

MARIN COUNTY PLANNING COMMISSION HEARING MINUTES

May 10, 2004

Marin County Civic Center, Room #328 - San Rafael, California

Commissioners Present: Hank Barner
Allan Berland
Steve Thompson
Don Dickenson
Wade Holland
Randy Greenberg
Jo Julin

Commissioners Absent:

Staff Present: Alex Hinds, Director, Community Development Agency
Brian Crawford, Deputy Director, Planning Services
Michele Rodriguez, Principal Planner
Dan Dawson, Senior Planner
Peter Banning, Executive Officer, Marin County LAFCO
Jessica Woods, Recording Secretary

Minutes Approved on: JUNE 7, 2004

Convened at 5:05 p.m.
Adjourned at 7:47 p.m.
Reconvened at 8:20 p.m.
Adjourned at 9:30 p.m.

1. ROUTINE TRANSACTIONS:

- a. M/s, Julin/Holland, and passed unanimously of those present, to incorporate the staff reports into the Minutes. Motion passed 7/0.
- b. Continuances: None

(Item #1c was taken up at the end of the hearing.)

c. Minutes

M/s Barner/Holland, to approve the Minutes of March 8, 2004 as modified. Motion passed 6/0/1 (Commissioner Greenberg abstained).

M/s Barner/Holland, to approve the Minutes of March 9, 2004 as modified. Motion passed 6/0/1 (Commissioner Greenberg abstained).

M/s Barner/Holland, to approve the Minutes of March 10, 2004 as modified. Motion passed 6/0/1 (Commissioner Greenberg abstained).

- 2. COMMUNICATIONS - The Commission acknowledged additional correspondence received regarding the Countywide Plan Update.
- 3. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)
None.

4. DRAFT MARIN COUNTYWIDE PLAN

Public hearing on the Draft Countywide Plan.

Alex Hinds, Agency Director, summarized the staff report and recommended that after review of the administrative record and conduct of a public hearing; the hearing be continued to Monday, May 17, 2004 at 1:45 p.m. He then provided a brief overview of the Built Environment Element that included the following:

- Framework
- Vision
- Key Trends
- Housing
- Housing Opportunity Sites
- Commercial/Non-Residential Build-out
- St. Vincent's Silveira
- San Quentin Reuse
- San Rafael Rock Quarry
- Key Issues
- Goal CD-1: Environmental corridor land use framework

Peter Banning, Executive Officer, Marin County LAFCO, stated that one primary roles of LAFCO is to adopt Spheres of Influence (SOI) or boundary plans for each City/Town, and establish Special Service Districts. Currently, LAFCO is required to review and update those boundary plans every five years. Most Spheres of Influence and Special Districts in Marin County were adopted in the 1980s at which time the definition was "a SOI is a plan for the ultimate boundary and service area of a local government agency." However, in the early 1990s the legislature amended that definition to state, "a plan for the probable boundary and service area of a local agency." He interpreted this to be that SOIs should be more realistic, more achievable, especially discussing the boundary of the City. He stated that SOIs provide policy basis to determine what local agency is the logical provider of service and whether there should be no urban services provided to areas outside the Eastern Urban Corridor. In Southern Marin, LAFCO is reviewing whether there are certain areas currently within cities'/towns' SOIs which should be unincorporated communities, and if so, how would those areas be different than those areas to remain in cities'/towns' SOIs. Based on that, it has been recommended that the unincorporated areas of Tam Valley, Strawberry and Marin City be removed from the SOIs of Sausalito, Mill Valley and Tiburon. Mr. Banning then discussed community characteristics that differentiate Marin City, Tam Valley and Strawberry from smaller unincorporated areas in terms of access and availability of local shopping. A report on recommendations for the Southern Marin area has been released and public hearings will begin on Thursday, May 13th and will continue through July. Hearings on the recommendations for SOIs for Special Service Districts will begin in July and extend to fall.

In response to Commissioner Thompson, Mr. Banning stated that the report was also available at : www.LAFCO.Marin.org.

Mr. Banning stated, in response to Commissioner Holland, that West Marin was not included in the report. Commissioner Holland discussed several unincorporated islands and asked that they be eliminated if possible. Mr. Banning responded that while those islands made no sense from a boundary point of view, from a sense of community awareness, residents were happy with the Special Service Districts. Commissioner Holland asked Mr. Banning if it would make sense to allow LAFCO to draw real boundaries for communities without having to match Special Service District boundaries or Service boundaries. Mr. Banning responded that the community in and of itself is a slippery concept. He stated that LAFCO's responsibility is to plan boundaries of local government agencies, cites/towns, and Special Districts, but not planning areas. Furthermore, he noted the importance for the Commission itself to be able to define the planning areas.

Commissioner Barner stated that Marin County is very unique because of the large number of Special Service Districts, which cause the County not to be able to fully implement good planning concepts. However, at the same

time the Special Districts are not providing a high-level of satisfactory service. Mr. Banning concurred, pointing out that currently there are two water districts that provide service to the entire urbanized area, including the areas in the upland and greenbelt sections. However, the role of Special Districts is not to provide land use planning services. Commissioner Barner stated that his point must be highlighted.

In response to Commissioner Dickenson's question regarding probable/ultimate and timeframes, Mr. Banning stated that while LAFCO uses 20-year timeframes, it revisits boundaries every five years in order to be consistent with the General Plan.

Commissioner Holland asked Mr. Banning if LAFCO has any authority on specific development applications. Mr. Banning responded that LAFCO has no authority in that regard. He further stated, in response to Commissioner Dickenson that while LAFCO had the authority to annex lands, it did not have the power to force annexation.

Commissioner Barner seemed an answer is needed in terms of critical mass and noted that many programs are connected with mass transit and the Commission has not received any information in that regard. In addition, the County has no control over topography and zoning has been fairly low density and due to those two forces, when he views notions of trying to change, those forces come back. He further stated that to discuss mass transit for a very low-density area, unless there is some kind of financing, made no sense.

Agency Director Hinds discussed the existing three-corridor system stating that the County has relatively higher use of public transportation than many other suburban areas. Staff added that lower density areas were harder to serve with public transportation than medium and high density areas, but adding more housing near jobs and public transportation would increase the number of people using public transportation.

Commissioner Thompson left at 6:02 p.m.

Commissioner Barner noted that the report does not provide information regarding population to support a financially and functionally viable mass transportation system. Agency Director Hinds commented on the bus system and pointed out that the County is losing routes due to the low volume of ridership and by increasing housing next to bus transit

In response to Chairman Berland, Agency Director Hinds stated that the number in Figure 3-1, under "theoretical buildout" were based on topography and existing zoning. Staff further stated that zoning changes deemed necessary would be done through a policy recommendation in the Plan

In response to Chairman Berland, staff explained the guidelines for equating commercial space to residential units. However, Agency Director Hinds pointed out that staff is not suggesting that all future residential development will actually be placed on a second story, but that the basic concept is that there is a need for more affordable housing and some of the major potential properties are being used for parking. Commissioner Holland discussed criteria used to determine the number of units for the potential theoretical build-out pointing out that there are other factors, such as the second units, which should be taken into consideration.

Commissioner Holland believed the issue is topography, especially in terms of West Marin, which could be a major factor in reducing this build-out.

Commissioner Dickenson questioned why the one second unit per every ten residential units policy is included in the 2000 Countywide Plan figures, but not in the current policy. Additionally, he asked whether the current square-foot policy for the Marinwood Shopping Center assumed the build-out based on floor areas allowed for the property or if it assumed the existing commercial floor area, because it appeared that there is a fair amount of additional commercial square-footage, in addition to the projected 77 residential units. Staff agreed noting that the same is true with all shopping centers Commissioner Dickenson stated that if residential development was added to the commercial space already at Marinwood, commercial development should be replaced with residential development. Staff agreed.

Commissioner Greenberg noted Figure 3.1 and asked whether the ultimate build-out projection was through the end of the Plan in 2020 or was it as foreseen for the County's holding capacity. Staff responded that it was based on polices that were included in the Plan. Commissioner Greenberg noted page 324 and asked the Countywide Planning Agency's (CWPA) role as it relates to the Planning Commission and the Board of Supervisors. Agency Director Hinds explained the composition and role of the CWPA stating that basically they were an Advisory Committee.

Commissioner Barner questioned the accuracy of the population figures in Table 1 noting that based on those numbers increasing rapid transit may not make any difference. Agency Director Hinds agreed, but noted that regardless the population figures, the Plan recommends that a higher percentage of affordable and employee type housing take place in the appropriate locations.

Commissioner Holland discussed the AGC2 stating that in terms of density and zoning it would not matter where the Baylands Corridor line is drawn. Agency Director Hinds responded that while the Baylands Corridor would not affect the density, it is recommended that new development be clustered on 5% of the land.

The hearing was opened to the public comment.

Alan Cherrigan, Inverness resident representing, Marin Soccer League, submitted a letter, basically expressing concern that language as written may prohibit the construction of soccer fields at the St. Vincent/Silveira properties. He also requested a clarification on page 3-202, Policy SV-1.2 regarding permissible recreational uses and stated that if recreational activities were intentionally omitted, he would object to the language. Therefore, he requested that the said language be either modified or omitted. Agency Director Hinds clarified that the restoration of the lands east of the railroad tracks is a long-term goal. However, the policy as written would allow low intensity uses that would not involve extensive fill or grading. Therefore if a soccer field required extensive fill, it would be inconsistent with this particular policy, but if it did not then its approval would be arguable.

Joe Walsh, Lagunitas resident representing, EAH, commented on the "Key Issues", stating that housing build-out on sensitive lands should be reduced; and that more affordable and employee housing should be targeted to mixed-use and transit oriented sites. In his opinion, the commercial build-out should be reduced only if the Commission desired no commercial services since businesses contribute more than 50% of the taxes collected. Therefore, the Commission should encourage businesses to remain and flourish, but agreed that commercial zones should encourage mixed zoning. He suggested adding another key issue regarding St Vincent/Silveira because he did not any discussion regarding fairness to the property owner or feasibility. He then questioned why the Task Force recommendations, which preserved all the sensitive areas with a range of possible housing units and commercial space were not included. He concluded by stating that the Commission should make a strong statement that the County would meet and exceed the ABAG figures.

Margaret Zegart, Mill Valley resident, commented on the following: 1) dividers between communities; 2) the need for housing and jobs/balance; 3) the need for assisted living housing; 4) the need to further address healthcare and social equity; 5) the Commission's input regarding the Homestead Sanitary District; 6) the importance for the Commission not to become political, but rather wise land use planners; and 7) that the importance of community identity.

Margaret Jones, Belvedere resident, discussed process, stating that the Commission should review revisions made to the first half of the document as the second half is reviewed.

Commissioner Holland clarified that a decision on the boundaries for the Baylands Corridor had not made and would be determined at a later date. Agency Director Hinds further clarified stated that public and Commission input would be obtained prior to finalizing the draft Environmental Impact Report, so the entire Plan would be reviewed in the fall.

Elissa Giambastiani, San Rafael Chamber of Commerce, questioned whether the Plan was sustainable since many of the policies in the Built Environment Element included language to diminish job creation and housing

development within the County's jurisdiction. In her opinion, the Plan t appeared to be a "growth management" plan, because it "shrinks" the envelope for development in the Urban Corridor even more than the previous Countywide Plan. She then summarized their letter dated May 7, 2004, which commented on the following:

- Baylands Corridor
- CD-1.a - Keep Urban in the City-Centered Corridor
- CD-2.4 - Focus Intensive Development at Nodes
- CD-5.b - Develop Highway 101 Corridor Specific Plans
- CD-5.f - Add Countywide Planning Functions
- CD-5.h - Require Development to Meet Performance Standards
- CD-6.1 - Confinement of Urban Development
- CD-6a - Promote Annexation of Urbanized Areas
- CD-8.4 - Agriculture and Conservation 3
- CD-8.7 - Establish Commercial/Mixed-Use Land Uses Categories
- PS-2.6 -Designate Land Use in St. Vincent's/Silveira
- SV-1.1 to SV-1.11
- SV-2.1 - Discourage Urban Development
- SV-4.1 - Preserve Historic Sites
- SV-5.1 - Encourage Affordable Housing
- SV-7.1 - Support St. Vincent's Social Services

Alex Scotch,, MarinInfo, found no justification for a rail system in this low density County. In his opinion, the County's transportation problems are completely out of the County's hands since traffic congestion is a direct cause of freeway congestion. Therefore, Marin should work with Sonoma County for future transportation. He also pointed out that there are several affordable housing opportunities available in the East Bay, and concluded by submitting information regarding his organization.

Dave Floras, , Life House, stated that transportation requires flexible solutions, but rail was the most inflexible In his opinion, the issue is to what extent is the County willing to build polices for "who." Providing housing for individuals who already work in Marin will improve the quality of their lives as well as reduce regional congestion. He concluded by stating that the policies proposed could make a difference in the quality of life not only for those that work in Marin, but for current residents.

Kathleen Phelps, San Venetia resident, agreed that it was important to have recreational opportunities in neighborhoods, recommending that youth recreational activities be prioritized over adults' She further agreed that the location of housing is very important as well as limiting development on sensitive lands.

Jack Krystal, concerned resident, suggested the Commission review the objectives, set the policy, and provide guidance to staff in an inducement driven manner.

Roy Chernus, Legal Aide of Marin, pointed out that Marin County was an extremely wealthy community not very friendly to workers, thereby requiring individuals to drive to and through Marin, which is not sustainable whatsoever. Marin County needs a Plan that talks and builds affordable housing. In his opinion, Marin County has failed to build a sustainable community for the last 30 years.

The hearing was closed to public comment:

The Commission took a 30-minute break at 7:47 p.m.

Commissioner Greenberg:

- Page 3-10 - Preservation of the environment should be included in all the descriptions. The Commission and staff agreed.

- Page 3-10, fourth bullet - delete the word “buffer” and add “and it may include adjacent upland habitat.” The Commission and staff agreed.

Commissioner Julin:

- Page 3-10 – Add BCDC and MCT to the list of agencies.
- Page 3-11, first full – Clarify that the Countywide Planning Agency also serves as the “Congestion Management Agency”. Also indicate that “most” unincorporated areas have community plans. The Commission agreed.

Commissioner Barner:

- Page 3-5, “street design” – Differentiate between unincorporated and incorporated areas.

Commissioner Holland:

- Page 3-11, “Key Trends”, first bullet - Review the statement: “Most of the additional land potentially for development is within City limits” for accuracy
- Page 3-5, second paragraph, second sentence – Add language stating , “workforce families and individuals.”
- Page 3-10 - Delete the word, “the” lands.
- Page 3-13, Policy CD-1.1 – Add language at the beginning to state, “retain, establish and continue to improve.” The Commission agreed.
- Figure 3-1, “theoretical build-out” - highlight for clarify and better understanding.

Chairman Berland:

- Page 3-1 - Review figures for accuracy since the primary goal should be to meet the County’s housing needs. The County should carefully consider whether they are serious about providing affordable housing.

Agency Director Hinds noted that the commercial square-footage and number of market rate housing units have been reduced, thereby allowing the opportunity to increase employee or affordable housing. Staff added that affordable housing, if consistent with the General Plan, would not be required for a rezone and not subject to FAR requirements, but if expanding or remodeling, housing must be provided. He then pointed out that there are many policies and programs promoting affordable housing.

Commissioner Dickenson stated that to a large degree commercial development has created the current situation. He supported exploring opportunities to reduce commercial development and providing additional housing. In his opinion other cities should be involved in that discussion because that is where the problems are being created.

Commissioner Greenberg commented on Highway 101 stating that even with affordable housing, people have vehicles, and no rail system would move people around in the County. She felt the Plan encourages housing, which she supported. She agreed that there is a shortage of workforce housing and where rezoning from commercial to residential can take place, it should. Therefore, language to that effect should be added to the Plan.. She further pointed out that Marin County would never be a low cost community, but houses could come in at a reasonable rate.

Chairman Berland asked the Commission if they agreed to redesignate commercial zones for housing. Agency Director Hinds suggested waiting until they discuss the housing section. The Commission agreed. Commissioner Greenberg asked staff to provide the Commission with a list of commercial areas that could be considered.

Commissioner Barner stated that due to shortage of developable land available, the cost continues to rise and that is the reason for larger homes. He stated that in other parts of the world where land had become expensive, the land is leased and wondered whether or not that kind of a concept would have any impact on reducing the size of houses being constructed. He further expressed concern for the FAR’s being so liberal.

The Commission adjourned and continued the hearing to May 17, 2004 at 5:00 p.m.