

**MARIN COUNTY PLANNING COMMISSION HEARING MINUTES
MAY 17, 2004
Marin County Civic Center, Room #328 - San Rafael, California**

Commissioners Present: Steven Thompson, Vice Chairman
Hank Barner
Don Dickenson
Randi Greenberg
Wade Holland
Jo Julin

Commissioners Absent: Allan Berland, Chairman

Staff Present: Alex Hinds, Agency Director
Brian C. Crawford, Deputy Director of Planning Services
Michele Rodriguez, Principal Planner
Dan Dawson, Senior Planner
Michelle Reed, Recording Secretary
Jessica Woods, Recording Secretary

Minutes Approved on: **JUNE 7, 2004**

Convened at 1:00 p.m.
Adjourned at 5:37 p.m.
Reconvened at 6:10 p.m.
Readjourned at 9:32 p.m.

1 ROUTINE TRANSACTIONS

- a. Incorporate Staff Reports into Minutes

M/s Holland/Julin, and passed unanimously, to incorporate the staff reports into the Minutes. Motion passed 6/0 (Chairman Berland absent).

- b. Continuances - None

- c. Approval of Minutes

M/s Holland/Julin, to approve the Minutes of April 26, 2004 with minor modifications. Motion passed 5/0/1 (Commissioner Greenberg abstained and Chairman Berland absent).

M/s Holland/Julin, to approve the Minutes of May 3, 2004 with minor modifications. Motion passed 5/0/1 (Commissioner Greenberg abstained and Chairman Berland absent).

2. COMMUNICATIONS

The Commission acknowledged several pieces of correspondence for their review.

3. DIRECTOR'S ORAL REPORT

- a. Update on Board of Supervisors Actions

Staff indicated that at last weeks meeting it was decided not to continue with the Strawberry View Ordinance.

May 25, 2004 – Ghazi Variance Appeal (continued)

- b. Report on On-Going/Pending Development Projects- None

4. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)

There were no public comments.

5. FUTURE AGENDA DISCUSSION ITEMS, FIELD TRIPS

Update on Planning Commission Actions

June 23rd Cascade Canyon

July 12th Workshop on the Residential Single Family Guidelines
Sailing Coastal Permit
Braun Appeal

6. DRAFT MARIN COUNTYWIDE PLAN

Public hearing on the Draft Countywide Plan-Built Environment Element

Alex Hinds, Agency Director, summarized the staff report and recommended that the Commission review the administrative record; conduct a public hearing; and continue the public hearing to Monday, May 24, at 5:00p.m.

The hearing was open to the public.

Marjorie Marcus, Mill Valley resident, submitted her comments in writing, basically expressing concern regarding the environmental protection of St. Vincent/Silveira. She also believed it would be premature to include the recommendations from the San Quentin Vision Plan in the Countywide Plan at this point. The Plan for San Quentin deserves its own planning process in which the community would be involved. She found the proposed Plan to be a major improvement with respect to sustainability and redevelopment of shopping centers , which are extremely important and consistent with what the Environmental Groups had been advocating.

Commissioner Julin agreed with the suggestion of deferring the San Quentin Plan, but asked Ms. Marcus how that would be handled if the actual polices and programs were deferred. Ms. Marcus responded that land use designations for San Quentin must be included in the Plan for it to be complete. She also added that in order to advance all the detailed polices from the San Quentin Vision effort it would require a community-planned effort such as with the unincorporated areas.

Agency Director Hinds reported that the proposed designation for San Quentin would be called "*Planned Communities*" and it would require the preparation of what staff would call a "*Specific Plan*" with more details as required by law.

Anthony Catsimatides, Marin Task Force, summarized his letter dated May 3, 2004. He stated that the intent of their comments was to develop objectives for the Plan, address key issues and trends that require further consideration, and engage in community discussions about design. In their opinion, walkable communities, traffic congestion, sensitivity to wetlands, density, livable communities, workforce housing and existing jobs balance were issues currently faced by the County.

Dave Coury, representing Housing Council, invited the Commission to a League of Women Voter's breakfast to be held on June 10th at 8:00 a.m. He also announced that on June 14th, the Housing Council would make a presentation about some specific polices that would benefit the implementation of the Housing Element as it effects the remaining sections of the Plan. He then reiterated his comments that the socio-economic basis for economic growth is critical for Marin, and they respectfully requested that the effects of the Plan as the Commission adopts it be analyzed not just where the growth occurs, but also who would be affected by that growth. They further hoped to receive specific implementation strategies so that the ABAG numbers could be met for the low and very low workers that serve Marin now and would be serving Marin in the future.

Elida Doldan Schujman, AIA, asked for the opportunity to discuss their ideas with the Commission and staff . She then commented the measuring stick to be used for the buildable environment and believed change in attitude is the main concern. She also explained that if walkable communities are created then Marin would be establishing neighborhood centers, recreation, stores, infill housing, schools, and a live/work environment and that would be the measuring stick for the changes ahead of the County. She concluded by stating that they will come back to the Commission with recommendations.

In response to Vice Chairman Thompson, Agency Director Hinds stated that a response to comments will be provided at a later date.

Commissioner Julin made the following comments: 1) Page 3-13 - the text in the box should be identified and anchored with the rest of the text; 2) the sentence regarding "job development" should be developed; 3) the "Commercial and Industrial Development" should be rounded off to go with the approximate; 4) under "Housing", indicate what the estimate is based on;

Commissioner Julin also discussed format in relation to the subheadings, "*What Are the Desired Outcomes*" and "*How Will Results Be Achieved*", stating that she found them distracting, and therefore should be eliminated. Commissioner Dickenson disagreed stating that the headings were important to differentiate between goals, policies and programs. Agency Director Hinds further noted that most individuals do not read the entire document and the headings made it easier to read. Staff respectfully disagreed with Commissioner Julin's suggestions and recommended that the headings remain.

Vice Chairman Thompson asked staff to address the concerns about the type and format being used.

Commissioner Holland noted that the numbers might not be comparable because they are coming from different sources. Staff stated that they were the best projections the County has at this time.

Commissioner Greenberg agreed with Commissioner Julin's suggestion regarding the middle sentence on page 3-13 under "Job Development." Agency Director Hinds agreed to delete the middle sentence.

Commissioner Barner expressed concern for reality in terms of traffic. Agency Director Hinds responded that traffic is discussed in the Transportation and Economic section. Staff further stated that population growth would not occur and larger homes are foreseen. The Plan indicates that what little growth Marin has should be encouraged near public transit with smaller homes.

Vice Chairman Thompson discussed commercial zoning in relation to residential stating that he found it very encouraging.

Commissioner Holland discussed program CD-1.b at the bottom of page 3-14, stating that the Commission must review the boundaries of the Baylands Corridor in terms of protecting sensitive resources. Staff discussed the last sentence in regard to identifying baylands as a "Priority for Open Space Acquisition," which a number of residents opposed, so that must be reworded in order to discuss open space restoration based on habitat value connectivity. Commissioner Dickenson suggested stating, "*identify undeveloped baylands.*" The Commission and staff agreed.

Agency Director Hinds explained that there is not a major difference between the Bayfront Conservation Zone and the Baylands Corridor other than the Baylands Corridor provides additional focus on these properties by having it be a corridor rather than a zoning district. Commissioner Greenberg pointed out that amending the development code to expand sensitive resources in her view was to call out the environmentally sensitive areas, so that any development that occurred in that corridor would be away from those areas, but rather it is a definition, not a program. Agency Director Hinds suggested stating, "*expand protection of sensitive resources in the Baylands Corridor and identify undeveloped baylands as a priority.*" Staff further clarified that this is a part of expanding the area, and there are some zoning and map amendments that would result from this, but there would not be a major change in the Bayfront Conservation Zone.

Brian Crawford, Deputy Director of Planning Services, noted that the maps would be coterminous with the new Baylands Corridor boundary, but it could also mean that there would be parcel specific zoning classifications or changes with respect to St. Vincent/Silveira, which could be a function of the zoning map amendment that is referred to in this policy. Staff discussed the development code that suggests that the development standards for protection of bayland resources that were carried over from the 1992 Plan would be amended to strengthen the development code in regard to baylands protection. Staff further added that when they draft specific language, staff would provide a definition to the Commission in order for a better interpretation. The Commission agreed.

Commissioner Julin noted page 3-16, CD-1.e stating that she found it conflicting with the opposite policy CD-2.6 on page 3-17 and asked that this be addressed. Vice Chairman Thompson asked staff if CD-1.e and CD-2.6 could be merged into one statement. Staff responded that it was a new program that reflected some of the County's past efforts to try to reduce the number of parcels that are either submerged all of the time or at least subject to title action that would not be developed with the exception of a marina in regard to CD-1.e. Staff further suggested stating, *"The requirement would be merger of all sub-sea level parcels prior to any development on adjacent upland parcels."* The Commission agreed.

Commissioner Julin discussed page 3-17 under CD-2.4 and felt an explanation is needed. She commented on the paragraph after CD-2.6 and felt the term *"grow old"* should be stricken. Commissioner Holland noted that there were insufficient facilities in Marin for assisted living and a point must be made. Agency Director Hinds noted that *"aging in place"* was the concept. Commissioner Julin believed it is covered under *"live."* The Commission and staff agreed.

Commissioner Holland commented on CD-2.4 and suggested adding the phrase, *"discourage strip development along roadways, big-box stores and new shopping malls"* because in his view there is more than enough to satisfy the need.

Commissioner Greenberg expressed concern that small shopping centers were defined as *"Malls"* which are local businesses. Agency Director Hinds agreed to include language that reinforced existing shopping areas and focused intensive development in the *"Nodes"* and discourage strip development and big-box shopping centers.

Commissioner Dickenson expressed concern regarding big box retailers not being outlined, i.e., Staples. Agency Director Hinds suggested adding language stating, *"discourage new strip development and outline big-box shopping centers."* Staff indicated that the County must redevelop what already exists in order to be more inviting for individuals. Vice Chairman Thompson asked staff to define *"Node"*.

Commissioner Dickenson noted CD-1.3 on Page 3-16 and asked staff to clarify *"Sub-Sea Level"*.

Commissioner Holland noted that CD-1.c. and CD-1.d are the same and requested that more parallel wording be added. Vice Chairman Thompson suggested adding, *"local, State and Federal agencies."* The Commission and staff agreed.

Commissioner Dickenson noted CD-2.b on Page and asked that *"special needs housing"* be expanded. Additionally, he suggested replacing the phrase, *"the amount of land available"* with *"opportunities for residential development."* The Commission and staff agreed.

Commissioner Barner commented on CD-3.1 on page 3-19 stating that home occupations must be carefully reviewed. Language should be expanded due to all the implications that are not addressed. Agency Director Hinds agreed to add standards relating to traffic. Staff further agreed that there were a number of standards that speak to the issues of the type, nature and intensity of use. Vice Chairman Thompson suggested adding language regarding environmental impacts as well. Agency Director Hinds suggested adding language to state, *"no more than six UPS trucks are allowed within one week,"* which is hard to monitor, but it could be included.

Commissioner Greenberg stated that home occupations should be evaluated on a case-by-case basis, so the traffic generation could be reviewed. She further stated that the number of clients per day should also be a consideration.

Vice Chairman Thompson believed a statement must be crafted about *"low impact,"* to satisfy the Commission's concerns.

Commissioner Dickenson suggested adding a separate program regarding *"Home Occupation"* in order to set up general criteria. The Commission and staff agreed.

Commissioner Holland provided the Commission with a handout dealing with the general issue on page 3-19 regarding "Open Studios" and events that impact neighborhoods with traffic and signage along roadways. He then proposed Program CD-3.c for this particular phenomenon. Agency Director Hinds agreed to take his comments under consideration.

In response to Commissioner Greenberg, Agency Director Hinds suggested adding language stating, "*monitor, evaluate and consider events.*" The Commission agreed.

Commissioner Dickenson noted that many events are not regulated, i.e., as "*yard sales*" and suggested adding some type of language in CD-3.a to address this issue. The Commission agreed.

Commissioner Holland commented on Goal CD-4 on page 3-20, stating that there should be a process for updating.

David Coury, Housing Council, discussed the 5% aspect and explained that residents of high-income homes may or may not work in Marin, and they generate more trips and use more resources, which is not developing a sustainable community. He stated that even residential development generates jobs that call for greater need of low, very low and special needs housing and that 5% would mean a lot to the region and the future of the County if the Commission at this point established a set of programs for the County that would orient any future growth and all future growth of residential development to low, very low and special needs housing. He further discussed the idea of preferences and those who work in Marin should have first preference, which should be addressed.

Commissioner Barner believed they must be very cautious and careful because there is a problem that deserves much more attention and they must have realistic visions in order to solve the issues. He further believed they must discuss the basics in order to achieve the goal. Commissioner Dickenson stated that zoning itself would not provide affordable housing and it must be a subsidized project. Mr. Coury believed there are parcel areas amenable to high-density development.

David Kimball, Bolinas resident, indicated that the Countywide Plan is a directional plan and believed it did not identify the entire situation. He agreed that Marin homes are a great investment, and as existing homes are priced higher, he felt looking longer-term would reduce the housing supply, especially for youth and elderly. He noted that there is a trend that more people are seeking a different quality of life to be able to walk to the grocery store and cleaners as well as more desirable neighborhoods.

Kathleen Phelps, Santa Venetia Neighborhood Association, commented on the need for affordable housing. She commented on the importance of providing housing for the blue-collar workforce as well as a picture of how that housing would appear. She asked how they would implement high density in a manner that would build the quality and care of the communities. She further added that mixed-use and commercial projects in neighborhoods where individuals are encouraged to walk would be beneficial to the community.

The hearing was closed to public comment.

Commissioner Holland expressed concern for mixed-use and the political reality that the County is facing.

Vice Chairman Thompson discussed CD-4.d on page 3-22 in regard to collaboration with the State Parks and Recreation Department, stating that the Marin Action Committee was in the process of drafting Recommendations on the Plan.

Commissioner Greenberg discussed Goal CD-5 suggested deleting this goal since in her opinion the current water supply was insufficient. Staff agreed that the Plan must acknowledge that water supply is an issue. Commissioner Greenberg suggested developing more water conserving mechanisms for new development.

Commissioner Dickenson found the policy and program to be conflicting and asked that language be reconciled.

Commissioner Holland pointed out that Marin does have existing water conservation policies . However, Commissioner Dickenson noted that enforcement is an issue. Agency Director Hinds suggested that creative programs be discussed under “Water and Traffic”.

Commissioner Dickenson commented on CD-5.2 in regard to “*Assign Financial Responsibility to Growth*” and pointed out that it is not realistic and felt housing must be subsidized as well as ongoing servicing of that housing.

Commissioner Julin commented on a report titled “*Cost of Development*” that she conducted a few years ago and in the process she discovered that the County is paying for the cost of additional services. Agency Director Hinds stated that CD-5.2 should refer to studies of new development and staff would establish a new threshold to determine whether or not the project would pay for its fair share. Vice Chairman Thompson suggested conducting a fiscal impact analysis as well.

Commissioner Julin suggested adding language to CD-5.2 to state, “*Consideration shall be given to affordable housing.*” She then discussed the fiscal impact analysis and noted that it is discussed under CD-5.h on page 3-25. She also suggested including some leeway for affordable housing. Commissioner Dickenson found that additional wording was needed to indicate that the policy should identify the full financial impacts associated with the development proposals.

The hearing was reopened to public comment.

Dave Coury, Housing Council, stated that the overall goal was sustainability and he understood the concern for water as well as energy and generation of trips. He asked the Commission to consider the recognition of more general impacts and measuring the relative impacts of who is living and the location.

Commissioner Greenberg believed fair share was a reasonable policy that would be required for all market rate housing in order for the County to function and for road repairs to occur. Agency Director Hinds responded that market rate development was typically what the County would view as paying their own way. Staff then asked whether the Commission’s intent was to clarify that new market rate development should pay its own way and determine that through special studies and/or facility fees or study it and have the program explain it in more detail.

Commissioner Julin disagreed with the word “*should*” and noted that the policy should state the intentions. Commissioner Barner stated that even if full share were paid there would still be a deficit. Agency Director Hinds responded that payment would come from some source of funding and with the fee portion they are only allowed to charge for the impact currently, not for existing impacts.

Vice Chairman Thompson agreed to an abstract study with a general statement to be included. Commissioner Julin recommended incorporating some recent studies into the Plan.

Commissioner Dickenson expressed concern that any below market rate house would be penalized.

Agency Director Hinds asked the Commission for a straw vote on whether CD-5.2 should be amended to require a study of whether development should pay its fair share and rely on CD-2.h to explain how that would be corrected or continue to require the development to pay its fair share, but provide exemptions. Vice Chairman Thompson suggested rephrasing the two statements to make them compatible and asked staff to draft language.

The Commission took a 30-minute break at 5:36 p.m.

Commissioner Barner discussed page 3-26 in regard to "*Promote Annexation of Urbanized Areas*", suggesting that language regarding "*urban growth boundaries*" be included. Agency Director Hinds discussed the recent LAFCO studies that are likely not to be annexed, stating that some fine-tuning was required.

Vice Chair Thompson discussed the "*no*" cap for 1800 units as discussed by Chairman Berland at the last meeting. Agency Director Hinds explained that affordable housing or employee housing units would not be subject to any FAR restriction within commercial designation uses. Staff stated that since the 1800 units came from where environmental sensitive lands were reduced in terms of build-out, staff recaptured that and change it to market rate housing. Staff further noted that the 1800 units were intended for the CEQA analysis.

Commissioner Barner discussed CD-8.4 on page 3-29 and recommended changing the word, "*production*" to "*habitat protection*." The Commission and staff agreed. Commissioner Barner recommended being consistent on page 3-30 under CD-8.5 in relation to the three categories for "*Agriculture*."

Commissioner Dickenson commented on page 3-36 in relation to mixed-use development and asked staff if they could just allow residential. Agency Director Hinds responded that it would depend on the location. Staff suggested reviewing Office/Commercial/Mixed-Use.

Commissioner Holland asked staff if the existing zoning listed is comprehensive or examples and asked if coastal zones should be included. Agency Director Hinds responded that separate zoning districts are not included, but noted that this language came from the previous Plan.

Commissioner Greenberg suggested adding an implementing program to evaluate those areas where residential zoning could be considered as appropriate.

Commissioner Holland commented on 3-38 under "*Industrial*" and believed the very low and low-income households were being placed within industrial uses and recommended reviewing this on a case-by-case basis. Staff noted that affordable housing was the only use allowed in an IP Zone.

In response to Commissioner Greenberg's question on CD-8.8, Agency Director Hinds stated that this was a category only for reuse.

Commissioner Julin suggested highlighting the word "*reuse*" in order to clarify the matter. The Commission and staff agreed.

Commissioner Barner questioned the term "*for another use*" on page 3-39 under CD-8.9.

Commissioner Holland noted the sustainability diagram on page 3-40 and asked that staff correct the figures.

Margaret Zegart, Mill Valley resident, made the following comments: 1) page 3-36, City-Centered Corridor - the constraints on "*adopted policy*" and "*environmental*" should be included; 2) CD-5.f under "*Waster Management and Energy Conservation*" - indicate if additional staff will be retained in order to achieve that goal. ; and 3) CD-5.e - limiting the density will not address concerns regarding failing septic systems..

Margaret Jones, Belvedere resident, discussed community development and community design stating that “community” is a feeling, not a boundary. In her opinion, a community is a walkable space that provides transit and bus lines, stores, restaurants, coffee shops, a place to park and walk to other areas as well as a gathering place with open space. Furthermore, a community is a casual gathering area where individuals feel it is their space and all community attributes are beneficial and necessary for a community.

Agency Director Hinds pointed out pages 3-52 and 3-57 which discussed traditional neighborhood design.

Agency Director Hinds summarized the Community Design section, highlighting the key trends and key issues to consider.

Ms. Zegart made the following comments: 1) how will gated residential communities be prohibited; 2) underground parking is preferable; and 3) strong guidelines for community design must be provided.

In response to Commissioner Holland, Agency Director Hinds explained the definition of shared parking, as well as flexible building types.

Commissioner Dickenson noted 3-48 under the bullet DES-2.a, stating that there appeared to be a potential to rezone commercial properties to residential and mixed-use. He then noted Page 3-54, “Protect Views of Ridge and Upland Greenbelt Areas” and asked staff for clarification because as written it appeared to create a new buffer. He also asked that the section that talked about a buffer also be reviewed.

Commissioner Greenberg agreed with the concept and that it is a transition. She felt there should be design guidelines to provide that transition, especially when approaching ridgelines. She disagreed with the word, “buffer.” Agency Director Hinds suggested replacing “suburban buffer” with “rezone lands to planned district category to a transitional district”.

Commissioner Dickenson noted that within the area having rural density where there is a lot of upland greenbelt, is not a rural density. Agency Director Hinds responded that the ridgeline upland greenbelt is one dwelling unit per 12 acres. Staff stated that for undeveloped lands, not parceled out, the Plan discourages subdivision for less than one dwelling unit per 12 acres. Staff agreed to review and discuss with Commissioner Greenberg and Commissioner Dickenson.

Commissioner Greenberg commented on page 3-53 in relation to protecting DES-a and expressed concern that this was very controversial that any spot could be viewed from a multitude of areas and mapping would be a geographical nightmare. From her experience with subdivisions all parties have different ideas. Staff agreed that it is challenging, and therefore the definition of a view corridor would be carefully considered. Commissioner Greenberg added that until there is a Specific Plan, the County would not receive adequate public input. Agency Director Hinds suggested clarifying that key corridors be identified, but also at a site-specific level.

Commissioner Julin discussed page 3-54 under DES-4.c and recommended deleting the “exception” because she felt it should stand as written through the General Plan Designation Range. The Commission and staff agreed.

Commissioner Barner commented on page 3-46 and suggested adding topography. He then commented on page 3-47 under DES-1.2 and in his view it seemed to become more important to realize there is a symbiotic relationship between cities and towns as well as unincorporated areas that individuals living in the more dense environment have a less dense environment to escape, such as having parks. He felt the Plan had not identified the relationship between dense areas and less dense areas. He discussed DES-1.c under “Regulate Rural Design” and viewed some regulations on rural design, but then when there is redesign, he viewed rural design not being adhered to and he believed those standards must be adhered to, especially with lighting. He further commented on page 3-50 under DES-3.1 in relation to infill and green space, which in his opinion are two different matters. Agency Director Hinds responded that infill development would not work unless the other concepts are included.

Commissioner Barner discussed page 3-52 and 3-57 and indicated that alleys with garages placed in the rear should be included and to be consistent the two must replicate each other.

Vice Chair Thompson discussed pedestrian friendly and topography aside, there is very few sidewalks and felt sidewalks and paths should be encouraged. Staff responded that the intent was to provide access to Town. Agency Director Hinds noted that DES-5.1 discussed that aspect and suggested adding the following language to the end of that sentence stating, *“and provide safe pedestrian/bicycle access.”* Vice Chairman Thompson asked that safe routes to schools be added as well. The Commission agreed with the language provided for DES-5.1.

Commissioner Holland recommended that the two *“callout boxes”* on page 3-52 and 3-57 be relocated to the “Introduction” section in order to put the entire section into context.

Commissioner Holland discussed DES-3.1 and asked staff how communities would develop the land. Agency Director Hinds responded that this is within built areas, but staff suggested having two separate polices, one for development and one for public. The Commission agreed. Agency Director Hinds suggested stating, *“encourage the development of vacant and under utilized parcels within the existing communities.”* The Commission agreed.

Commissioner Dickenson discussed page 3-47 under *“Why is this Important”* and did not believe all Marin communities would benefit from attractive buildings, signs and layouts. The Commission agreed to make it conditional. Commissioner Dickenson commented on the next sentence and suggested stating, *“can make a place more accessible to segments of the community,”* so not to imply that it is already being done.

Vice Chairman Thompson asked the Commission for any direction on *“Energy and Green Building.”*

In response to Commissioner Holland, Agency Director Hinds stated that the PG&E data provided on Page 3-62 was statewide. Commissioner Holland asked that this be clarified.

Commissioner Julin asked staff how they would measure whether they are successful if there is no baseline. Agency Director Hinds responded that they would measure what PG&E provides to its customers and then measure every single building permit to allow cities and counties in Marin to be a franchise and purchase public power.

Ms. Zegart stated that there was an active community of artists in Marin and no language stressed architectural design was included. Agency Director Hinds referred to the Arts and Cultural section, but suggested including said language in the “Community Design” section as well..

The Commission adjourned at 9:32 p.m. and continued the hearing to May 24, 2004 at 5:00 p.m.