

BACKGROUND

In early 2013, some 35 years after its original adoption, the Black Point Community Plan was selected as a priority for an updated community plan due to the age of the existing plan as well as the level of interest demonstrated by the community, consistent with guidelines in the Community Plan Update Strategy adopted by the Marin County Board of Supervisors in 2012.

Preparation of the Plan has involved extensive community input starting early in the process, as summarized below:

Advisory Committee Meetings: An Advisory Committee comprised of five community representatives appointed by Supervisor Judy Arnold met with staff on a monthly basis over the course of 26 months to discuss the plan and provide guidance on the scope, public outreach, community engagement, and draft policies. All 24 of these meetings were open to the public and primarily held at the Novato Fire District's Station 62 training room, off of Atherton Avenue.

Black Point Improvement Club (BPIC): The BPIC is an active neighborhood group, representing both the Black Point and Green Point areas, with approximately 80 households in its membership. During preparation of the plan, staff attended two scheduled public BPIC meetings to provide updates on the plan process. In addition, staff utilized BPIC's email distribution list to publicize events and opportunities for involvement including public meetings, and by providing updates on the community plan. In addition, BPIC assisted in notifying community members by posting notices on sandwich boards and distributing flyers at key locations in the community.

Public Workshops: Three community-wide public workshops were held during development of the Plan to engage residents, encourage the sharing of information and ideas, and to obtain input and feedback on various issues including the Plan itself. The workshops were conducted on March 5, 2015 (Novato City Hall Council Chambers), June 5, 2014 (Novato City Hall Council Chambers), and August 28, 2013 (Hill Community Room). In addition, an informal public workshop with the Black Point Advisory Committee was conducted with your Planning Commission on January 26, 2015 to solicit feedback on the scope of key issues proposed in the Plan.

Online Engagement: A website was developed for the planning effort which has provided all public materials at www.marincounty.org/blackpoint. The website also offers a subscription service for the public to receive email notifications of the project with 349 current email subscribers. Residents were also offered opportunities to participate through several online topic forums via Open Marin and Survey Monkey.

A draft of the Plan was released in January 2015. A revised draft was released in late June 2015 that incorporates your Commission feedback from the January 26, 2015 workshop, the March 5, 2015 community workshop, and public input from several Advisory Committee meetings and letters from the public. This revised Plan is before your Commission for review and consideration (Attachment 2). In addition, a simple text version of the Plan in "tracked changes" format is available on the project website (www.marincounty.org/blackpoint) to show all changes that have been made to the January 2015 draft. Both of these documents are available online at the above website.

PUBLIC NOTICE

The Community Development Agency has provided public notice of the Planning Commission hearing to consider the Plan to all residents within the community plan area. Similar public notice was provided prior to community workshops on the plan held on March 5, 2015, January 26, 2015, June 5, 2014, and August 28, 2013.

ORGANIZATION OF THE COMMUNITY PLAN

The Plan parallel's the structure of the Marin Countywide Plan by being organized into seven chapters, which are summarized below:

1. Introduction

The introduction outlines the community plan preparation process, explains the relationship between community plans and the Countywide Plan, and lays out the goals of the Plan.

2. Background

Chapter 2 summarizes background material including the community's location in the county with respect to the Countywide Plan's environmental corridors and describes some of the external entities which influence the community, such as the City of Novato, Caltrans, and the Sonoma Marin Area Rail Transit (SMART) system. The chapter also provides demographic background and historical information.

3. Natural Resources

The Natural Resources chapter gives an overview of some of the key policies and programs contained in the Countywide Plan as they apply to the Plan area to protect, restore, and enhance watersheds, natural habitats, and sensitive species in Marin. In particular, it describes why the protection of wildlife habitat and movement corridors is important to the community, and provides information on Sudden Oak Death.

4. Environmental Hazards

The Environmental Hazards chapter focuses on fire risk, earthquakes, flooding, and sea level rise. The threat of fire is significant due to the area's vegetation, topography, and climate. Narrow roads, lack of access, and development patterns also exacerbate the problem. The Plan includes a map of evacuation routes, one of the first community plans to provide such information, as well as a number of "Options for Consideration" or ideas that residents may want to further explore to enhance fire protection and emergency preparedness in the community. Background information and maps describing how the area's topography and geology play a role in ground shaking and liquefaction susceptibility from earthquakes is also provided. Flooding is also a concern, and the Plan provides an overview of ongoing efforts by the Flood Control District, working in conjunction with the Marin County Watershed Program, to minimize flooding in the community and undertake projects that integrate both flood protection and environmental restoration. Finally, this chapter acknowledges community concerns regarding sea level rise and lays out conceptual guidance supporting work presently getting underway to determine specific impacts and appropriate adaptation strategies for the community.

5. Community Character and Land Use

Chapter 5 addresses the topics of land use and zoning, home size, setbacks, legal nonconforming lots, light pollution (night skies), and affordable housing. Information is provided describing the area's existing and planned development, in addition to a more focused discussion on appropriate uses for the Village Center neighborhood. The chapter describes existing tools used to protect community character, including the Design Review process and the County's Single-family Residential Design Guidelines. Two potential policy options to regulate home size are provided, as well as a new policy addressing setbacks. The Plan also recommends minimizing light pollution to protect the night sky.

6. Transportation

Chapter 6 address transportation and related concerns with roads - including road maintenance, paper streets, speed enforcement, and parking - as well as public transportation, bicycle and pedestrian access, and equestrian trails. The area's roads are developed to rural standards and lack improvements such as shoulders, sidewalks, curbs and gutters. Road maintenance is an issue since many of the roads in the planning area are not County-maintained. The community's many paper streets are seen as assets as they serve as pedestrian and equestrian pathways, provide connections to open space and recreation areas, provide emergency access, and serve as wildlife habitat and movement corridors.

7. Public Facilities and Services

Chapter 7 focuses on water supply, wastewater management, and annexations and spheres of influence. Background information on the North Marin Water District, which provides water service to the community, is included. In addition, the Plan describes how the community's use of septic systems for wastewater management has helped retain the area's rural character by limiting more intensive development. Information on wastewater services provided by the County, as well as links to other resources, is also provided. Finally, contextual information describing the role of Marin's Local Agency Formation Commission, as well as the City of Novato's Urban Growth Boundary and Sphere of Influence, is also included.

8. Parks and Recreation

Chapter 8 describes how parks and open space preserves are planned, managed and funded in Marin County and provides an overview of the various parks and recreation amenities in and around Black Point. This chapter also identifies a number of suggestions from the community for consideration as part of future park planning efforts, including improved public access and trail linkages, parking improvements, and potential areas that may be purchased for permanent protection.

9. Public Safety

A small number of recent home break-ins and thefts within the community have created concerns with regards to public safety. This chapter provides a brief overview of neighborhood safety and law enforcement resources and provides a number of potential strategies residents may utilize to reduce the risk of crime in their neighborhood.

KEY ISSUES

While almost 35 years old, many issues addressed in the 1978 Black Point Community Plan are still relevant today. These include maintaining the community's existing zoning, retaining the rural character of roadways, and continuing to rely on septic systems as the primary means of waste disposal. The Plan continues to maintain the area's semi-rural identity and preserve the natural attributes and features that contribute towards its unique community character and quality of life.

The Plan updates the 1978 Plan by refining and strengthening existing policy language to enhance policy effectiveness. Many changes involved deleting outdated policies and policies that had been implemented. New issues were identified and addressed through an extensive public outreach and engagement process, including such issues as wildlife movement and habitat corridors, sudden oak death, sea level rise, home size, night skies, and other topical areas. A number of key issues are discussed below for your review and consideration.

Issue 1: Community Identity

Discussion: The name of the community plan and how the document identifies the neighborhoods within the community have given rise to divergent points of view. The name of the 1978 Black Point Community Plan reflects the community's historical identity and residents' sense of place at the time of its writing. The Black Point name goes back to the 1850's when the area was initially known as an important shipping point for livestock and lumber. Over time, the area has evolved from a rural countryside of a few farms, ranches and small hunting cabins for weekend summer residents into the semi-rural, quiet, residential bedroom community of today.

The author(s) of 1978 Black Point Community Plan, in illustrating the location of Black Point, wrote: "To the south of Highway 37 lies Old Black Point, the originally subdivided area. To the north of Highway 37 lies New Black Point, an area largely undeveloped until recent years." This description is perhaps a hint that the community was undergoing a transition. The "New Black Point" area is now known as Green Point. As Green Point developed, new residents settled in and became part of the community's fabric, contributing towards its sense of place. Renaming the "Black Point Community Plan" to the "Black Point and Green Point Community Plan" acknowledges this evolution. This change, however, does not diminish the community's historical heritage. Rather, it contributes and builds upon this identity since residents in the Black Point and Green Point areas continue to share the common interest of protecting the area's community character and quality of life, regardless of what the document is called or what neighborhood they reside.

Map 2 in the Plan describes the community's neighborhood areas. The Black Point area consists of the hill and canyon area east of State Route 37 and includes both the Gridiron and Village Center neighborhoods. The Green Point area, located to the west of State Route 37, includes the hill and ridge areas with homes along Atherton and Olive Avenues and the bay plain marsh areas south of Atherton Avenue. Local neighborhoods within Green Point include the Atherton corridor, Atherton Oaks, and Alpine/Williams Road, among others.

While Black Point and Green Point have been treated as one community in a community plan context, their differences make them unique. Because the Black Point area was settled first, its homes tend to be older than those in Green Point. Black Point homes are generally smaller since the majority of parcels are less than one acre in size. In contrast, the majority of Green Point parcels are larger than one acre. Most roads in Black Point are privately owned and not

County-maintained, while the majority of roads in Green Point are publicly owned and maintained. Access into Black Point is limited to one road (Grandview Avenue) while Green Point has several access points. The two areas are also zoned differently, which means different development regulations and standards apply to development proposals.

Feedback from participants at community workshops and Advisory Committee meetings has generally supported the concept of identifying the major areas within the larger community as the Black Point and Green Point community. On the other hand, not all residents agree, reasoning the name should remain unchanged and that Black Point is a community that includes the neighborhoods of Green Point, the Village Center, the Gridiron, Atherton Oaks and Atherton Avenue, among others. The Advisory Committee is split on this issue, with the majority (three of five members) supporting to maintain the original name. Nevertheless, staff recommends your Commission support renaming the Plan and its methodology of describing the community and its neighborhoods.

Recommendation: While the majority of the Advisory Committee recommends maintaining the original Black Point Community Plan name, staff recommends your Commission consider renaming the Black Point Community Plan to the Black Point and Green Point Community Plan.

NATURAL RESOURCES

Issue 2: Development within Marsh and Wetlands

Discussion: The 1978 Black Point Community Plan emphasizes the protection of the bay plain's natural resources and its value as a scenic vista and community separator by focusing community development into the adjacent upland and ridge areas. The community plan includes a policy ("Policy 5" on p. 50) to rezone these marsh and wetland areas to reflect their value as community separators. The policy also includes specific development requirements, as follows:

Rezone the privately-owned marsh and wetlands located north of Highway 37 and west of the Petaluma River to ARP-60, consistent with environmental constraints and community separator value. Require that prior to approval any development proposal clearly meet and demonstrate compliance with all of the following protection policies established by the State of California and herein adopted by the County of Marin:

- The proposed project must be dependent on an essential transportation, water conveyance or utility project.
- There must be no feasible, less environmentally damaging alternative location for the type of project being considered.
- The public trust must not be adversely affected.
- Adequate compensation for project caused losses shall be part of the project. Compensation to the County of Marin and or the State of California shall be determined pursuant to the policies of the State Resources Agency.

The privately-owned marsh and wetlands referred to in the policy have been rezoned to ARP-60. Since the rezoning was implemented, Policy 5 was inadvertently deleted from the Plan. Staff recommends carrying forward the balance of Policy 5 containing these development requirements in order to protect the bay plain areas, as shown in proposed Policy NR-6 below. Note that the requirement for adequate compensation has not been carried forward since this measure no longer makes sense and is not enforceable.

Recommendation: The Advisory Committee recommends the addition of this policy. Staff recommends your Commission consider adding proposed new policy NR-6 Marsh and Wetlands, adapted from Policy 5, as follows:

NR-6 Marsh and Wetlands

New development located on the marsh and wetlands located west of SR 37 and south of the Petaluma River must be dependent on an essential transportation, water conveyance, or utility project and must not adversely impact the public trust. There must be no feasible, less environmentally damaging alternative location for the type of development being considered.

[Adapted from Policy 5, p. 50]

COMMUNITY CHARACTER AND LAND USE

Issue 3: Village Center Land Use

Discussion: The Village Center neighborhood is a small commercial area along Harbor Drive. The northern side of Harbor Drive includes five parcels containing a small number of single-family residences and commercial uses, including an automotive and maintenance shop and a convenience store and deli. An antique store, now closed, formerly operated out of one of the residential units. On the southeastern side of Harbor Drive and adjacent to the Northwestern Pacific rail line are several large parcels owned by the Northwestern Pacific Railroad and five parcels owned by Kelleher Lumber Company. These five lots form the distribution center for the company. Adjacent to Kelleher Lumber is the former House of Daniels site, now a warehouse and self-storage for RV's and boats, which was annexed to the City of Novato in 2002.

The zoning for the Village Center is VCR, Village Commercial/Residential. This zoning district is intended to maintain the established historical character of village commercial areas; promote village commercial self-sufficiency; foster opportunities for village commercial growth; maintain a balance between resident-serving and non-resident-serving commercial uses; protect, without undue controls, established residential, commercial, and light industrial uses; and maintain community scale.

The Village Center could accommodate a limited amount of additional residential and nonresidential development or redevelopment. However, the community's small population and relative proximity to nearby commercial and retail centers in the Novato area may limit the types of businesses and future growth potential. Constraints include lack of parking and reliance on septic. Despite these limitations, survey results and feedback from community workshops indicated a strong community desire to accommodate some future development, provided that it respect the area's history, be local serving, sensitive to the small scale nature of the existing properties, minimize traffic impacts, and consider the area's unique natural and scenic values.

Participants at the March 5, 2015 community workshop were asked their input on what types of land use they would like to see encouraged in the Village Center area. Most, if not all, of the land uses included in Policy CC-4 were affirmed. Other suggestions included public parks and playground, community garden, a center for massage and meditation center, medical marijuana dispensary, and a farmer's market. The Advisory Committee supports this policy.

Medical Marijuana is currently not an allowed use. While the Board of Supervisors will be considering an ordinance to allow the legal sale of medical marijuana in storefront dispensaries in the unincorporated areas, dispensaries are expected to be regulated by business license instead of a zoning permit, and may be limited by number of facilities and by geographic location. The Village Center is one of a number of areas in that could potentially house a dispensary under a draft ordinance that was considered by the Board of Supervisors in June of this year. The Board is expected to take this matter up again later this year.

A farmer's market is defined as a temporary or occasional outdoor retail sale of farm produce from vehicles or temporary stands, located within a parking lot or a public right-of-way (where authorized by an encroachment permit). As a temporary use, it is allowed on private property subject to the requirements of a Temporary Use Permit, regardless of zoning. As such, the farmer's market land use has not been included in proposed Policy CC-4.

Recommendation: The Advisory Committee supports the proposed modifications to Policy CC-4. Staff recommends your Commission consider modifying Policy CC-4 as follows:

CC-4 The Village Center Zoning

Maintain the existing Village Commercial/Residential District (VCR) zoning to maintain the community's existing small-scale, historical character. While a variety of uses are allowed under the zoning, the following types of uses are encouraged, such as:

- Plant nurseries;
- Small child day-care/small family day-care homes; theaters and meeting halls (for a community center);
- Residential uses;
- Grocery stores and restaurants (including cafes); second hand stores; antique retail stores; studios for art, dance, music, photography, etc.;
- Public parks and playgrounds; and
- Community garden.
- Massage and meditation center

While the above uses are encouraged, all uses allowed under the VCR zoning are permitted subject to compliance with the Development Code. Further, formula or "chain store" operations that are inconsistent with the village character and scale of the surrounding community are discouraged.

Issue 4: Home Size

Discussion: Concerns about home size, particularly in relationship to lot size, have been raised as a potential threat to the area's identity and semi-rural community character, especially in the Black Point area as new development mixes in with the smaller, older, and more traditional homes. Based on feedback from the Advisory Committee and participant input from several community workshops, there appears to be general support for the concept of regulating home size in the community plan.

Two options were discussed by the Planning Commission and the Advisory Committee at the January 26, 2015 workshop. Please note that language in both options have been modified based on additional review and feedback. These options are as follows:

Option 1: No Change. Maintain the existing process where discretionary projects, such as Design Review applications, are evaluated for consistency with various policies, regulations, and guidelines administered by the County, such as the Marin Countywide Plan, community plans, and the Single-Family Residential Design Guidelines (SFRDG) as well as specific “findings” that apply to each different type of planning permit. Projects in Black Point that comply with the A-2 district development standards would continue to be processed through building permits unless the project triggers Design Review or another discretionary review procedure (e.g., variance).

Option 2: Advisory Committee Recommendation Based on Median FAR. The floor area ratio of development projects¹ for the construction of new single family residences or additions shall not exceed the median floor area ratio within 600 feet of the surrounding neighborhood² by 10%, unless the development project is consistent with the following criteria³:

1. Maintains adequate setbacks from property lines and surrounding development;
2. Is located on a parcel which is large enough to accommodate the floor area while maintaining consistency with the surrounding built environment with respect to height, mass and bulk;
3. Is adequately screened by existing and proposed vegetation;
4. Is adequately screened by the topography of the property or of surrounding properties; and
5. Would not significantly limit or reduce sun and light exposure to adjacent properties.

Before discussing the options and their potential implications, it is necessary to provide background on the County’s development review process and how it is implemented through the area’s zoning. The Black Point area is primarily zoned A2, Agriculture Limited, with a 2 acre minimum lot size, while the Green Point Area is zoned ARP-2, Agricultural, Residential Planned, at a density of 1 unit per 2 acres. The A2 zoning is a conventionally zoned district while the ARP zoning is a planned zoning district.

Conventionally zoned parcels (such as the A2 zoned parcels in Black Point) are not generally subject to discretionary review. Development within conventional zoning districts is regulated by specific height, yard setback, and floor area ratio (FAR)⁴ standards. Design Review is not required as long as the zoning standards are met unless one or more of the following “triggers” for Design Review apply to a specific proposal:

- More than 4,000 square feet of building area or where a structure is over 30 feet in height;
- More than 3,000 square feet of building area on a vacant parcel with an average slope greater than 25 percent;

¹ Development projects are those projects subject to discretionary review.

² The surrounding neighborhood includes only those unincorporated parcels located within the Black Point and Green Point planning area.

³ Option 2 would be implemented through the discretionary review process.

⁴ Floor Area Ratio is defined as the total floor area of all buildings on a lot, divided by the area of that lot. For example, a building with 3,000 square feet of floor area on a 10,000 square foot lot has a FAR of 0.30.

- More than 3,000 square feet of building area in any case where the resulting size is more than 100 percent greater than the existing building area (applies to replacement or additions to existing residences in all R-1, RA, and A-2:B-2 districts);
- Development on vacant substandard hillside building sites (at least 50 percent smaller than required by zoning or slope regulations);
- Development within the stream conservation area of a vacant lot that abuts a mapped anadromous fish stream;
- Non-residential structures;
- Development accessed by a new driveway which exceeds a length of 250 feet; and
- All development on lots accessed by a “paper” street (i.e. an unimproved access way shown on a subdivision map).

Since the Green Point area is zoned planned district, proposed projects are subject to Design Review applications and are therefore evaluated for consistency with the Marin Countywide Plan, the Black Point Community Plan, and the SFRDG. Projects such as single-family additions and residential accessory structures in planned districts may be exempt⁵ from Design Review, depending on the size and location of the project.

Option 1 maintains the existing planning process through which home size is generally regulated through maximum FAR standards, typically 30 percent FAR, depending on the zoning. The A2 zoning for the Black Point area allows a maximum FAR of 30 percent, or 0.30. Since the ARP-2 zoning for the Green Point area is planned district, it does not have specific development standards for FAR. Instead, site specific standards for each project are developed on a case-by-case basis through the Design Review process, or through a Master Plan for larger projects.

Option 2 maintains the same basic procedures as Option 1, but adds a new policy to the community plan limiting the size of new homes and residential additions to within 10 percent of the median FAR of the surrounding neighborhood. This language is far stricter than what is allowed under Option 1. The concept of Option 2 is based on text in the SFRDG (p. 21), that states: “Generally speaking, the floor area of the proposed development should not substantially exceed the median home size in the surrounding neighborhood...” The SFRDG are intended to provide guidance for County decisions on Design Review proposals and other projects subject to discretionary review. They do not apply to ministerial projects in conventional zoning (such as A2) when a project meets all of the basic zoning standards.

Staff discussed alternative language with the Advisory Committee. This alternative relied on calculating the median floor area for both Black Point and Green Point areas to use as a set standard, rather than the median floor area ratio for the surrounding neighborhood. The approximate median floor area for Black Point and Green Point is 2,000 and 3,000 feet, respectively, due to rounding. This alternative was not favored by the Committee since it is more limiting than Option 2 above and does not take into account lot size.

The Advisory Committee recommends Option 2 since project proposals would be reviewed against the FAR of homes in the surrounding neighborhood, not just the FAR of the lot itself.

⁵ See Marin County Development Code Section 22.42.025 – Exemptions from Design Review.

Thus, this concept supports the Plan's goal of protecting community character within the surrounding neighborhood since it would prevent the development of large homes on smaller lots.

How many properties in Black Point and Green Point would Option 2 potentially impact?

- In Green Point, this option would apply through the Design Review process to all new single family homes on vacant lots because the planned district (ARP) zoning in Green Point requires Design Review for most residential projects. Additions in Green Point may also be affected unless exempt due their size and other criteria in the Development Code.
- In Black Point, Option 2 would apply to new single family homes on most of the vacant lots due to their substandard size (substandard size being one of the triggers for Design Review in conventional zoning). Of the approximately 296 parcels in Black Point, 34 percent, or 101 parcels, are vacant and approximately 90% are substandard in size. This of course assumes each lot can accommodate a septic system, has legal access and can be developed with a new single family residence. The number of remodels or additions is more difficult to quantify since most of the Black Point area is conventionally zoned A2 and the applicability of Design Review would depend upon whether the overall size of the proposed home would exceed one of the size thresholds for Design Review.

Option 2 has both advantages and disadvantages. As mentioned previously, one advantage to Option 2 is that it maintains the same planning procedures as Option 1, meaning only projects subject to Design Review or other discretionary review would be required to meet the proposed size requirements. Another advantage is that the proposed median Floor Area Ratio (FAR) standard is very similar to the approach in the existing SFRDG. In instances where home size has been an issue, planning staff has analyzed median home size for those projects. A disadvantage, however, concerns the reliability and accuracy of home size data when applying a very precise standard. Staff relies on existing home size data provided by the Assessor's office. Although the Assessor's data is readily available and is approximate in its accuracy, it is compiled for assessment purposes and intended to be used for determining the tax basis for structures. The data tables may include incomplete or inaccurate data fields necessary for calculating FAR at a precise level of detail necessary to implement the 10 percent standard in Option 2. Compiling the data to determine the median FAR will add staff time and may increase the cost of Design Review applications. Because this standard would be unique to the Black Point and Green Point community, it would contribute to the administrative challenges of applying different community specific standards as compared to more consistent standards throughout the unincorporated county. There are a number of existing community specific development standards in the Development Code and community plans and the proposition of adding more raises the issue of striking the proper balance between the advantages of consistent zoning rules and more tailored regulations that vary from one community to another. By way of example, the Regulatory Improvements Advisory Committee (RIAC) recommended simplifying the County's development regulations in their 2014 report. That's not to say the County should not adopt anymore community-specific standards, whether in the community plans or the Development Code, rather such standards should be reserved for important issues that warrant distinct policies or standards where the net benefit outweighs the increased complexity of land use regulations.

At the January workshop, your Commission generally supported the concept of Option 2 since it provides a more formal standard to supplement the recommendations in the SFRDG. Despite the intent of Option 2 to protect community character and promote consistency in home size, it

does not garner widespread support among the community. Some may argue the existing process adequately addresses a project's scale and massing to achieve compatibility with the surrounding community. As mentioned above, staff currently relies upon the Assessor's home size data in the Design Review process when community compatibility issues arise that relate to the bulk and massing of proposed and surrounding residences. Although Assessor's home size data may not be exact, it is considered to be a sufficient approximation for a general evaluation. It may not, however, be well suited to applying a specific numeric, bright line standard such as the 10 percent threshold in Option 2. Consequently, it may be challenging to realistically implement this option should your Commission recommend its approval. For these reasons staff has serious reservations about Option 2 and prefers that your Commission not recommend approving it.

Recommendation: The Advisory Committee recommends approval of Option 2. Staff does not recommend your Commission endorse it.

Issue 5: Setbacks

Discussion: Setbacks in Black Point and Green Point are considered an important feature of community character. The community includes a diversity of lot sizes, home sizes, architectural styles, and dates of construction. The relationship of residences and their respective setbacks vary throughout the planning area, in part because many of the residences—particularly in Black Point—are older and were constructed prior to the initiation of comprehensive design standards.

Setbacks are one of several design components that should be considered when designing projects because they can influence privacy, views, light, solar access, and noise effects on neighboring properties. Standards for setbacks, including front, side, corner side, and rear setbacks, in addition to height and minimum lot area, are provided in Marin County Code Chapters 22.08, 22.10, and 22.16.

Minimum setbacks are required in the A2 zoning district, which covers most of the Black Point area. A2 zoning district are as follows: 25 feet front, 6 feet side, and 20% of lot depth/25 feet maximum rear. Exceptions to the setback standards are allowed for parking structures on steep slopes of 20 percent or steeper. Setback standards may also be waived for substandard lots, common in the Gridiron neighborhood of Black Point. However, it should be noted there are approximately 36 lots in the Black Point area zoned planned district. These include 19 lots along Norton Avenue and 14 lots along Beattie Drive zoned BFC-ARP-2 (Bayfront Conservation, Agricultural Residential Planned, 1 unit per 2 acres), and three parcels zoned ARP-2 off Bay Canyon and Murphy Lane. The minimum setback standards do not apply for these 36 lots since they are zoned planned district and setbacks are determined on a project-specific basis through the Design Review process.

The predominant zoning in the Green Point area is ARP-2 a planned district zoning where setbacks are also determined on a project-specific basis through the Design Review process. The minimum setback standards for the

In addition to the Development Code, guidance on setbacks is provided in the SFRDG. As mentioned above, the SFRDG are intended to provide a clear and comprehensive set of design recommendations for Design Review and other projects subject to discretionary review. The SFRDG recommend that new development and remodel/additions should not be disharmonious with the existing street patterns. In hillside areas with average slopes of 25 percent or more,

varied and staggered front setbacks are encouraged to reduce the monotony of repetitive setbacks and for consistency with the hillside character. Figure 28 in the Plan (p. 62) shows these guidelines in more detail. As discussed in the previous discussion on home size, projects subject to Design Review are evaluated on a case-by-case basis, taking into account site-specific factors such as lot size, bulk and mass, topography, vegetation, and the visibility of the proposed development.

Community input during the plan update process indicated some desire for stronger guidance on setbacks in planned district areas and more consistent application of existing setback standards. Your Commission supported the concept of providing guidance in the community plan to address setbacks. Additionally, participants at the March 5, 2015 public workshop generally supported setback standards in the community plan and agreed flexibility should be retained to address specific site constraints and to maintain neighborhood compatibility.

The Advisory Committee supports retaining existing setback standards in the A2 zoning district, while adding language to strengthen the concept that development should be compatible with the surrounding neighborhood. Since there are no setback standards in the ARP zoning district, the Committee agrees that standards similar to the A2 zoning district would be appropriate. The Advisory Committee recommends proposed Policy CC-3, as follows:

CC-3 Require Minimum Setbacks

Development projects for the construction of new single family residences on vacant lots in the Black Point area should maintain setbacks consistent with the zoning standards or otherwise compatible with the surrounding neighborhood.

Development projects for the construction of new single family residences on vacant lots in the Green Point area should maintain setbacks consistent with the A2 zoning district standards, generally 25 foot front, 6 foot side, and a rear setback of 20% of lot depth/25 foot maximum for the main residence.

In both instances, setbacks may be modified for the preservation of environmental features, to address site constraints, or to accommodate required on-site parking.

Since setback standards are already established in the A2 zoning district, Policy CC-3 is relevant to the number of vacant ARP zoned parcels in the Green Point area. As noted in the home size discussion, there is a potential for approximately 97 additional units, or 20 percent of all lots, for a total buildout of 476 units in Green Point. If approved, this policy would apply to new homes on these vacant lots.

There are several pros and cons with this proposed policy. An advantage is the policy reinforces existing setback standards in the Black Point area. It also provides more concrete standards for the Green Point area, which is planned district zoning, and supplements guidance provided in the SFRDG. However, the proposed policy only applies to vacant lots. Furthermore, although setbacks may be modified due to environmental and parking factors or other site constraints, it impinges upon the current flexibility inherent in the Design Review process where projects are located based on site suitability and neighborhood compatibility, and not according to a starting point based on specific setback standards.

The Advisory Committee suggested additional language that would apply to the Green Point area only, where "setbacks should be consistent with the A2 zoning district standards, or consistent with the setback patterns within 600 feet of the surrounding neighborhood, whichever is more restrictive." While this approach is feasible, it will require additional time for staff to

measure setbacks of surrounding properties and add to the cost of the Design Review process. Desktop and online Geographic Information Systems applications provide measurement tools for setbacks; however image resolution, tree coverage, lack of an easement feature class, accuracy of data layers, and other factors may impede accurate measurements.

Recommendation: The Advisory Committee recommends Policy CC-3 to require setbacks.

Staff does not favor Policy CC-3 for the following reasons. First, the Countywide Plan provides a comprehensive policy framework for guidance bolstered by the SFRDG. The SFRDG provide essential principles of development, particularly site planning, preservation of natural features, resource conservation, compatibility with neighboring development, location of buildings in relationship to pedestrian paths and streets, landscaping, general building form, massing and scale. Design Review is an extensively thorough process. More importantly, there have not been any recent projects where setbacks were raised as an issue, particularly in Green Point.

PUBLIC FACILITIES AND SERVICES

Issue 6: Renewable Energy

Discussion: Concerns have been raised over the potential of locating industrial and commercial type energy facilities, such as solar, within the community and their potential impacts on community character. While the Advisory Committee supports renewable energy, it was generally agreed commercial solar facilities should avoid being located on undeveloped, agricultural land and, instead, be limited to already developed areas such as commercial and residential rooftops.

The Marin Countywide Plan supports the use of local renewable energy sources as a means of reducing energy use. Since renewable energy is comprehensively addressed in the Marin Countywide Plan, the Plan only briefly mentions renewable energy and where to go for additional information. Currently, the County does not have an ordinance to specifically address commercial photovoltaic facilities; however, staff intends to develop amendments to the Development Code to address these types of facilities in 2016. In the meantime, existing Countywide Plan policies and other land use regulations allow the County to address a variety of issues such as visual impacts, natural resource protection, community compatibility, renewable energy, and climate change, and to make careful and well-reasoned judgments regarding solar facility proposals.

Recommendation: No recommendation.

PUBLIC COMMENT

As of July 20, 2015 staff has received one letter from the Black Point Improvement Club, dated July 8, 2015, which is provided as Attachment 3. The Black Point Improvement Club letter includes support for Option 2 with regards to home size, and suggests the name of the Plan should remain "The Black Point Community Plan" rather than the proposed "Black Point and Green Point Community Plan."

All public comments received on the community plan to date are posted under the "Comment Letters" tab on the Black Point and Green Point Community Plan web page (www.marincounty.org/blackpoint).

RECOMMENDATION

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and approve the Black Point and Green Point Community Plan, based on the findings contained in the attached resolution (Attachment 1).

Attachments:

1. Resolution Recommending Adoption of the Black Point and Green Point Community Plan
2. Draft Black Point and Green Point Community Plan
3. Letter from the Black Point Improvement Club, dated July 8, 2015

In order to save resources, paper copies of the Draft Black Point and Green Point Community Plan are only provided to the Planning Commission. All documents are available for review in the Planning Division offices and the Draft Black Point and Green Point Community Plan is also available online at www.marincounty.org/blackpoint.

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

**RESOLUTION OF THE MARIN COUNTY PLANNING COMMISSION RECOMMENDING
THAT THE BOARD OF SUPERVISORS ADOPT
THE BLACK POINT AND GREEN POINT COMMUNITY PLAN**

SECTION I: FINDINGS

1. **WHEREAS**, the Black Point and Green Point Community Plan is a planning document which provides information and sets forth goals, policies, and guidance related to issues relevant to the unincorporated community of Black Point and Green Point. Specific topic areas addressed in the plan include natural resources, environmental hazards, community character and land use, transportation, public facilities and services, parks and recreation, and public safety. The community plan was developed with the ongoing participation of community residents, including a five member Advisory Committee.
2. **WHEREAS**, development of the Black Point and Green Point Community Plan has been informed by a public engagement process that included three community workshops held on March 5, 2015, June 5, 2014, and August 28, 2013 where the public was given an opportunity to speak and provide input. An advisory committee of community residents met 24 times over the course of 26 months to review and discuss the update to the community plan, and various online public engagement opportunities were provided. Further, the Marin County Planning Commission held a public workshop on January 26, 2015 to solicit feedback on the scope of key issues proposed in a draft of the Black Point and Green Point Community Plan.
3. **WHEREAS**, a draft of the Black Point Community Plan was released to the public in January 2015. A revised draft was released in July 2015 that incorporated comments received from the Planning Commission and public input.
4. **WHEREAS**, the Marin County Planning Commission held a duly noticed public hearing on July 27, 2015 to take public testimony and consider recommending that the Board of Supervisors adopt the Black Point and Green Point Community Plan.
5. **WHEREAS**, adoption of the Black Point and Green Point Community Plan is consistent with Policy CD-4.1 (Update Community Plans) of the Marin Countywide Plan, which calls for the updating or establishment of community plans to further define how policies and programs of the Countywide Plan will be implemented.
6. **WHEREAS**, adoption of the Black Point and Green Point Community Plan has been determined to be Statutorily Exempt from the requirements of the California Environmental Quality Act, pursuant to Section 15262 of the CEQA Guidelines as a planning study which does not approve, adopt, or fund future actions or activities.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Planning Commission recommends that the Board of Supervisors adopt the Black Point and Green Point Community Plan.

SECTION III: ADOPTION

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 27th day of July 2015, by the following vote:

AYES:

NOES:

ABSENT:

KATHERINE CRECELIUS, CHAIR
MARIN COUNTY PLANNING COMMISSION

ATTEST:

Ana-Hilda Mosher
Planning Commission Recording Secretary

**Black Point Improvement Club
141 Crest Road
Novato, California 94945**

July 8, 2015

Marin County Planning Commission
3501 Civic Center Drive
San Rafael, California 94903

Re: Black Point Community Plan Update

Dear Members of the Commission,

At the Improvement Club's meeting on June 12, 2015, a motion was made to support the Community Plan update with the conditions that Option 2 be used to determine house size and that the name of the Plan should be "The Black Point Community Plan" and the title page should list the various neighborhoods within the community such as Green Point, the Gridiron, Village Center, Atherton Corridor, Atherton Oaks, etc. The motion passed 9-5.

There also was concern about setbacks in the ARP2 zoned areas of the community; however, there was insufficient time for a full discussion, and members were advised that they could attend the Advisory Committee meeting scheduled for June 18.

Thank you for your consideration.

Very truly yours,



Eric Polson
Vice President