

**Citizen Advisory Committee**  
Meeting Minutes  
March 14, 2011

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

**Absent:** Alice Anderson, Ari Blum, Tony Catrino, David Esposito, Mike Folk, Wolf Gutscher, Jerry Hauser, and Nancy Spivey.

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

1. Announcements

Joan Lundstrom announced that she had reviewed the Initial Vision Scenario produced by the Association of Bay Area Governments (ABAG) and Municipal Transportation Commission (MTC) as part of the Sustainable Communities Strategy (SCS) process mandated by SB 375. Interestingly, the report projected approximately 1,500 housing units in the vicinity of San Quentin Prison. Current General Plan policies regarding the prison area do not address this possible scenario and it should be considered in the General Plan update. Planning Director Kaufman stated that she will send a link to the One Bay Area website, which is the website jointly sponsored by ABAG and MTC for the SCS process. The Initial Vision Scenario provides preliminary household growth projections from 2010-2035, including Larkspur with a projection of 341 households. Additionally, Supervisor Steve Kinsey stated at the joint ABAG Administrative Committee and MTC Planning Committee on March 11 that San Quentin will be an “urban” prison, with development occurring immediately west of the prison. Council member Lundstrom stated that the household growth projections were the first step to develop a vision of what could occur over 25 years.

2. Public Comment.

There was none.

3. Discuss Correspondence Received

Planning Director Kaufman introduced Mr. Robert Busse, property owner, who had submitted a letter to the CAC requesting their consideration of changing minimum lot sizes in the R-3 (Third Residential) zoning district. She stated that Mr. Busse would explain his proposal, and then the CAC would discuss whether they wanted to pursue the matter further.

Mr. Busse provided the following comments:

- He has built 15 houses in Larkspur and Corte Madera and some others out of town.
- There have been no complaints or lawsuits with one exception.
- He built a complex on Magnolia at the corner of Canyon and Walnut.
- The City complained after the house was approved that the wood retaining wall looked terrible, so he tore it out and put a rock fence in its place which is still there.
- Nine years ago he obtained a piece of land from Dr. Siemens, who built the Tamalpais and the Villa Marin in San Rafael.
- The land is on Larkspur Plaza Drive.
- He has talked to the Planning Department many times.
- He engaged an architect in Larkspur who produced a super floor plan for a small lot.

- He presented it to his neighbors at their monthly meeting and they were exuberant.
- The Racquet Club gave the ok.
- Further research showed that the multi-family home on the flat lot near Locust, on a lot almost the same size as his, could be very attractive.
- He is submitting a project application.
- The trend today is housing close to downtowns, walking distance to necessities, public transportation, and walking to schools and businesses.
- We are ready to build a shelter of convenience and progress and the occupants should live happily ever after.

Planning Director Kaufman referred to the handout provided by staff, along with Mr. Busse's letter, that includes the development standards of the R-3 district, including the minimum lot size, minimum lot width, and minimum floor area. If the minimum lot size were reduced or eliminated then owners of parcels zoned R-3 could propose subdivisions to allow for more units. She noted that though Mr. Busse refers to the CLASP in his letter, he is referring to the Rose Garden project which applies to one subarea of the CLASP. It is a planned development with an average of about 7,500 square feet for single family homes. There are six below market rate cottages proposed with the smallest 1,150 square feet with lot sizes of 3,600 to 7,000 square feet. Mr. Busse's property is approximately 2,300 square feet. It is 10 feet wide for most of its length and 32 feet wide at one end. He has come to the Department many times and has been told that because the lot doesn't meet the minimum lot size and is irregularly shaped, he would have to apply for many variances including parking, height, setbacks, yard area, and others. He is asking the CAC if they will consider the concept of removing the minimum lot size from the R-3 zoning that would allow for the development of small units on small lots.

Council member Lundstrom stated that the Citizen Advisory Committee's role, as seen by the City Council, is to provide general policy direction. The policy issue raised in this instance is to lower the minimum lot size in R-3. It is not about specifics as to a particular project. Those requests on a specific project go to the Planning Commission or the City Council on an appeal basis.

David Sternberg stated that he needs more information, such as a map of the R-3 district, the average lot size of the R-3 to get an idea of how many subdivisions would be possible. Otherwise, he can't make an informed decision. He thinks it's important to be able to develop more urban developments near the downtown. He would like to study it. Bruce Friedrichs echoed Mr. Sternberg's statements and requested more information on the reasoning behind the current R-3 regulations so they can understand the consequences of what might happen if it's lowered. Given the larger goals the CAC has been discussing in terms of making downtown more accessible, it sounds like something important to look at.

Jared Polsky asked whether a subdivision is determined merely if you meet the minimum lot size for each of the lots. Planning Director Kaufman noted that if someone wants to subdivide a parcel, the new parcels would have to meet the required setbacks, parking, and other requirements. They would most likely have to demolish a building to accomplish this as most parcels are developed. James Moore stated that it is an idea worth considering and it's probably complicated. He wondered if it could be used as an incentive for affordable housing. Nancy Nakai agreed with Mr. Friedrich's suggestions and added that it be put as an investigative program in the draft Housing Element. James Holmes stated it seems to be a step backward that might lead to more congestion, as no more roadways would be added with the density. He questions whether this is a direction they want to go in. He also noted that while there is higher density on the Rose Garden project, the overall project density is five units per acre.

Mr. Sternberg asked if someone had a single-family home on a 6,000 square foot lot, and the code was changed to a 3,000 minimum lot size, then they could make a second unit in the existing house subject to other restrictions such as parking. Planning Director said that it would be something a code revision would have to specify. This wasn't part of the original work program but staff can put it on the calendar to consider at a later date after the other work program tasks have been completed and bring back more analysis at that time.

Nancy Weninger asked if the CAC does not discuss this issue what other forum Mr. Busse might have for his comments. Planning Director Kaufman stated that the Planning Commission would consider it and any recommendation from the CAC.

Daniel Kunstler asked how the current zoning regulations were determined. Planning Director Kaufman stated that that kind regulation is standard. Usually there is a lot of study as to what other jurisdictions are doing. The current code was written before the current staff was here, so they don't know the thinking behind it at the time. All zoning code amendments and policies are adopted by the City Council, after recommendation from the Planning Commission.

#### 4. Draft description and policies for North Magnolia Avenue improvements.

Planning Director Kaufman stated that the handout for this agenda item can be used by the volunteers who will be speaking with property owners and tenants in the North Magnolia area in the next couple weeks. The handout gives a brief review of the General Plan update process and lists the CAC's tentative findings on constraints and needed improvements. She summarized the suggested policy changes, based on the CAC's discussions, listed on the handout. She noted that Mr. Polsky had copied the sketch made by the subcommittee showing how bicycle lanes, sidewalks, and street parking would fit in the right-of-way.

Mr. Friedrichs said that the handout reflected the Committee's comments and seemed complete. Elise Semonian requested that the suggested policies include protection of the wetland/marsh habitat and wildlife. Mr. Polsky inquired whether the City would provide landscaping to the property owners. Planning Director Kaufman indicated no. Ms. Nakai stated that she didn't think the volunteers should distribute the sketch of the proposed circulation improvements, as this would leave the impression that it's a proposal that is going to be seriously considered. Julie Leitzell stated that she would rather have the property owners understand before they come to the meeting what the CAC came up with. Mr. Sternberg stated that the volunteers can bring the sketch and if someone is interested in the concept they can show them the sketch at that time. Ms. Nakai inquired whether the point of the volunteers was to encourage the property owners to come to the public meeting. Planning Director Kaufman confirmed. She stated that the public meeting will likely be the first meeting in April, depending on the CAC's discussion of the Draft Land Use Element.

Council member Lundstrom stated that the volunteers should contact the residential neighbors in the area as well as merchants. She also stated that the previous circulation and landscaping improvements on Magnolia Ave. reduced parking, and any further reduction in parking will impact residential neighborhoods even further.

Planning Director Kaufman stated that nine members had volunteered to contact the property owners. Mr. Polsky asked whether the property owners would be notified of the volunteer's visit before they came. Planning Director Kaufman proposed that they cold-call the owners since it is the invitation to the future meeting. Ms. Nakai noted that the volunteers will most likely be interacting with clerks rather than actual owners. Mr. Sternberg suggested distributing the handout via mail so the property owner can have that information before the volunteers get there. Cherie Daly stated that she found that to be duplicative, and it is better to go in and ask the name of the

owner and follow up with a phone call. Ms. Leitzell asked whether the volunteers should give their personal contact information to the property owners/tenants. Planning Director Kaufman stated that they should provide hers or Ms. Capasso's contact information, but if they chose to they could give their personal contact information. The thought behind visiting the businesses before mailing out the notice for the meeting is to get them involved and interested and more likely to attend the meeting.

## 5. Discussion of Draft Land Use Element.

Mr. Noble asked for overall impressions of the draft element.

Ms. Weninger stated that she liked the draft, and that placing the goals in the beginning of the policies section makes them clearer. The draft preserves everything in the 1990 General Plan with some exceptions and includes the environmental concerns the CAC raised. Ms. Nakai stated that the draft was well-done, with some changes needed. She suggested that the text in bold on page 2-15 that summarizes the overall aim of the Element should be placed at the beginning of the Element, as a vision statement. James Holmes suggested that that language be made into a goal of its own so it does not get lost in the details. He noted that the former Goal 1 was dropped from the draft Element. It seems more consistent that if a prior goal is not retained as a goal than the overall goal should be stated. Mr. Noble suggested the term "guiding principle." Mr. Moore supported Ms. Nakai's proposal.

Mr. Holmes questioned whether a guiding principle would have the same legal bearing as the other General Plan goals. Planning Director Kaufman responded yes. Mr. Kunstler stated that if creating a guiding principle makes the statement non-binding, perhaps a phrase in the text such as, "This is an overarching principle, as expressed in the goals" which shows that it is binding. Mr. Friedrichs stated that it was readable and the goals were concise. He suggested that Goal 13 mention earthquakes, and that its policies be more encompassing of potential hazards.

Mr. Sternberg stated that the first two and half pages are very specific, and suggested that the detailed discussion of San Quentin prison, for example, be moved to the goal section for that area. Because it is in the beginning, it appears that it is more important than other areas or issues. Planning Director Kaufman stated that the discussion of the planning area and land use pattern of Larkspur could be moved into the Introduction. Staff does need to make sure that they cover the state requirements, and some of this information may be referenced for an environmental document; it needs to be a useable document. Mr. Sternberg suggested that the detailed paragraphs about San Quentin could be summarized and referenced, along with the discussion of the sphere of influence.

Ms. Leitzell asked whether residential densities had been changed. Planning Director Kaufman stated no.

The CAC decided to focus their discussion on Goals LU-2, LU-6 and LU-10.

### *Discussion of LU-2*

Ms. Leitzell referred to Action Program LU-2.1.a. She questioned whether the City should "encourage" maximum densities. She would like to encourage minimum densities. Mr. Friedrichs stated that the impact of increased density on already overcrowded schools is not addressed in the draft Element, and it should be. Mr. Kunstler stated that he doesn't interpret the program in that way, but rather that it encourages minimum densities except when the project satisfies the requirements listed in the program (e.g., projects that promote social and economic diversity) and

when impacts are mitigated. Mr. Holmes cautioned against the use of the word “encourage” in general as it has legal implications. The prior Land Use Element was more cautious. Action Program LU-2.1.a was formerly Policy C, which had the same language except it stated “Allow” rather than “Encourage.” Mr. Kunstler stated that this is more of an editorial exercise, and the subcommittee can go through the document to replace hyperbolic language.

Mr. Polsky stated that the way the draft program was stated, it could give the City authority to require developers to incorporate more density into their project proposals if the City felt it was necessary to accomplish those aims stated in the program. He understands the fear of pushing the envelope, but the General Plan should have language that addresses when developers are not building enough. The General Plan can identify certain areas where higher densities are desirable. Mr. Holmes stressed the difference between density as an option and density as an obligation.

Council member Lundstrom stated that the CAC should think of the entire City. More than half of the City’s housing units are multi-family units. The General Plan focuses on the next 20 years and the totality of the community. Mr. Moore stated that he preferred the idea of “allowing.” Developers will find opportunities for higher densities if allowed. Mr. Kunstler stated that he interprets this program to allow a decrease in density. The second clause limits the maximum density to projects that satisfy certain objectives; if a project does not satisfy those, then they will not be developed to the maximum potential.

Ms. Leitzell stated that the City should be careful in promoting certain things. Everyone has their own picture of what kind of diversity they want to see. Is it the City’s job to promote economic diversity? She doesn’t think it’s the City’s role to say they should have a certain mix of income, age, and etcetera. Ms. Semonian stated that there are density bonuses available under state law that encourages high density development for qualifying projects.

Mr. Noble took a straw poll with three options: 1) Use of the word “allow.” 2) Use of the word “encourage” with certain caveats. 3) Use of the word “encourage” regardless of caveats. Option 1 had seven votes; Option 2 had seven votes; Option 3 had one vote.

Mr. Moore stated that it seemed limiting to only allow maximum densities in medium or high density zones. There are many more low-density lots. He has seen a four unit building on an average size lot that looked very attractive. Planning Director Kaufman referred to Action Program LU-2.1.b which addresses this topic.

Mr. Sternberg stated that it seemed many people did not support Goal LU-2 at all. Ms. Leitzell asked what the limit is when the City decides what type of development to encourage, and when do they get involved? Planning Director noted that this goal was formerly Goal 3 of the 1990 General Plan, which has not caused issues in the past 20 years. Ms. Leitzell stated that in Mill Valley, a real estate business was not allowed to open in downtown Mill Valley because the General Plan stated it wanted a diverse array of businesses downtown. Council member Lundstrom stated that one way the City Council has interpreted that policy is to allow the development of second units; or, to encourage development that accommodates senior households or lower income households. State law requires cities to have affordable housing. The Rose Garden Project has a senior housing component that reduces the impact on the school districts from the new development. There are specific ways to do it.

Joakim Osthus stated that a goal is something we want to achieve, which we would need to strive or make positive motion towards. If the City “allows” something, it’s not a goal; it doesn’t care if it goes one way or another. If the City wants something to happen, it has to encourage it. He supports using “encourage” in LU-2.

Ms. Leitzell asked if there's any way to keep the word "encourage" but add more about keeping with the residential character, to give it more context. She is concerned about overdevelopment and does not want to send the wrong message in the General Plan.

A straw poll found that a majority of CAC members present (13 people) agreed with the current wording of LU-2. Mr. Noble stated that when City staff brings the draft Element to the Planning Commission, Action Program LU-2.1.a will be highlighted as a program about which there were conflicting opinions.

#### *Discussion of Goal LU-6*

Planning Director Kaufman noted that policy 6.2 is in the wrong place and should be moved to the page before, above the CLASP policy section.

Mr. Moore stated that the CAC should consider and respect private property rights during the conversation about this Goal. He has issues with the words "underutilized" and "marginal"; who determines what would fall under those definitions? They can be broadly interpreted and he is uncomfortable with that wording. He also finds the removal of the goals from the policy section makes it very confusing when trying to refer to policies under the goal.

Planning Director Kaufman referred to the north Magnolia area which has many vacancies, the Ross Valley Sanitary District property which remains a dirt lot, and the Marin Country Mart where the owner is working to revitalize the center. These properties or areas have been identified either by the owners or the CAC in their discussions.

Mr. Sternberg stated that he has a problem with this whole section; some policies are out of order. He referred to Mr. Moore's comment and stated that the General Plan is simply identifying those areas. The City encourages high density housing on privately owned properties; it is not making it happen.

#### *Discussion of Goal LU-13*

Ms. Nakai said that the recent earthquake and tsunami in Japan provides a valuable lesson. Residential and commercial development was allowed in areas vulnerable to liquefaction, including marshland. The City needs to put something in the Land Use Element that restricts development in areas subject to catastrophic damage due to earthquake or liquefaction. Planning Director Kaufman noted that the Community Health and Safety Element and Environmental Resources Element will include goals to that effect. Ms. Nakai stated that she felt it should be incorporated into the Land Use Element.

Mr. Holmes suggested cross-references throughout the Draft Land Use Element to refer to other related policies throughout the General Plan. Mr. Sternberg stated that the organization of the Draft Element is confusing. Planning Director Kaufman stated that the organization is explained in the Draft Introduction and in the Draft Land Use Element and encouraged CAC members to review those sections. She stated that CAC members should email her or Ms. Capasso with comments about the format.

6. Minutes

No amendments were suggested for the minutes of the February 28, 2011 CAC meeting.

## 7. Next Steps

The CAC will meet again on March 28 to continue their discussion of the Draft Land Use Element.

### **Next meeting: March 28, 6 to 8 p.m.**

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

### **Adjournment**

The CAC adjourned at 8:40 p.m.