

County of Marin  
Community Development Agency  
Kristin Drumm, [kdrumm@marincounty.org](mailto:kdrumm@marincounty.org)

Subject: Draft Black Point Community Plan

Dear Kristin,

I have been a Green Point home owner since 1977. I located to Green Point for many reasons, among which I still enjoy a publically maintained street, a large parcel, and the fact that there is no home owners association with jurisdiction over my property.

I have followed the Community Plan revision process for the last year and attended a number of the Community Plan Advisory Committee meetings on Thursday evenings and the Community-wide meeting on June 5, 2014. None of these activities have given me comfort or made me feel like I have any control over what might happen to my property or the identity of Green Point in the future. I am concerned about over restrictive regulation of my property and negative effect on my property value. In my opinion, the Plan and process raises red flags.

The Plan fails by its attempt to combine two separate and desperate Communities. Black Point and Green Point are not the same. I would ask the County to do the following:

- Separate Green Point as a standalone Community, not a sub neighborhood of Black Point. Allow Green Point its right to self determination, such that:
  - 1) The County recognizes under separate cover individual Community Plans for Green Point and Black Point. Claw the plan development process back to April 2013 (maybe using the existing draft as reference) using county Planning Department personnel to ensure proper notice and to capture Green Point community input in a separate plan.
  - or
  - 2) Allow Green Point to opt out of the Black Point Community Plan and be covered under the revised County Plan, which ever Green Point homeowners decide.
- Plan Policies, page 66, CC -2, Regulate Home Size, Option 1: No change - Green Point ARP-2 should minimally demand protections afforded under Option 1. "Maintain existing procedures and continue to rely on the design review process with additional guidance provided by Single Family Residential Design Guidelines, where applicable. No additional standards to regulate home size would be included in the community plan." Preclude imposition of any overarching home owners association in Green Point.

More particularly, Green Point must reject "Option 2" and its proposed language as follows: "...Proposed development may exceed this standard through the design review process and upon determination with the Black Point and Green Point community, that the proposed development meets the following criteria ....."

Could this language set the Black Point Improvement Club up as a formal homeowners association with the right to pass off on our home reconstruction, remodel, or lot improvements? Currently, correct me if I'm wrong, I believe that the County distributes the plans and drawings of Green Point and Black Point homeowners to the Black Point Improvement Club for review and comment, at the Club's request. They act like a clearing house as they review them and exert influence over what happens to projects and homeowner's property. We shouldn't turn this action into some quasi governmental role. The County is best suited to impartially protect applicants and to apply uniform planning regulations. Homeowners should protect the right to make changes or improvements to their properties with the expertise of their own professional architects, engineers, geologists, etc. It should be sufficient for an applicant to go through the County's detailed planning approval process, which includes reasonable review when appropriate by surrounding neighbors. Limitations to review are needed to safeguard applicants. Review and approval should remain with the elected officials of the County and their professional staff. They are our public representatives with appropriate expertise, not self appointed individuals in a Club. With the latter, there is too much opportunity to pick winners or losers and for individuals to get hurt. I reject any notion of formalizing an overarching home owners association over Green Point.

- Plan Policies, pages 66-67, CC-3, Require Minimum Setbacks – This rule should be deleted as it applies to Green Point ARP-2. Green Point should insist that setbacks should remain as they are provided for under the existing Plan. Existing guidelines provide for adjustments for onsite lot conditions under the design review process. This is critical for hillside lots.

More particularly, Green Point must reject the proposed language as follows:

“...Setback requirements may be modified-increased or decreased through the design review process if it is found that preservation of environmental features on site or impacts of the building off-site require such modification, or to require on-site parking.” *[New policy adapted from the Tamalpais Area Community Plan, Program LU1.4d.p.III-41]*

If I understand correctly, Page 61 seems to suggest that this is the desire of the Community. Really? Having nothing to work with - **Does the Community even understand what they were being asked to comment on as it was presented to them at the June 5 Community-wide meeting? That was the main complaint that was articulated by attendees during the 10 minute public comment period. They did not understand what it was that they were being asked to comment on.** This is backward thinking. Instead of allowing for internal lot considerations of the homeowner with aid of professional expertise, (e.g. engineering, architectural, geological, topographic, etc) emphasis seems to shift to outside interests and influences. Outsiders are going to decide your setbacks and arbitrarily limit homeowner options? How would that not be a sea change in the way we think of and enjoy our properties and property rights in the future?

I find this plan to be highly complex and difficult to analyze with respects to potential impacts that can result from its advancement. The implications of the plan are not easily understood or readily predictable. How could homeowners that have not been purview to the process in its entirety ever be expected to understand the intent of the plan or why it was proposed? It is all very confusing to me. It is not a minor revision of the prior plan. This seems to me to be a substantial departure – a whole new approach. Most importantly, it seems to preclude Green Point from exerting self determination. Green Point is a whole and independent community separate from Black Point. In my opinion, that is the first thing that Green Point should insist on and this plan seems to preclude that. That's unacceptable.

Additional comments and corrections to the proposed draft are far too numerous and detailed to be summarized here. The outline of the plan may be salvageable as applied to a standalone Green Point Community Plan. However, it would take the removal of much of the plan content and a comprehensive rewrite of the plan to make it fit for Green Point.

I wish to thank the Marin County Planning staff for their service in this difficult and controversial time. They are dauntless.

Sincerely,

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