

Citizen Advisory Committee
Meeting Minutes
May 9, 2011

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

Absent: Alice Anderson and Nancy Nakai.

Staff: Planning Director Nancy Kaufman, facilitator Ben Noble, and Contract Planner Julia Capasso.

1. Announcements

Bruce Friedrichs, a former Larkspur School District Board member, stated he recently attended a Facilities Committee meeting of the Larkspur School District, which is charged with looking at rehabilitation of existing school sites and the expansion of school facilities in the District. The District has been growing steadily for the past 15 years. There are currently 1,330 kids in the district, with 720 at Neil Cummins and the rest at Hall. Best practices say that an elementary school site should never exceed 650 kids. A forecast commissioned by the Facilities Committee projects that by 2121, there will be at least 1,427 kids in the District, 814 of whom will be at Neil Cummins. There is an upcoming meeting on Thursday, May 12 at Neil Cummins Gymnasium at 6:30 p.m. to review the different facilities and options, followed by a town hall meeting at 7 p.m. The Facilities Committee is recommending, subject to Board approval, opening a third school on the San Clemente property which the District owns and is currently leased by a private school, Lycee Francais. One of the options is to allow the private school and the public school to coexist, which would be good for the District since they get good lease income from the private school. There are many issues to look at. The Committee is leaning toward having two K-5 campuses, with Hall remaining as the middle school. Currently Neil Cummins is grades K-4 and Hall is grades 5-8. The website www.larkspurschools.org has meeting minutes and other information.

Planning Director Nancy Kaufman announced that the Association of Bay Area Government (ABAG) will hold a workshop on the Sustainable Communities Strategy on Wednesday, May 11 from 5:30 to 8:30 p.m. at the Embassy Suites in San Rafael. She also announced that the City was awarded the SMART Station Area Planning grant from the Metropolitan Transportation Commission (MTC). Accordingly, the proposed work plan for upcoming Committee meetings has been updated. She asked CAC members who are interested in continuing to serve on the Committee for the Station Area Plan to contact staff. The Station Area Plan process will likely last from 18 months to two years. The CAC for the General Plan update is anticipated to conclude its work in November or December of 2010.

Ms. Capasso announced that the City borrowed a 3-D model of the Ross Valley Watershed from the Friends of the Corte Madera Creek which was on display in the Chambers. Joan Lundstrom stated that she represented Larkspur on the Flood Control District for many years, and is happy to answer any questions about the flood control programs in the Ross Valley. She also reported to the Larkspur City Council on the status of this Committee, and stated she was very impressed with everyone's commitment, and how succinct and outstanding all the comments and discussions have been. She encouraged CAC members to continue with the Station Area Plan study, which will address sea level rise and other important issues and will be a model study for other communities in the Bay Area. She also announced that there is one vacancy on the Library Board. Interested persons can look at the announcement on the City's website.

Daniel Kunstler asked whether representatives from various City boards and commissions will be asked to serve on the Committee for the Station Area Plan. Ms. Lundstrom stated the City Council has not determined that yet.

James Holmes stated the Planning Commission would hear an application to expand the mini-storage facility in the North Magnolia area on Tuesday, May 10. Planning Director Kaufman announced that the City received an appeal of the Planning Commission's approval of the removal of one heritage tree at 1115 Magnolia Avenue (the future West America Bank location), which will be heard by the City Council. She also announced walking tours of Larkspur Landing to be held on Monday, May 16 from 4:30 to 6 p.m. and Saturday, May 21 from 10:30 a.m. to noon. The tours will begin at Starbucks in the Marin Country Mart. As they add people to the Committee later for the Station Area study, they will likely hold a makeup tour.

2. Public Comment.

There was none.

3. Review and discuss the April 25 North Magnolia area workshop.

Planning Director Kaufman stated that the meeting was excellent and staff has gotten a lot of feedback from residents, businesses, and property owners in the area. Many have come up with suggestions for names for the area, including "Uptown." The City is planning to hold a meeting on either June 6 or June 20 with the North Magnolia businesses, property owners, and residents to discuss what kind of name or theme they would prefer for the area and whether they want to present something to the City Council. Staff will rewrite the North Magnolia policies in the Draft Land Use Element to reflect the feedback received from the meeting, which the CAC will review when it is available. The City will also follow up with the businesses' progress in establishing a business association or ad hoc committee. She recognized the CAC volunteers who visited the businesses, which really made a difference in the meeting's success.

Joan Lundstrom stated she spoke with the City Council about the issue brought up by a business owner regarding users of College of Marin's (COM) sports fields (particularly Branson school) parking in the businesses' parking area. The Council agreed to send a letter to COM alerting them of this and requesting COM to require all people using that field to park in the COM owned parking lot, not in parking designated for Larkspur businesses. Mr. Kunstler suggested sending a letter to Branson School as well.

4. Conclude discussion of Draft Land Use Element.

Goal LU-12

Elise Semonian suggested that Policy LU-12.1 not limit environmental review to projects that fall under the California Environmental Quality Act (CEQA), but should expand it to all projects. Planning Director Kaufman suggested a policy that addresses reviewing all projects for CEQA compliance, and a separate policy to monitor all projects that are subject to CEQA. Mike Folk asked what projects would be exempt from CEQA. Planning Director Kaufman stated that infill development of five acres or less that doesn't impact sewer, traffic, or water, and meets zoning and the General Plan are exempt. Those projects still should be monitored to make sure they adhere to those requirements. Under SB 375 (2008), if a City's General Plan complies with the Sustainable Communities Strategy, and the project complies with the General Plan, the project may be exempt from CEQA. The law hasn't yet been implemented, so she is not sure exactly how it may be

implemented. She suggested that staff come back with a more general policy that addresses all projects, but retain the policy addressing CEQA directly.

Julie Leitzell asked whether the environmental review required under CEQA was performed by the City or the property owners. Planning Director Kaufman responded that the applicant pays for the environmental review, which is performed by an independent consultant hired by the City. Ms. Leitzell stated that might be a reason not to make a policy too broad or too general, if the City wants to encourage infill or second units. Having more regulations might make it more difficult for property owners. Mr. Folk agreed with Ms. Leitzell's statement, and stated the City needs to consider who would be impacted by a broader policy. Planning Director Kaufman stated that staff will look at it and come back to the CAC with a more balanced policy.

David Sternberg referred to the background narrative on page 2-31, third paragraph, which reads, "Among the many required areas of study in the environmental review process include the project's contribution to the emission of GHG's." He requested clarification on what the required areas mentioned would be. Planning Director Kaufman stated that the required areas of study are listed on the Environmental Checklist required under CEQA. [NOTE: Under SB 97 (2007), greenhouse gas emissions were found to be subject to CEQA. The CEQA guidelines were updated in March of 2010 to include thresholds of significance for greenhouse gas emissions from a project.]

The CAC generally supported Policies LU-12.1, 12.2, and 12.3 and their associated action programs as drafted, with staff modifying the language of Policy LU-12.1 to address both Ms. Semonian and Ms. Leitzell's comments.

Goal LU-13

Mr. Holmes referred to Policy LU-13.2 and suggested adding the word "existing" in front of "development." He thinks the focus should be on preservation of existing development rather than creating more land through diking or other actions that we would have to defend later. Mr. Friedrichs stated that he wanted to make sure LU-13.1 and LU-13.2 are addressing planned and existing development. He suggested adding "seasonal flooding" to Policy LU-13.2. They don't want any development moving forward that does not have an adaptation or mitigation strategy, whether proposed or existing. He does not want to encourage new growth that would be at risk to flooding. Mr. Moore agreed with Mr. Holmes and stated that they have to be aware of existing development that is there. Any additional development will have to take sea level rise and flooding into account; however, they have to address the existing development primarily.

Mr. Sternberg referred to Action Programs LU-13.1.a and LU-13.1.b, and asked whether the City is tracking all the proposed studies, investigations, establishment of guidelines, and so on suggested by these programs, and who will pay for them? Planning Director Kaufman stated it is a 20 year plan, which gives the City time to implement them. Also, grant monies are often restricted to projects that comply with the City's General Plan, so by including these directives in the General Plan, the City has more leverage when applying for grants that could accomplish those objectives. Mr. Sternberg asked what happens if the action programs aren't implemented at the end of the planning period. Planning Director Kaufman stated that many things may not be accomplished, but the City is more likely to accomplish directives if they are in the General Plan. Mr. Sternberg asked how implementing the action programs are prioritized. Planning Director Kaufman stated that many factors affect the prioritization, including funding available, grants received, the City's Capital Improvement Program, and the City Council's priorities. Ms. Capasso stated that many programs that charge the City to "investigate" a matter or "establish standards" may not necessarily entail a significant financial or temporal investment on the City's behalf; for instance, BCDC is sponsoring a

pilot program with the City of Alameda to create policies to address sea level rise, which other local jurisdictions may reference in their own policy-making.

Nancy Weninger referred to Goal LU-13 and noted that there are no policies related to wildland fires or other hazards that are referenced in the goal. Planning Director Kaufman noted that “other hazards” was added to the goal at the suggestion of a CAC member. They are covered more in other Elements, but the feeling was that they needed a general goal in the Land Use Element as well. Ms. Weninger suggested that the Goal should either not name individual hazards, or that policies for the other hazards be added.

Mr. Kunstler requested clarification on how “existing development” is used in the policies under Goal LU-13. Development connotes something that is in progress; is that what the policy refers to or is it referring to established developed areas? Ms. Capasso stated it refers to developed areas.

The CAC generally supported staff revising the policy language under Goal 12 to make it clear that the City is avoiding encouraging development in at risk areas, and to address the discrepancy between the hazards noted in Goal 13 and the policies falling under that goal.

Mr. Friedrichs suggested that staff keep in mind the shifting of areas at risk to sea level rise. Ms. Lundstrom stated that the San Francisco Bay Conservation and Development Commission (BCDC) will be advising all cities and counties in the Bay Area for language to use regarding sea level rise policy. Their projections range from low to high-end projections up until the year 2100. Planning Director Kaufman noted that sea level rise is addressed further in the Community Health and Safety Element.

Ms. Leitzell asked for clarification regarding the “Land Use Changes” section at the end of the Element. Planning Director Kaufman stated that this section is reserved for any changes to the Land Use Map that result from policies in the updated General Plan. Ms. Leitzell asked why the Bon Air Center was listed for a land use change. Planning Director Kaufman noted that it shouldn’t be included, as the land use designation would not be changing. The zoning already allows for housing above the commercial; the only change is to allow the residential to be built over the parking lot. The CAC had discussed and made recommendations on this issue previously.

5. Discuss Draft Natural Environment and Resources Element.

Goal ENV-1

Policy ENV-1.1

Mr. Friedrichs stated that wild animals, including bobcats, have often found their way to his neighborhood, and asked whether there was a policy stance the City could take to ensure the protection of people from wild animals. Ms. Lundstrom asked for some examples of species on the endangered species list. Planning Director Kaufman named the California Clapper Rail. She referred to Mr. Friedrich’s comment and stated that the Marin Humane Society, Wildcare, and other agencies already have procedures in place to relocate wild animals from human environments. Mr. Holmes stated that the policies in the draft Element refer to protecting “native” habitats, which would not include areas habited by humans; this might address Mr. Friedrich’s concern.

Ms. Semonian referred to Goal ENV-1 and stated she thought the language in Policy ENV-1.1 would be a better Goal, while the Goal language would be a better policy. The CAC generally agreed to this change.

Mr. Folk wanted to emphasize the fact that protected species could be as small as newts or beetles, and could be confined to one or three lots. They should really think in terms of large and small species.

Cherie Daly noted that in Goal ENV-1 and the rest of the draft Element, often the word “mitigate” comes first and “avoid” comes second. The City should be making a stronger statement about whether it prioritizes protection over development. She suggested switching the order of the words.

Policy ENV-1.2

Ms. Semonian asked whether the City’s definition of heritage trees includes non-native trees. Jerry Hauser stated the heritage tree ordinance is based on size, not species. Ms. Semonian suggested adding “native” before “heritage trees” in the policy. Planning Director Kaufman stated it would be better to have a separate policy for heritage trees and suggested removing the reference to heritage trees from Policy ENV-1.2. Ms. Weninger agreed with Planning Director Kaufman’s suggestion. Ms. Semonian clarified that she is more concerned with specifically protecting native heritage trees.

Mr. Kunstler referred to eucalyptus trees, which may meet the requirements of a heritage tree, but are invasive and are a fire hazard. Ms. Lundstrom stated the Fire Department lists them as pyrophytic trees and encourages their removal, as well as Monterey pines. Mr. Hauser stated that if someone applies for a heritage tree removal permit, and no one objects to its removal, no hearing is held and the permit is granted. The Parks and Recreation Commission doesn’t see many eucalyptus trees come to a hearing because usually there are no objections to their removal.

Mr. Folk said he would prefer a policy that favors the protection of native trees over non-native trees. Planning Director Kaufman stated that the Parks and Recreation Commission and the City Council recently went through a revision of the heritage tree ordinance which was very contentious. Many people value non-native trees, such as palm trees. It is hard to put a value on different species of trees since people have differing opinions on what is worth protecting. The Fire Chief can require the removal of pyrophytic trees. She suggested a more general policy that would allow the implementing ordinance to be more specific.

Mr. Hauser stated that when a large tree is removed from a property, it affects adjacent properties and changes the character of the street. The purpose of the heritage tree ordinance is to preserve the forested character of Larkspur. There are many factors that come into play on whether or not the tree should be removed, not only its native or non-native status. This is a hot button issue in the community. If the CAC wants to address the heritage tree ordinance, it should set aside a separate item on an agenda and get the community involved.

Mr. Sternberg said that he doesn’t understand why non-native trees should be removed just because they are non-native. He referred to a park that used to have a grove of eucalyptus that provided shade and other amenities, which were removed just because they were non-native. If a non-native tree provides the same amenities as a native tree, why should the City have a policy that prefers one over the other?

Joakim Osthus stated that Action Program ENV-1.2.a refers to trees that will be newly planted, not trees that are already there. In that case, the City is encouraging the use of native species when replanting. Mr. Folk stated that he wasn’t suggesting removing all non-native trees, but he thinks that native and non-native trees should be considered differently. Planning Director Kaufman stated the CAC was not the appropriate body to make a policy decision regarding the Heritage Tree ordinance and to judge which types of heritage trees have more value to the community. The

City has heard extensively from previous hearings on the matter. Staff will come back with a revised Policy ENV-1.2 and a new, general policy about heritage trees.

The CAC generally supported Policy ENV-1.2 and its associated programs as drafted, considering the changes regarding heritage trees discussed, and adding language to encourage retention of existing vegetation to Action Program ENV-1.2.a.

Policy ENV-1.3 and ENV-1.4

Mr. Sternberg suggested adding the word “knowledgeable” before the words “private organizations” in Action Program ENV-1.4.a.

The CAC generally supported Policies ENV-1.3 and ENV-1.4 with the change suggested by Mr. Sternberg.

Goal ENV-2

Policy ENV-2.1

Mr. Kunstler stated he didn't like the use of the term “when feasible” in this policy. If the goal is to conserve the shoreline, then new development should not be taking place if the adverse impacts can't be mitigated. Planning Director Kaufman stated that CEQA allows “overriding considerations” for unavoidable significant impacts. One could argue that any development on the shoreline has impacts, whether it is lights on paths affecting birds, or sea level rise, etc. The policy needs to be flexible. Mr. Kunstler suggested adding “consistent with CEQA requirements” to the policy. Ms. Daly added that she would prefer the word “avoid” placed before “mitigate” in the policy, to strengthen the policy.

The CAC generally supported Policies ENV-2.1 and its associated programs as drafted, with consideration for the comments by Mr. Kunstler and Ms. Daly.

Policy ENV-2.2 and ENV-2.4

Planning Director Kaufman noted that the policies were numbered incorrectly- there was no Policy ENV-2.3.

Ms. Weninger stated she is in general agreement with Policy ENV-2.2, but she wants to make sure that policy would not preclude the creation of a path by marshland. For instance, the Central Marin Ferry Connection project, Phase 2, will cross the Corte Madera Creek to the Sandra Marker trail, which is adjacent to marshland. Ms. Lundstrom suggested that if at some time in the future that right-of-way, which is an old dike, needs to be raised in order to have a pathway, the policy as worded may conflict with that. Planning Director Kaufman noted that Action Program ENV-2.2.a could be expanded to include coordinating with other public agencies on public access.

Mr. Sternberg stated that Action Program ENV-2.2.a should be more broad in respects to public agencies. Planning Director Kaufman stated staff would take that into account. Mr. Sternberg noted that Policy ENV-2.2 and ENV-2.1 use different terminology- wetland and marsh. He requested more consistent use of one term or the other. Ms. Lundstrom stated that Action Program 2.2.a should consider that the Golden Gate Bridge Highway and Transportation District is in the beginning stages of planning a two-story parking garage at the Larkspur Ferry Terminal. Any projects at that site are exempt from City zoning regulations. They are not exempt from state or

federal regulations. Planning Director Kaufman stated staff will broaden Action Program 2.2.a to address Ms. Weninger's, Ms. Lundstrom's and Mr. Sternberg's concerns.

Goal ENV-3

Policy ENV-3.1

Planning Director Kaufman noted that as suggested for previous policies, staff would remove the phrase "when feasible" and would reverse the order of "mitigate" and "avoid."

Ms. Semonian stated that Policy ENV-1.3, which referred to minimizing use of chemical pesticides, would be more appropriate under Goal 3 which refers to protecting riparian areas and water resources.

Ms. Lundstrom stated that dredging is often necessary for flood control purposes, and Policy ENV-3.1 should recognize that need and its importance for public safety. It should be carefully worded to balance the habitat value with the flood control value. Planning Director Kaufman noted that Policy ENV-3.1.d addresses dredging for flood control, but that staff will come back with revised language for the policy that also recognizes that need.

Mr. Sternberg noted that the words "near" and "adjacent" are used throughout the action programs under Policy ENV-3.1, and it is never defined how "near" or "adjacent" is measured. In the absence of standards, there should be a definition in the General Plan how it is determined what is "near" or "adjacent." Planning Director Kaufman stated that the City's Department of Public Works has a general guideline of 10 feet. However, the California Department of Fish and Game starts with a 100 foot buffer. The City required a 25-50 foot buffer from the top of the bank of the Larkspur Creek for the Niven property project. Mr. Sternberg stated that consistent standards should be established in the General Plan.

Ms. Daly stated that Action Program ENV-3.1.e relates to establishing standards, which is a much weaker program than Action Program ENV-3.1.a. She would like more consistent Action Programs.

The CAC generally supported Policy ENV-3.1 and its associated programs, with revisions as suggested by Mr. Sternberg, Ms. Lundstrom, Ms. Semonian, and Ms. Daly.

Policies ENV-3.2, 3.3, and 3.4

Ms. Weninger stated that the word "promote" appears here for the first time; is that different from the word "encourage"? Planning Director Kaufman stated staff would replace with "encourage". Mr. Sternberg referred to ENV-3.2 and asked what if the riparian vegetation is non-native, invasive vegetation. Planning Director Kaufman stated that the U.S. Fish and Wildlife service has defined species that constitute riparian vegetation. Ms. Leitzell asked whether a Native Habitat Restoration Plan would be required to dredge the creek for flood control purposes. Planning Director Kaufman stated the Fish and Wildlife Service may require bank restoration mitigation. Ms. Leitzell asked what a Native Habitat Restoration Plan was. Planning Director Kaufman stated that the Niven Property, due to its close proximity to the Larkspur Creek, was required to create a Native Habitat Restoration plan because they were removing trees and affecting the bank of the creek.

Mr. Friedrichs referred to Policy ENV-3.3, and asked why wet-weather season was the only season included. Planning Director Kaufman noted that silt from the construction is more likely to run into the creek during wet-weather rather than dry weather. Mr. Friedrichs referred to the Twin Cities Police Station which is constructed right on the bank of the creek. Planning Director Kaufman

noted that they did have a Habitat Restoration Plan and complied with best practices for construction during rainy weather. Mr. Friedrichs stated that Action Program ENV-3.3.a limits such construction.

Mr. Osthus stated that the new construction general permit has removed the reference to the wet-weather season. The same requirements apply year-round to protect construction sites from erosion and stormwater run-off. Mr. Sternberg asked whether the Native Habitat Restoration Plan would preclude using a non-native plant even if it could possibly be better than native species in that habitat. Planning Director Kaufman stated that was doubtful, as there were many native species available.

The CAC generally supported the Policies ENV-3.2, ENV-3.3, and ENV-3.4 and their associated programs with the following changes: replace “promote” with “encourage” in Policy ENV-3.4, and in ENV-3.3.a add “avoid or mitigate.”

6. Discuss changing to uniform meeting times of 6:30 p.m.

The CAC agreed to change the meeting times to every second and fourth Monday from 6:30 p.m. to 8:30 p.m.

7. Review meeting minutes of April 11, 2011 and April 25, 2011

The CAC approved the minutes of April 11, 2011 and April 25, 2011 with the corrections noted by Mr. Holmes and Mr. Friedrichs.

8. Next steps

Planning Director Kaufman stated that the May 23 meeting will address the Station Area grant and revised work plan and the Larkspur Landing tours. The Community Health and Safety Element will be distributed.

Next meeting: May 23, 6:30 to 8:30 p.m.

Adjournment

The CAC adjourned at 8:30 p.m.