

Citizen Advisory Committee
Meeting Minutes
May 23, 2011

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

Absent: Alice Anderson, David Esposito, Jerry Hauser, Nancy Nakai, Jared Polsky, Nancy Spivey, and David Sternberg.

Staff: Planning Director Nancy Kaufman, Senior Planner Neal Toft, and Contract Planner Julia Capasso.

1. Announcements

With the consensus of the Committee, Planning Director Kaufman announced that Agenda Items 6, 7, and 8 would be moved up after item 3. Ms. Heitkamp announced upcoming walking photo tours for the "Photo Ops" group on June 2 and June 16 from 9 to 11 a.m. Planning Director Kaufman announced that Ms. Spivey offered to lead another additional walk to Miwok Park and Tubb Lake. The City will conduct additional walks of the area in the fall, which may cover more area, including Ms. Spivey's offer to lead a walk to Miwok Park.

Mr. Friedrichs announced he attended the May 12 meeting of the Larkspur School District Facilities Expansion Committee, which was looking at options to expand capacity in the District. Both schools in the district are above capacity. The option with the most support was to open an elementary school at the San Clemente school site, which is currently leased to a private school. One variation of that option was to split the campus so that the public and private elementary schools operated simultaneously, though that may cause overcrowding. There will be another town hall meeting on the issue on June 7. The District is also looking at putting a bond on the ballot in November. Ms. Semonian stated that the District was conducting phone polls and to be aware that the calls are from an 800 number.

Senior Planner Toft announced that he and Ms. Capasso attended the May 11 One Bay Area community meeting sponsored by ABAG and MTC, which was intended to educate the community about the benefits of planning housing near transportation hubs. Most attendees found the process to be geared to obtain specific conclusions rather than an attempt to gather public input.

2. Public Comment.

There was none.

3. Discuss Draft Natural Environment and Resources Element.

Planning Director Kaufman stated that the City had received comment letters on the Draft Natural Environment and Resources Element from the Friends of Corte Madera Creek and the Marin Audubon Society, which were provided to the CAC members for review. Staff will incorporate these comments into the revision of the draft Element.

Goal ENV-4

Policy ENV-4.1 and associated programs

Mr. Friedrichs referred to Action Program ENV-4.1.c and asked for an example of cluster development. Planning Director Kaufman stated the Drake's Cove development, 23 market-rate single family and duplex homes off of Sir Francis Drake Boulevard east, is an example of clustered development. The developer clustered the development, to save open space land, in exchange for larger clustered homes with larger floor area ratios. Ms. Heitkamp noted that Creekside also is a good example of clustered development.

Ms. Leitzell referred to Action Program ENV-4.1.b and asked whether educating children would be a budgeted program for the City. Planning Director Kaufman stated no, but there may be ways to accomplish the program that are not very costly, such as City staff giving presentations to a class on the City's activities. Ms. Leitzell stated there were many existing programs in schools about environmental issues and it may be redundant to have a proactive plan in place for the City. Planning Director Kaufman acknowledged that point, but the City can also make the option available.

Policy ENV-4.2 and associated programs

Ms. Daly noted the terms "designated" and "dedicated" in reference to open space, and asked for clarification of the differences between the two. Planning Director Kaufman explained that "designated" refers to open space land shown on the General Plan Land Use Map, which shows all land use designations. "Dedicated" refers to open space land usually donated by a developer as a requirement of project approval. Mr. Holmes suggested that the General Plan Land Use Map be updated to reflect private dedicated open space. Planning Director Kaufman agreed.

Ruth Nash, Bayo Vista Avenue, provided the following comments:

- What is considered dedicated private open space? Were the courtyards at Larkspur Courts private open space?

Planning Director Kaufman stated that if a developer agrees not to build on a portion of a sloped property, the City may allow the developer to get the density of the full parcel transferred to the part of the parcel they are building on if the remaining land is put into an open space easement that cannot be built on. The land that is "dedicated" for open space in that case is not usually publicly accessible.

Policy ENV-4.3 and 4.4 and associated programs

Mr. Friedrichs asked for background information on the Marin County Open Space District's interests in acquiring more open space in Larkspur. Planning Director Kaufman stated that staff has not checked on the District's current interests, but there are two open space preserves in Larkspur owned by the District. There are land-locked parcels of land that are either owned by the City or private parties within these Open Space preserves. It would make sense for these land-locked parcels to be added to the Open Space District.

Ms. Daly suggested adding "shorelines or wetlands that are not appropriate for development" to the end of Policy ENV-4.4. The CAC had discussed discouraging development close to riparian areas and establishing setbacks. If there were setbacks established, wouldn't the City want the land to be acquired and management as protected open space? Planning Director Kaufman explained that setbacks are usually established within a privately owned parcel to limit development of the area within the setback. In most cases, it wouldn't make sense for part of a private parcel to be acquired.

The CAC generally agreed with Goal ENV-4 and its associated policies and programs as drafted, with the recommendation that private dedicated open space be included in Policy LU-4.2.

Goal ENV-5

Policies ENV-5.1, 5.2, and 5.3

Ms. Semonian recommended moving the phrase “prioritize the protection of water resources” to the beginning of Policy ENV-5.1. Ms. Leitzell stated that encouraging high density housing in areas near water resources, such as Bon Air and Larkspur Landing, would run counter to this policy as roads would likely need to be widened. Planning Director Kaufman stated that Sir Francis Drake Boulevard is constrained by water resources that would limit its potential for widening. Policy ENV-5.1 would address that. Ms. Leitzell stated that if a traffic study was completed for a housing development proposal that found traffic would be increased, there would be no proposal to widen the road? Planning Director Kaufman responded that for Sir Francis Drake specifically, widening may not be proposed but lane configurations or selected widening of the roadway could be options, as well as providing alternative transportation to private vehicles.

Mr. Kunstler asked if revising Action Program ENV-5.2.b to read “When road improvements in or adjacent...” would address Ms. Leitzell’s comments. Planning Director stated that Action Program referred to construction debris and how to dispose of it, which was slightly different than Ms. Leitzell’s concern. Mr. Osthus suggested removing the word “road” from Action Program 5.2.b. Planning Director Kaufman stated that Policy ENV-5.2 specifically refers to road impacts. Mr. Osthus stated that “road” could be removed from the policy as well to apply to all construction impacts. Planning Director Kaufman stated that other programs address the impacts of construction in general, such as Policies ENV-5.4 and 5.5. Mr. Osthus agreed but stated he didn’t find the reference to “road” in Policy ENV-5.2 to be particularly meaningful.

Ms. Daly stated that she found the policies to be redundant as policies under Goal 3 addressed impacts on riparian areas. She also suggested reorganizing the Element to where “water” related policies are together. Mr. Holmes stated a cross-reference would be helpful in this case. Planning Director Kaufman stated that Goal 3 is intended to protect the habitat of riparian areas rather than the water, though some of the Goal 3 policies did address water impacts and could be moved to this section. Staff will look at reorganization of the Element to address those concerns.

Policies ENV-5.4, 5.5 and 5.6

Ms. Semonian suggested that ENV-5.4 be broader to address low impact development techniques and rewording Action Program 5.4.b to address low impact development techniques. She suggested a new program under Policy ENV-5.4 to consider a regulation for new development to limit the rate of site run-off to pre-project conditions. Planning Director Kaufman referred to the Marin County Stormwater Pollution Prevention Program guidelines referred to in Action Program ENV-5.4.b and stated they include low impact development strategies. She also agreed that the language could be improved to reflect current terminology and asked if Ms. Semonian could provide her suggestions to staff.

Ms. Weninger stated she thought the suggestions from the Committee thus far were good, and that the policies under this section are more comprehensive than those in the existing 1990 General Plan. Planning Director Kaufman stated that in the next version of the draft Element staff will propose setbacks so they can be studied in the EIR.

The CAC generally agreed with Goal ENV-5 and its associated policies and programs as drafted, with the recommendation that the water resources and riparian policies are reorganized, and Ms. Semonian's suggestion to add references to low impact development in Policy ENV-5.4 and Action Program ENV-5.4.b, as well as the added action program.

Goal ENV-6

Policies ENV-6.1 and 6.2 and associated programs

Mr. Friedrichs stated that Policy ENV-5.3 supports Marin Municipal Water District's (MMWD's) efforts to restore the watershed, and asked how necessary Policy ENV-6.1 was to encourage water conservation considering those restoration efforts, unless it is a drought year. Planning Director Kaufman stated that in California water is always considered a limited resource, even if it is not a drought year. Low-flow sprinkler heads, shower heads, toilets and other water-saving appliances should be required regardless of current water supplies, as a drought could be forthcoming. Ms. Capasso stated that watershed restoration generally is intended to protect water quality rather than to increase water supply, so Policy ENV-5.3 and ENV-6.1 have different intentions.

Mr. Kunstler asked whether Policy ENV-6.1 could be construed to be a pre-endorsement by the City of water rate increases by the District. Planning Director Kaufman said it was possible someone could consider it that way, but she doubts the City would be held to that interpretation. Policy ENV-6.2 addresses the issue more directly, so ENV-6.1 may not be necessary. Mr. Hillmer suggested that Policy ENV-6.1 be revised to read "Support local efforts to reduce water consumption" which would remove that specific reference and focus specifically on water consumption.

Ms. Weninger referred to Action Program 6.2.b and asked how the City can require private landscaping to use drought tolerant plants. Planner Toft stated that MMWD has an ordinance in effect that requires water efficient landscaping measures when there is rehabilitation of landscaping. When the City is processing a remodeling application or some other landscaping work, they require compliance with that ordinance. Ms. Weninger suggested that the Action Program be amended to refer to the permitting process as the mechanism for requiring drought-tolerant plants. Ms. Leitzell asked if an applicant wanted to plant a rose garden, would that not be allowed under this ordinance. Mr. Toft stated that MMWD's ordinance gives a certain allotment to high-water use plantings, but the overall landscape should be water efficient.

Mr. Folk referred to Policy ENV-6.1 and stated that since the City is a member of the water district, the reference to MMWD shouldn't be removed entirely. Planning Director Kaufman stated that the suggested revision to refer to "local efforts" would include efforts by local groups as well as MMWD. Mr. Folk suggested that the language be broadened to include a reference to "District wide" and added that rainwater catchment systems should be supported in policies under this Goal. Ms. Capasso stated that the City's Climate Action Plan includes policies to encourage rainwater catchment systems, and those policies are implemented in Action Program ENV-6.2.a. She stated the Action Program could specifically refer to rainwater catchment.

Ms. Semonian suggested that Action Program ENV06.2.b use the phrase "water conserving landscape requirements" rather than "drought tolerant plantings," which is more in line with MMWD's requirements. Planning Director Kaufman stated that the action program requires consistency with MMWD regulations, which would address that concern. Ms. Weninger suggested adding both phrases to the Action Program. Planning Director Kaufman stated staff would look at a broader statement.

Ms. Leitzell stated she was concerned Action Program ENV-6.2.b would allow the City to micro-managing private landscaping. Planning Director Kaufman stated that the program refers to compliance with existing state and regional regulations, so the City would not be going beyond those established regulations. The City is required to comply with state law regarding water conservation and compliance with the MMWD regulations.

The CAC generally agreed with Goal ENV-6 and its associated policies and programs as drafted, with the recommendations that Policy ENV-6.1 be revised as discussed, to refer to the permitting process and broaden Policy ENV-6.2.b, and to refer to water catchment systems in Action Program ENV-6.2.a.

Goal ENV-7

Policy ENV-7.1 and associated programs

Mr. Friedrichs referred to Action Program ENV-7.1.b and suggested adding the phrase “where such views are achievable” at the end. Mr. Hillmer asked whether the purpose of Action Program ENV-7.1.b was to apply to public properties. Planning Director Kaufman responded yes. Mr. Hillmer said that in the past the City Council has used a similar standard for public properties and public rights-of-way. Planning Director Kaufman stated that this Program is in the existing 1990 General Plan as Action Program [10]. She referred to conditions of approval included in the CLASP that required a view corridor for Mt. Tamalpais. Mr. Hillmer stated he thought it should be clarified from where the views would be protected.

Mr. Friedrichs referred to the phrase “open up” and stated that the phrase may require cutting something down or demolishing something to create new views. Planning Director Kaufman stated they could remove that phrase. The design review findings for projects allow the Planning Commission to consider preserving views of major open space features, including Mt. Tamalpais. Staff will revise this Action Program to be more closely aligned with the design review findings. She noted that the City does not have a view ordinance.

Mr. Folk stated that Policy ENV-7.1 refers to increasing visual access, so if “open up” is removed from the applicable Action Programs the Policy will need to be changed as well. He asked if there is any requirement for property owners to maintain their trees. Planning Director Kaufman stated that there was no specific ordinance addressing that, though there are more general ordinances addressing upkeep of landscaping.

Mr. Holmes referred to the CAC suggestions to increasing the access to the creek area in the North Magnolia area, such as the possibility of a boardwalk, which would fall under Policy ENV-7.1 as presently worded.

Mr. Kunstler referred to Action Program ENV-7.2.a and asked whether dredging would be required to implement this program. Planning Director Kaufman stated that the program referred to access to the Creek and Bay in terms of public docks or walkways on the creek bank, not addressing the navigability of the Creek or Bay once you’re in it. Mr. Hillmer suggested inserting “public” before “access” for further clarification.

The CAC generally agreed with Goal ENV-7 and its associated policies and programs as drafted, with the recommendations that Policy ENV-7.2. be more closely aligned with existing design review requirements and adding “public” to Action Program ENV-7.2.a.

Goal 8

Policy ENV-8.2

Ms. Weninger referred to the provision of design “consistent with the character and scale of the community” and stated she is not sure what is meant by the term “Larkspur’s unique community character.” The character of the community changes from place to place- Larkspur Landing Circle is very different from Monte Vista Avenue, which is different from Creekside, which is different from Skylark, and so on. Planning Director Kaufman stated that the Policy could be revised to refer to the “surrounding community.” Mr. Osthus stated that the policy is written so that the character and scale of the community trumps retaining valuable open space, but the Goal is to promote development that minimizes impacts on the environment. The policy contradicts the goal.

Ms. Leitzell stated that sometimes the dedicated open space resulting from clustered development is not usable or valuable space, such as the Drake’s Cove development. The marshland dedicated through the Creekside project, on the other hand, is very well used by the public and clearly valuable to the community.

In a straw poll, five CAC members voted to revise Policy ENV-8.2 to read “surrounding community.” Seven CAC members voted to remove the last phrase of the policy, “provided the design.” Ms. Weninger agreed with Mr. Osthus statement that the Policy as worded conflicted with the overall goal. Interpreting the General Plan is a balancing act, and there is a chapter dedicated to community character. Mr. Kunstler agreed with Ms. Weninger’s comments.

Ms. Daly stated that Policies ENV-8.1, 8.2, and 8.3 did not belong under Goal 8. She thought the theme of sustainable development would be more appropriate under the Land Use element or could be moved under Goal ENV-4, addressing open space, as they seemed more geared towards protecting open space. Planning Director Kaufman stated that staff would look at redistributing those policies.

Mr. Osthus referred to Action Program ENV-8.4.c, which includes “remodel or rehabilitation projects,” but the Policy ENV-8.4 only refers to new development. Planning Director Kaufman stated the Policy would be amended to be consistent with the Action Program.

Goal 9

Mr. Friedrichs suggested that “electronics recycling” be added and using “yard waste” rather than “vegetation waste” in Policy ENV-9.1. Mr. Kunstler stated there was no policy addressing banning merchant’s use of plastic bags. Planning Director Kaufman noted that such ordinances have been legally challenged for not conducting an EIR, but an Action Program to consider such an ordinance would not be subject to such requirements. The City of San Rafael and a number of other Marin cities met in a committee to address plastic bag bans to look at sample policy language, once the County resolves the lawsuit regarding its plastic bag ban ordinance. Ms. Semonian stated that Fairfax passed a voter initiative to ban plastic bags and the City can’t be sued since it came from the people, not the City. Planning Director Kaufman stated the City would most likely wait for the County to conclude its EIR and then adapt an ordinance based on that. She suggested adding an Action Program to consider a plastic bag ban.

The CAC generally agreed with Goals 8 and 9 and their associated policies and programs as drafted, with the vote recorded on 8.2, reorganization of policies ENV-8.1-8.3, adding “existing” to Policy ENV-8.4, adding “electronics recycling” and “yard waste” to Policy

ENV-9.1, fixing a typo in Action Program ENV-9.2.a, and adding an Action Program under Goal 9 to consider a general ordinance to ban plastic bags.

6. Review meeting minutes of May 9, 2011.

The CAC approved the minutes of May 9, 2011 as submitted.

7. Distribute Community Facilities and Services Element.

Planning Director Kaufman stated that the Element was going under further review by other City departments and would be distributed at the June 13 meeting.

8. Next Steps.

Planning Director Kaufman directed the CAC's attention to the handout of a revised page 4 to the 5/9/11 Work Plan; the revised page includes a correction to the CAC's review of the draft Elements. The CAC will conclude its discussion of the Natural Environment and Resources background section at the June 13 meeting.

4. Discuss Constraints and Opportunities for future development in the Larkspur Landing area.

Mr. Moore stated that he lives in Larkspur Courts, and thought the tour was enjoyable and gave some new information about the area. Mr. Holmes agreed. Mr. Folk agreed and said that it was interesting to see how the office buildings and apartments incorporated so much useable outdoor space. He was curious to hear from CAC residents who live in the area about how they feel about development pattern there. Ms. Weninger stated she was very impressed with how the Larkspur Courts were designed and how landscaping was incorporated into the housing. Mr. Moore stated that he has been disappointed with the direction of the Marin Country Mart.

Ms. Semonian asked whether there was any further information about the Larkspur Courts transitioning from rental apartments to condominiums, and asked whether the City would realize any significant increase property tax revenue from such a conversion. Mr. Moore stated that the development currently had a 96 percent occupancy rate, and the Larkspur Municipal Code precludes condominium conversion if the vacancy rate is less than 5 percent. He added that they may have been designed as condominiums in the 1980's, but they are no longer up to current standards. Planning Director clarified that since they were developed as condominiums, it wouldn't be considered a conversion under that portion of the Municipal Code. Mr. Moore questioned that interpretation.

Ms. Weninger stated that the most notable issue identified on the walking tours was how SMART users would be connected to the Ferry, and how existing bicycle and pedestrian circulation be improved. There are no good, safe routes to get safely from one place to another. Planning Director Kaufman stated that the Station Area Planning study would be geared towards the station connectivity, and some improvements may be able to be implemented sooner rather than later.

Jean Severinghaus, resident of the Greenbrae Boardwalk, provided the following comments:

- She thought the tour was well organized and interesting, and she learned some new things.
- She shares the interest in improving pedestrian and bicycle circulation sooner rather than later.
- She suggested a bike recognition camera on Larkspur Landing Circle at Sir Francis Drake Boulevard; a biker can wait for several light cycles if there is no car there.

- That could be implemented now.
- The planning process should address bicycle and pedestrian paths in the area and how it could be impacted by sea level rise.
- A flood survey showing elevation would be particularly helpful and would help focus planning efforts.

Mr. Folk stated that the resident and merchant feedback from the North Magnolia area meeting was very helpful and suggested doing the same thing for the Larkspur Landing area merchants. Planning Director Kaufman noted that the City will outreach to residents, property owners, and business owners from both Larkspur landing and the Redwood Highway area to join the Station Area Planning committee. Those groups will be contacted to participate in future meetings as well.

5. Review the updated General Plan Update Work Plan and anticipated scope and timeline of the SMART Station Area Planning study.

Planning Director Kaufman stated this would be discussed at the next meeting.

Next meeting: June 13, 6:30 to 8:30 p.m.

Adjournment

The CAC adjourned at 8:30 p.m.