Committee is watching ...

Mountain View — where significant development projects raise issues regarding adequate analysis of housing and traffic impacts on habitat outside of the City.

San Jose and Santa Clara County — here, decisions made on the County Habitat Plan can help chart the course of environmental protection for the next 50 years.

Stanford University Medical Center — whose massive expansion Palo Alto has approved. Making sure environmental mitigations actually occur will be very important as the project moves forward.

Coyote Valley — where permits, approved long ago, for a never built, sprawling, corporate campus, are soon to expire.

San Jose, Morgan Hill and Santa Clara County General Plans — both are undergoing significant revision, a major process that only happens every fifteen years.

Whitpole Estate Farm, Cambridge England — where they're trying a "real-life Farmville," selling thousands of small ownership shares, and making joint decisions over farm management— something that could be done here.

California Coastal Commission — which must determine whether the San Mateo County Midcoast Local Coastal Program Update is consistent with the Coastal Act and either approve or disapprove the Update as submitted, without modifications of any kind.

San Mateo County — which will be updating the Half Moon Bay Airport Comprehensive Land Use Plan over the next year and a half.

San Mateo County — slated to decide whether to cancel 128 Williamson Act contracts that have not met State requirements (that the properties under contract must be in commercial agricultural use, in exchange for tax breaks received by the landowners).

The Committee applauds...

San Mateo County Parks Department — which will be receiving a grant of \$3 million from the Wildlife Conservation Board to acquire the 140-acre Pillar Point Bluff property from Peninsula Open Space Trust as an addition to the Fitzgerald Marine Reserve.





COMMITTEE FOR
GREEN FOOTHILLS

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See article
inside on
Peter Douglas,
page 11.

Nature's Inspiration

A COMMITTEE FOR GREEN FOOTHILLS EVENT

Sunday, October 2, 2011 • 3:30 – 6:00 pm

Please join us for a lovely afternoon as we celebrate the beautiful California Coast and honor Peter Douglas, long-time Executive Director of the California Coastal Commission.

California Secretary for Natural Resources John Laird, will be our guest speaker.

*Advance ticket sales only — we do expect the event to sell out.
Look for more information, become a sponsor, or purchase tickets at: www.GreenFoothills.org*