

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