

**Citizen Advisory Committee**  
Meeting Minutes  
June 27, 2011

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**Present:** All members of the CAC except for those listed below; Library Board alternate representative Don Graff; Planning Commission alternate representative Jeff Stahl.

**Absent:** Alice Anderson, Ari Blum, Cherie Daly, Helen Heitkamp, Mike Koeppel, Joan Lundstrom, Jared Polsky, Robby Ronayne, Nancy Spivey, and Dick Young.

**Staff:** Planning Director Nancy Kaufman, Senior Planner Neal Toft, and contract planner Julia Capasso.

1. Announcements

Bruce Friedrichs announced that the final hearing to determine whether a new school will be opened in the Larkspur-Corte Madera School District would take place at the School Board meeting on Wednesday, June 29, at the Hall Library. The Board will likely approve the plan to open the bayside school in Corte Madera, and approve placing a bond on the November ballot to fund the new school opening as well as maintenance and improvements to existing facilities.

Planning Director Kaufman announced that she would be retiring in September. She would be present for the August 22 and September 12 meetings.

2. Public Comment.

There was none.

3. Conclude discussion Draft Community Health and Safety Element.

The CAC began their discussion on page 7-10 of the draft Element.

Nancy Nakai suggested alternative wording to replace “Establish” where it appears in General Plan policies so the City does not have to create new standards when standards may already exist or when federal or state law preempts local regulations: “In strict compliance and full adherence to all existing laws and regulations regarding...” She also inquired whether the definition of floodplain, as used in the draft Element, was researched or clarified.

Planning Director Kaufman stated that the Federal Emergency Management Agency (FEMA) floodplain maps show the different floodplains, which are the floodplains referred to in General Plan policies. The floodplain maps were updated very recently, within the past two years.

The CAC moved on to discuss page 7-13 to 7-15 of the draft Element.

Nancy Weninger referred to page 7-16, last sentence of the first paragraph, which reads, “Property rights of landowners are also at stake should their land or property become submerged or inaccessible, and may require reimbursement or other state funds to recoup their losses.” What are the conditions that would lead to a private landowner needing to be reimbursed, and would any of that reimbursement come from the City?

Planning Director Kaufman stated that whoever constructs or designs those structures could potentially become be liable, but it would be a legal question. That sentence may be removed, due

to unknown legality issues. Mr. Holmes stated that it would be good to have a general reference to the fact that such structures can create litigation and liability risks for public agencies, and cited an example of residents in the Hamilton development in Novato suing the City over failing dikes.

Planning Director Kaufman stated that sentence would be modified to be a more general statement about liability risk.

The CAC moved on to discuss page 7-17 to 7-20. No comments were made.

The CAC moved on to discuss page 7-20 to 7-24.

Mr. Holmes stated that in the Twin Cities Police Authority presentation to the City Council, they stated that Larkspur Landing is in the top 100 sites for potential terrorist activity because of the ferry. This should be mentioned in the Element. Planning Director Kaufman said they would try to find out more about this listing for inclusion in the Element.

Ms. Weninger asked when air quality and noise data would be available and inserted in the draft Element. Planning Director Kaufman stated it would be completed as part of the Environmental Impact Report (EIR) and would be added to the draft Element after completion.

Julie Leitzell asked whether the proposed development at the old Win Cup site in Corte Madera would require an EIR. Planning Director Kaufman replied that the Town of Corte Madera included potential development of the site in their General Plan update, which went through environmental review.

#### 4. Begin discussion of Draft Facilities and Services Element.

Planning Director Kaufman noted that staff suggests removing "Community" from the title of this Element due to the use of "Community" for the Community Health and Safety Element.

Joakim Osthus referred to the last sentence in the second bullet on page 5-1 and noted that it should be modified to include "Safe" before the phrase "Routes to schools." Planning Director Kaufman noted that Safe Routes to School is the name of an existing program and the sentence is a general reference to routes. Mr. Friedrichs agreed that the city should support safe routes to schools in general, without referring specifically to the program Safe Routes to Schools. By consensus, the CAC agreed to add "safe" to that sentence as described by Mr. Osthus. [Note: See revision below per Ms. Semonian's suggestion.]

Jerry Hauser referred to the second bullet on page 5-1, stating that a very important component of cooperation between the City and the school districts are joint-use of facilities. He suggested referring to those facilities in this bullet. Planning Director Kaufman stated they would add references to joint-use facilities.

Don Graff stated that the library should be included in the second sentence of the first paragraph on page 5-1. He also suggested changing the wording of the first sentence of the second paragraph to "provide information about public facilities and their related level of services available now and in the future." In the first bullet on page 5-1, he suggested mentioning the growing youth population in addition to the growing senior population. Mr. Friedrichs suggested adding that to the second bullet after the last sentence. Mr. Moore supported Mr. Graff's suggestion.

David Esposito referred to the CAC direction to add "Safe" before "routes" in the second bullet on page 5-1. He stated that this might present liability issues for the City if a child is injured on their

way to school due to an unsafe road condition. Mr. Osthus stated that was not the level of intent of his comment. Ms. Leitzell supported Mr. Esposito's statement. Mr. Holmes stated that it could be seen as a guarantee for security. Planning Director Kaufman noted that the word "safe" has different meanings to different people. Elise Semonian suggested adding "pedestrian and bike" before "routes," instead of "safe." Mr. Osthus noted that you could have a sidewalk or a bike route that may be unsafe. Planning Director noted that those concerns could be born out in the policies and Action Programs. By consensus, the CAC agreed to remove the word "safe" and instead add "pedestrian and bike" before "routes," based on Ms. Semonian's suggestion.

Mr. Graff suggested adding a new bullet on page 5-1 that addresses the possibility of sharing and consolidating facilities and services. He suggested the following language: "Continued cooperation between the City and other jurisdictions." Planning Director Kaufman agreed and stated it would be added, and noted that the Twin Cities Police Authority and the Fire Department are already consolidating some services.

Mr. Graff referred to the last bullet on page 5-1 and stated that City Hall is not a public safety building. He suggested replacing "safety" with "service."

Mr. Holmes referred to the first paragraph, which states fire and police service are discussed in the Community Health and Safety Element. That Element actually did not discuss those services. He also noted that the Fire Department Station #1 is not over 100 years old; it was built in 1939. The same statement is made on page 5-14. Page 5-15 has the correct building date.

Ms. Nakai agreed with Mr. Holmes statement that the Community Health and Safety Element does not address crime or police in the detail it should. Planning Director Kaufman noted that the Twin Cities Police is a separate joint powers authority, which means that the City can't set policy for that agency. However, more detail can be added to address police services in the General Plan background.

Mr. Graff referred to the third bullet on page 5-1 and suggested clarifying how the Larkspur 2050 Plan prioritizes improvements to public buildings.

Mr. Friedrichs suggested adding statements about projected increases in school enrollment in the next five to ten years to the second bullet on page 5-1.

The CAC moved on to discuss the draft Element goals, policies, and programs.

### Goal FAC-1

Ms. Weninger referred to Policy FAC-1.1, which is noted as being the same intent as former Policy A; however, she doesn't think the new policy has the same intent as the old. She asked whether the new policy wording reflects current City practice. Mr. Holmes agreed with her statement. Planning Director explained that mini-parks are very expensive to maintain, and the City will likely not have more mini-parks. It is more likely that the City will focus on improving existing parks. The new policy wording leaves the City with more options, rather than committing to just adding more mini-parks. Ms. Weninger stated that the two policies seemed to be very different things: the former policy states the City will acquire the property, while the new policy states the City will require a developer fee to be dedicated to parks. Planning Director Kaufman stated that currently, the money received from developers is used to fund park maintenance and improvements. Planning Director Kaufman stated they would make sure the table tracking changes notes that Policy FAC-1.1 is a new policy rather than a replacement of former Policy A.

Ms. Semonian said the policy should be more specific as to what development projects would be required to provide in-lieu fees for parks, considering the strict legal requirements that development fees have a nexus with the actual project. The phrase “require the dedication” may not be legal. Planning Director Kaufman stated staff will reexamine that policy with those considerations in mind.

Mr. Graff stated that the Action Programs under Policy FAC-1.1 do not implement the policy and may have to be moved under other policies. The CAC agreed with this statement. Planning Director Kaufman stated staff can craft a new policy that better addresses the implementing programs. Ms. Weninger suggested turning Action Program FAC-1.1.a into a policy. She also asked for clarification between “improving” and “upgrading” as used in Action Program FAC-1.1.a. She suggested using one or the other since they seem to have very similar definitions. Mr. Hauser stated that the words have different meanings, especially legally. He suggested keeping the current wording. Planner Toft stated that the order of the words in the policy should be “Maintain, upgrade, and improve,” which reflects the correct hierarchy of actions.

Mike Folk referred to Goal FAC-1, and stated there are no policies or programs for all community members; rather, the policies and programs address only seniors and young people. He suggests adding a policy that supports providing programs for all community members. As he was reading through, he didn’t see any policies or programs supporting providing community-wide events like the Food and Flower Festival. It merits its own policy. Mr. Friedrichs echoed Mr. Folk’s idea and said policies should address “community enhancing” or “community promoting” events, which are a large part of the community’s character, whether it is the Fourth of July parade or the Food and Flower Festival. Planning Director Kaufman stated such a policy could be added under Goal FAC-1.

Jeff Stahl stated the focus of the policies under FAC-1 is dedicating parkland or maintaining or improving parks; knowing the potential for a community facility as part of the Niven Development, he wondered if a policy should be included that does address the possibility of creating new community facilities. Planning Director Kaufman noted that Goal FAC-5 addresses this topic.

Mr. Sternberg suggested adding a policy under Goal FAC-1 encouraging public or private partnerships for public events or programs. Mr. Folk stated creating such a policy encouraging those partnerships would be very critical. Planning Director Kaufman stated the suggested policy covering “community enhancing events” could have an action program under it addressing this topic.

Mr. Holmes asked whether there should be a policy under FAC-1 to reconcile the interests between the neighborhoods and the parks. Ms. Weninger noted that Policy FAC-1.8 addresses relations between neighborhoods and parks. Mr. Holmes clarified he would like to see a policy that mitigates the impacts of parks on the surrounding neighborhoods. Mr. Hauser disagreed and stated it’s a balancing issue, and he didn’t think the Committee should take that policy position. He stated that the policy stance should be “coordinate,” rather than “mitigate,” which is what Policy FAC-1.8 does. Planning Director Kaufman stated that staff will add a discussion of the conflict in land uses to the Land Use Element.

Mr. Graff referred to Policy FAC-1.6 and suggested modifying it to “Encourage closure of San Quentin Prison.” Ms. Capasso stated the CAC had discussed this in the draft Land Use Element discussion and had agreed on a policy to discourage expansion of the facility that would have a negative impact on the City, but did not agree to advocate for its closure. Mr. Graff asked why closure was not identified as the preferred policy. Planning Director Kaufman stated the topic of the future use of San Quentin prison was discussed by the CAC during their discussion of the draft Land Use Element, and there was not a majority opinion in the CAC to encourage the prison’s

closure; rather, the decision was to prevent its expansion. It is Committee policy not to revisit prior votes or discussion.

Mr. Graff referred to Policy FAC-1.7 and suggested adding “Kentfield.” Planning Director suggested referring to “school districts within or adjacent to Larkspur,” which would be broad enough to include College of Marin, not just primary schools. Mr. Moore added that the San Rafael City School District serves children in Larkspur Landing.

Mr. Sternberg asked why former Policy e was not carried forward in the draft Element. Mr. Holmes echoed his question and stated the background discussion on page 5-19 addresses the windsurfers there. Mr. Holmes stated he would like a policy on Remillard Park to continue into the draft Element. Planning Director Kaufman stated where the windsurfers launch is not in Larkspur’s City limits, which is one of the reasons the policy was dropped out. Mr. Sternberg suggested adding a policy referring to Remillard Park. Planning Director Kaufman stated that all parks are listed in a table in the background discussion.

Mr. Sternberg referred to Policy FAC-1.2, which specifically calls for maintaining Piper Park, and asked why there were no similar policies for the other parks. Mr. Hauser stated that Piper Park has a separate Master Plan, while development of the other parks in the City are addressed in the Mini Parks Master Plan.

Mr. Osthus referred to Action Program FAC-1.3.c and stated it should not be restricted to youth teams only, but should be expanded to all age groups. Mr. Hauser asked whether there were policies for adult leagues. Ms. Capasso stated staff could add a new program under the new policy addressing community-wide events and activities. Mr. Hauser referred to Action Program 1.3.b regarding a teen center, and stated he’d prefer the City provide teen programs or activities rather than a center, as he thought it unlikely that a facility would be available. Planning Director Kaufman stated the policy directs to the City to “explore” providing a facility, which leaves the options open. Mr. Sternberg suggested modifying the policy to include programs as well as a center. Mr. Folk disagreed and stated the word “center” should be removed. Mr. Sternberg stated if, for instance, the Masonic Lodge became available, it could be used for a teen center.

Mr. Holmes referred to Policy FAC-1.2 and suggested adding an action program to “balance the interests of local and regional users” for Piper Park specifically. Because Piper Park is a regional park, there are many users coming from outside of the area who wish to use it. Mr. Hauser asked how that policy would be implemented- would residency restrictions be applied, or would out of town users be charged more? It is a regional park, and always has been. Planning Director Kaufman stated that the City could prioritize the use of the fields for local users rather than regional. Mr. Hauser stated that the youth uses are generally local and are the more predominant; the adult uses are more regional. The Parks and Recreation Commission have never encountered a problem or complaint with the balance of users at Piper Park. Planning Director Kaufman suggested leaving the topic up to the Parks and Recreation Commission.

### Goals FAC-2 and FAC-3

Mr. Sternberg referred to Policy FAC-2.1 and asked why the phrase, “consider the development of affordable housing” was added. Planning Director Kaufman stated that the Housing Element, (which has been updated since the original General Plan was adopted) contains policies that support affordable housing development on sites owned by school districts. Mr. Sternberg asked why market rate housing would not be considered on those sites. Planning Director Kaufman stated since the land is publicly owned, the thought is if they provide housing, it shouldn’t be a

developer making a profit on market-rate housing, but should be housing that serves the needs of moderate to low income households.

Mr. Friedrichs stated that school districts would only sell land if it needed additional funding for operating schools over time; the Larkspur School District in particular has discussed this, though in their case they need more land, not less. He referred to Goal FAC-2 and suggested modifying it to read “Encourage preservation...” since the City cannot control the school district’s land. Planning Director Kaufman noted that the overall goal is to preserve all existing school sites, whether the City has direct control of the land or not.

Mr. Friedrichs referred to Policy FAC-2.2 and stated there is no action program to address growing enrollment at Larkspur schools. The action programs focus on school closure, rather than the current problem with growing enrollment. Mr. Stahl stated that the policy is referring to future public use, which is assuming you don’t need schools. The policy isn’t addressing the need for more schools. Mr. Friedrichs stated those policies are important, but the opposite circumstance should also be addressed. Planning Director Kaufman stated the City’s goal is to preserve the existing school sites, rather than help them expand. These policies are meant to prevent the selling off of school sites to be privately developed. Mr. Esposito asked whether a Charter School use would be allowed on school sites, since they are owned privately. Mr. Holmes noted that the private Marin Primary and Middle School has occupied a publicly owned school site for years; as long as it is a school use, it meets the City’s goals.

Ms. Leitzell stated she had to leave the meeting early, but wanted to state that she disagrees with the policy stance in Policy ENV-2.1 to build housing for different income groups on school sites. The more development that occurs, the more they will lose what is special about Larkspur. Everyone has their own housing needs, and she does not think it is right to build houses for a special group. Mr. Moore agreed with her statement.

Mr. Sternberg referred to the former Greenbrae School, which was closed and converted to a private development and a park. Something like that could not happen with Policy FAC-2.1. Planning Director Kaufman noted the policy directs the City to “encourage” the continued public or school use of school sites, which does not prohibit the private development of sites.

Mr. Hauser referred to Policy FAC-2.4 and stated he was unclear as to what it meant, and it seemed to conflict with Policy FAC-3.1. Planning Director Kaufman stated Policy FAC-2.4 means the City doesn’t have control over school uses, but if the school district wanted to lease out a school site for a commercial use, the City would have purview over that use. It would not apply to afterschool programs or activities mentioned in Policy FAC-3.1, as long as the site’s permanent use remained a school.

Mr. Friedrichs referred to Policy FAC-3.3 and suggested adding “and population and demographic trends” to the end of the sentence.

#### Goal FAC-4

Mr. Graff referred to Policy FAC-4.2 and suggesting adding “Kentfield” to the sentence.

Ms. Semonian stated that she would like more emphasis on providing childcare in Larkspur, where it is really lacking. She would like a policy that encourages the development of childcare facilities in Larkspur- other than preschools. Planning Director Kaufman stated state law allows childcare within homes in residential districts. Ms. Semonian said that those private childcare centers were very small and limited, and the other options are either too expensive or require parents to

volunteer which may not be feasible. She stated that the North Magnolia area may be a good location for a childcare facility.

Planning Director Kaufman stated that childcare facilities are allowed in commercial areas with a use permit. Ms. Semonian stated that requiring a use permit would limit the probability of a childcare facility actually opening due to neighborhood protest on the impacts. Mr. Sternberg suggested expanding Policy FAC-4.2 to include “childcare and preschool.” Mr. Folk suggested adding another policy under FAC-4 to “Encourage childcare facilities in Larkspur.” Ms. Semonian added the new policy should specify care for more than just afterschool care and preschools. Planning Director Kaufman stated the Twin Cities Childcare Center in Corte Madera is managed by the Larkspur Recreation Department. Ms. Semonian stated that the facility doesn’t have to be publicly run.

Mr. Folk stated that facilities are needed for ten to 25 children, larger than that allowed for small childcare facilities in the current code. Planning Director Kaufman stated that there are many issues to be considered with larger facilities, such as increased parking demand and more traffic impacts at pick-up and drop-off times, which is why a use permit is required. She stated staff will try to develop a policy regarding this topic.

#### Goal FAC-5

Mr. Graff referred to Action Program 5.1.a, which addresses the corporation yard. The Draft Land Use Element policy refers to implementing the agreement to build the corporation yard on the TUHSD property on Doherty Drive. There should be consistency between those two policies in the different elements. Planning Director Kaufman stated staff would look at that language.

Mr. Graff referred to Action Program FAC-5.1.b and suggested adding “library” to the text in parenthesis.

Mr. Sternberg referred to Action Program FAC-5.1.c and asked who would pay for the survey mentioned in the program. Planning Director Kaufman stated the City would pay. It would be part of the community process necessary as part of the Council’s decision-making.

Ms. Weninger pointed out that staff had noted in the comparison chart that the parenthetical phrase in Goal FAC-5 would be removed because it was too restrictive, but the actual goal was not modified. Ms. Capasso acknowledged that the comparison chart was inaccurate.

Mr. Moore stated it was too restrictive to designate community facilities to any exclusive use, such as a library. Residents in new developments, such as the Niven property, will have their own ideas about the use of that community facility. He supports multiple uses in community facilities.

Mr. Holmes referred to Goal FAC-5 and asked whether it relates to consolidation plans referred to in Policy FAC-5.1; they seem like separate issues. Planning Director Kaufman stated she saw his point and staff will look at reconciling those two issues.

Mr. Folk suggested adding the new policy regarding programs for all community members could be added under Goal FAC-5, as it relates to higher use of public facilities. Planning Director Kaufman said staff would look at that as well.

#### Goal FAC-6

Mr. Holmes referred to Action Program FAC-6.1.b, which refers to relocating Fire Station #1. He suggested modifying it to relocate the station within Larkspur. Ms. Capasso stated that the Fire Chief had specifically requested this language, due to the Department's serious considerations of consolidation. Likely the station would not be relocated elsewhere in Larkspur. Mr. Holmes stated that closing a fire station would likely lead to considerable public controversy. Ms. Capasso stated that regionalization of services would be driven by the goal of serving the entire region more efficiently; a fire station would not be closed capriciously. There would be very careful consideration of the best configuration of fire stations.

Given the time constraints and the summer break in Committee meetings, Planning Director Kaufman suggested that the CAC not discuss the Background section of the draft Element as a group, as it did not contain policy, only facts, but members should email comments on the Background section to staff over the summer break. The Committee members agreed by consensus.

5. Review meeting minutes of June 13, 2011.

The CAC approved the minutes of June 13, 2011 as drafted.

6. General Plan Update/CAC Program Evaluation.

Planning Director Kaufman asked the CAC whether they thought the process was proceeding at a fair pace, whether they would like any changes in the process, or other opinions. Mr. Friedrichs stated that earlier in the process, the CAC heard presentations from different departments, which was great; however, now that they are discussing the Elements that relate to those departments, such as Health and Safety, they don't have the information from those presentations immediately at hand. It would be better to coordinate the presentations more closely with the Element review.

Ms. Nakai stated that the meetings have moved much faster without a facilitator restating and reinterpreting statements made. Mr. Folk stated that he thought the facilitator was very useful during the Land Use Element discussion, which was more contentious and required more facilitating. Planning Director Kaufman thanked the Committee for their participation and input.

7. Next steps.

Planning Director Kaufman stated the CAC would take a summer recess until August 22, when they would resume their normal meeting schedule. The CAC will discuss the Circulation Element.

**Next meeting: August 22, 6:30 to 8:30 p.m.**

## **Adjournment**

The CAC adjourned at 8:45 p.m.