

Black Point Community Plan Update Advisory Committee

February 24, 2016

Marin County Board of Supervisors

3501 Civic Center Drive

San Rafael, California 94903-4157

Dear Supervisors,

The Black Point Community Plan Update Advisory Committee (AC) conditionally endorses the Black Point Community Plan update recommended by staff and the Planning Commission. The conditions include:

- (1) The divided majority of three recommends continuation of the Black Point Community Plan name. The two dissenters agree with the Planning Commission name recommendation, *Black Point/Green Point Communities Plan*.
- (2) The existing Community Plan boundary should be retained and the community should not be divided into two separate planning areas, each with its own community plan. (AC approved unanimously).
- (3) Option 2, concerning house size, should be incorporated into the updated Plan. (AC approved unanimously).
- (4) Setback Standards should be established for ARP zoning within the community. (AC approved unanimously).

In plain language, the AC regrets that it cannot fully endorse the Community Plan recommended by the Planning Commission since that Plan rejected those conditions noted above.

The AC's rationale for keeping Black Point as the name of the Plan includes:

1. The Black community is historic and dates from the 1850's. It was recognized as a unique village in the 1974 CWP as noted in the 1978 Community Plan, as shown in Exhibit A, following this letter.
2. The community is comprised of a number of neighborhoods including, but not limited to, Green Point, the Gridiron, the Village Center, the Atherton Corridor,, Atherton Oaks, and Williams/Alpine Road.
3. Diversity is a common characteristic of a community, while neighborhoods tend to be less so. While the various neighborhoods within Black Point may vary somewhat in terms of when they were developed, house size, lot size, etc., there is a commonality in a desire to remain semi-rural and to protect the natural environment that is so important to our way of life. That desire was clearly expressed in the community meetings that were held as part of the planning process for the updated Plan.
4. The proposed changing the name of the updated draft Plan from "Black Point" to "Black Point/Green Point" provided an opportunity for considering separating the community, and the Planning Commission's recommendation of replacing "Community" with "Communities" only added more credence to forming two separate communities.
5. Dividing the area into separate communities lessens the area's ability to address local issues to various decision makers.
6. While the County has the authority to designate planning areas and to change the boundaries of those areas, there are concerns that the County does not have that authority to change historically established community boundaries within unincorporated areas, such as those for Black Point. Even if such authority exists, such action should take place very carefully and only after more study than has taken place so far. While data for separation of unincorporated communities in California could not be found, existing data indicate that separation of a community from an incorporated city in California last happened in

1947. Thus, it would seem that such separation is rare and should be carefully thought out.

The AC's rationale for Option 2 concerning house size includes the following:

1. Option 2 combines a number of existing County requirements for approval of development proposals. The only significant addition is substituting 10% in place of "substantially", as noted later. Marin County Code, Title 22, provides the approvals needed for development projects. The Code requires Design Review for projects proposed in Planned Districts, such as ARP 2 (the area of Black Point generally north of highway 37) as well as A 2 (the area of Black Point generally south of highway 37) if the lot size is somewhat less than the minimum zoning. Design Review requires a number of Findings for project approval. The first Finding required is, "The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community". The fifth Finding requires that, "The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable - - -". The introduction to "Section C. Neighborhood Compatibility" of the Single-family Residential Design Guidelines, as shown in Exhibit B, at the end of this letter, reads, "Generally speaking, the floor area of the proposed development should not substantially exceed the median size in the surrounding neighborhood, taking into consideration site specific factors such as lot size, bulk and mass, topography, vegetation, and the visibility of the proposed development". Since this is a required Finding, it is no longer a guideline, but a requirement.

Neither staff nor the Planning Commission suggested a number different than 10%. The Planning Commission suggested that Option 2 was "over analyzed and over engineered"; however, if that is the case, the honor belongs to staff who prepared the Code and the Guidelines, and the Planning Commission who recommended their approval.

By bringing the requirements of the Code and the Guidelines together in the Community Plan, we believe Option 2 provides residents and potential residents a better understanding of development in the community. We note that only the County has the authority to approve projects, not the community.

2. Option 1, staff's recommendation, and the option recommended by the Planning Commission, is only described as "the present process" without a description of what the process is. We submit that the "present process" is complicated, inconsistent, and confusing to the public. For example, evaluation of home size in one application for a new home in Black Point used median FAR of homes in the immediate area while another application for a new home just across the same street did not evaluate the median FAR of the immediate neighborhood but compared the FAR of the proposed development to the County limit of 30%, even though the median FAR for the area was less than half that limit. Using the 30% FAR as a standard in Black Point would result in a development of over 25,000 square feet on a 2 acre parcel and a development of 3,000 square feet on a parcel of 10,000 square feet, both of which would be overwhelming compared to existing patterns of development. This problem is intensified in that many applications for Black Point are decided administratively, without a public hearing.
3. The only rationale against Option 2 by staff is that it takes too much time, and the data from the Assessor's office are not reliable. Yet, staff have used that data in processing some applications, not only in Black Point, but elsewhere in the County. Staff also used that data in developing an additional Option for the draft Plan, but that Option was removed before submitting the draft to the Planning Commission.

4. Regulating home size to be consistent with existing patterns of development not only helps to protect community character, but also may help in controlling the carbon footprint of the area.

The AC's position of setbacks in the ARP zoning includes:

1. Setback requirements in ARP zoning are not standardized as they are in A2 zoning. Rather setbacks are to be evaluated for new development based on setback patterns in the immediate area. Residents have been told by staff that there are no setback standards for ARP zoned areas, omitting the setback patterns in the area. Staff have also indicated that determining setback patterns is too work intensive.
2. The AC has therefore suggested that the standards for setbacks in A2 zoned areas be used as a minimum in ARP2 zoned areas. It is not suggested that they be used as a maximum, especially if it is apparent that the setback pattern in the area for proposed development exceeds the A2 standards.

The inclusion of reference to sea level rise in the draft Plan has caused concern among some of the community members. We believe the inclusion is appropriate. The rise in the Pacific Ocean has been documented near the Golden Gate Bridge since the mid 1800's and a graph of mean high levels is shown in Exhibit C, following this letter. The trend shows a continued increase, and the peaks are worthy of note. The rise is occurring worldwide and has been reported in scientific papers and journals as well as the press. Since the Bay is part of our community, we believe that excluding it from the Community Plan would be irresponsible.

It has been an honor to serve on the Advisory Committee, and as a side benefit, we have come to know our community and our neighbors better than before. It has been and continues to be a special place in a special County. While the AC is not in agreement with staff and the Planning Commission on the draft Community Plan update, we respect and appreciate the efforts of staff and the Commission in the work that has gone into the update as well as the patience and understanding they have shown to us and our neighbors. We are sorry that the name of the Plan

has resulted in an expenditure of inappropriate amounts of time, energy, and resources, some of which could have been spent on refinement of other areas covered in the draft Plan.

Very truly yours,

Hank Barner, Chairman

Susanna Mahoney, Vice Chair

Michael Barber, Member   Rob Jaret, Member   Bill Richards, Member