



**PLANNING COMMISSION WORKSHOP:
ISSUE PAPER FOR THE
DRAFT BLACK POINT COMMUNITY PLAN**

January 26, 2015

SUMMARY

This public workshop is intended to be an informal, roundtable discussion with the Black Point Advisory Committee to solicit feedback on the scope of key issues proposed in the Draft Black Point Community Plan (Draft). The Black Point Community Plan, originally adopted in October 1978, was one of the earliest community plans adopted by the Marin County Board of Supervisors. The community plan area, historically known as Black Point, includes both the Black Point and Green Point neighborhoods. The Draft 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. Specific topic areas addressed in the plan include natural resources, environmental hazards, land use, community character, transportation, public facilities and services, parks and recreation, and public safety. The Draft plan was developed with the ongoing participation of Black Point residents, including a five member Advisory Committee, over the course of 21 months. The Advisory Committee agreed it was important the Draft act as a resource for residents; consequently, it is intentionally informative. Moreover, the Draft largely carries forward existing policies.

BACKGROUND

Historically, the preparation of new or updated community plans has been a time consuming and staff intensive undertaking. In 2012, the Marin County Board of Supervisors adopted a more strategic and efficient approach to the community plan process which focuses on Countywide Plan implementation and consideration of any unique planning issues within a community which are not already addressed by existing policies and programs. Referred to as the Community Plan Update Strategy, this approach is intended to ensure that resources are used effectively and the resulting community plan document is relevant, useful, and consistent with the Countywide Plan as required by law. Accordingly, the Update Strategy incorporates the following guidelines:

- Address implementation of relevant Countywide Plan policies at a detailed community level where appropriate.
- Avoid duplication or inconsistency with policies, guidelines, and regulations that are already in place, particularly for issues that are most appropriately addressed on a uniform basis countywide.
- Minimize inclusion of extensive background information which is quickly outdated or has limited relevance to the regulatory process.

- Utilize a document format which incorporates graphic elements (illustrations, photographs, maps, etc.) to create more concise, useful, and engaging plans.
- Incorporate a predetermined schedule of meetings with a community advisory committee and community meetings to keep the process on track.
- Utilize new technology to encourage widespread community input and participation.

In early 2013, some 35 years after the Black Point Community Plan was prepared, the community plan was selected as a priority candidate for an updated community plan under the newly approved update strategy due to the age of the existing plan as well as the level of interest demonstrated by the community.

PUBLIC ENGAGEMENT

Preparation of the Draft 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 21 months to discuss the plan and provide guidance on the scope, public outreach, community engagement, and draft policies. All these meetings were open to the public and primarily held at the Novato Fire District's Station 62, 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 BPIC meetings (that were open to the public) to provide updates on the plan process. In addition, staff utilized BPIC's email distribution list to publicize events and opportunities to get involved by publishing notifications of public meetings and 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: Two community-wide public workshops were held during development of the draft community plan to engage residents, encourage the sharing of information and ideas, and to obtain input and feedback on various issues including the draft plan itself. The workshops were conducted on August 28, 2013 (Hill Community Room) and June 5, 2014 (Novato City Hall Council Chambers), both in the Novato area.

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 and there are currently 268 email subscribers. Residents were also offered opportunities to participate through several online topic forums via Open Marin and Survey Monkey.

PUBLIC NOTICE

The Community Development Agency has provided direct mail public notice of the Planning Commission workshop and roundtable discussion to solicit input on key issues proposed in the

Draft to all residents within the community plan area. Similar public notice was provided prior to community workshops held August 28, 2013, and June 5, 2014.

ORGANIZATION OF THE COMMUNITY PLAN

The Black Point Community Plan is intended to parallel the structure of the Marin Countywide Plan. The community plan is organized into seven chapters, which are summarized below:

1. Introduction

The introduction outlines the community plan preparation process and explains the relationship between community plans and the Countywide Plan. The goals of the Draft are also included.

2. Background

Chapter 2 summarizes background material including Black Point'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 intended 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 safety, earthquakes, flooding, and sea level rise. Fire safety is a significant ongoing threat to the community based on the area's vegetation, topography, and climate. Narrow roads, lack of access, and development patterns also exacerbate the problem. The Draft 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 Draft 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 future work to determine specific impacts and appropriate adaptation strategies for Black Point.

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 Draft 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 Draft 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

The community plan is almost 35 years old. The goals of the Draft are relatively unchanged, and remain as relevant today as they did over three decades ago. The Draft 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. Many issues relevant in 1978 are still relevant today, including 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 Draft updates the 1978 plan by refining and strengthening existing policy language to enhance policy effectiveness. Many changes involved deleting outdated policies as well as those policies that had been implemented. New issues were identified and addressed through an extensive public outreach and engagement process. These include wildlife movement and habitat corridors, sudden oak death, sea level rise, home size, dark skies, and a number of other topical areas. A summary of the key proposed changes is presented below.

Issue 1: Name of the Community Plan

Discussion: What's in a name? There has been ongoing discussion over the appropriate name for the community plan. Should the name Black Point, which maintains a historical context, be continued, or should the document be renamed Black Point – Green Point to reflect the perception – or reality - that the community has developed into two distinct areas? An earlier administrative version of the Draft was initially called “Black Point – Green Point Community Plan”; however, the Advisory Committee voted (3-2) to maintain the Black Point name and identity. For instance, the Kentfield/Greenbrae Community Plan is an example of an existing community plan with a dual name and identity.

PLANNING CONTEXT

Issue 2: Expansion of the Baylands Corridor.

Discussion: The planning area is located within the Countywide Plan designated City-Centered and Baylands Corridors. The hill and upland areas within the community fall within the City-Centered Corridor while most of the surrounding low land, bay plain, and marsh areas are within the Baylands Corridor. Since the bay plain functions both as a scenic vista and a community separator, a policy decision was made in the 1978 Black Point Community Plan to focus development on and along the hillsides, which meant eliminating these ridgelines from the Ridge and Upland Greenbelt. There has been some interest in expanding the Baylands Corridor within the community as a means to protect the diversity of the bayland ecosystem and retain habitat connectivity. In addition, some residents believe the natural landscape and rural characteristics of the planning area is more compatible with a Baylands Corridor designation.

The purpose of the Baylands Corridor is to preserve and enhance the diversity of the baylands ecosystem, including tidal marshes and adjacent uplands, seasonal marshes and wetlands, rocky shorelines, lagoons, agricultural lands, and low-lying grasslands overlying historical

marshlands. The Baylands Corridor consists of areas previously included in the Bayfront Conservation Zone in the 1994 Countywide Plan, as well as all areas included in Bayfront Conservation Zone overlays adopted since the 1994 Countywide Plan. Lands containing historic bay marshlands based on maps prepared by the San Francisco Estuary Institute are also included, including associated habitat areas and large, undeveloped parcels (generally over 2 acres in size). At the project level, development applications may be required to submit a site assessment to determine whether any adverse direct or indirect impacts on wetlands would occur as a result of proposed development, whether wetlands standards are met, and to identify measures necessary to mitigate any significant impacts.

Program BIO-5.i of the Marin Countywide Plan includes an analysis and mapping of small parcels not currently subject to tidal influence to determine whether or not they should be added to or omitted from the Baylands Corridor, particularly for the Bothin Marsh area in Southern Marin. This program includes a number of criteria that should be studied, including existing vegetation and sensitive features (such as streams, wetlands, and occurrences of special status species), habitat connectivity, sea level rise, and the interrelationship of the baylands and uplands, as well as an appropriate biologically based boundary of the Baylands Corridor. In order not to replicate existing policies and programs, and because the program calls for an appropriate level of study, the Draft does not include specific policy language to address modifications to the Baylands Corridor within the planning area.

NATURAL RESOURCES

Issue 3: Wildlife Habitat and Movement Corridors.

Discussion: The Countywide Plan's approach to protecting wildlife habitat and movement corridors is to promote the acquisition and management of important natural habitat areas and wildlife corridors linking permanently protected open space lands. It also says to situate trails at adequate distance from streams to protect riparian and aquatic habitat and wildlife corridors, and that response strategies for Marin's human and natural systems include limiting development through discretionary permits so that wildlife corridors and ecotones are protected. Beyond these directives, specific program language or standards is not included.

The Draft recognizes that while some studies have been done on a regional scale to map and identify areas of wildlife movement, specific studies have not been conducted in the planning area. Development approvals may include conditions to protect wildlife habitat and movement corridors if they are identified through the development review process. The Draft includes a sidebar with tips residents living within or adjacent to wildlife corridors may utilize with a link to additional information. The Draft includes new policies that encourage the use of wildlife-friendly fencing and suggests avoiding fence types, roads, structures, and outdoor lighting that would significantly inhibit or obstruct wildlife movement. Another policy encourages residents to develop a public education program to inform those living and working within the area about living with wildlife and the importance of maintaining ecological connectivity, and encourages residents to become active stewards of the land. Other policies also encourage the use of drought tolerant, native plants and discourage the use of pesticides, insecticides, herbicides, and rodenticides. Natural eradication methods, such as installing barn owl boxes and which is a popular approach within the community, are encouraged.

ENVIRONMENTAL HAZARDS

Issue 4: Sea Level Rise.

Discussion: As a bay front community portions of the planning area may be subject to greater flooding in the future. Over time, the impacts from sea level rise (SLR) resulting from climate change is expected to lead to increased erosion, loss of wetlands, more frequent flooding and the permanent or periodic inundation of low lying areas. Access into and out of the planning area may be compromised due to flooding and submersion of main access points, leaving residents stranded for periods of time. Furthermore, assets such as septic systems, utilities, boat launches, docks, structures, and other infrastructure may be impacted.

The Draft shows areas that may be impacted by two potential SLR scenarios: 1) 25 cm (0'10") SLR with Annual storm (wave action from a storm of the magnitude predicted to occur once a year), and 2) 50 cm (1'8") SLR with 20-year Storm (wave action from a storm of the magnitude predicted to occur once every 20 years). A link to the data used to create the scenarios and which allows users to view potential impacts of various other SLR/storm scenarios is provided.

From a policy and regulatory standpoint, sea level rise is an issue that should be addressed on a countywide basis to ensure consistent treatment of residents and their properties. For example, modifications to building or zoning regulations to limit development or require elevated construction in areas threatened by sea level rise should apply uniformly throughout the County. However the impacts of sea level rise will occur locally and appropriate adaptation strategies will vary from one community to another based on local conditions. Because the County is in the process of collaborating with outside agencies and organizations to identify potential inundation areas along Marin's shoreline and eventually prepare implementation strategies to anticipate, manage, and adapt to changes in sea level rise, specific policies are not contained in the Draft.

COMMUNITY CHARACTER AND LAND USE

Issue 5: Village Center Land Use.

Discussion: The Village Center neighborhood is a small, locally serving 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 combine to 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. Lack of parking and septic are also constraints. Despite these limitations, survey results and feedback from community workshops indicated a strong community desire to accommodate some future growth. Such growth should respect the area's history, be local serving, sensitive to the small scale nature of the existing properties, and consider the area's unique natural and scenic values. There is some community support to encourage certain land uses that may be appropriate, such as:

- Plant nurseries;
- Small child day care/small family day-care homes; theatres and meeting halls (for a community center);
- Residential; and
- Grocery stores and restaurants (including cafes); second hand stores; antique retail stores; art studios, dance, music, photography, etc.

The Draft proposes the following policy in response:

CC-4: The Village Center Zoning. Retain 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; and
- Grocery stores and restaurants (including cafes); second hand stores; antique retail stores; studios for art, dance, music, photography, etc.

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

Issue 6: Home Size.

Discussion: Concerns about home size, particularly in relationship to lot size, were raised as a potential threat to the area's identity and semi-rural community character as new development mixes in with the area's smaller, older, and more traditional homes.

Home size is generally regulated through the development review process. Floor Area Ratio standards provide guidance on home size in conventionally zoned districts, while the Single-family Residential Design Guidelines and Design review findings are used in planned districts. The Point Reyes Station and Tamalpais Area Community Plans, as well as the Indian Valley Specific Plan, are examples of community plans that include policies regulating the size of homes. The Design Review process is a discretionary process that looks at the design and physical improvements of a project to implement the goals of the Countywide Plan. The process is intended to ensure that site planning and building design respect and preserve the natural beauty of the County and its environmental resources, and that exterior appearances, including landscaping and parking, are harmonious with the design, scale, and context of the surrounding properties.

The Marin County Single-family Residential Design Guidelines are intended to establish clear and comprehensive standards for evaluating residential projects. These guidelines are not intended as absolute standards; rather, they allow for flexibility in design to take into consideration the local climate, building materials and colors, landscaping, unique topographic and hydrologic features, visibility, and any environmental constraints to identify the most suitable site for development. Although not established as policy, the Design Guidelines suggest that the floor area of the proposed development should not substantially exceed the median home size in the surrounding neighborhood. However, some in the community feel that more formal policy standards may be necessary to regulate the size of homes to protect the area's community character.

Participants at the community workshops were surveyed whether additional development standards were needed in the community plan in order to regulate home size. This survey included three options for regulating home size:

1. Option 1: No Change. Maintain existing procedures and continue to rely on the design review process with additional guidance provided by the Single Family Residential Design Guidelines, where applicable. No additional standards to regulate home size would be included in the community plan.
2. Option 2: Advisory Committee Recommendation Based on Median FAR. The floor area ratio of the proposed development shall not exceed the median floor area ratio within 600 feet of the surrounding neighborhood by 10%. Proposed development may exceed this standard through the Design Review process and upon determination by the Director, and in consultation with the community, that the proposed development meets all of the criteria below:
 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
 5. Would not significantly limit or reduce sun and light exposure to adjacent properties.
3. Option 3: Median FAR (Gridiron Area Only). Same as Option 2, but would only apply to the "Gridiron" area zoned A2.

Response was more or less evenly divided among the three options, providing no clear consensus on the approach most desired by the community. Option 1 maintains the status quo. The Advisory Committee recommends Option 2, which would require a median floor area standard based on the surrounding neighborhood. Option 3 is similar to Option 2, however it only applies to areas in the Gridiron zoned A2. Staff included this option since home size appears to be more of an issue in the Gridiron area, which has more constrained, smaller lots compared to the larger lots more common in the Green Point area. However, this Option was removed from the Draft at the suggestion of Advisory Committee, who advised protecting community character is a significant issue throughout the entire community, not just in the Gridiron.

There are advantages and disadvantages to consider for each option. An advantage of Option 1 is that existing procedures are maintained and, therefore, consistent with the rest of the County. The flexibility to review projects on a case-by-case basis in consideration of a site's physical characteristics and any environmental constraints is another advantage. Further, this option will continue to allow a mixture of diverse sizes consistent with community character, in line with the SFRDG. The primary disadvantage of Option 1 is predictability: because project merits are considered on a case-by-case basis, outcomes may not always be as expected. Another is that the guidelines are "just guidelines" and do not carry as much policy weight.

An advantage for Option 2 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, staff has analyzed median home size. However, there is an issue with data reliability and accuracy. Staff relies on data provided by the Assessor's office. The Assessor's data was compiled for assessment purposes only and was never intended to be used beyond determining the tax basis for structures. The data tables may include incomplete or inaccurate data fields necessary for calculating FAR. Moreover, compiling the data to determine the median FAR will take time and research. Staff will need additional time to research and calculate the median FAR for a project applicant that walks into the front counter. Furthermore, since this standard would be unique to Black Point, it may create additional confusion for staff and the public to maintain different standards for each community rather than using consistent standards throughout.

Issue 7: Setbacks.

Discussion: Setbacks were also discussed as an important feature of community character. As previously mentioned, 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 significantly throughout the planning area, in part because many of the residences 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. In the ARP zoning district, setbacks are determined through the Design Review processes in accordance with Chapters 22.42 (Design Review) and 22.44 (Master Plans and Precise Development Plans). Exceptions to the setback standards are allowed for parking structures on steep slopes of 20 percent or steeper. Further, setback standards may be waived for substandard lots, common in the Gridiron neighborhood.

In addition to the Development Code, guidance on setbacks is provided in the Single-family Residential Design Guidelines (SFRDG). 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. Projects 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 a desire for setback standards to be more consistent with the surrounding neighborhood, in contrast to the staggered setbacks recommended in the SFRDG (see above). The Draft proposes a new policy, adapted from the Tamalpais Area Community Plan, to require minimum setbacks as follows:

CC-3: Require Minimum Setbacks. In circumstances where the required setbacks are waived for substandard and hillside building sites in the A2 zoning district, setbacks should be consistent with the surrounding neighborhood. Setbacks in planned districts, such as the ARP zoning district, should be the same as the analogous conventional residential zoning district, where feasible. 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 accommodate required on-site parking.

[New policy adapted from the Tamalpais Area Community Plan, Program LU1.4d, p. III-41]

One issue with this approach is to consider how the policy would be implemented in areas where existing setbacks vary significantly.

Issue 8: Light Pollution (Night Skies).

Discussion: The night sky is an important visual and natural resource. The absence of much artificial, exterior lighting in the community enhances the area's rural and natural character, and affords residents the opportunity to enjoy the night sky. Preventing light pollution to protect the night sky and minimize impacts on the area's wildlife was identified as an important issue. Light pollution is generated from installing unpleasant light fixtures that cast light on an otherwise natural or low-light setting, and potentially competing with starlight. Sources of light pollution within the community may include exterior building lighting and streetlights.

While there are no specific policies in the Countywide Plan that address light pollution, the Marin County Development Code (Section 22.16.030) requires that exterior lighting be allowed for safety purposes only, shall consist of low wattage fixtures, and should be directed downward and shielded to prevent adverse lighting impacts on nearby properties. This section also requires that street lights be of low intensity and profile. In addition, the Single-family Residential Design Guidelines provide additional direction on design solutions to address lighting concerns. Although these guidelines are specific to residential development, they also apply to the commercial development in the planning area.

Because the night sky is such an important feature of the area's community character, and to remind residents of the need to protect it, the Draft proposes a new policy to minimize light pollution, based on a similar policy in the Indian Valley Specific Plan, as follows:

CC-6: Minimize Light Pollution. Protect the rural night-time atmosphere of the community by minimizing the amount of exterior building and site lighting to that which is necessary for safety purposes. Street lights are not permitted unless required for safety purposes as determined by the Department of Public Works. Refer to the Single-family Residential Design Guidelines for additional guidance.

[Adapted from the Indian Valley Specific Plan, p. 7]

TRANSPORTATION

Issue 9: Road Maintenance

Many roads in the community are winding and rural with a scenic quality enjoyed by motorists, however this same quality can often create a dangerous environment for pedestrians, bicyclists, and equestrians. Many of the roads are narrow and lack shoulders or sidewalks. Roads in the Gridiron are extremely narrow and circuitous. Furthermore, Grandview Avenue provides the only access both into and out of the neighborhood. In the Green Point area, however, most roads are generally straighter and a bit wider, having been designed and built to prevailing County road improvement standards.

Many streets were originally mapped without regard to topographic conditions. Few of the private roads within the community meet existing County road standards and have not been accepted by the County, nor are they County-maintained. While it may be possible to bring some roads up to current standards, such improvements could be costly. The County may consider accepting the roads once they were brought up to current standards. However, the County will need to consider the cost of adding such roads into the County maintained road

system. Since including additional roads into the system increases the overall maintenance costs without additional revenue, it has been County policy not to take additional roads into the County system. All County-maintained roads are public.

The maintenance and repair of private rights-of-way is the responsibility of each landowner owning the easement. Landowners utilizing such easements may enter into a private road maintenance agreement. For example, the California Civil Code, Section 845, requires the cost of maintenance for privately owned rights-of-way road to be shared equitable by the landowners benefiting from those roads. In the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner. This is enforced through civil action.

Since road maintenance remains an ongoing issue, the Advisory Committee suggested the Draft clearly identify who is responsible for the maintenance of private streets, as proposed in the following new policy:

TR-5 Road Maintenance of Private Streets. The owner of any private right-of-way easement is responsible for its repair and maintenance, consistent with California Civil Code Section 845. Property owners abutting private streets may establish their own road maintenance program or organization to address repair and maintenance concerns. Advice in such matters and sample road maintenance agreements are available from the Land Development Division of the Department of Public Works.

[\[New policy\]](#)

PUBLIC FACILITIES AND SERVICES

Issue 9: Renewable Energy. 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 Countywide Plan, and since concerns were only recently raised over the potential for locating industrial type energy facilities in the area and potential impacts on community character, the Draft only briefly mentions renewable energy and where to find additional information. As you may recall, your Commission approved (4-3) the Balestreri Use Permit and Design Review application to construct a solar energy facility at the existing Green Point Nursery, which is located in the Black Point community plan area. This project was subsequently appealed to the Board of Supervisors based on a number of factors, including that the commercial nature of the project was inconsistent with the Black Point Community Plan's objective of maintaining the rural character and protecting bayland areas. The Board (3-1) supported the appeal and denied the project, in part to allow time for the County to develop a solar facility ordinance to provide guidance in which to evaluate future projects. The County is in the process of considering several potential approaches, which may include updating the Development Code to clarify and define commercial scale solar facilities, or developing a solar ordinance.

The Advisory Committee discussed potential options for including standards in the community plan to ensure any future renewable energy proposals would be a better fit for the community. While the Committee supports renewable energy, it was generally agreed such facilities should avoid being located on undeveloped, agricultural land and, instead, be limited to already

developed areas such as commercial and residential rooftops. Furthermore, the net export of energy should be restricted or prohibited unless such facilities are located in commercial areas. One example of a net exporter is the San Rafael Airport, which mounted 4,600 solar panels on 48 hangar rooftops in 2012 and sells energy generated from the system to Marin Clean Energy. Another example is the recent approval of a project that encompasses 4,272 solar panels up to 6.5 feet high on 11.5 acres on the 952-acre Cooley property, a former rock quarry in an isolated area just outside the City of Novato. This project will be the largest installation in the county; capable of powering 500 Marin homes.

Your Commission may consider various alternatives. One alternative is to delay any action until the County determines what approach it will take to develop solar facility standards. The other is to direct staff to research and develop potential policy standards to regulate solar facilities specific to Black Point for inclusion in the Draft. This second alternative may require more time and funding than has been programmed to date, including additional community outreach, to prepare and develop, and possible approval, of an expanded scope and budget by the Board of Supervisors.

PUBLIC COMMENT

As of January 13, 2015, staff has received no letters of comment on the Draft.

RECOMMENDATION:

Staff recommends that the Planning Commission review the Draft Black Point Community Plan, discuss the proposed key issues, and provide direction to staff on other issues or topics that should be addressed, if any.

Attachments:

1. Draft Black Point Community Plan

In order to save resources, paper copies of Draft Black 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 Community Plan is also available online at www.marincounty.org/blackpoint.