

Citizen Advisory Committee
Meeting Minutes
June 13, 2011

Present: All members of the CAC except for those listed below.

Absent: Alice Anderson, Cherie Daly, David Esposito, Mike Folk, Jerry Hauser, Julie Leitzell, and James Moore.

Staff: Planning Director Nancy Kaufman and Contract Planner Julia Capasso.

1. Announcements

Planning Director Kaufman announced that due to financial reasons, the City had dissolved its contract with DC&E for facilitation services. She also announced that CAC member Nancy Spivey was proclaimed the Senior Citizen of the Year by the Larkspur City Council. Council member Joan Lundstrom was awarded a Meritorious Public Service Award from the U.S. Coast Guard for her work as chairperson on the Harbor Safety Committee of the San Francisco Bay Region. She also recognized Planning Commissioner Jeff Stahl who was attending as an alternate for Dick Young.

Ms. Capasso reported that she attended the June 7 meeting of the Larkspur School District meeting where the Board heard public comment about the recommendation of the Facilities Expansion Committee to re-open the school at the San Clemente site which is currently leased to a private school. The Board will decide at their June 29 meeting whether to place a bond on the November ballot. It seems they are leaning towards a Prop. 39 bond which would only require 55 percent voter approval, but would necessitate the formation of a citizen's oversight committee and would require a second bond in 2014 to fully fund the facility expansion and improvement efforts. She also announced that the Planning Department will host a public workshop on the North Magnolia commercial corridor on June 20 at 6:30 p.m. to discuss preferred names and themes for the area.

Daniel Kunstler announced that he would be resigning from the Library Board, and consequently the CAC, due to concerns about his eligibility as he presently resides outside of Larkspur. He will still be able to edit the draft documents along with Mr. Holmes as that does not require any discretionary or voting power.

2. Public Comment.

There was none.

3. Conclude discussion Draft Natural Environment and Resources Element.

Planning Director Kaufman stated that the CAC would start reviewing pages 6-23 through 6-24. She stated that as previously announced at the May 23 meeting, the City had received comment letters on this draft Element from the Marin Audubon Society and the Friends of Corte Madera Creek (the letters were provided to the CAC at the meeting). One of their comments was that the Corte Madera Creek is a tidal creek. This section refers to the corridor along the creek, but staff can add a clause that states the Creek is a tidal creek. However, it is still a riparian corridor. The letters also stated that: 1) steelhead trout should be listed as a species of concern in the creek; 2) songbirds are not in the marshes, and; 3) many migrating birds stop here and do not continue to the south. They were also concerned that using the word "Sighted" on page 6-24 diminished their

value, so staff suggests the word “found” as a more definitive word. Mr. Holmes noted that the clapper rail was found recently during preparation for improvements on Doherty Drive.

The CAC moved on to review pages 6-24 to 6-25. No comments were made.

The CAC moved on to review pages 6-25 to 6-26. Mr. Holmes referred to the sentence “Preferred development of these types of site may include clustering buildings in close groupings to retain the steep open hillsides and natural spaces” on page 6-26. He suggested adding “and historic structures” to the end of that sentence. He also stated that the last sentence of the same paragraph is inconsistent with the vote taken at the last meeting to remove the former policy that gave more weight to preserving the community character over clustering to preserve open space. Ms. Weninger stated that she had also noted the inconsistency. Planning Director Kaufman said staff would reconcile that inconsistency.

Ms. Semonian stated she would prefer that the Tiscornia site was not developed, or was developed in a way that re-used the existing historic buildings. She doesn’t see how developing it for housing would preserve its character as a winery and estate. This would be the time to reconsider the zoning for the site. Planning Director Kaufman noted that there is an historic overlay over the central part where the buildings and pastures are. It is zoned Residential Master Plan which allows only one unit per acre, so its development potential is significantly reduced. Ms. Semonian stated she supports reusing the existing buildings but thinks a subdivision on the property, carving into hillsides, would take away from the character of those historic structures and the winery. Ms. Heitkamp, representative of the Heritage Preservation Board, noted that the historic overlay applies to the winery, the private home and the former Limerick Inn. That area is zoned as a historic area. However, the open space land is above the winery on steep slopes that have drainage issues. Cluster housing would be the only way to accommodate development there. Some of the density was also transferred to the Creekside development which also used a clustered design.

The CAC moved on to review pages 6-26 to 6-27. Planning Director Kaufman noted that the Audubon Society had asked for examples of when Larkspur had “fought aggressively to preserve its few remaining wetlands” as stated on page 6-26. She noted Ms. Heitkamp’s historic knowledge on this subject and stated she would consult with her to address that comment. She referred to another comment from the Audubon Society regarding placing limits on rowing in the Creek particularly during migration season in the winter. She noted staff will pass that comment along to the Planning Commission and Council. Mr. Holmes suggested adding an action program to explore limiting the rowing club and other boating uses of the creek during migration season. Planning Director Kaufman stated that there would likely need to be documentation of where the migratory nesting occurs. The CAC did not move to address this issue.

The CAC moved on to review pages 6-27 to 6-30. Mr. Holmes referred to the reference to yard waste pick-up and noted it is now picked up weekly. Planning Director Kaufman suggested the word “regularly.” She also suggested the goal and background section on “Waste Reduction” be re-titled to reflect resource protection or minimization of resource use.

4. Begin discussion of Draft Community Health and Safety Element.

The CAC began review of the Introduction and the policies and programs under Goals SAF-1, SAF-2, and SAF-3. Ms. Semonian asked how the City’s existing Emergency Management Plan (EMP) tied into this Element. Planning Director Kaufman noted that the EMP is referred to in appropriate locations throughout the Element. Ms. Capasso noted that the EMP is very specific in

terms of what the emergency operations center is and how it will operate. The draft Element policies do not repeat what is in the EMP, but lays the policy groundwork for its implementation.

Mr. Holmes suggested adding another action program under Policy SAF-2.1 that refers to training of City staff and residents. Planning Director Kaufman noted that Action Program SAF-2.1.a refers to resident awareness training but a program could be added to address training of staff members. Ms. Capasso noted that the EMP addresses the role of staff members in the event of an emergency.

Ms. Nakai referred to Policy SAF-1 and suggested a program to aggressively maintain the fire-prone areas in the urban-wildland interface. She resides in this area and has been unable to get either the Marin County Open Space District or the City of Larkspur to maintain the overgrown brush on their respective sides of the City boundary. It seems no one wants to dedicate the resources to this area which is the most at risk. There are also parties in the open space with fires, and when she calls the police, they say that the open space district is not in their jurisdiction. Planning Director Kaufman stated that staff could look into adding a policy regarding maintenance in the urban-wildland interface zones to the Fire Hazards section of the Element.

Mr. Friedrichs referred to Policy SAF-3.1 and Goal SAF-3. It seems that the goal would prevent development in any area prone to natural hazards. He suggested adding the phrase, "where reasonable mitigation cannot be achieved" to the end of Goal SAF-3. Ms. Lundstrom supported this suggestion, and noted the City risks getting sued for inverse condemnation when regulations strip property owners of the rights to develop their property without compensation.

Mr. Holmes referred to Action Program SAF-2.2.b and suggested adding "and other bridges" so as not to limit it to those key bridges.

The CAC moved on to review the policies and programs under Goal SAF-4. Mr. Sternberg referred to Policy SAF-4.2 which seems to apply only to new development, not remodeling or rehabilitation. He suggested that the policies more clearly apply to adapting existing structures. Planning Director Kaufman stated there could be a more specific reference to remodels. However, FEMA has existing regulations for that, and we need to be sure not to create conflicting policy. Ms. Capasso referred to Action Program SAF-4.2.b which refers to adaptation development standards. She suggested adding "during project review, apply development standards" to that program. Planning Director Kaufman noted that the word "parcels" in that action program should be changed to "existing development."

Mr. Holmes referred to Goal SAF-4 and suggested it refer to flooding due to seasonal overflow and sea level rise. Mr. Stahl suggested adding "tidal action" to that goal as well, which is one of the most significant sources of flooding. Ms. Nakai referred to SAF-4.5 and asked whether the floodplain has been identified and when it was last updated. Planning Director noted that FEMA designates flood zones. Different definitions of "floodplain" are used for FEMA purposes or when describing floodwater containment. Mr. Stahl said that difference between areas that flood unintentionally and intentionally should be made clearer in the policy. He asked how the City would maintain the floodplain. Planning Director Kaufman noted dredging is one method to maintain the floodplain. Ms. Lundstrom suggested deleting this policy in recognition of the competing meanings and agencies working on the issue.

Mr. Polsky asked whether guidelines for reducing impervious surfaces in development would be appropriate, in terms of drainage to the Bay. Planning Director Kaufman noted that staff would consider that, but those standards may appear in the draft Natural Environment and Resources Element rather than the Community Health and Safety Element.

Mr. Sternberg referred again to SAF-4.2.b, and stated that replacing “parcels” with “existing development” would exclude new development. Ms. Capasso stated that staff would clarify that they want standards to apply to existing development and standards to apply to new development. Mr. Holmes referred to SAF-4.1.a and asked whether Corte Madera should be included. Ms. Nakai supported this and suggested adding “adjacent agencies.” Planning Director Kaufman clarified that Corte Madera is not in the same flood zone as Larkspur (Flood Zone 9). Ms. Nakai noted that the levies in Corte Madera would impact Larkspur. Ms. Lundstrom suggested modifying the program to include other affected agencies and refer to the Flood Zone.

Mr. Holmes referred to SAF-4.6 on page 7-4 and suggested adding “maintain” to the policy. Ms. Nakai noted that there was a numbering error; there were two SAF-4.5 and SAF-4.6. The first two should be SAF-4.3 and SAF-4.4. Planning Director Kaufman noted that the numbering error would be corrected. Mr. Holmes referred to the second policy SAF-4.5 at the bottom of page 7-4 and suggested adding an acknowledgement of the cost to taxpayers to consider or weight the potential cost to taxpayers. Planning Director Kaufman suggested adding “conduct a cost-benefit analysis” to the program SAF-4.5.a to study funding improvements and cost impacts. Mr. Stahl asked whether the General Plan should discuss bond-financing and improvement districts. Mr. Kunstler advised against discussing financing mechanisms for capital improvements or initiatives in the General Plan and suggested if it is discussed, it should be in a separate Element. Pre-allocating funds may not be in the City’s benefit in the long term.

Mr. Friedrichs referred to the first Action Program SAF-4.6.a and suggested adding “consider” to the second clause of the sentence. The program as phrased could be seen as a mandate committing the City to any other improvements identified regardless of whether funding is available. Planning Director Kaufman suggested rephrasing it to “any other updates identified in that program.” The Capital Improvement Program is amended and adopted by City Council. Mr. Sternberg suggested adding “recommended.” Ms. Lundstrom noted that the General Plan is a 20 year plan. Planning Director Kaufman recommended the following rewording, “Any other recommended improvements identified in the future through the City’s Capital Improvement Program.”

Mr. Polsky stated the first Policy SAF-4.4 (written as 4.6) would be the appropriate place for programs addressing run-off mitigation strategies such as bioswales, reduced impervious surfaces, etcetera, to reduce run-off to the Bay.

The CAC moved on to review policies and programs under Goal SAF-5. Mr. Polsky referred to SAF-5.1.c and stated he was concerned about the City’s ability to carry out the program and the risk the City may take on by homeowners who assume the City has reviewed their home for seismic safety. Ms. Capasso stated that she discussed these policies with the Fire Marshal who does the resale inspections and the Building Inspector, and they are currently giving a general “heads up” about the safety standards required for seismic safety and that homeowners may need to have their own extensive evaluation done to determine seismic safety. Mr. Polsky noted that seismic standards change quite significantly over the years and it is dangerous for homeowners to assume their home is safe because it was built to certain standards which may be out of date. Planning Director Kaufman stated the program could be removed. Ms. Semonian suggested revising the program to read “provide general information on seismic safety with resale inspections.” Mr. Holmes, Mr. Polsky, and Ms. Nakai supported this language.

Ms. Semonian also suggested a program to provide homeowners with information about grants available to upgrade homes for flooding and seismic safety. Planning Director Kaufman noted that resale inspections may not be the best avenue to distribute flyers or other information about grants

available to homeowners, as they are generally applied for by the realtor. The realtor may not pass that information along to the homeowner. They are already required to disclose information about flooding or seismic hazards. Planning Director Kaufman stated Action Program SAF-5.1.c would be deleted.

Mr. Sternberg referred to SAF-5.1.b and asked why bolting the frames to the foundation was the only method referred to as a means to comply with current code. There are other methods available. Mr. Holmes suggested adding the phrase “or other measures” to the program. Mr. Sternberg referred to Action Program SAF-5.1.d and asked whether the City has its own revisions to the CA Building Code. Planning Director Kaufman stated the program was intended to require the City to adopt the newest versions of the code as when they are released, not to make its own amendments.

Mr. Polsky referred to SAF-5.1.e and clause (b) which implies that wood-frame homes do not need geotechnical investigations and that steel frames are unsafe, both of which may not be true. Planning Director Kaufman noted they would check with the Building Inspector on the accuracy of the program. Ms. Semonian referred to Policy SAF-5.1 and stated it seems like a bad idea to establish “acceptable levels of risk and life safety standards”- would that mean requiring homes to be built to withstand only up to a 6.0 earthquake? Mr. Polsky stated Policy SAF-5.1 probably intended for the City to apply existing levels of risk as established in the Building Code, rather than establish its own standards of risk levels. Ms. Semonian suggested using the word “adopt” rather than “establish” to clarify that intent.

Mr. Holmes noted that an Action Program SAF-6.1.d in the draft Element is referred to as the counterpart to Action Program [21] in the 1990 Element. Action Program SAF-6.1.d however doesn't actually appear in the draft document. Ms. Capasso stated staff would look into what happened to that program and why it may have been removed.

The CAC moved on to review policies and programs under Goal SAF-6. Mr. Friedrichs suggested adding an action program to encourage planting of certain types of trees or vegetation to help maintain soil integrity and prevent landslides under Policy SAF-6.1. He suggested the language “Encourage the planting of vegetation inasmuch as it does not create a fire hazard to help mitigate the risk of landslides and debris flows.” Mr. Kunstler noted that there are other policies in the Natural Environment and Resources Element that require the use of native species and stated a new policy should be consistent with that.

Mr. Sternberg referred to SAF-6.2.c and asked why the phrase “state of the art” was used in the program. He suggested it be removed.

Mr. Polsky referred to SAF-6.2.a which refers to areas within “100 vertical feet of a ridgeline.” This reference seemed to be more a planning issue about preventing view impacts rather than having to do with safety. Planning Director Kaufman agreed and stated it seemed out of place in a safety context. Mr. Polsky then referred to Action Program 6.2.c(b) which requires engineering for stepped or terraced retaining walls. The City has a code that any retaining wall over a certain height has to be designed by an engineer. The code wouldn't require a two foot retaining wall to be designed by an engineer, but this program seems like it requires it. It may be better to say “as it meets the height limits as established in the building code” or remove it since the building code already requires that. Mr. Sternberg agreed and stated he found Action Program SAF-6.2.c in particular to contain very specific requirements that are almost all covered by building codes. He doesn't know why the programs are so detailed. There are other programs that aren't as detailed. Mr. Friedrichs agreed and stated including such detail runs the risk of having out of date programs as the building codes are revised. Planning Director Kaufman stated staff would go through the

whole Element and look at areas that may be out of date and strive to make more detailed programs more general, where appropriate.

Mr. Polsky referred to Action Program SAF-6.2.f(a) and stated the last line of the program conflicts with current policy. Planning Director Kaufman stated it would be removed and the rest of the program would be examined. Ms. Nakai suggested a more overarching policy to ensure that all projects meet current building code requirements.

The CAC moved on to review policies and programs under Goal SAF-7. Ms. Nakai suggested adding a new program under Policy SAF-7.1 to “actively maintain hillside area parking restrictions.” Where she lives, the white paint that indicates allowed parking areas has deteriorated, as has the red paint which indicates where you can’t park. The signs that state “no parking” are blocked by vegetation. People often can’t see the designated areas to park and thus the streets are often blocked. Planning Director Kaufman suggested using the language “regularly maintain” rather than “actively.” Ms. Nakai said she thought maintenance should be a high priority in fire prone areas. She also questioned authorizing three projects on Ward Street which is the main fire truck access for Sycamore Canyon and the King Mountain open space, and asked how fire safety would be provided for during construction. Planning Director Kaufman stated that the City required a construction management plan which shows how they will accommodate access for fire trucks and other safety services.

Mr. Sternberg referred to Action Program SAF-7.1.a and suggested the word “established” be replaced with “adopt.” He then referred to the Ready Set Go! Program and suggested it not be named in the program as other programs might replace it. Mr. Holmes noted the word “successor” could be used to ensure that other programs are also covered. Mr. Sternberg referred to Policy SAF-8.2 and asked why the word “stringent” was used. There are codes for private development in high risk fire areas, and the wording implies the City is doing something more stringent than existing code.

Ms. Nakai suggested adding an action program under Policy SAF-8.1 to “prioritize grass, weed and tree maintenance in interface areas between the City of Larkspur and open space areas.” The Fire Department has made it very clear that those areas are where they will make their stand if a wildfire approaches Larkspur. Planning Director Kaufman stated that the General Plan regulations generally do not include for prioritization, but staff will consult with the Fire Department and Public Works to create a program with a similar intent.

Mr. Polsky referred to Action Program SAF-8.2.b and suggested adding “significantly remodeled,” to be consistent with current code. He referred to SAF-8.2.d and suggested replacing “alarm” with “detector” and replacing “Class C” with “Class A.” There are wildland-urban interface guidelines established throughout California and suggested mentioning them here. Planning Director Kaufman stated that staff would make the correction and consult with the Fire Department.

Mr. Holmes referred to the previous wording of Goal SAF-8, which in the 1990 Element had a clause at the end “...and ensure adequate fire protection.” He asked why that language was dropped from SAF-8. Ms. Capasso stated it was removed because Goal SAF-7 refers to protection, so including it in Goal SAF-8 would seem redundant. Goal SAF-7 focuses on protection while Goal SAF-8 focuses on minimizing risk.

The CAC moved on to review the policies and programs under Goal SAF-9. Mr. Holmes suggested removing the word “accidental” from Goal SAF-9. Planning Director Kaufman stated staff would have to reexamine that. Mr. Sternberg said as currently worded it sounded like deliberate exposure was not covered under the policies. Planning Director Kaufman noted that state agencies regulate

hazardous industries and the City doesn't want to get involved in that level of regulation. Mr. Polsky supported removing "accidental" from the goal.

Ms. Semonian referred to Action Program SAF-9.2.b and asked whether a gas truck is considered a hazardous materials transporter; she didn't think the City would want to know every time a gas truck comes into town. Ms. Capasso suggested defining what hazardous materials would be defined as, and stated staff would investigate further what definitions may exist.

Mr. Friedrichs referred to Policy SAF-9.4 and suggested adding "material" in addition to waste. Many hazardous materials are stored in the home. Planning Director Kaufman suggested adding "storage" to that policy as well. Mr. Kunstler suggested strengthening the language of Policy SAF-9.4. There are legally binding regulations for the disposal of hazardous materials, and the City could warn the public if they are in violation of those regulations. He suggested that the City inform the public that there is an enforcement mechanism for it. Planning Director Kaufman stated she didn't want to create an expectation for enforcement that the City can't meet.

Mr. Sternberg referred to SAF-9.2.b and asked whether there are current requirements for hazardous waste transporters to contact the City. If there are not, then the General Plan would be creating a new policy for transporters to follow that they don't have to follow elsewhere. Mr. Holmes noted that the policy appeared in the 1990 Element. Planning Director Kaufman stated Mr. Sternberg had a good point and staff would look at the policy again in consultation with the Fire Department. Mr. Sternberg suggested eliminating SAF-9.2.b because SAF-9.2.a addresses the issue.

Mr. Holmes suggested adding a program under Policy SAF-9.2 encouraging or requiring to the extent possible that utilities identify hazardous or large gas transmission lines, to provide information about them, and to work with agencies to replace those found to be hazardous.

5. Review the anticipated scope and timeline of the SMART Station Area Planning study.

Planning Director Kaufman stated she is currently working on the draft work program. The funding agencies (the Association of Bay Area Governments and the Metropolitan Transportation Commission) have said that it will take around two months to get the contracts signed. She will provide them with a draft work program soon. When the draft work program is completed, the City will issue a Request for Proposals to start the consultant selection process. The City will also start outreach to residents and property and business owners from the area to join the Station Area planning CAC. It will be at least an 18 month process once the consultants are on board. However the Station Area planning study CAC will not meet as often as the General Plan update CAC as the consultants will have to have time to gather background information. The General Plan Update CAC will continue into the end of the year to review a final draft of the General Plan with all CAC recommendations incorporated. The work that the consultants complete for the Station Area planning process can be used in the General Plan EIR.

Mr. Blum asked whether the General Plan can be updated before the Station Area Plan is complete. Planning Director Kaufman noted that the General Plan needs an EIR before it can be adopted, and also that the Station Area Plan will generate land use policies that will need to be incorporated into the General Plan. The City hopes to complete the EIR for the General Plan at the end of the 18 month Station Area planning study.

6. Review meeting minutes of May 23, 2011.

The CAC approved the minutes of May 23, 2011, as amended.

7. Distribute Community Facilities and Services Element.

The draft Element was distributed.

8. Next Steps.

Planning Director Kaufman

Next meeting: June 27, 6:30 to 8:30 p.m.

Adjournment

The CAC adjourned at 8:30 p.m.