



COMMUNITY DEVELOPMENT AGENCY

Sarah B. Jones
DIRECTOR

Marin County Civic Center
3501 Civic Center Drive
Suite 308
San Rafael, CA 94903
415 473 6269 T
415 473 7880 F
415 473 2255 TTY

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November 16, 2023

Steve Marshall
Deputy Director of Community Development
City of Novato
922 Machin Avenue
Novato, CA 94945

SUBJECT: Novato General Plan Amendments and Rezones – Airport Land use Commission Referral

Dear Steve:

Staff has reviewed your November 3, 2023, letter requesting confirmation of the status of proposed amendments and zoning changes to the Novato General Plan that would apply to several properties located in the Marin County Airport Land Use Plan for Gross Field Airport Referral Area Boundary and whether referral to the Airport Land Use Commission (ALUC) is required.

The proposed amendments would apply to the following properties:

- 773, 775, & 777 San Marin Drive (APNs 125-202-03, 04, and 05)
- Meadowcrest Road (APN 125-202-12), and
- 7530 Redwood Boulevard (APNs 143-011-05 and 08).

Planning Division staff concurs with your assessment that these amendments and zoning changes are unlikely to create compatibility problems with the Gross Field airport and, thus, are excepted from ALUC review.

Please let me know if you have any questions.

Regards,

Kristin Drumm

Kristin Drumm, AICP
Senior Planner

CC: Jeremy Tejirian, Deputy Director, Planning Services



November 3, 2023

Marin County Airport Land Use Commission
c/o Jeremy Tejirian, Deputy Director of Planning Services
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

By regular mail and email to: jtejirian@marincounty.org

RE: Novato General Plan Amendments & Rezones - Airport Land Use Commission Referral

Dear Jeremy:

The City of Novato ("City") is currently considering amending the general plan land use designation and zoning classifications of several properties located within the two-mile referral area applicable to Gness Field Airport as delineated in the *Airport Land Use Plan – Marin County Airport- Gness Field* ("Land Use Plan"). Accordingly, the City is referring these proposed amendments to the Marin County Airport Land Use Commission ("ALUC") pursuant to the requirements of Public Utilities Code Section 21676(b) and Land Use Plan Policy SZ-7.2.

Proposed Amendments

773, 775, & 777 San Marin Drive (APNs 125-202-03, -04, and -05) – 777 San Marin

777 San Marin formerly hosted the headquarters of Fireman's Fund Insurance Company and is a 65-acre property developed with three office buildings totaling 725,000 sq. ft. of floor area and building heights of approximately 68-feet, inclusive of rooftop mechanical penthouses. The property is currently assigned the Business/Professional Office (BPO) land use designation of Novato General Plan 2035 ("General Plan") and is zoned Planned District (PD) as regulated by the San Marin East P-C Master Plan (Novato Ordinance No. 887).

The City is proposing to amend the General Plan to assign the High Density Multiple Family Residential (R20) land use designation to 44-acres of the site and the Open Space (OS) land use designation to 21-acres of the property. In addition, the City is considering adopting a master plan and precise development plan addressing redevelopment of the property with 1,000 to 1,300 residential dwelling units. The design guidelines accompanying the master/precise development plan propose a 65-foot height limit for multi-family apartments and 40-feet for all other residential dwellings, including single-family detached residences and townhomes.

Meadowcrest Road (APN 125-202-12) - Ghirardo Parcel

The Ghirardo Parcel is approximately 8.35 acres in area and is undeveloped. The property is currently assigned the Business/Professional Office (BPO) land use designation the General Plan and is zoned Planned District (PD) as regulated by San Marin Commerce Park M-P Master Plan (Novato Ordinance No. 878).

The City is proposing to amend the General Plan to assign the High Density Multiple Family Residential (R20) land use designation to 1.10 acres of the site and Open Space (OS) to 7.25 acres of the property. The property would likewise be assigned the High Density Multiple Family Residential (R20) and Open Space (OS) zoning classifications.

The City estimates the realistic residential development capacity of the property is twenty (20) residential dwelling units. Future development of the site would be subject to the standards of the R20 zoning district, including a maximum building height limit of 35-feet.

7530 Redwood Boulevard (APNs 143-011-05 & -08) – Village at Novato

The Village at Novato site is 5.85 acres in area and is undeveloped. The property is currently assigned the General Commercial (CG) land use designation of the General Plan and is zoned General Commercial (CG).

The City is considering amending the General Plan to assign the Mixed Use (MU) land use designation to the property and likewise change the site's zoning classification to Mixed Use (MU). These actions would accommodate the proposed development of the site with 178 multi-family residential dwelling units and 14,000 sq. ft. of new retail floor area. Development of the site would be subject to the standards of the MU zoning district and Downtown (D) overlay district, including a maximum building height limit of 35-feet or up to 45-feet with a height bonus.

County staff may reference the following regarding the proposed amendments:

City of Novato 6th Cycle Housing Element: <https://bit.ly/3MsE0vO>

777 San Marin Drive: www.novato.org/777SanMarin

Village at Novato: www.novato.org/villageatnovato

Airport Land Use Plan Consistency

The 777 San Marin and Ghirardo properties are located in Aviation Safety Zone 4 (Overflight Zone) and the Federal Aviation (FAR) Part 77 Conical Surface as depicted on Figure 3.1 and Appendix B of the Land Use Plan, respectively. The Village at Novato site is located in Aviation Safety Zone 5 (Referral Area Boundary) as delineated on Figure 3.1. Accordingly, the City has assessed the consistency of the proposed amendments relative to the policies applicable to the noted aviation safety zones, as well as referenced the latest version of the California Airport Land Use Planning Handbook (California

Exception from ALUC Review

The City believes County staff can grant an exception to formal review of the amendments by ALUC pursuant to Land Use Plan Policy SZ-7.2. Specifically, the policy reads to provide County staff with discretion to except minor development projects and rezones from ALUC review provided such proposals are unlikely to create airport environs compatibility issues. The policy also lists specific exceptions automatically qualifying a proposal for an exception from ALUC review; granting an exception does not read to be exclusive to this list.

The City requests County staff except the proposed amendments from ALUC review on the basis it is unlikely the rezones or future residential projects will be incompatible with the airport environs. Such a decision is supported by the City's consistency review above, the provisions of the Land Use Plan itself, and the guidance California Airport Land Use Planning Handbook. Similarly, the recommendations of ALUC regarding past and recent development proposals in the referral area and Overflight Zone supports granting an exception as no project in Novato has been found to create airport environs compatibly problems.

California Environmental Quality Act (CEQA)

The City understands County staff prefers to review CEQA documentation when assessing a proposal's conformity with the Land Use Plan. The City is of the position that CEQA documentation is not necessary. Specifically, neither County staff nor ALUC are making a decision to approve or disapprove the amendments, actions that are distinguished from granting an exception from review or preparing a report on conformity with the Land Use Plan. Accordingly, CEQA documentation should not be a required element to make an exception decision or provide a conformity report.

The proposed amendments at issue are critical to the City's efforts to meet its Regional Housing Needs Allocation (RHNA) and obligations of its 6th Cycle Housing Element. This circumstance is similar to that of the County with respect to its own RHNA obligations and the recent rezoning of unincorporated parcels located with the Traffic and Overflight Zones delineated in the Land Use Plan. As such, the City encourages County staff to consider this circumstance as it weighs a possible exception to ALUC review. If an exception is not granted, then it is appropriate for ALUC to weigh the purpose of the amendments as it considers reporting on conformity with the Land Use Plan.

Should you have questions regarding this referral, please feel free to contact me at (415) 899-8942 or by email at smarshall@novato.org.

Sincerely,



Steve Marshall
Deputy Director of Community Development

Department of Transportation, October 2011). The City considers the amendments noted above to be consistent with the Land Use Plan based on the following observations.

Section 4.3.1 – Airspace/Height Restriction Policies

The ground elevations of the subject properties is as follows: 777 San Marin – Elevation 39.9 ft. to 12.5 ft. (within proposed development areas); Ghirardo Parcel - 75.9 ft. (within recommended development area); and Village at Novato – 11.8 ft. These ground elevations combined with the maximum building height limits noted above do not penetrate the conical surface elevation applicable to the Overflight Zone.

Section 4.3.2 – Policy SZ-5.1 – Residential Use in Overflight Zone. “New residential uses in the Overflight Zone (see Figure 3.1) *should* [emphasis added] be limited to a maximum of four dwelling units per gross acre.

The amendments would assign land use designations with densities ranging from 20 to 30 dwelling units per acre. However, the policy is not directive indicating discretion may be used to determine whether a higher density level is acceptable. Based on this circumstance, the City referenced the California Airport Land Use Planning Handbook (Caltrans, 2011) for current guidance regarding acceptable residential densities within airport environs.

The City notes the overflight zone acknowledged in the Land Use Plan reads to be equivalent to “Safety Zone 6 - Traffic Pattern Zone” acknowledged in the Handbook. According to sample policies provided in the Handbook, Zone 6 typically has no limitations on site wide or single-acre new residential development density. As a general observation, the safety zones in the Land Use Plan do not appear to reflect the recommended safety zones contained in the Handbook. Accordingly, the City encourages ALUC to consider the proposed amendments from the perspective of the Handbook as it represents the most current guidance on airport safety.

Section 4.3.2: Policy SZ-6.2 – Easements – Traffic Pattern Zone and Overflight Zone. “As a condition of approval for development permits, aviation easements *should* [emphasis added] be granted to the County for any zoning change or new development allowed with the Traffic Pattern Zone, and Overflight Zone. The restrictions shall be determined at the time a development project is proposed.”

Section 4.3.3: Policy NC-1.4 – Residential Land Use. “New residential development *should* [emphasis added] be prohibited within the 60 dB CNEL noise contour.”

Section 4.3.3: Policy NC-1.5 - Noise Easements. “As a condition of approval, noise easements *should* [emphasis added] be granted to the County or [sic] any zoning change or new residential development within the 55 dB or higher CNEL noise contour.”

All of the subject properties are well beyond the limits of the 65 dB CNEL contour noted on Figure 3.2 of the Land Use Plan. Accordingly, aircraft noise should not be an issue.