

**Citizen Advisory Committee**  
Meeting Minutes  
March 28, 2011

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

**Absent:** Tony Catrino, Mike Folk, Bruce Friedrichs, Wolf Gutscher, Jerry Hauser, Daniel Kunstler, Robby Ronayne, and Nancy Spivey.

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

1. Announcements

Nancy Nakai shared a flier announcing a topographical model of the Ross Valley watershed available for public viewing at the Ross Valley Sanitary District headquarters at 2960 Kerner Boulevard in San Rafael. Joan Lundstrom noted that information about the Ross Valley watershed is available online at [www.rossvalleywatershed.org](http://www.rossvalleywatershed.org), maintained by the Marin County Flood Control and Water Conservation District. Helen Heitkamp announced the release of the latest *Larkspur Past and Present* on April 9 at City Hall from 1 p.m. to 4 p.m. The books will be available for purchase at the release or may be ordered. Order forms are available at City Hall.

Joan Lundstrom announced the tragic passing of Marin County Supervisor Charles McGlashan, who died unexpectedly on March 27 at the age of 49. She stated that tonight's meeting would be adjourned in his memory.

2. Public Comment.

There was none.

3. Continued discussion of Draft Land Use Element

Policy 1.1

James Holmes noted that this policy is unchanged and appeared in the 1990 General Plan.

Jared Polsky referred to Action Program LU-1.1.b and stated that the second clause applying the very low density designation to areas with "special open space value" may be too restrictive and should be more specific. He referred to a scenario in which a hillside home may be demolished and then redevelopment of the site could be limited by this policy. Ms. Lundstrom stated that the City's slope ordinance would apply in that specific scenario. Planning Director Kaufman stated that an example of where this policy would apply is the Escalle property, which has steep hillsides that are recognized as valuable open space. The General Plan allows clustering for sites like that, with provisions for maintaining community character.

Mike Koepfel stated that the design review process seems to not be described or discussed in the General Plan. Mr. Noble noted that Policy LU-1.2, Action Program LU-1.2.a and Policy LU-1.3 address the size, scale, bulk, and compatibility of development. The design review findings are implemented in the zoning ordinance.

A majority of the Committee members present (17) supported the drafted language of Policy LU-1.1 and its associated action programs with the consideration of Mr. Polsky's comments.

### Policy LU-1.2 and LU-1.3

Elise Semonian said that Action Program LU-1.2.a seemed too broad and assumed the existing design review standards are adequate. She suggested modifying it to include review and update of the design review standards as appropriate.

James Holmes stated that he did not support the word “Encourage” in Policy LU-1.3 and would prefer it to be replaced with “allow.” Alice Anderson agreed.

Julie Leitzell stated she supports infill development in the form of residential second units, and inquired whether review of second units would fall under design review. Planning Director Kaufman explained that one story additions are exempt from design review, if they meet certain criteria established in the City zoning code. State law requires jurisdictions to allow second units (up to 1,000 square feet) without a conditional use permit, as long as they meet criteria established by the City within parameters set by the State. The City allows second units up to 700 square feet. The size limit is intended to limit the number of bedrooms and prevent it from becoming more like a duplex. The City also requires the property owner to reside in one of the units. The Housing Element contains policies to encourage second units pursuant to State law.

James Moore stated that Jeff Stahl, alternate representative from the Planning Commission, had strongly recommended favoring infill development in the General Plan.

Ms. Nakai and Ms. Leitzell suggested that the City research any legal implications of using the word “encourage” versus “allow.” Planning Director Kaufman stated that the courts allow local jurisdictions to interpret their own policies as long as they have something to base their decision on. Ms. Lundstrom concurred. Mr. Noble added that the adoption of a General Plan is a legislative act and courts allow for great discretion to local jurisdictions in implementing it.

A straw poll found that 15 CAC members present (two dissenting) favored keeping the word “encourage” in Policy LU-1.3.

Mr. Moore stated that he would like to see Larkspur prioritize infill development over other development. Planning Director Kaufman stated that the City is bounded by open space, water, and other jurisdictions. There are no lands available to annex, and the only remaining vacant parcels (e.g., Niven property, 2000 Larkspur Landing Circle) are infill and have approved projects. Ms. Leitzell stated she would not support housing over Bon Air Shopping Center. Planning Director Kaufman clarified that Policy LU-1.3 was written to comply with the CAC’s direction to support housing at Bon Air Shopping Center, with considerations for aesthetics, traffic, community character, and other important impacts. The site is identified in the approved Housing Element as a housing opportunity site.

Mr. Holmes requested a definition of infill development and wondered whether encouraging infill development would encourage demolition of existing housing. Ms. Lundstrom stated that land uses may change in the future. For example, the Masonic Temple on Magnolia Avenue may eventually be redeveloped, or a church may cease operating. This policy addresses situations like those. Ms. Nakai stated that the Masonic Temple is different from a single-family home. Richard Young noted that the policy adds a qualifier that the infill development must “fit in” with the community character.

Mr. Noble suggested modifying the policy to read “...*provided that the project fits in* aesthetically and architecturally with the community and neighborhood character.” Planning Director noted that Policy LU-1.1 includes consideration of traffic and other impacts.

A straw vote found that 11 CAC members present (three dissenting, three undecided) supported the language of Policy LU-1.3 as drafted with modifications suggested by Mr. Noble.

### Policy LU-2.1

This policy was discussed and voted on at the March 14, 2011 meeting.

### Policy LU-2.2

Contract Planner Julia Capasso noted that this policy and its programs specifically relate to the CAC's direction to retain the affordable housing provided by the mobile homes in the Redwood Highway area. Mr. Holmes stated it seemed the policy and programs' focus was on replacing or removing the mobile homes. Planning Director Kaufman stated that the programs LU-2.2.c and LU-2.2.d are related to the CAC's findings that there should be transitional uses between the mobile home parks and the industrial uses. The Larkspur RV Park on Rich Street was identified by the CAC as an appropriate location for transitional uses, provided the displaced homes are relocated elsewhere within the neighboring parks.

Ms. Semonian stated that it bothers her that this area is subject to flooding and other hazards like tsunamis. She would like a program that addresses protecting the homes from those hazards. She also suggested that the program refer to the mobile home parks by location and not by name, as names might change in the next 20 years.

Ari Blum asked why Action Program LU-2.2.d states that mobile homes would be replaced by "lower income housing." Ms. Capasso clarified that "lower income housing" referred to an income category, not "lower income" compared to the income level of the existing mobile homes. Mr. Moore suggested clarifying that statement to reflect that intent.

David Sternberg asked whether the City would want to not only retain the affordable housing from the mobile homes but encourage new low-income housing, which is not mentioned. Ms. Capasso stated that the Housing Element contains city-wide policies to encourage low-income housing, and that this particular component of affordable housing (the mobile homes) was singled out in the Land Use Element because they are a part of the Redwood Highway area which has been identified as a potential area of transitioning land uses.

Mr. Blum asked why the mobile homes in particular were important relative to the possibility of equivalent affordable housing. The CAC had discussed the possibility of looking at mixed use or redeveloping in a way with an equivalent amount of affordable housing. Planning Director Kaufman said that it would be very expensive to build anything new in that area due to the flooding issues. The City requires 15-20% of housing units to be affordable. If there are over 100 mobile homes to replace, a new development would need a very large number of market rate housing units to replace all the affordable units lost. It is also hard to replace this kind of housing with condominium housing.

Ms. Capasso stated that the other policies included in the Land Use Element encouraging infill development, for example, or exploring other ways to increase density in a manner sensitive to the surrounding neighborhood, help provide opportunities for affordable housing. The Housing Element is where specific housing policies are located. Ms. Lundstrom stated the City has already approved the Housing Element.

Mr. Polsky asked why the City would want to preserve a housing stock that is already in harm's way. He suggested adding a clause to some of the programs aimed at the mobile homes to

acknowledge or address this. Planning Director Kaufman noted that FEMA regulations, in addition to existing City code, address safety measures for new development within floodplains. Mobile homes are also easier to relocate, and there may be ways to raise them up that wouldn't be possible with a large structure.

Ms. Nakai suggested adding a program to investigate locations for a new mobile home park. Planning Director Kaufman stated that it was a good suggestion, but she did not know of any land available where that might happen.

Ms. Capasso stated that Policy LU-2.2 should read, "Maintain the City's existing supply of ~~low and moderate low income housing~~ *of mobile homes*, which provide a valuable supply of affordable housing." Ms. Anderson stated that she thought the original wording was more general; there may be future forms of housing similar to mobile homes which should be included. Joakim Osthus agreed and added that if the policy is changed to retain the existing mobile homes, and LU-2.2.d suggests replacing the mobile homes, that is conflicting. Planning Director clarified that it's referring to the existing supply, not the homes themselves. Mr. Blum said that they could change it to "...represented by the existing mobile homes..."

A straw poll found that five CAC members thought the language of Policy LU-2.2 should remain as drafted, two CAC members thought it should be modified to specify mobile homes specifically, and the remaining were undecided. Mr. Sternberg stated that policies regarding this area should mention flooding and flood standards.

Planning Director Kaufman stated that staff will look at the policy further and address the CAC's concerns. If the City receives the Station Area Grant, that will also impact policies in this area.

### Policy 3.1

Mr. Osthus asked whether the City has existing design review standards for commercial development. Planning Director Kaufman stated that there are general design review findings in the zoning code but no specific findings or criteria for commercial development. There are specific findings for residential development.

Ms. Leitzell asked for an explanation of Action Program LU-3.1.a. Mr. Holmes responded that this policy was carried over from the 1990 General Plan, with the change of "district" to "land use category." Planning Director Kaufman directed the CAC to the land use category descriptions on 2-8 and 2-9. The zoning ordinance is more specific. Several CAC members noted inconsistent references to commercial "districts" and "areas." It was noted that the editing subcommittee would clean up inconsistencies in terms during their review.

Nancy Weninger stated that she did not find Action Program 3.1.c to be meaningful; it does not explain how it would achieve a reduction in through-traffic. Planning Director Kaufman stated that it was used when developing the CLASP to allow the clustered senior housing. It is meant to prevent people from simply passing through commercial areas rather than stopping to patronize them. Mr. Sternberg stated that other parts of the plan or zoning ordinance will have more specific direction.

Mr. Moore stated that there is a limit on trip generation for commercial development in Larkspur Landing and asked whether Action Program LU-3.1.c was meant to address that. Planning Director Kaufman responded no, that is a separate issue; through-traffic is different from trip generation.

A straw vote found that the majority of CAC members present (2 dissenting) wanted to keep Policy LU-3.1 as currently worded with the provision that the terminology be made consistent.

### Policy LU-3.2 and LU-3.3

Ms. Leitzell stated that she is concerned with the mention of “existing retail uses” in Policy LU-3.3. For example, if an existing dress shop expands its shop, can another competing dress shop then claim the expansion would be detrimental to its business? Mr. Holmes clarified that it is referring to commercial areas, not individual stores or uses. Mr. Sternberg asked for an example of what is detrimental to an existing commercial area. Ms. Nakai stated it seemed to be focused on preventing big box stores from driving out local competition. Ms. Kaufman stated that another example would be if a former medical office changes to a grocery store, which would change the nature of the market. The City does not determine how many nail salons or other businesses are allowed in the City.

A straw vote found that the majority of CAC members present (5 dissented or did not vote) found the drafted wording of Policy LU-3.2 and Policy LU-3.3 to be acceptable.

### Policy 4.1

Ms. Anderson asked who is responsible for the sanitation and upkeep of garbage cans and other pedestrian amenities. Planning Director Kaufman stated that it depends on where it is located; some may be maintained by the City, or by the property owner. Ms. Anderson stated that it places a burden on the merchants to maintain those amenities. Ms. Lundstrom and Mr. Osthus stated that external pedestrian connections should be required in addition to internal pedestrian walkways.

A straw vote found that the majority of CAC members present (3 members did not vote) found the drafted wording of Policy 4.1 to be acceptable with the addition of providing external pedestrian and bicycle connections. When it was noted by staff that Policy LU-5.2 addresses external pedestrian and bicycle connections to and from commercial areas, the CAC rescinded their vote to change the wording of Policy LU-4.1.

### Policy 5.1

Mr. Moore stated that he prefers the word “allow” in this policy rather than encourage. Mr. Holmes suggested the word “explore” instead. Ms. Leitzell stated that she preferred the word “discourage.” Ms. Nakai stated that this would apply to areas where new housing could be appropriate, like where the old Corbet’s is against the hillside. Ms. Leitzell stated she did not like the idea that a developer in the future could propose housing without concern for traffic and other impacts. Ms. Semonian stated that the infill section already addresses this topic and the policy is duplicative. Planning Director Kaufman clarified that the previous policies regarding infill were for residential neighborhoods, while this is targeted towards commercial developments. Ms. Lundstrom stated that the Housing Element already allows housing in commercial districts.

Ms. Anderson stated that she is concerned with the safety of children and residents when putting residential development above commercial centers. Mr. Sternberg referred to downtown San Francisco and San Rafael, where very high density housing exists above commercial. Planning Director Kaufman noted that all development places residents in potential for dangerous interactions with vehicles. Ms. Anderson stated that she was specifically thinking of Bon Air, and she sees a huge safety issue when children are placed in proximity to so many cars.

Mr. Holmes stated that podium parking is no longer popular in the architectural community and he suggested deleting the reference to podium parking in Action Program 5.1.a. Mr. Osthus and Ms. Nakai agreed that specific design references should be deleted. Planning Director Kaufman stated that the Action Program will be revised to be broader. She also stated that the Policy could be

revised to “Encouraged mixed use development that incorporates housing, where appropriate, in commercial areas.” Ms. Leitzell stated she did not like using the word “encourage” at all. Mr. Sternberg stated he preferred “encourage,” but that Action Program LU-5.1.a uses the word “consider”, so the policy could use the word “consider” for consistency. Planning Director Kaufman stated that the document needs to be more directive as to what the vision is. If the vision is watered down, there is no direction.

A straw vote found that nine CAC members present were in favor of using the “Encourage mixed use development that incorporates housing, where appropriate, in commercial areas.”

Five CAC members present favored “Allow mixed use development that incorporates housing, where appropriate, in commercial areas.”

### Policy LU-5.2

Mr. Osthus stated that this policy addressed the concerns the CAC had with Policy LU-4.1. The CAC agreed to disregard the changes previously voted on for Policy LU-4.1.

Ms. Nakai stated that the use of the word “require” in Action Program LU-5.2.a concerns her. She suggests “encourage.” Planning Director Kaufman stated that bicycle parking is required already. Amenities are required to make commercial areas a walkable environment.

A straw vote found that 13 CAC members present supported Policy LU-5.2 and associated programs as drafted.

Ms. Leitzell noted she is concerned with onerous requirements on business owners. Mr. Polsky stated that Goal 4 could mention economic viability, which would allow for a policy or program to address limiting onerous restrictions on business owners. Planning Director Kaufman stated that she was not sure Goal 4 was an appropriate placement for that type of policy. Ms. Lundstrom stated that the new City Manager is focused on improving economic vitality. This included taking a look at permit streamlining and the existing zoning. It’s a bigger policy issue that the Council is looking at. Planning Director Kaufman stated that it might have to be a new goal. Mr. Polsky suggested adding “viability” to Goal 4. Ms. Lundstrom suggested adding a policy of City programs that encourage economic viability.

Planning Director Kaufman indicated that Goal LU-4 would be modified to include “viability” as a component. Staff will study this issue more and come back with a policy regarding City standards and policies to facilitate a vibrant economy and streamline permitting processes.

A straw vote found that 12 CAC members supported staff crafting a policy addressing business-friendly standards.

### Policy 4.2

Mr. Noble noted the Downtown Specific Plan which was adopted in 1992 and governs development in the downtown. The policies here are broad guidelines and the Downtown Specific Plan is not intended to be amended.

Ms. Nakai referred to Action Program LU-4.2.a and stated it should include requirements for lighting, for safety purposes. Ms. Semonian stated she lives in the downtown and light pollution is undesirable. Mr. Noble suggested shielded down-lighting. Planning Director Kaufman suggested modifying the policy to “Maintain and enhance landscaping and increase down-lit lighting.”

Mr. Holmes referred to LU-4.3.a and stated he was concerned with the tone of the word “create” which seems too strong of a mandate. Mr. Osthus stated that it hadn’t happened in the last 20 years. Planning Director Kaufman noted that this policy is retained from the 1990 General Plan, and that the CAC indicated interest to have a community focal point there. Ms. Anderson suggested rephrasing “town square” to “community gathering place.” Mr. Sternberg said that everyone probably wants to see something at Magnolia and Ward instead of a vacant lot. He suggested modifying the policy to “create an area that is more in line with the downtown aesthetic” that is consistent with the Downtown Specific Plan. Mr. Blum suggested that the policy can be modified to read “...strengthen the *aesthetic* tie...”

Joan Lundstrom stated that the CLASP process, which took over 3 years, identified that area as a public gathering spot.

A straw vote found that 13 CAC members present supported the policies under the Downtown section as drafted, with the modifications to Policy LU-4.3 to refer to a public gathering place that is consistent with what the CLASP and Downtown Specific Plan envision for that area, and the reference to downtown lighting in Policy LU-4.2.

The CAC agreed to continue their discussion of the Land Use Element to the April 11, 2011 meeting.

#### 4. Finalize strategy for North Magnolia outreach to property owners and merchants

Planning Director Kaufman stated that a letter was mailed to property owners and merchants in the North Magnolia area on March 25 notifying them of the meeting and the visits from CAC volunteers. The volunteers should complete their canvassing in the next two weeks.

#### 5. Minutes

There were no changes to the minutes of March 14, 2011.

#### 6. Next Steps

The CAC will meet again on April 11 to continue their discussion of the Draft Land Use Element and finalize the format of the public meeting on April 25 regarding the North Magnolia subarea.

#### **Next meeting: April 11, 6:30 to 8:30 p.m.**

The CAC will conclude its discussion of the Draft Land Use Element.

#### **Adjournment**

The CAC adjourned at 8:05 p.m in memory of Marin County Supervisor Charles McGlashan.