



SPECIAL AND REGULAR MEETING

**BOARD OF DIRECTORS
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

Wednesday, March 13, 2024

*The Board of Directors conducted this meeting in accordance with
California Government Code section 54953.*

DRAFT MINUTES

**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA
REGIONAL OPEN SPACE DISTRICT – CLOSED SESSION**

President MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 5:31 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, and Margaret MacNiven

Members Absent: Curt Riffle

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Loana Lumina-Hsu, Real Property Manager Allen Ishibashi, Planner III Aaron Peth, Real Property Specialist I Jasmine Leong

President MacNiven announced this meeting is being held in person at the District's Administrative Office, and by teleconference. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: San Mateo County APN: 083-351-010

Agency Negotiator: Aaron Peth, Real Property Planner III

Negotiating Party: David Cline, Coldwell Banker

Under Negotiation: Purchase Terms

Public comment opened at 5:33 p.m.

Executive Assistant/Deputy District Clerk Loana Lumina-Hsu reported no public comments were submitted for the closed session.

Public comment closed at 5:33 p.m.

The Board convened into closed session.

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT – STUDY SESSION

President MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 6:00 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, and Margaret MacNiven

Members Absent: Curt Riffle

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Loana Lumina-Hsu

1. Study Session to Receive Early Feedback on Parking Area Design Guidelines (R-24-30)

Assistant General Manager Susanna Chan provided the staff presentation on the draft Parking Area Design Guidelines. She provided background information and stated that the goal of the effort is to develop a framework for incorporating an appropriate open space and natural/rural aesthetic design character to District preserve parking areas. The design guidelines will be centered on the District’s two mission statements and align with the five Board-approved Vision Plan Goals. The design guidelines will go beyond basic technical design principles and focus on the character qualities that reflects the District’s open space lands and conservation values. Ms. Chan went into detail of topics and items to be included in the parking area design guidelines: values, design approach and typologies, and design guidelines for numerous elements. Additionally, feedback from the Board will be incorporated as appropriate and staff along with the consultant will continue to develop the guidelines. Ms. Chan plans to return to the Board for review and approval of design guidelines in April 2024.

Director Holman expressed her concerns about the tone and focus of the current draft of the Parking Area Values and compared it to the National Park Service’s “A Sense of Place: Design Guidelines for Yosemite National Park”. She emphasized the importance of starting with clear goals and constraints, focusing on maintaining the existing ethos and place setting of the natural environment. She provided a redrafted version of the Parking Area Values that reflects the emphasis on natural features and aesthetics compatible with the surroundings. She requested that her document be shared with the Board for their consideration.

General Manager Ana Ruiz stated that the designs and selection of materials, textures, and colors for parking lots are intended to complement and reflect the aesthetic of the surrounding natural environment. In addition, consideration would be given to the quality and longevity of materials and maintenance requirements. She asked Director Holman for an example of place setting to help clarify her request.

Director Holman provided an example of adding a “no parking sign” and the choice to install either an urban sign or a wooden post. While the wooden post may have a shorter lifespan, it aligns better with the natural environment. She commented that in reading through the guidelines that focus is not present.

Ms. Ruiz explained the District will be adding more parking areas in number and size to meet the demand. As the number of parking areas increases, more resources are needed for operation, management, and maintenance. Balancing the aesthetic qualities desired in these areas with the need for fewer overhead and operational needs is essential.

Director Holman commented the size and number of parking lots would be a matter of policy related to access and suggested having a separate discussion on that topic.

Director Kishimoto provided comments for staff to consider. First, the scale of the parking lots. She expressed a preference to continue with the parking lots that staff has presented to the Board that break up the footprint of the lot rather than seeing one large continuous lot. Second, whether or not the parking lots should be visible from the road. The visibility could aid in finding the parking lot and the potential for enhanced safety, but the preference is that they not be prominent. Lastly, she suggested adding bicycle parking and brushes for cleaning shoes and bikes of invasive plant materials to the list of design guideline elements.

Director Holman further explained why she reprioritized the values on the redrafted Parking Area Values she submitted for consideration.

Director Gleason emphasized that the discussion can also extend beyond parking lots to include roads, trails, and other things that can be built or changed in the open space. He stressed the importance of setting goals and cited the Bear Creek North Parking lot as an example where staff provided a creative solution and when the Board’s goals aligned with the design. He echoed Director Holman’s point about the Yosemite design guidelines and how it sets a tone. Additionally, he emphasized the need to consider costs and longevity and suggested exploring best practices from other agencies.

Director Kersteen-Tucker expressed support for the Parking Area Values statements as presented, because they acknowledge the District's diverse landscapes, highlighting that it is not a single park like Yosemite but rather a variety of landscapes that need to be celebrated, which she believes the consultants have captured with the typologies. While she understands Director Holman’s perspective, she is comfortable with direction taken by the consultants. Additionally, she emphasized the importance of the District developing its own unique best practices to distinguish its parking areas and create a unique signature.

President MacNiven suggested removing the following items from the design guideline elements: picnic tables, benches, kiosks, EV charging stations as they would detract from the natural setting of the parking areas, and maintenance buildings. She commended the District on

the parking areas developed thus far and emphasized the importance of maintaining these standards to preserve the quality of the parking areas.

Ms. Chan stated the Board received a written public comment suggesting adding equestrian amenities to the design guidelines elements and asked the Board if they are open to add equestrian amenities to the list.

The Board agreed to add the equestrian amenities.

Public comment opened at 6:47 p.m.

Shani Kleinhaus from the Santa Clara Valley Audubon Society urged the Board to approach the development of parking lots and access roads from a wildlife point of view. She pointed out that the District's mission does not mandate parking lots in every preserve, and that asphalt is not environmentally friendly. She expressed concern that many of the design elements are urban elements such as EV charging, and that parking lots should not require new electric connections, lighting, or parking digital counters. She hopes that the Board directs staff to address wildlife movement, shade trees, and other elements of ecological design, noting a lack of discussion on these items.

Public comment closed at 6:50 p.m.

Director Holman suggested adding wildlife movement to the list of design guidelines elements and agrees with President MacNiven to remove EV charging stations for the list.

Director Holman addressed that the Parking Area Values that she revised contained an error on the second value "Establish a Transition Zone". She inadvertently added the wrong language to that section. She also stressed the importance of prioritizing the natural environment over maintenance. Additionally, she added aesthetics and sensory impact of parking areas to the values. She spoke on the changes she made to transition stating that she updated the language to read "Parking areas serves the public's transition spaces between the surrounding natural open space preserves and areas outside the preserves." She expressed that for the next iteration, her focus will be on aesthetics, sensory experience, sense of place, and conservation aspects as priorities.

President MacNiven confirmed agricultural landscape is part of cultural landscape typography and suggested that the draft guidelines include consideration of the ranchers or farmers if a parking lot is to be designed in the agricultural land.

Director Holman suggested that number 26. *Planting and Irrigation* of the Design Guidelines Elements include trees and take in consideration heat island effects. Additionally, she spoke on the creative solution used on the Bear Creek Redwoods Open Space Preserve North Parking lot and how the elevations and typography was used to create two parking lots versus on large lot. She requested that somehow that solution be captured in the Design Guidelines Elements.

Director Holman commented that the inclusion of number 32. *Use of Environmentally Friendly ("Green") Elements* implies the District will only use those materials, when in practice the parking lot may not use those materials.

No Board action required.

ADJOURNMENT

President MacNiven adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:59 p.m.

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

President MacNiven called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:05 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, and Margaret MacNiven

Members Absent: Curt Riffle

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Maria Soria Executive Assistant/Deputy District Clerk Loana Lumina-Hsu, Natural Resources Manager Kirk Lenington, Resource Management Specialist II Matthew Sharp Chaney, Resource Management Specialist III Hannah Wallis, Public Affairs Specialist III Leigh Ann Gessner, Governmental Affairs Program Manager Joshua Hugg

President MacNiven announced this meeting is being held in person at the District's Administrative Office, and by teleconference. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website.

REPORT OUT OF CLOSED SESSION

President MacNiven reported the Board met in closed session, and no reportable action was taken.

ORAL COMMUNICATIONS

Public comment opened at 7:07 p.m.

Ms. Lumina-Hsu reported there were no public speakers for this item.

Public comment closed at 7:07 p.m.

ADOPTION OF AGENDA

Motion: Director Kishimoto moved, and Director Gleason seconded the motion to adopt the agenda.

ROLL CALL VOTE: 6-0-0 (Director Riffle absent)

SPECIAL ORDERS OF THE DAY

Introduction of Staff

- Hannah Wallis, Resource Management Specialist III

CONSENT CALENDAR

Public comment opened at 7:11 p.m.

Ms. Lumina-Hsu reported there were no public speakers for this item.

Public comment closed at 7:11 p.m.

Motion: Director Cyr moved, and Director Gleason seconded the motion to approve the Consent Calendar.

ROLL CALL VOTE: 6-0-0 (Director Riffle absent)

- 1. Approve the February 28, 2024 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Award of Contract to All Earth Geotechnical Engineering Inc., for Geotechnical Investigations and Engineering Design Services for the Pescadero Watershed Sediment Reduction Implementation Project, focused on Alpine Pond, within the Skyline Ridge Open Space Preserve (R-24-31)**

General Manager's Recommendations:

1. Authorize the General Manager to execute a contract with All Earth Geotechnical Engineering Inc., for the Pescadero Watershed Sediment Reduction Implementation Project for a base contract amount not-to-exceed \$372,814 to complete geotechnical investigations, three dam concept plans, one road-stream crossing concept plan, and two final design plans suitable for bidding (dam and road-stream crossing).
 2. Authorize a 10% contingency of \$37,281 to be reserved for unanticipated issues, bringing the total not-to-exceed contract amount to \$410,095.
- 4. Mitigation Cooperative Agreement at Miramontes Ridge Open Space Preserve with the California Department of Transportation (Caltrans) (R-24-32)**

General Manager's Recommendations: Approve the proposed third-party compensatory mitigation project at Miramontes Ridge Open Space Preserve to restore 1.66 acres (953 linear feet) of riparian habitat along Madonna Creek and authorize the General Manager to negotiate a mitigation agreement with Caltrans who will supply the necessary funding to complete this work (estimated at \$300,000 to \$400,000 over 10 years).

- 5. Exchange of Real Property Interests between Hicks Land LLC (“Hicks Land”) and Midpeninsula Regional Open Space District (District) Related to Access Easements - District to receive an Access Easement through Hicks Land property (portion of Santa Clara County APNs 575-11-009 and 575-11-024) in Exchange for Granting an Access Easement to Hicks Land through Sierra Azul Open Space Preserve (portion of Santa Clara County APN 575-11-008) (R-24-33)**

General Manager’s Recommendations:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the report.
2. Adopt a resolution authorizing the exchange of interests in real property between the District and Hicks Land, at no cost to either party.
3. Amend the Use and Management Plan to include the exchanged interest in real property.
4. Withhold dedication of the exchanged property as public open space at this time.

BOARD BUSINESS

- 6. Human-Mountain Lion Interaction Study and Management Plan Annual Update (Year 3) (R-24-34)**

Resource Management Specialist II Matthew Sharp Chaney introduced John Morgan from the University of California Santa Cruz Puma Project to present on Year 3 of the Human-Mountain Lion Interaction Study and Management Plan Update. Mr. Morgan reviewed the study objectives: estimate the local mountain lion population size, compare mountain-lion home range sizes within the study area to other parts of the Santa Cruz Mountains, assess factors influencing human mountain lion interactions, and determine efficacy of management strategies and their potential for reducing human mountain lion conflict. Mr. Morgan reported the third year of the project has focused on safely and humanely collaring mountain lion adults and kittens, data collection, and preliminary data analyses and collection of a total of 21 mountain lions (10 adults and 11 kittens from 4 litters) and 29 unique adults since the project began.

Mr. Morgan described interpretation of GPS data to identify feeding events and den sites, and described the relationship between habitat selection, survival rate, and population growth rate. He further expanded on Objective 1 explaining how researchers are estimating local mountain lion population size; Objective 2 comparing home range sizes near District preserve to other areas; Objective 3 assessing factors influencing human – mountain lion interactions in outdoor recreation; and Objective 4 reducing human-mountain lion conflict – using two methods: behavior modification and vegetation management. Mr. Morgan concluded the presentation with the project’s next steps: continue testing effect management strategies, shift focus to data analysis, publish results later in 2024, and begin population size estimate.

The members of the Board asked clarifying questions and received additional information regarding mountain lion behavior, the mountain lion study, and study results to date.

Public comment opened at 7:57 p.m.

Ms. Lumina-Hsu reported there were no public speakers for this item.

Public comment closed at 7:57 p.m.

No Board action required.

7. Legislative Position Recommendations (R-24-35)

Governmental Affairs Program Manager Joshua Hugg provided the staff presentation on the District Legislative Positions for the 2024 State Legislation. Mr. Hugg stated that this year there were 2,124 bills released by the February 16, 2024 deadline for new bills by California State Assemblymembers and Senators. District legislative consultants reviewed every bill submitted to determine whether the bill had the potential to affect District interests and submitted a list, including recommendations of initial positions and priorities. Based on the list of identified legislation, department managers assisted with a review of all the potential bills of interest and provided their recommended position and priority for each bill. Approximately 100 bills are currently tracked. Two bills were identified as Priority 1, eleven bills are Priority 2, and approximately 100 bills are Priority 3.

Director Holman inquired why Assembly Bill (AB) 1889 is assigned as Priority 2.

Mr. Hugg explained AB 1889 can be moved to Priority 1 based on the Board's discussion as the bill will include a requirement to include a wildlife connectivity element in a City general plan.

Director Holman requested for AB 1889 to be elevated to Priority 1.

Discussion ensued for AB 2344 which created a collaboration between Caltrans and California Department of Fish and Wildlife (CDFW) to address wildlife impact from transportation infrastructure. Mr. Hugg stated last year State of California's budget included hiring 8 additional staff in CDFW to address AB 2344 and increase collaboration between Caltrans and CDFW.

Discussion ensued for AB 2552 for the prohibition of rodenticides and the inclusion of first-generation anticoagulant rodenticides. Mr. Hugg explained the history of anticoagulants (AB 1788) and rodenticides (AB 2332), and how AB 2552 will also expand the list of prohibitions and expand the definition of wildlife habitat to open space. Discussion ensued on the expanded definition of wildlife habitat to open space for the Santa Cruz Mountains, creeks, and smaller local open spaces. He stated Rancho San Antonio Open Space Preserve will benefit from the expanded 1-mile radius definition.

Director Kishimoto inquired on the District's outreach efforts regarding rodenticides for Rancho San Antonio Open Space Preserve.

Mr. Hugg stated in Fall 2023, staff used a public notification tool to identify a 500-foot perimeter around Rancho San Antonio Open Space Preserve and sent postcards to neighbors to consider alternatives to rodenticides. Additionally, staff, including Chinese-speaking staff, held several outreach tabling events at Rancho San Antonio Open Space Preserve for engagement with visitors to deliver messages regarding rodenticides and alternatives.

Director Kishimoto requested for AB 2552 to be elevated to Priority 1.

A majority of the Directors expressed support to elevate AB 2552 to Priority 1.

Public comment opened at 8:20 p.m.

Ms. Lumina-Hsu reported there were no public speakers for this item.

Public comment closed at 8:20 p.m.

Direction Gleason inquired if the elevation of two bills to Priority 1 would be manageable.

Mr. Hugg stated in previous years there have been five to six Priority 1 bills, and that this year's four Priority 1 bills is manageable.

Motion: Director Kishimoto moved, and Director Holman seconded the motion to approve the recommended list of legislative positions for the 2024 state legislative session and elevate Assembly Bill 1889 and Assembly Bill 2552 to Priority 1.

ROLL CALL VOTE: 6-0-0 (Director Riffle absent)

INFORMATIONAL REPORTS

A. Committee Reports

Director Holman reported that the Hawthorns Historic Complex Ad Hoc Committee met on March 7, 2024 and provided an update.

Director Gleason reported the Legislative, Funding, and Public Affairs Committee met on March 12, 2024 where the Committee reviewed proposed updates to Board Policy 5.02 - *Good Neighbor Policy*.

B. Staff Reports

None

C. Director Reports

Director Gleason reported he attended the Santa Clara County Special District Association on March 4 and there is an interest in a presentation of the District's Wildland Fire Resiliency Program.

Director Holman requested forwarding to the Board the District's comments submitted to the City of Palo Alto regarding their Stream Corridor Protection Ordinance.

Director Kishimoto reported she plans to attend the California Council of Land Trusts during the week of March 18.

President MacNiven reported the Hawthorns Public Access Working Group held a meeting on February 29 and the next meeting will be held on March 24 on site.

ADJOURNMENT

President MacNiven adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 8:33 p.m.

Loana Lumina-Hsu
Executive Assistant/Deputy District Clerk