

S U P P L E M E N T A L M E M O R A N D U M

TO: Marin County Planning Commission
FROM: Lauren Armstrong, Planner
DATE: July 24, 2015
RE: Black Point and Green Point Community Plan

Since the distribution of the staff report for the Black Point and Green Point Community Plan, the attached public comment letters/emails have been received.

Attachments received:

1. Letter from C. Henry Barner
2. Letter from Robert S. Jaret
3. William L. Richards

C. Henry Barner
427 Grandview Avenue
Novato, California 94945
July 22, 2015

Marin County Planning Commission
3501 Civic Center Drive, Suite 308
San Rafael, California 94903-4157

Re: Black Point Community Plan Update

Dear Commissioners,

While I am a member of the Advisory Committee for the update of the Black Point Community Plan, this is a personal letter regarding the Staff Report to the Planning Commission concerning the Black Point and Green Point Community Plan, dated July 27, 2015. The Staff Report was released after the last Advisory Committee meeting and so this letter is not intended to reflect the Committee's response to the Staff Report.

It has been an honor to serve on the Committee and comments in this letter are in no way intended to demean the efforts of staff; however, I believe some portions of the draft Community Plan are inappropriate and some of those differences are reflected in the Staff Report. I also realize that the Community Plan is a County document, and that the role of the Advisory Committee is only to advise.

My concerns include the following:

1. Name of the Plan. Discussions about the name of the Plan have resulted in an expenditure of an inappropriate amount of time and energy, some of which could have been spent on topics such as recognition of some of the older buildings in the community and encouragement for their preservation, inclusion of more areas of Black Point within the Baylands Corridor, ways to preserve the night sky and water conservation. Other concerns with the proposed name change include:
 - a. There is no Black Point neighborhood. It is the Black Point community, and that community is comprised of a number of distinct neighborhoods, such as Green Point, the Village Center, the Gridiron, Atherton Oaks, etc.
 - b. Marin County cannot change the legal boundaries of a community, including Black Point. The County can change and name planning areas, but it is the responsibility of LAFCO to change legal boundaries. If staff insists on changing the name of the planning area, then the name change should be clearly identified as a change to the planning area only. The legal boundary of Black Point may well be over 100 years old, and the planning area boundary from the 1978 Plan is the same. The Black Point Improvement Club, incorporated in 1954, includes the same boundary.
 - c. While staff is recommending that the Black Point planning area includes the Village Center and the Gridiron, the staff report and the draft Plan states that

Grandview Avenue is the only way in and out of Black Point. There are a number of ways into Black Point, as defined by staff, including two entrances from highway 37, one from Atherton Avenue, and One from Crest Road, each of which enters Harbor Drive. The correct statement should be that Grandview Avenue is the only way in and out of the Gridiron. This is an example of confusion and lack of consistency due to efforts to change names.

- d. The Black Point Improvement Club is a voluntary homeowners association, and its membership is open to residents of all the neighborhoods within the legal boundary of Black Point. The Green Point neighborhood, to my knowledge, has no formal organization other than a security committee that was formed as a result of increased crime in the area.
 - e. Page 5 of the staff report adds to confusion over name change by identifying “local neighborhoods within Green Point”. The staff report continues on page 5 to state that the differences between Black Point and Green Point (staff’s definition) make them unique. Are those differences greater than or less than the differences between the Canal area and Dominican in San Rafael? Or Hamilton and San Marin in Novato?
 - f. Was the feedback mentioned on page 6 overwhelming to change the name of the Plan or the name of the Community? Or was it to recognize Green Point as a neighborhood?
2. Issue 2. Development within Marsh and Wetlands. I have suggested that the revised NR-6 be further revised to remove “- - - located west of SR 37 and south of the Petaluma River” be removed since marsh and wetlands anywhere in the community should be protected and would be consistent with the county’s wetland conservation area policy.
3. Home size. The advisory committee voted unanimously several times to recommend Option 2 concerning house size. One of the problems with Option 1 is that it was never explained what the “present process” is. I suggest that the present process is complicated, confusing, and inconsistent. Concerns include:
- a. The Countywide Plan specifically places regulation of house size on community plans and recognizes that each community may have different needs. Thus Option 2 is consistent with the CWP.
 - b. Pages 9 – 11 of the staff report seems confusing in that it seems design review is not required in the Gridiron and then indicates that it is required because many of the lots are less than 50% of legal size.
 - c. The use of .30 FAR as a standard for determining house size in the community is one of the basis for concern in Option 1. I understand the .30 FAR is a Marin County limit, not a standard, and to use it as a standard in the whole Black Point community is inappropriate. For example, in Option 3 developed by staff, it was reported that the median house size in the Green Point area was 3000 square feet, and it was 2000 square feet in the Gridiron. If the .30 FAR is applied to 2 acres for Green Point the result would be a development of over 26,000 square feet. For a 10,000 square foot parcel in

the Gridiron. a .30 FAR would be 3000 sq. ft. In both cases, the result would be overwhelming, compared to existing pattern of development calculated by staff. Thus, the use of .30 FAR for any portion of the planning area would be grossly inappropriate. My experience in calculating FAR's in the Gridiron is that the mean usually is in the 12% to 14% range, a far cry from .30. For the Green Point area, the FARs are even lower.

- d. Consistency in evaluating house size, I suggest, is a good goal. Yet, my experience in the approval process is that sometimes the .30 FAR is used (290 Grandview DR 2014 in Black Point) and sometimes median house and lot sizes are used (Thompson DR in January 2015 in Mill Valley)
 - e. Staff has raised concern about the accuracy of data concerning lot and house sizes from the Assessor's office. If the data are wrong, the solution is to correct them, not abandon them. I suggest that if the data are wrong, it is probably due, in many cases, to improvements made without the benefit of permits. Correction in these cases not only gives better data, but may result in increased assessments, thus increased county income.
 - f. While using median FAR's in determining house size may increase staff workload initially, I submit that it would reduce conflict and the need for appeal hearings, thus reducing workload overall. In addition, computer technology should have increased the efficiency of data collection.
 - g. Page 11 states, "In instances where home size has been an issue, planning staff has analyzed median home size for those projects". That statement is either wrong or misleading. The staff report for 290 Grandview Avenue in the Gridiron had comparisons of the project with selected properties, but the report did not have a calculation of median FARs within 600 feet of the proposed project. The file had some data on house and lot size in the 600 ft. area, but there was no indication that the data had been analyzed. Rather, the proposed size was justified because it had a FAR of just under 30% even though our calculations indicated that the median FAR for the neighborhood was less than 13%. Ironically, a few years earlier, a FAR analysis was done by staff for a proposed development just across the street from 290 Grandview, and the result of that analysis was a part of the staff report for that project.
 - h. How large was the community support for Option 1? In addition, many members of the community do not become involved in house size discussion unless an overly large project is proposed in close proximity to them. The appeal of the 290 Grandview project indicated that nearly 20 of the neighbors became concerned about that one project.
4. Setbacks. Staff objects to the proposal for setback requirements in the Green Point area because, in part, it would require staff to measure setbacks of surrounding properties. I believe that setbacks are part of the approval for each of the existing properties and so the data only need to be extracted from existing files. Because of the large lot size in the Green Point area, it doesn't take many lots to equal 600 feet from the proposed development. In addition, how do staff determine if proposed

setbacks are consistent with the pattern of development in the area, that is required for design review, without having some form of data on existing properties?

I respectfully request that you approve keeping the name of the updated Plan as the Black Point Community Plan. Consideration should be given to include the various neighborhoods on the cover of the Plan as well as in the introduction to the Plan. I also request that Option 2 be approved, NR-6 be modified to remove the site selections, and setbacks be approved as recommended by the Advisory Committee.

Very truly yours,

Hank Barner

Robert S. Jaret

20 Mistletoe Lane, Novato, CA 94945

July 22, 2015

Re: Personal Objections to Black Point Community Plan Staff Report

Dear Commissioners:

Please accept this letter as a personal objection to the content of the Staff Report as it relates to the name of the Plan, and the option concerning home size. The Community plan should be that of Black Point which is the title of the 1978 Plan, and is based on the designation of Black Point as both a legal boundary and historical boundary.

I am a member of the Advisory Committee for the update of the Black Point Community Plan, and also a member of the Board of Directors of the Black Point Improvement Club. However, the comments in this letter are from me personally.

The following are the reasons why the name of the Plan should not be modified:

1. Staff and the Committee were tasked with updating the Black Point Community Plan, as opposed to redefining the name of the Community. The Advisory Committee, as well as the Black Point Improvement Club, voted to preserve the name of the Black Point Community Plan.
2. There is no objective evidence that based on "feedback", "common interest" or the name change being "generally supported", the name of the Community should be changed. Rather, Staff has no legitimate basis to state that the hundreds of residents that live on the north side of Highway 37 desire to be part of a separate community.
3. Black Point has a rich history which should be preserved. This history has been documented in the *Novato Township* book, published by the Novato Historical Guild in 1989. A copy of the Black Point chapter is attached for your review. There is no reference to Green Point in this chapter. There was a Black Point Post Office from 1865 until 1891. It was later renamed the Grandview Post Office in 1905 but changed back to Black Point in 1944 until it was discontinued in 1952. The name "Black Point" is thought to have originated because of the dense growth of timber gave such a dark appearance to that point of land when observed from across the Bay. Its site on the Petaluma River attracted both hunters and fishermen to Black Point. The 1888 *Marin Journal* reported that the Napa and Marin Railroad was "bridging Petaluma Creek... and a gang of builders are at present engaged in building a one-ender drawbridge of novel method of construction over Novato Creek." Black Point extended to the area known as Dear Island, off of Olive Avenue. The

Black Point Inn was a popular destination until it burned down in the Spring of 1976. Most believe that it was built during the 1890s.

This rich history should not be undermined by the vested interest of but a few homeowners.

4. The Local Agency Formation Commission (LAFCO), created by the California Legislature in 1963, has the authority to change legal boundaries. It is inappropriate to do so in such a casual and inconsistent manner.
5. The only Community Plan of the 23 that exist that combines 2 communities is the Kentfield/Greenbrae Community Plan. It is unknown whether there was any objection to combining the 2 communities. However, those 2 communities are individually identifiable. For example, Kentfield is the home of a Community College and a County Hospital. There are no similar compelling reasons to include Green Point as part of the name of the Plan. Rather, Green Point should be identified on the front page of the Plan as a neighborhood in Black Point.
6. Combining the communities creates inconsistencies that cannot be reconciled. By trying to appease a few homeowners by changing the name it has unintended consequences. For example, I live in the Gridiron neighborhood of Black Point. I would now live in the Black Point neighborhood of Black Point, which is not logical. Originally, Staff “hyphenated” Black Point and Green Point. In the latest rendition the communities are separated by the word “and”. This denotes that there are two separate communities. On page 23 of the draft Plan, it states that the Black Point and Green Point community enjoys...” The grammar is incorrect because the logic does not follow. There is either one community or two communities. Some of the residents in the Green Point neighborhood have indicated a desire to be completely separate and to have their own Community Plan. I am unaware of any Green Point organizations that exist other than a security committee, but if there is such a support then these residents should take the appropriate effort to create a separate community. Changing the name of the Plan does not satisfy their concerns, and is objectionable to many residents in Black Point.

The following are the reasons why Option 2 regarding home size should be adopted:

1. The Community has supported Option 2 as a reasonable method of expressing a concern of maintaining the character of their neighborhood. Both the Advisory Committee and the Black Point Improvement Club voted to adopt Option 2.
2. Option 2 provides that new construction shall not exceed the median floor area ratio within 600 feet of the surrounding neighborhood by more than 10%, but there are other variables that permit larger construction. Based on a detailed analysis by a Committee tasked with formulating this Option, there are no onerous limitations on development. Rather, the

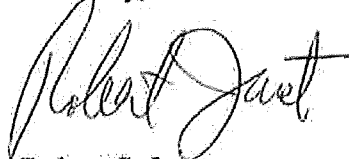
Advisory Committee and the Black Point Improvement Club have encouraged development.

3. The Planning Commissioners previously reviewed Option 2 at the Workshop and five of the six Commissioners present thought that it was a very good idea.
4. The reasoning in the Staff Report for rejecting Option 2 is that public records relied upon may not be accurate, or that compiling data will add to staff time and may increase the cost of Design Review Applications. In contrast, by providing clear guidelines to a developer it may reduce disputes and ultimately decrease staff time. It is also speculation that available data is incorrect or that it would result in any meaningful discrepancies.
5. After working on Option 2 for well in excess of 1 year without any objection, Staff determined that a deviation from the norm will create additional work and therefore suggested a NEW Option 3. This option limited new single-family residences or additions in the "Black Point" area to 2000 ft.², and in the "Green Point" area to 3000 ft.². Such a blanket limitation is precisely what the Advisory Committee, and the Black Point Improvement Club did not want to promulgate. Each site is different and must be evaluated on its own merits.

Conclusion.

The Black Point Community originates from the Village of Black Point and it should maintain its character which is a benefit not only to the immediate community, but the City of Novato, and the County of Marin. The desires of the Community to provide reasonable guidelines for new construction as identified in Option 2 should be adopted and is also consistent with maintaining the character of the Community. The neighborhoods of "Black Point" and "Green Point" in reality are virtually identical with respect to geography, geology, and the proximity to and respect for nature. The minor differences do not justify dividing this wonderful community.

Sincerely,

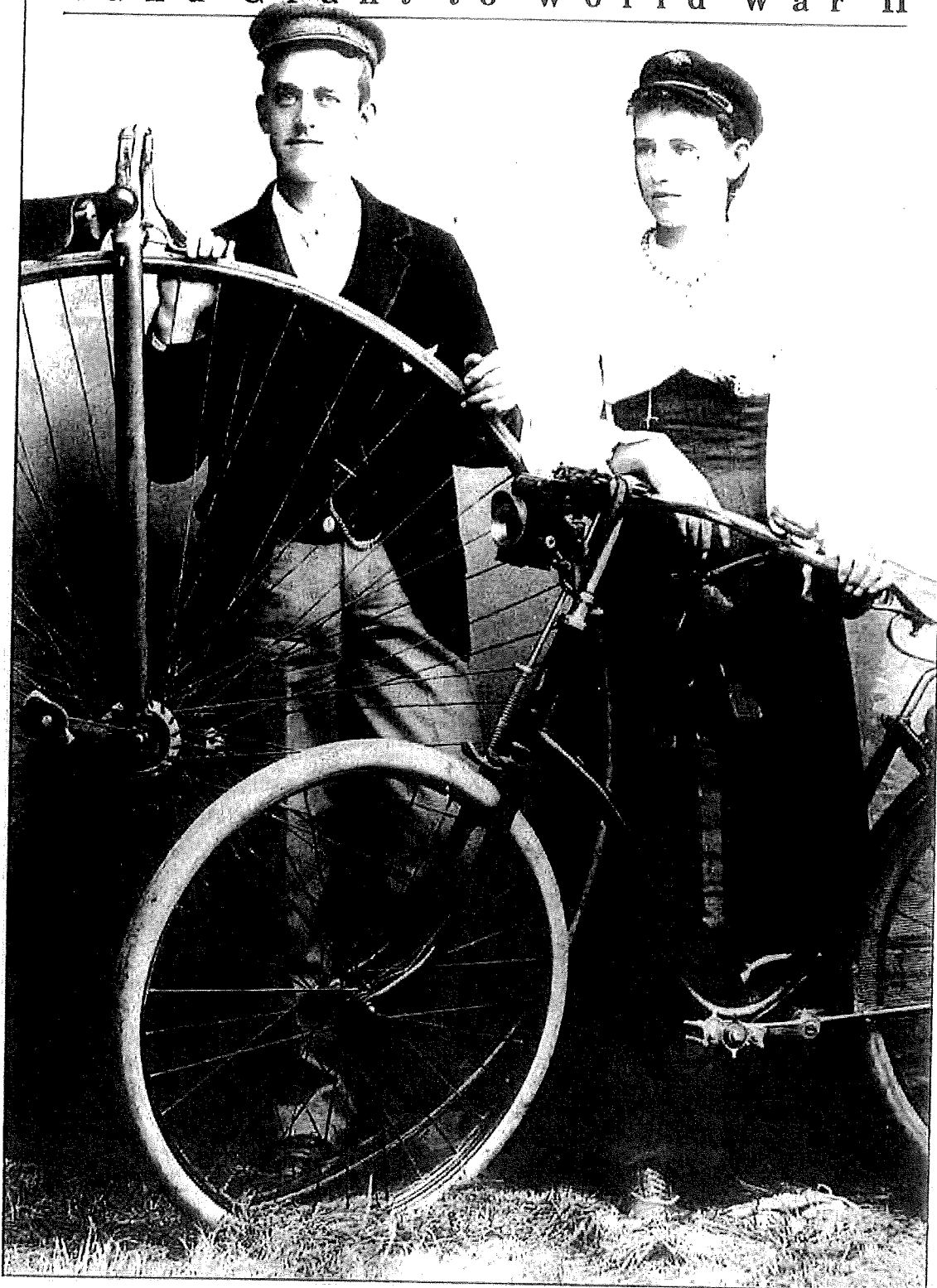
A handwritten signature in cursive script that reads "Robert S. Jaret". The signature is written in dark ink and is positioned above the printed name.

Robert S. Jaret

NOVATO TOWNSHIP

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Land Grant to World War II



By May Rodgers Ungemach

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BLACK POINT

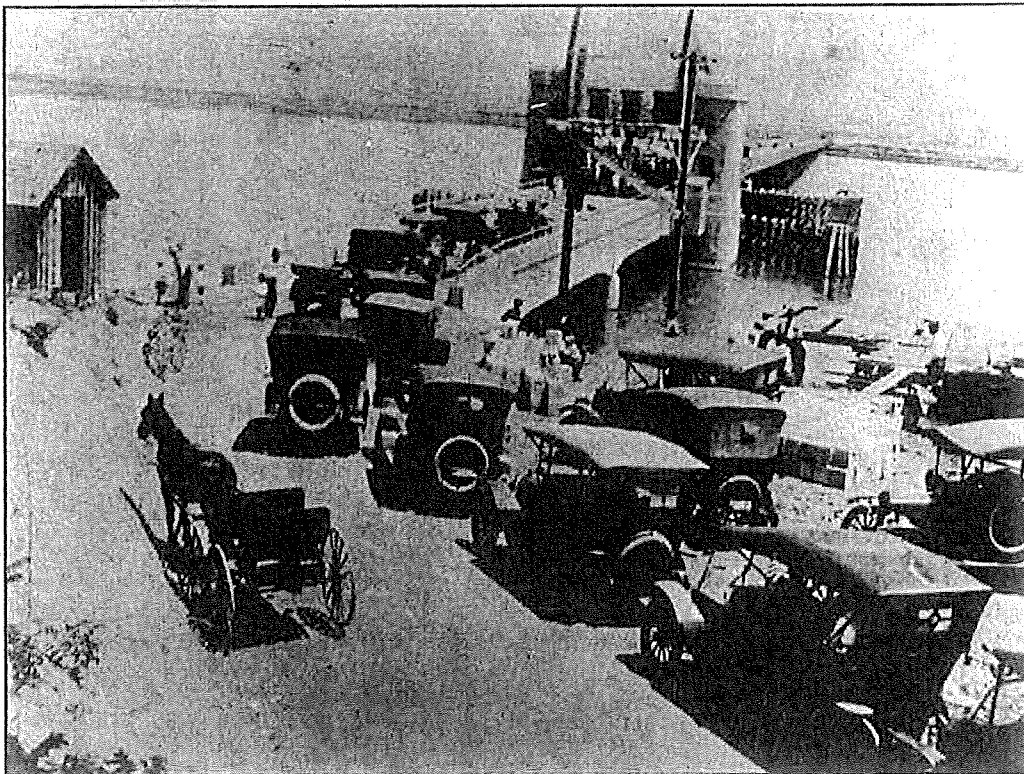
East of Novato's city line, there is a quiet little village known as Black Point. Longtime residents who love their rural life style have resisted the intrusion of developers over the years. Despite the vigilance of local groups, new homes continue to proliferate the Black Point hills.

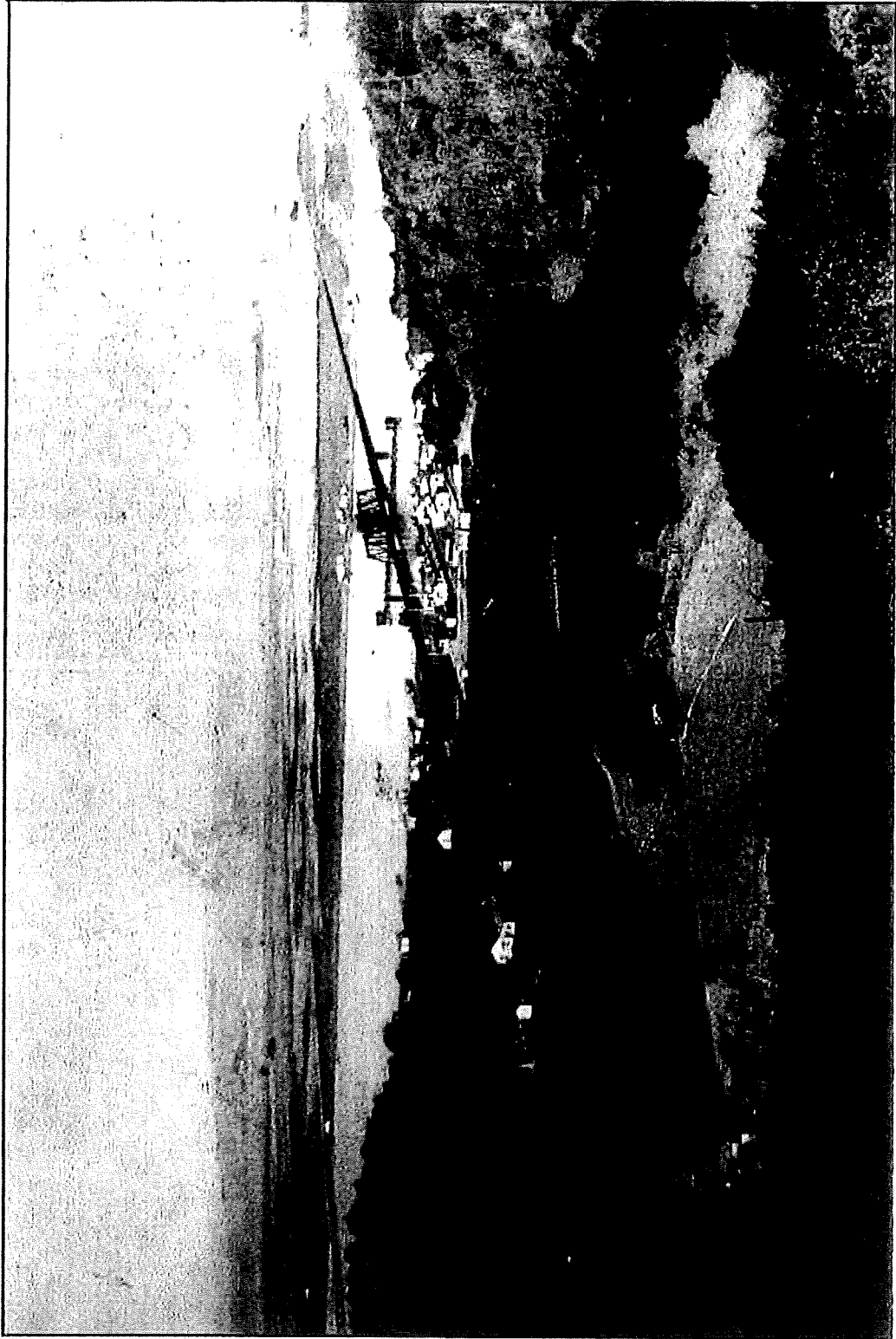
The name "Black Point" is thought to have originated because the dense growth of timber gave such a dark appearance to that point of land when observed from across the Bay. Some have said it was named after James Black who owned considerable property in Marin County, but that story is untrue according to Black's great granddaughter, Miss Charmaine Burdell. Black Point was called Grandview in 1905, by a developer named Danmeyer, who felt the name had more "class" and would help promote sales.

There was a Black Point Post Office from 1865 until 1891. According to historian and author Louise Teather, a Grandview Post Office started in 1905, so that name was apparently official and not just an advertising gimmick. It was changed back to Black Point in 1944 and the Post Office branch was discontinued altogether in 1952. Black Point residents receive their mail today via the Novato Post Office.

Black Point was originally part of the Rancho de Novato land grant. The *1880 History of Marin County* by Alley, Bowen & Co., speaks of a "man named Day" who in 1851 "settled on an island in Novato township which has since borne his name." Day Island in Black Point is now part of Marin County Open Space District. The *1880 History* goes on to tell of

Opening of the Black Point Highway Bridge, 1917. Little Enid Porcella presented a bouquet of flowers to Governor Stephens and Mrs. Martha Lewis sang. The counterweight for opening the bridge had not yet been installed.





Overview of Black Point, 1920's

other settlers moving into the Black Point area in 1853. Some were legitimate landowners, however there was an ongoing problem with squatters everywhere.

Pioneers in Black Point were woodcutters, a few dairy farmers, and some shipbuilders. Wood from Black Point was used to make the "knees" for the Saginaw, a side-wheel steamer built at Mare Island Navy Yard in 1858. The Saginaw served the United States in foreign seas until she struck a reef near Ocean Island on a voyage to San Francisco in 1870. The crew took refuge on the Island and most were rescued weeks later.

Its site on the Petaluma River attracted both hunters and fishermen to Black Point. Vacationers built summer cottages there.

Sometime during the last half of the 19th century, that portion of the Novato Rancho became known as the Black Point Ranch. The 1888 *Marin Journal* reported the purchase of the 6000+ acre Black Point Ranch by a Mr. Chase, who divided the area east of the County Road (now Redwood Boulevard) into over 800 "village" lots. The streets were named for prominent citizens, also fruit and ornamental trees. Mr. Chase formed the Home and Farm Company, with himself as principal owner, to handle the many tasks required to prepare the property before sales could begin. It was quite an undertaking to survey the 6000 acres, dike the marshlands and plan what was promoted as the "new town of Novato."

In 1889, the *Sausalito News* wrote in the Novato column "The Home and Farm Company will soon have a crew of twenty-five cutting wood on Black Point. The intention is to rid the Point of its wood which will be quite an undertaking." In 1895, the *Marin Journal* reported rapid development and considerable land sold by the Home and Farm Company in the

Black Point District. A few months later, the following appeared in the *Journal*:

"Ex-Governor Machin, agent of the Novato Home and Farm Company, is meeting with good success in disposing of small tracts to home seekers on the famous Black Point Ranch.

(Thomas N. Machin actually served as California's Lt. Governor from 1964 to 1968.)

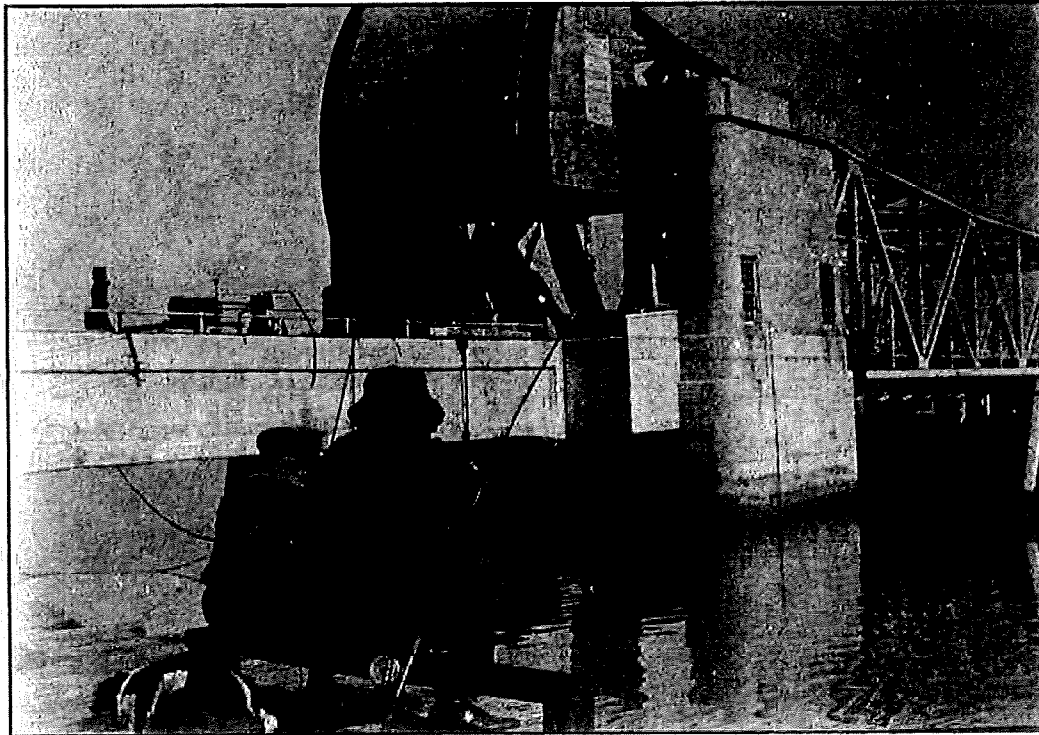
There is one bit of Black Point, the older part on the southern end, that may never be developed. Around the time the Home and Farm Company was acting as agent for Mr. Chase, an encyclopedia salesman decided to boost the sale of his books by "throwing in" a 2500 sq.ft. Black Point lot with every encyclopedia order. By the time his "special" ended, he had collected 1200 orders. The heirs of the original buyers can't build on their lots because the current zoning laws require

Black Point Inn guests in 1906 leaving to board train for return trip home. Priest held Mass on the front porch of the Inn for the guests.

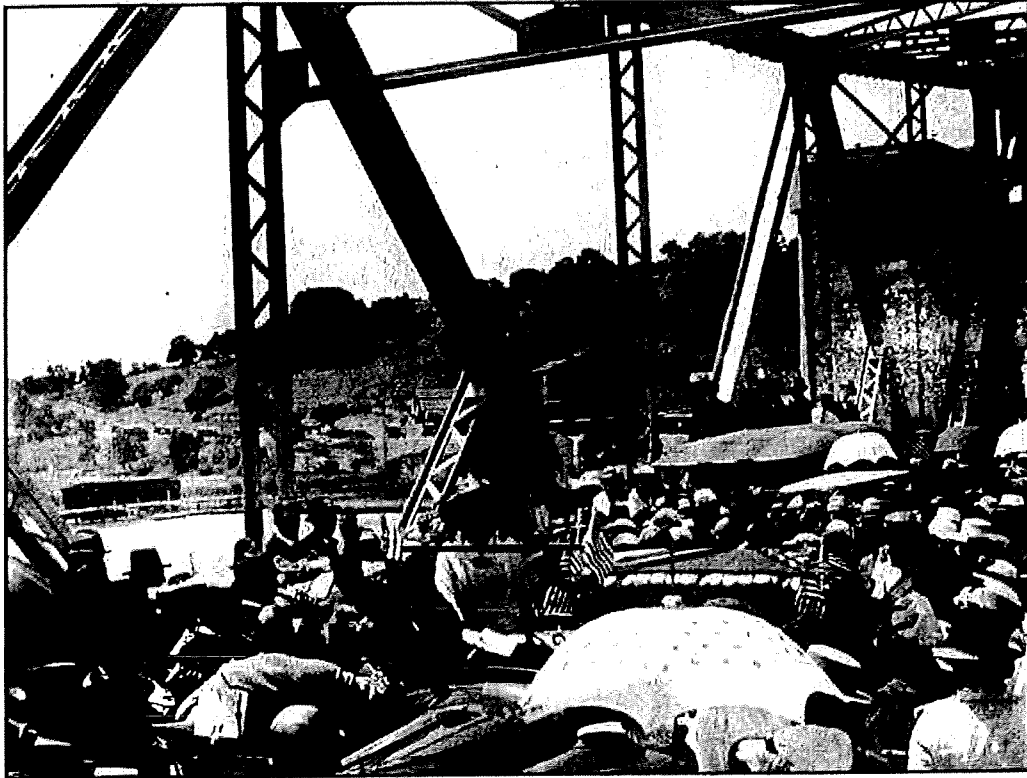




Black Point Railroad drawbridge



Black Point Highway Bridge showing counterweight



On Black Point Highway Bridge during dedication

a minimum of two acres. Some lots have been sold for back taxes.

That area known as Deer Island, between Olive Avenue and the Black Point Cutoff, really was an island around the turn of the century. The house owned by Antonio DeBorba was surrounded by water and could be reached only by rowboat. When Mr. DeBorba couldn't get the State or County to build a dike, he did it himself, paying a dredger \$100 a day to deepen the creek. Mr. DeBorba spent thousands of dollars for a pump to take the water out of the marsh. He also donated the land for the wagon road which later became Highway 37.

Business was modest in Black Point with just a general store and the Black Point Inn. The latter provided multiple services and was a landmark before it burned down in the Spring of 1976. Most believe it was built during the 1890's and

as long as it stood, the historic old Inn was a popular meeting place for locals and city folk. Politicians or lovers seeking privacy, families, fishermen, hikers — Black Point Inn met all of their needs. There were 10 hotel rooms upstairs and on the first floor was a Rosewood bar, a restaurant, Post Office and a grocery store.

Mrs. Louis Nave (the former Mae Miller) bought the Inn in 1908 and ran it for almost 40 years. She had her living quarters in the back. It passed through several more owners before the fire destroyed it.

The 1888 *Marin Journal* reported the Napa and Marin Railroad was "bridging Petaluma Creek...and a gang of builders are at present engaged in building a one-ender drawbridge of novel method of construction over Novato Creek." First man placed in charge of opening and closing the bridge was a Black Point pioneer,

John Brink. One of his successors, Mr. Bobo, was killed accidentally on the bridge. He had to come down from the house up above in order to close the bridge. One day on the way down, he slipped on the metal stairs and fell unconscious into the water. His body was found two weeks later.

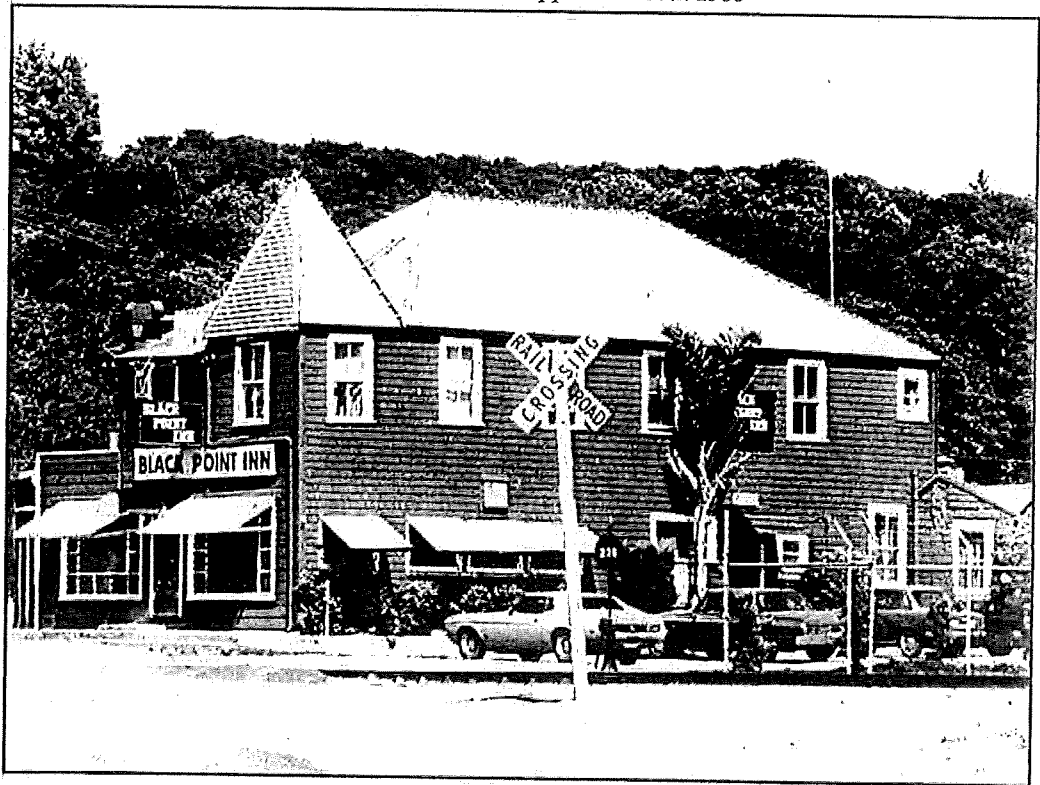
A branch line of the railroad was built off the main line at Ignacio, crossed the Petaluma River at Black Point over a railroad bridge, then went on to Sonoma and Glen Ellen. Historian Florence Donnelly said "Black Point was a stopping

point, with drawbridge tenders and other railroaders living there.

Before World War I, visitors came by the trainload for dancing and picnics. (Later on, its secluded location made the Inn an ideal roadhouse during prohibition.) When the daily mail train stopped at Black Point, it was a signal for local residents to meet at the bar or on the Inn's porch to catch up on the news.

The general store is still there along with a few new businesses, but nothing can replace the old Black Point Inn.

Black Point Inn as it appeared about 1960



William L Richards

July 22, 2015

Marin Planning Commission
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Black Point Community Plan

Commissioners:

It is with a certain amount of displeasure to provide you with this letter. As a member of the Advisory Committee to County Staff in the update of the Black Point Community Plan, I offer the following commentary.

I participated in a process that should have resulted in a community effort to preserve and protect the great quality and character and unity of a very special place in Marin County; our charge from the County Supervisors to address the 1978 Black Point Community Plan.

While great effort, thought and consideration was put into the essence of the Plan, to maintain the rural and unique character of the area, there was a concerted effort by a very few to subvert the Plan in an effort to divide the community into two distinct areas.

It has been the very few who wish to turn upside down a Plan for this place due to an unwarranted repudiation of the history of the neighborhood and unwarranted fears of ever so unlikely constraints on property rights.

Further it is evident that Staff is unwilling to adopt standards that reasonably will maintain the same goals of this special place.

That all being said, I encourage the Planning Commission to adapt the Black Point Community Plan as the Black Point Community Plan. Beyond all the narrative and proposed new policies I would recommend that the Planning Commission agree with so called Option 2 for house size determinations and agree to set-back provisions as the Advisory Committee proposed. The Planning Commission needs also to agree that alternative/renewable energy is an effort of great import today, and that beyond the brief Staff discussion; alternative/renewable energy options need clarification and forward movement.

Black Point is a grand area of this County. It has a great history. That provenance should continue to provide all residents comfort and a sense of belonging. It is true that there are many neighborhoods, broad and small, street by street and hill by hill. But we must recognize this name.

House size is a curious discussion. While many may become enraged by large scale homes in this rural community, there is a methodology to maintain harmony while acknowledging change in home needs and design. It is with recognition of the rural character that a milestone should be set in place to judge the contribution and the unworthiness of a building for this place. It is with that spirit that the Advisory Committee put forward a plan, Option 2. This plan provides Black Point and Staff a meaningful matrix in which new development can be achieved. The requirements are not difficult today; although certain data may need better collection and verification, there should be no great burden loaded upon Staff or an applicant. The community will benefit greatly from this proposal.

The set-backs issue is a more simple discussion; it is in the realm of common sense, obvious to any applicant and should be to an experienced and interested Staff.

Alternative and renewable energy options should be encouraged in every situation. While there may be concerns of commercial generation in certain areas, generation for residential use needs to be addressed immediately and aggressively. And all alternative energy must be respectful of the Plan, which requires that the history and environment of this Place continue, rural, peaceful and of a jewel of the County.

Now, it seems that a small group of very few members of the community are dissatisfied by the entire process. To this cadre, insufficient notification of meetings and an overbearing Advisory Committee membership and as a side issue, the Black Point Improvement Club, have created a very ugly division intent on upsetting the process and the Plan update itself, possibly asking for a separation. In answer to the above, Staff and the Black Point Improvement Club provided ample mail and placard notices. This group seemed intent not on community wide recognition and preservation, but on specific and generally self-serving interests. We need to reconcile and we can assure this group that the overriding goals of the Plan are superior to small and individual momentary needs.

May Black Point continue to be that special place that so many have found home and may the County in its wisdom continue to place that same value on this place.

I am blessed to be a resident for more than twenty years and look forward to many more.

Thank you for your consideration.

William L. Richards

316 Laurel Avenue

Novato, CA 94945