



Ragghianti|Freitas LLP

Attorneys at Law

1101 5th Ave, Suite 100
San Rafael, CA 94901
telephone 415.453.9433
facsimile 415.453.8269
www.rflawllp.com

Riley F. Hurd III
rhurd@rflawllp.com

March 16, 2015

Via E-Mail Only

Marin County Board of Supervisors
County of Marin
3501 Civic Center Drive, Room #329
San Rafael, CA 94903

Re: Draft Revised Community Plan Update Strategy

Dear Members of the Board of Supervisors:

Our office continues to represent the Seminary Neighborhood Association. This letter is sent in advance of your March 17, 2015, hearing on the Draft Revised Community Plan Update Strategy ("Draft"). Specifically, we wish to provide the following comments and/or suggestions regarding the Draft:

1. **COMMUNITY INTEREST** - Community buy-in is absolutely essential for an effective and representative planning process. Accordingly, the language requiring a "demonstrated broad community interest in and commitment to a Community Plan process" remains a critical prerequisite to the initiation of a Community Plan update.
2. **CWP CONSISTENCY** - The "Background" section of the Draft is missing an important and relevant action taken by the Board of Supervisors in 2012. Board Resolution 2012-77 amended the Countywide Plan ("CWP") to establish the following rule for reconciling conflicts between Community Plans and the CWP:

"A Community plan is considered part of the Marin Countywide Plan and sets forth goals, objectives, policies, and programs to address specific issues relevant to that particular community. Where there are differences in the level of specificity between a policy in the Community Plan and a policy in the Countywide Plan, the document with the more specific provision shall prevail."



This “hierarchy rule” is a key part of considering any Community Plan update in connection with possibly differing CWP provisions for the area in question. The current version of the Draft seems to imply Community Plans would only be updated to achieve CWP consistency, when, depending on which document is more specific, it could be *vice versa*. **This rule is a rather major one in the context of updating a Community Plan and therefore should be included in the Draft.**

3. **TRAFFIC** – The Draft contains the following as a suggested guiding principle for Community Plan updates: “Focus on topical issues that are best suited for a community plan and **avoid addressing ‘non-land use’ issues such as ... traffic management.**” This proposed principle would be a rather incredible departure from the County’s past practices. Traffic management plays a central role in land use decisions and to divorce the two would be nearly impossible. The “Content” section of the Draft contains confusing statements that appear to be an attempt to refine the proposed principle cited above.
 - a. The Draft states that transportation projects outside the County’s jurisdiction should not be addressed in Community Plans. This is understandable if there is no information on said projects.
 - b. However, the Draft goes on to suggest that work of other departments should not be duplicated, and therefore Community Planning should coordinate on traffic management with other departments **and** that these other departments should then assist in updating the Community Plan. This seems like an appropriate and efficient suggestion, but is also somewhat contradictory with the proposed principle stating that traffic management is not a land–use issue that belongs in a Community Plan.
 - c. **Accordingly, it is requested that the Board clarify the Draft in regards to traffic and continue the consideration of traffic impacts in Community Plans.**

In conclusion, it is requested that the Board:

1. Maintain community buy-in as a prerequisite to the initiation of a Community Plan update,
2. Include adherence to the “hierarchy rule” as part of the Draft, and
3. Clarify the Draft in regards to traffic and continue the consideration of traffic impacts in Community Plans.



Ragghianti|Freitas LLP

March 16, 2015
Page 3 of 3

Thank you for your attention to this important matter.

Very Truly Yours,

A handwritten signature in blue ink, reading "Riley F. Hurd III". The signature is written in a cursive, flowing style.

Riley F. Hurd III

CC: Seminary Neighborhood Association
Supervisor Kathrin Sears
Brian Crawford