

## **FLOOD ZONE 9 ADVISORY BOARD**

*JULY 24, 2017*

### **STATEMENT OF PROPOSED ACTION**

According to the Water Code, Section 68-6.2 Marin County Flood Control and Water Conservation District (District) staff submits this Statement of Proposed Action to provide any Zone 9 Advisory Board (AB) Member an opportunity to respond or provide written comment on the item outlined below within the next 30 days (as of July 24, 2017).

Any individual AB member may contact the Ross Valley Watershed Flood Risk Reduction Program Manager, Tonya Redfield, (415) 473-2941 to request an AB meeting in order to discuss any items related to the zone. To comply with Brown Act requirements, all meetings of a quorum of AB members (five or more if all seven member slots are filled) to discuss Zone business must be publicly noticed.

#### **Item 1. Options to Purchase Agreement – 634 San Anselmo Ave, San Anselmo**

An Option to Purchase Agreement for a property at 634 San Anselmo Avenue, San Anselmo is scheduled to be considered for approval by the Marin County Flood Control and Water Conservation District (District) Board of Supervisors (BOS) on August 22, 2017. The AB supported the acquisition of 634 San Anselmo Ave in June 2017 with their recommendation for the BOS to approve the Fiscal Year 2017/18 Program Budget, assuming the successful certification of the related Project Environmental Impact Report.

District staff have been in periodic contact with the property owner of 634 San Anselmo Ave since the June AB meeting and were contacted directly on June 16, 2017 to discuss terms for purchase of their property. The subject property is identified in the San Anselmo Flood Risk Reduction Project EIR as a property for acquisition in order to remove the existing building. The existing building which spans the creek as a bridge has been identified as a major contributor to flooding in downtown San Anselmo impacting hundreds of homes and businesses. The Project EIR process is underway with an expected certification date of March 2018. The project as currently proposed would require a construction start date of January 2019 due to State Department of Water Resources grant deadlines.

Due to the compressed timeline, Real Estate staff contacted the building owner to discuss interest in selling the property subject to several conditions including selection of the “Proposed Project” alternative in the EIR and certification of said EIR. The building owner is amenable to entering into an option to sell the property to the District, and staff is planning to bring an agreement to the District BOS as discussed above.

Funds for the purchase are available from Flood Control Zone 9 flood fees that have accrued since the time that the fee was instituted in 2007.

Entering into an option to purchase the property prior to certification of the EIR will provide additional time to plan for relocation of 4 businesses that currently occupy the building. Section 15004 of the CEQA Guidelines provides that CEQA should be completed prior to acquisition of a site for a public project, and that public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance.

To address this, staff proposes to provide this direction to the consultant preparing the

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environmental document if the District BOS approves an option to purchase: In preparing programmatic and project specific environmental documents for the proposed project, Consultant shall not consider the District's interest in the property at 634 San Anselmo Avenue, but may otherwise consider all the Guidelines for the California Environmental Quality Act Section 15126.6 (f) regarding the range of alternatives. Notwithstanding the foregoing, the Consultant can consider that the subject property at 634 San Anselmo Avenue can be "reasonably acquired."