

Land Use Chapter: Evaluation of Existing Policies and Programs

Key

	Tier 1: Policies that are high priority; programs that should be implemented within 5 years.
	Tier 2: Policies that are lower priority; program that should be implemented in years 5-20.
	Tier 3: Policies and programs that have lower relative priority and will not be included in the new General Plan.
	Tier 4: Policies or programs that have been fully implemented and will not be included in the new General Plan.

Existing Policy/Program	Achievements/Status	Barriers to Implementation <i>Reasons why it was not implemented or was not able to meet its objectives</i>	Staff Recommendations for Update <i>Carry forward as is/carry forward with modifications (specify)/delete</i>	City Council Questions or Comments	Staff Responses
<p>Policy 1 Implementation of Land Use Map. Implement the Land Use Designation Map by approving development and conservation projects consistent with the land use definitions, densities and intensities indicated in LU Table 2. Ensure consistency between the General Plan, the Zoning Ordinance, and other land use regulations.</p>	<p>Applied through consistent application of the Land Use Map, LU Table 2, the Zoning Ordinance, and pertinent development regulations during the review/approval process for new project proposals.</p>	<p>N/A</p>	<p>Carry forward with modifications:</p> <p>Consider reviewing and refining Land Use Map and definitions in LU Table 2 for more simplicity.</p> <p>Clarify development intensities for NC and MU designations with respect to the allocation of additional FAR for housing components.</p>	<p>Review site aspects like topography for feasibility of allowed intensity and zoning.</p> <p>Bring more certainty to property owners/developers so it is clear what they can develop.</p> <p>What does “NC” and “MU” mean?</p> <p>Do we have the option to change the PD designation? Is this something we can evaluate?</p> <p>Some sites are not properly zoned. When will the Council get an opportunity to discuss this?</p>	<p>Policy LU 3 addresses development potential based on community objectives, City regulations and environmental and infrastructure constraints.</p> <p>Greater certainty is certainly a desired result. Hillside Ordinance has been very helpful in this respect. A challenge to staff in providing development certainty is the large number of Planned Developments which allow only what the City Council previously permitted. Any changes to PDs require discretionary Council approval, so staff is challenged to provide a great deal of certainty to property owners at the start of the review process.</p> <p>We’ve attempted to avoid acronyms. NC = Neighborhood Commercial; MU = Mixed Use.</p> <p>Existing Planned Development districts could be rezoned to standard zoning. This would be a very major task, since each PD is unique and there are over 200 in Novato.</p> <p>If Councilmembers have specific sites that they believe warrant rezoning, these should be identified to staff. At present, only the limited</p>

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				<p>Intensity is not defined nor it an accepted term for density. Suggest we retain use of density since it is defined and can be measured.</p> <p>Can we change the FAR for structured parking in a CD or MU designation (& others if appropriate) to include the parking in the FAR ?</p>	<p>rezonings resulting from the North Redwood focus area have been identified during the General Plan review process.</p> <p>Intensity refers to non-residential FAR, while density refers to residential units/acre. These terms will be defined in the new GP.</p> <p>Changing the measurement of FAR to exclude structured parking could be examined, and would constitute a significant change in non-residential development potential. FAR for parking structures is typically not counted since FAR is most often used to regulate building size as it relates to traffic generation. FAR can also be used to limit building size and mass, although this can also be done through the discretionary design review process. We do not anticipate many more developments with structured parking in the foreseeable future.</p>
<p>LU Program 1.1 Amend the Zoning Ordinance and other land use regulations so that they are consistent with the land use designations of the General Plan.</p>	<p>Zoning amendments are conducted as needed to assure improved consistency with the General Plan either through a project application or city initiated action.</p>	<p>N/A</p>	<p>Delete. Update the Zoning Ordinance concurrently with the complete General Plan update.</p>		

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<p>LU Program 1.2 Use the Zoning Ordinance to specify uses allowed in each zoning district, consistent with LU Table 2. Not all uses listed for a particular designation will be allowed in all locations so designated. The Zoning Ordinance establishes districts allowing some uses by right (permitted uses) and others with a use permit (conditional uses).</p>	<p>Implemented in 2001 with adoption of the updated Novato Zoning Ordinance. The land use tables in the Zoning Ordinance are updated or amended as needed to revise permitted and/or conditional uses and other required permits. Amendments are often associated with desired clarification(s) of land use definitions, changes in development, and/or use characteristics consistent with the General Plan.</p>	<p>N/A</p>	<p>Carry forward.</p>		
<p>LU Program 1.3 Request that the County of Marin revise the Marin Countywide Plan in accordance with the policies of the revised Novato General Plan.</p>	<p>Implementation actions or issues are unknown. The Marin Countywide Plan took into account the land use designations of the Novato GP when the Countywide Plan was updated in 2007. It is doubtful the County regularly conducts amendments to reflect periodic changes in land use assignments adopted by the City.</p>	<p>The County is a separate jurisdiction and is not bound to revise its land use documents to reflect those of the Novato General Plan.</p>	<p>Delete program. Other policies related to coordination of land uses with the County can be found in Policies 12 and 16.</p>		

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<p>LU Program 1.4 Develop a program to facilitate and streamline all permit processing.</p>	<p>Numerous Zoning Ordinance amendments since 2001, which have been aimed at improving the development review process (e.g. administrative approval for minor home additions on hillside properties deemed insignificant by the Director, eliminating alcohol use permits for restaurants, etc.)</p>	<p>N/A</p>	<p>Carry forward with modifications.</p> <p>Recommend the policy be amended to simply acknowledge effort to periodically review permit processes for streamlining opportunities. Eliminate idea of the development of a single program.</p>	<p>Still complaints about time delays.</p>	<p>The Novato Zoning Code contains numerous detailed development review requirements and processes to assure public input. These slow the process intentionally. In addition, the number of Planned Developments requires that major revisions return to the DRC, Planning Commission and City Council which takes several months.</p>
<p>LU Policy 1A Visitor Serving Uses. Sites with freeway visibility that are designated for Business and Professional Office (BPO) use on the General Plan Land Use Map shall include visitor serving hotel/motel and accessory commercial uses. This policy shall apply to the areas in northern Novato and the northwest corner of Redwood Blvd. and Wood Hollow Drive (San Marin Business Park).</p>	<p>Applicants with projects on parcels subject to LU Policy 1A are regularly advised of the need to incorporate a hotel or motel into their project proposal.</p>	<p>N/A</p>	<p>Replace LU Policy 1A with a more general policy encouraging the development of visitor serving uses along the U.S. 101 corridor through Novato and perhaps in downtown Novato. Avoid trying to specify exact sites, and do not phrase as a mandate. Move this Policy to the Economic Development and Fiscal Vitality chapter.</p>	<p>Probably should discuss.</p> <p>Why can't this policy be in both land use and economic? I prefer to keep it in land use since it is not necessarily restricted to an economic focus.</p> <p>Also, can we encourage planting of grapes (similar to what Healdsburg has done along their 101 corridor)?</p> <p>Include in visitor serving uses wine production and tasting.</p>	<p>Staff is discouraging repetition of policies in multiple locations in the new General Plan both to constrain its size, but also for greater clarity of administration. Staff believes this policy speaks more to our economic development priorities.</p> <p>This is probably more specific than is typically in a General Plan.</p> <p>Staff concurs that this can be added as a cited visitor-serving use.</p>

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<p>LU Policy 2 Development Consistent with General Plan. Allow development at any density within the range shown by the Land use Designations Map provided applicable objectives, policies and programs of all chapters of the General Plan are met. Maximum densities (top of stated density range applied to total gross acreage) may in some cases be achieved, but there is no guarantee of achieving the maximum density.</p>	<p>Applied through development review process to new project proposals.</p>	<p>N/A</p>	<p>Carry forward.</p>	<p>Need to emphasize that the development needs to be in character with the adjacent neighborhoods and surrounding area.</p> <p>If the PC recommendation is supported, then the City Council needs to review the sites designated for multi-family and/or mixed use to make sure that we agree with the zoning and the density BEFORE finalizing the General Plan.</p>	<p>The compatibility of land uses and buildings is covered in the Community Identity Chapter that the Council will be reviewing next.</p> <p>The Planning Commission has recommended that the policy be revised to state we should not allow multi-family development below the minimum of the allowable density ranges unless there are environmental or compatibility issues that warrant reduction and that single-family not be allowed on a multi-family zoned site. Such an “underdevelopment” policy is common in many jurisdictions so that the limited supply of multi-family zoned land is not underutilized on very low-density development, which can be more profitable but less affordable. This approach would add a level of certainty for the development community and help establish a floor when reporting a more accurate unit yield for things like housing element updates. If the Council wishes to identify any existing multi-family zoned sites that they believe could not be appropriately developed at the bottom of the existing density range (including the Hillside Ordinance density reduction), staff will be happy to examine these.</p>

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<p>LU Policy 2A Novato Industrial Park. Allow development in the Novato Industrial Park in conformance with the standards specified in Appendix C of Resolution No.70-97 to the extent said standards comprehensively and completely cover the standard addressed in that Appendix C . To the extent said standards in that Appendix C do not comprehensively and completely cover the standards or development features addressed therein, applicable provisions of this General Plan shall control the development of the property encompassed within the Novato Industrial Park. The property encompassed within the Novato Industrial Park shall be that area so indicated on the map accompanying Resolution No. 70-97.</p>	<p>Applied through development review process to new project proposals.</p>	<p>N/A</p>	<p>Delete. Policy does not make sense as written. Through the White Paper process, the zoning provisions/uses contained in the Novato Industrial Park Master Plan/Precise Development Plan were reviewed by the Planning Commission and City Council in mid-2014. The City Council concluded that no changes to the zoning provisions were warranted. An area-specific policy for the Industrial Park will be included in the Land Use Element.</p>		
<p>LU Policy 3 City/Property Owner Cooperation.</p>	<p>Implemented through the development review process for</p>	<p>N/A</p>	<p>Carry forward with modifications.</p>	<p>Review parcels in question so are assured that “minimum density” is desirable and</p>	<p>See response to Policy 2 above.</p>

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Work with property owners so that proposed developments will both attain density/intensity within the ranges stated and be consistent with community objectives, City regulations, and environmental and infrastructure constraints. Recognize that in some cases, the minimum density of the applicable land use designation may not be attained.	new project proposals.		Modify to state that projects shall be allowed to meet minimum density and/or FAR assignments. Note: This is a common component of many general plans, which supports meeting housing and commercial space projections and provides greater certainty to the property owners.	achievable with the site constraints as mentioned in LU Policy 2.	
LU Program 3.1 Consider policies and ordinances that address the issues involved with home occupations, home businesses, and working from the home activities.	Zoning Ordinance Section 19.34.080 was adopted in April 2001 to implement LU Program 3.1.	N/A	Delete. Program implemented. Add a program calling for a study to determine appropriate regulations for short-term rental of residences, also known as vacation rentals.	Are we having a problem with short-term rentals of residences in Novato? Any complaints? Before a study is conducted on 'appropriate regulations', we should have a discussion whether or not we want to regulate this industry by reviewing the pros and cons. Also, if we are going to regulate short term rentals of residences, shouldn't we evaluate whether or not we want to include room rentals?	Staff does get complaints regarding homes being used and listed for short term rentals on sites such as Airbnb. Not only is there a potential compatibility issue with adjacent properties with transient occupants, but the City loses potential hotel tax. Several cities are considering regulations in this area. Long-term room rentals may be allowed as part of a single-family "housekeeping unit" if the renter utilizes the common kitchen and participates in household activities with other occupants, as opposed to a boarding house where lodgers are provided with separate quarters and meals.

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<p>LU Policy 4 Clustering of Development. Encourage clustering of development on sites with environmental constraints in order to achieve environmental goals and attain gross densities within the range of the land use designation. Clustering of development may result in net densities on some portions of a site exceeding the maximum densities in LU Table 2.</p>	<p>Implemented through the development review process for new project proposals. Numerous residential subdivisions have been designed and constructed in accordance with LU Policy 4, including Atherton Ranch, Canyon Green, and Tamalpais Hill.</p>	<p>N/A</p>	<p>Carry forward with modifications.</p> <p>Consider streamlining the language regarding the application of gross and net density and modify to apply to commercial development proposals. As written, LU Policy 4 speaks solely to residential developments.</p>	<p>Clarify what is meant by last sentence of existing policy. Would clustering allow more than maximum density allowed on site?</p> <p>Clarify why clustering development may result in net densities on some portions of a site exceeding the maximum densities. Shouldn't the maximum densities apply for the entire site?</p> <p>Please explain the implications of eliminating gross and net densities? Is staff recommending this policy apply to both residential and commercial? Suggest that the last sentence be eliminated.</p>	<p>No. The policy states that "clustering of development may result in next densities <i>on some portions of the site</i> exceeding the maximum densities in LU Table 2." Overall site density/intensity would not be exceeded.</p> <p>Gross density includes area for new streets, while net density excludes the right-of-way. Having the General Plan cite gross densities while the Zoning Code uses net densities creates problems for staff and applicants. Since we are unlikely to see many new subdivisions with new public streets, staff recommends utilizing net densities.</p>
<p>LU Policy 5 Compatibility with Surroundings. Ensure that clustered development is compatible with the surrounding residential neighborhoods.</p>	<p>Implemented through the development review process for new project proposals. Numerous residential subdivisions have been designed and constructed in accordance with LU Policy 5, including Atherton Ranch, Canyon Green, and Tamalpais Hill.</p>	<p>N/A</p>	<p>Carry forward with modifications.</p> <p>Modify to apply to commercial development proposals. As written, LU Policy 5 speaks solely to residential developments.</p>	<p>Is there a policy that ensures any development is compatible with surrounding areas?</p> <p>Is staff recommending this policy apply to both residential and commercial? What about mixed use?</p>	<p>Compatibility of design/density is addressed in the Community Identity Element. In reviewing Policies 4 and 5, both of which deal with clustering of development, staff believes these two can be combined.</p> <p>Yes, the intent is to rewrite to more clearly apply to any development type.</p>

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<p>LU Policy 6 Northwest Quadrant. Update and revise the Northwest Quadrant Plan and adopt it as an Area Plan. Retain existing General Plan policies for the Northwest Quadrant until the Plan is adopted, as follows; [see General Plan for rest of text]</p>	<p>The Northwest Quadrant Plan has not been updated and adopted as an area plan.</p> <p>Components of LU Policy 6 are implemented through the development review process for new project proposals, including Subsect. 2 and 3.</p> <p>To date, one residential subdivision at 1112 Fourth St. (Habitat project) for ten single family homes was approved.</p>	<p>Direction and funding to update the Northwest Quadrant Plan has not been provided to staff.</p>	<p>The Northwest Quad will be addressed through a GP Focus Area and public workshop/hearing process. Results will be included in neighborhood-specific policies and programs in the Land Use Element.</p>	<p>Schedule?</p> <p>Is staff recommending that the Northwest Quad Plan NOT be adopted as an Area Plan? If only neighborhood specific policies and programs, how is that different than an Area Plan? What are the pros and cons; and, implications of making this change?</p>	<p>March 14 and 25 workshops. Results should come to Council in April or May.</p> <p>Staff is advocating that each of the focus areas (North Redwood, North, North Redwood and Northwest Quad) be addressed as subareas in the new Land Use Element, with area-specific land use and design policies. We also have proposed that the Downtown Specific Plan be incorporated as well. The area plans become outdated, have proved to be overly detailed and administratively challenging. They will be more evident as part of the General Plan, with the intent of bi-annual updates on GP implementation to the Planning Commission and Council.</p>
<p>LU Program 6.1 Prepare an Area Plan for the Northwest Quadrant.</p>	<p>See comments for LU Policy 6.</p>		<p>See above.</p>	<p>See above.</p>	
<p>LU Policy 7 Growth Management. Recognize the available and planned capacity of infrastructure and public services when considering proposals for development.</p>	<p>The capacity of infrastructure and services are consistently assessed through development review process.</p>	<p>None</p>	<p>Carry forward.</p>		

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<p>LU Program 7.1 Manage growth and infrastructure capacity through coordination and communication with provider agencies.</p> <p>The City will continue to communicate and exchange information with agencies and districts responsible for providing transportation, schools, water, flood control, and wastewater treatment.</p>	<p>The capacity of infrastructure and services are consistently assessed through development review process. Project referrals and CEQA documentation are submitted to City service departments and outside public service agencies, including NFPD, NUSD, NMWD, NSD and SMART.</p>	<p>The outside service agencies in Novato often do not coordinate effectively with city staff. For example, the Novato Sanitary District is often unresponsive to project referrals. This circumstance often leads to the identification of infrastructure issues late in the project review process or after entitlements have been granted.</p>	<p>Carry forward.</p>	<p>How can we improve on this situation? Talk to Sandeep?</p> <p>What can city management and/or City Council do to facilitate the responsiveness of other sister agencies (e.g. NSD and others)?</p>	<p>We are now seeing an increase in development applications, so we will soon see how responsive the Sanitary District is in reviewing these. If necessary, a discussion between the City Manager and District's General Manager may be necessary.</p>

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<p>LU Program 7.2 Analyze project impacts on infrastructure capacity and services as part of CEQA review, and require design and mitigation measures in consultation with provider agencies. If CEQA review or other analysis of development projects concludes that a proposed project would result in a deterioration of service or would cause available capacity to be exceeded, respond in one or more of the following ways:</p> <ul style="list-style-type: none"> a. Require project redesign in order to prevent service from deteriorating or capacities being exceeded, provided that all economic use of the property is not prevented; b. Condition the project on developer funding of improvements needed to maintain services and/or provide additional infrastructure capacity; c. The project may be approved if it can be found that the project will do one or more of the following: <ul style="list-style-type: none"> i. generate substantial overriding public benefits ii. be in compliance with all of the other goals, objectives, and policies of the General Plan, and iii. benefit the public health, safety, and general welfare of the community. d. Deny the project. 	<p>The capacity of infrastructure and services are consistently assessed through development review process. Project impacts are considered consistent with Subsections a. through d. of LU Program 7.2 as appropriate.</p>	<p>None</p>	<p>Carry forward with modifications.</p> <p>Recommend adding the term "significant" to better correspond to CEQA impact significance levels.</p>	<p>What are the implications of narrowing the impacts to 'significant'? Are there any options between all and only those that are determined significant? What about cumulative impacts with multiple projects?</p>	<p>The intent is to have the General Plan language re: environmental impacts which necessitate project modifications or mitigations to more closely parallel the provisions of CEQA. CEQA still requires review of cumulative impacts for new development projects. The City should address such cumulative impacts in our development impact fees, which will be reviewed by Council at the end of the General Plan update. Policy LU 8 addresses the requirement of new development to pay its proportional share for cumulative impacts.</p>

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<p>LU Policy 8 Development to Pay Fair Share. Require new developments to pay their fair share of infrastructure improvements and public service costs to maintain infrastructure capacity and service levels in the City, to the extent allowed by law and except as provided by other policies and programs in the Plan.</p>	<p>Implemented through the development review process for new project proposals; fair share payments are commonly collected at time of building permit issuance, building occupancy, or as otherwise specified.</p>	<p>None.</p>	<p>Carry forward.</p>	<p>Definition of “fair share?”</p>	<p>Staff suggests rewording of “fair share” to “proportional share based on project impacts.”</p>
<p>LU Program 8.1 Continue the five-year Capital Improvement Program.</p>	<p>The Public Works Department maintains Novato's five-year Capital Improvement Program (CIP). The CIP is updated annually to add, modify, or remove project proposals and update funding status and implementation date(s). CIP implementation maintains expected capacity and service levels and augments/extends capacity and services to accommodate growth.</p>	<p>None.</p>	<p>Carry forward.</p>		
<p>LU Program 8.2 Conduct Planning Commission review of the Capital Improvements Program annually to ensure consistency with the General Plan.</p>	<p>The Planning Division presents the annual capital improvement budget to the Planning Commission which provides a report to the City Council regarding whether newly proposed or substantially modified projects are consistent with the Novato General Plan.</p>	<p>None.</p>	<p>Delete as it is addressed in State Law - California Government Code Section 65401 & 65402 statutorily requires the City to present the local CIP to the Planning Commission.</p>	<p>Consider retaining and focusing the discussion on what role should the Planning Commission take beyond General Plan consistency? They have requested a greater role with the CIP which could help get more public involvement.</p>	<p>The majority of the Planning Commission did not recommend a wider role than provided by state law (i.e., finding conformance of the CIP with the General Plan). Staff concurs with this recommendation. The Planning Commission’s focus is not on circulation improvements or recreational facilities.</p>

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<p>LU Program 8.3 Establish and periodically review public facilities impact fees.</p>	<p>The City periodically prepares a study of public facilities needs and associated development impact fees. The last update of the City's development impact fees occurred in 2002.</p>	<p>No direction or funding has been provided to Public Works and Planning staff to update the City's 2002 Development Impact Fee Study.</p>	<p>Carry forward.</p> <p>The development impact fees will be reevaluated as part of or immediately following the General Plan process. Possibly consider creating a building permit surcharge to fund the update of the DIF if allowed by law.</p>	<p>Permit fees are already very high. Let's discuss.</p> <p>Also, make sure we are efficiently moving projects along.</p>	<p>Impact fees will be reevaluated by Council at the conclusion of the General Plan Update process.</p> <p>For response re: application processing, see Program 1.4 response above.</p>
<p>LU Program 8.4 Support efforts to charge and collect equitable fees by other agencies providing infrastructure and public services in Novato so that levels of service consistent with agency standards can be attained.</p>	<p>New development proposals are referred to the local service agencies in Novato, including NUSD, NFPD, NMWD, and NSD. These agencies routinely provide draft conditions of approval addressing the payment of infrastructure and service connection fees.</p> <p>The City worked with the Novato Fire Protection District to establish a fire facilities impact fee, which was adopted and is collected by the City on behalf of the District.</p>		<p>Delete. Policy 7 and Programs 7.1, 7.2 and 7.3 appropriately incorporate/inform agencies and district about proposed land use changes and/or development.</p>		

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<p>LU Program 8.5 Continue to maintain a computerized land use database system to accurately track fair share contributions.</p>	<p>The Novato Building Division tracks the payment of development impact fees charged by the City through the Community Development Department's CRW Trak-It permit software.</p> <p>Implementation of the CRW Track-It system has improved the efficiency of calculating DIF fees for new development projects and tracking the payment of these fees.</p>	<p>None.</p>	<p>Delete. – Implemented</p>	<p>Does the CRW Trak-It permit software include e-Permits which allows the entire building permit file electronically available to the public?</p> <p>Should this Program be modified to include an on-line permitting system that promotes transparency and efficiency? City of San Rafael has permit files on their website.</p>	<p>Yes, Trak-It includes an e-Permits module which we have initiated on a beta basis to contractors to apply on-line for minor permit types that do not require plan submittal or plan checking (reroofing, water heater replacement, etc.). This will be expanded to the general public later this year.</p> <p>Yes, staff does intend to include a program in the General Plan calling for public access to our newly digitized records.</p>

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<p>LU Policy 9 Constraints Analysis. Assess environmental constraints when considering development of lands with high environmental value or significant hazards. Encourage development sponsors to use such Constraints Analysis in designing their projects, to avoid unnecessary expense in redesigning their project to incorporate the issues defined by Constraints Analysis. The Constraints Analysis expands the City's current development analysis on property. The property owner is being provided the option of submitting the Constraints Analysis prior to submittal of the project application and environmental documentation or submitting it with the environmental documentation. The Constraints Analysis is an analysis in addition to that required by CEQA.</p>	<p>Implemented through the development review process for new project proposals.</p> <p>A Constraints Analysis Manual was prepared to provide direction to staff and applicants on providing sufficient environmental information. The application package for most development projects includes constraints information, including slopes, trees, waterways, wetlands, and known geotechnical issues.</p> <p>Constraints information is also obtained through the CEQA process.</p>	<p>None.</p>	<p>Carry forward (but move to the Environment Element) with modifications to include environmental values (e.g., wetlands and scenic ridgelines), and hazards (e.g., soil stability, fire and flood) called for in Program 9.1. And language should be modified to delete specifics about when a constraints analysis can be submitted to the City. This information is overly detailed for a General Plan. Additionally, revise the language of the last sentence to acknowledge that the Constraints Analysis, where applicable, can be used for the CEQA analysis, if any.</p>	<p>Substitute "required" for "encouraged" in the second sentence.</p> <p>Plot hillside and ridgelines and refer to it as an aid to constraints analysis.</p> <p>If this policy is changed to delete specifics about when a constraints analysis is submitted, will it be clear that it should be submitted before the application is deemed complete?</p> <p>If the last sentence is amended per staff recommendation, it also needs to state that a constraints analysis is submitted regardless whether a CEQA analysis is required.</p>	<p>OK</p> <p>This is a recommendation from the Hillside Ord. White Paper.</p> <p>Yes, the Hillside Ordinance requires this as part of the application submittal package.</p> <p>Again, the Hillside Ordinance currently requires this as part of the application submittal package, regardless of the level of environmental review.</p>
<p>LU Program 9.1 Prepare a guide to Constraints</p>	<p>In June 1997 the Community Development Department</p>	<p>None.</p>	<p>Implemented. See Recommendations for</p>	<p>Consider retaining, but revising the program to include and evaluation on</p>	<p>Staff believes that the Constraints Analysis still requires the necessary submittal requirements</p>

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<p>Analysis to:</p> <ol style="list-style-type: none"> 1. Identify lands with high environmental value or significant hazards. These would generally include wetlands and watercourses, native woodlands, habitat important to special species, wildlife travel corridors, scenic resources (including scenic hillsides and ridgelines) and land subject to flood or fire hazards. Other resources and hazard areas in addition to these may be included. 2. Adopt a process to integrate Constraints Analysis with project design, preliminary review, formal development application, completeness review, environmental review, and project decision. This process should ensure that there is no conflict or duplication of effort between Constraints Analysis and other actions under State and local regulations. 3. Identify information resources, standards, methodologies and other tools to assist Constraints Analysis. One such standard shall be specific conditions to ensure that species of broom, acacia, and pampas grass are not planted as part of any future development of the site. 	<p>published the Constraints Analysis Handbook.</p> <ol style="list-style-type: none"> 1. The Handbook includes the environmental constraints maps included in the Environment Chapter of the General Plan. 2. Zoning Ordinance Section 19.40.040.B. contains standards addressing the submittal of constraints analysis with new project applications. 3. The Handbook includes listing for various reference sources and agency contact information for natural constraints and hazards. 		<p>Policy 9 above.</p>	<p>whether updating the Constraints Analysis requirements (and maps) is necessary since the original handbook developed is almost 20 years old. I am sure that we have learned a lot about this analysis that could be improved for the next 2 decades.</p>	<p>(geotechnical, biological assessments, etc.), but does not prescribe any environmental impact thresholds or mitigation techniques, which may have been improved over the years. We therefore believe the Constraints Analysis Handbook (which was expensive to produce by consultants) is adequate to serve our needs.</p>

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<p>LU Policy 10 Boundaries of Sphere of Influence. The Sphere of Influence boundaries are shown on LU Map 1 (and most maps in the Plan) and includes the site of the proposed Buck Center for Research in Aging and the portion of the St. Vincent's/Las Gallinas Valley Sanitary District property adjacent to Hamilton Army Air Base.</p>	<p>The Novato General Plan Land Use Map delineates Novato's Sphere of Influence as adopted by the City and LAFCO in 1996.</p> <p>In 2002 LAFCO initiated a review of Novato's SOI. This review resulted in LAFCO reducing Novato's SOI. A corresponding amendment of the General Plan Land Use Map to delineate the revised SOI has not been completed.</p>	<p>Inconsistency between SOI delineated on GP Land Use Map and the revised SOI adopted by Marin LAFCO.</p>	<p>Delete. Policy 10 does not provide any directive guidance, but merely acknowledges the existence of the SOI.</p>		
<p>LU Program 10 .1 Request that the Marin County Local Agency Formation Commission (LAFCO) revise the Novato Sphere of Influence in accordance with the Novato General Plan.</p>	<p>See comments above for LU Policy 10.</p>		<p>Delete. Novato already commented on LAFCO's SOI revision. As part of this General Plan update, Novato needs to amend the GP Land Use Map to be consistent with LAFCO's action on the revised SOI in 2002 and any subsequent amendment thereto.</p> <p>See recommendations for LU Program 10.3.</p>	<p>Consider retaining and refocusing the program towards evaluation of whether MVMCC should be within the NSD jurisdiction vs Las Gallinas. This is the only city owned property not be served by NSD.</p>	<p>This modification can be considered by LAFCO as part of their upcoming evaluation of Novato's jurisdictional boundaries.</p>

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<p>LU Program 10.2 Study potential Urban Service Areas as defined by LAFCO and consider amending the General Plan to delineate them and adopt appropriate policies.</p>	<p>Marin LAFCO periodically reviews the service area boundaries of the Novato Sanitary District and North Marin Water District. These studies are referred to the City for review and comment.</p> <p>The City has not undertaken its own studies of the Urban Service Areas or amended the GP to include maps of these Areas.</p> <p>The City has policies relevant to Urban Service Areas under LU Policy 10A and LU Policy 11.</p>	<p>Direction and funding to perform studies, produce maps, and process GPA.</p>	<p>Delete. There is no reason to duplicate the mapping products and analysis provided by Marin LAFCO. Performing a GP amendment every time LAFCO made an annexation to a service area would become time consuming and costly.</p>		
<p>LU Program 10.3 Request that LAFCO and the County of Marin recognize the Urban Growth Boundary in their official plans.</p>	<p>Implemented through correspondence to LAFCO and Marin County regarding proposed special district annexations and development proposals involving the extension of sewer service beyond the UGB.</p>	<p>LAFCO and Marin County do not enforce or otherwise provide deference to the City's UGB. Nevertheless, the City provides comments and makes requests supporting the UGB.</p>	<p>Carry forward with modifications pursuant to City Council direction provided in the UGB White Paper, April 14, 2014, to encourage better coordination between the City, Marin LAFCO and Novato Sanitary District to improve support of the UGB.</p>		

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<p>LU Policy 10A Urban Growth Boundary. An Urban Growth Boundary is established, as shown on LU Map 1. Land use designations outside the Urban Growth Boundary have been established for long-term planning purposes. For the 20-year duration of the Urban Growth Boundary, development outside the Urban Growth Boundary shall be limited to non urban uses such as agricultural, conservation, parkland, and open space uses except as provided herein. The City, its departments, boards, commissions, officers and employees, shall not grant, or approve any general plan amendment, rezoning, or zoning ordinance amendment, specific plan, master plan, precise development plan, tentative or final subdivision map, conditional use perm it, building perm it or any other discretionary or ministerial land use or development approval or entitlement for urban land uses outside the Urban Growth Boundary except as provided in this policy.</p> <p>All City departments, boards, commissions, officers and employees</p>	<p>Implemented when requests for annexation or the extension of sewer service beyond the UGB is proposed.</p>	<p>None.</p>	<p>Carry forward with modifications for consideration as identified by City Council through the UGB White Paper, April 14, 2014, including:</p> <ol style="list-style-type: none"> 1. Extend the effective date of the UGB for 20-years by Council action, and 2. a) minor amendments to improve administration regarding health and safety based amendments requests; b) policy language encouraging better coordination between the City, Marin LAFCO, and the Novato Sanitary District to better support the UGB; and, c) a staff recommendation where policy changes should be addressed, either through the UGB policy itself or an implementing ordinance. 		

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<p>shall act on applications for land use approvals or entitlements outside the Urban Growth Boundary consistent with state law in a manner that avoids any approval of such applications by operation of state or other law.</p> <p>Until November 4, 2017, the foregoing Policy 10A , and LU Map 1 as it depicts the Urban Growth Boundary may be amended only by a vote of the people or pursuant to any of the procedures set forth below. [see General Plan text]</p>					
<p>LU Policy 11 Annexations to Sanitary District. Consider, on a case-by-case basis, supporting connection of property outside the City limits to the Novato Sanitary District, if the City determines it necessary for public health and safety, or for any reason defined in the exceptions to the Urban Growth Boundary listed above.</p>	<p>Implemented when the City receives requests to issue an approval supporting extension of sewer service to lands in unincorporated Marin County. Implemented when the City receives a project referral from Marin LAFCO when a special district annexation is proposed.</p>	<p>LU Policy 11 is only effective where the City has a permitting role with respect to the extension of sewer line from city lands to unincorporated Marin County. This policy has little effect in influencing proposed single district annexations involving lands outside of the City's LAFCO adopted SOI. Where a proposed annexation involves unincorporated land within Novato's LAFCO SOI it is not certain LAFCO will respect the City's dual annexation policy.</p>	<p>Carry forward with modifications for consideration as identified through a White Paper study by Council in May, 2014, including policy language regarding health and safety based annexations, and encouraging better coordination between the City, Marin LAFCO, and the Novato Sanitary District to better support the UGB.</p>		

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<p>LU Program 11.1 Request that the Marin County Local Agency Formation Commission refer proposals for inclusion in the area served by the Novato Sanitary District to the City for review and comment and act favorably on the City's recommendations.</p>	<p>In August 2001 (CC Reso. 108-01) the City Council provided comments to Marin LAFCO regarding proposed changes to its countywide dual annexation policy. The City Council requested LAFCO require applicants to consult with cities with an urban growth boundary.</p> <p>LAFCO's updated dual annexation policy now requires the agency to refer special district annexation proposals to local cities only if the land involved is located within a given city's SOI.</p> <p>The City regularly provides comments opposing the extension of urban services without the concurrent approval of a UGB amendment or annexation to the City. In many instances, Marin LAFCO acknowledges the City's position, but approves the single annexation without requiring compliance with the City's requests.</p>	<p>LAFCO is a separate entity that is not required to enforce the City's UGB policies regarding annexation to the Sanitary District or the extension of sewer service to unincorporated lands.</p>	<p>Carry forward with modifications for consideration as identified by Council in May, 2014 through a White Paper study, including policy language encouraging better coordination between the City, Marin LAFCO, and the Novato Sanitary District to better support the UGB.</p>	<p>How can we assure that Marin LAFCO complies with City requests re: single annexations?</p>	<p>Either convince LAFCO to amend its Dual Annexation Policy to that in existence several years ago that gave defacto "right of refusal" to cities in the case of single annexation requests or expand the City's Sphere of Influence line beyond the existing City incorporated boundaries.</p>

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<p>LU Policy 12 Area of Interest. Monitor issues within the Area of Interest for their effect on Novato.</p>	<p>Unknown. There is no city record or map defining Novato's Area of Interest, which per Program 12.2 reads to extend beyond Novato's SOI.</p> <p>The Marin County CDA sends the City project referrals, but it is not clear what boundary or criteria are used by the Agency to determine when a project should be sent to the City.</p>	<p>No clear description of "Area of Interest" or formal agreement with Marin County regarding referrals.</p>	<p>Carry forward as a program to create an agreement with the County re: a defined buffer area beyond the City's Sphere of Interest in which new development proposals would be referred to the City for comment.</p>	<p>Let's discuss to better understand. Sounds appropriate.</p> <p>Agree with this approach. Also, the County should refer projects to the City of Novato outside of the SOI especially if there is an impact on our UGB and/or possibility of impact to other services (e.g. sewer and water) and/or leaching into city jurisdiction.</p>	
<p>LU Program 12.1 Request that the County of Marin and other applicable agencies refer all proposed projects and programs within the Area of Interest to the City of Novato for review and comment, and act favorably on the City's recommendations.</p>	<p>See comments above for LU Policy 12.</p>	<p>See comment for LU Policy 12.</p>	<p>See above.</p>		

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<p>LU Program 12.2 Request that the County of Marin adopt land use policies consistent with the Novato General Plan for the areas outside the City's Sphere of Influence but within the Area of Interest. In particular, recommend that the Bel Marin Keys area be designated as part of the Bayfront Overlay Zone and that lands now in agricultural use be designated Agriculture, or Conservation.</p>	<p>See comments above for LU Policy 12.</p> <p>The 2007 Marin Countywide Plans assigns the "Baylands Corridor" and "Open Space" land use designations to all of Bel Marin Keys, including the Bel Marin Keys V parcel that is being restored to wetland habitat.</p>	<p>See comments above for LU Policy 12.</p> <p>Implementation of BMK land use is complete.</p>	<p>Consolidate LU Programs 12.1 and 12.2 into one program addressing an "Area of Interest" and Marin County project referrals. Delete comments regarding Bell Marin Keys.</p>	<p>This document notes this program as "Tier 3: Policies and programs that have lower relative priority and will not be included in the new General Plan.", but the version noting the PC recommendation reflects this item as Tier 1.</p> <p>If staff recommendation is to combine this program (along with the one above) into one .. will it include incorporating the Baylands Overlay Zone as one of the Areas of Interest? What are some of the others?</p>	<p>Yes, the recommendation is to combine this program with LU 12.1, so the row should be light green/Tier 1.</p> <p>The staff and Planning Commission recommendation is to make Policy 12 and its two programs more generic, discussing monitoring of County development near our Sphere of Influence (really, the City boundaries), including referral of application proposals within a prescribed "Area of Interest" which will likely be some defined distance from the Sphere/Boundary line.</p>
<p>LU Policy 13 Annexation Guidelines. Require annexations to meet all of the following guidelines: a. Areas to be annexed must be able to be served by existing City facilities and by facilities provided by other agencies, or by environmentally and economically feasible extensions to these facilities. Findings to support annexations must be made to indicate that improvements to support the development are available. These include transportation, water supply, fire, wastewater treatment, schools, and other public services and facilities.</p>	<p>Implemented when the City receives requests to support annexations or pre-zoning of lands outside of the City limit and Urban Growth Boundary (UGB).</p>	<p>N/A</p>	<p>Carry forward with modification - consolidate annexation guidelines with UGB Policy 10A assuming the UGB is to remain post 2017.</p> <p>UGB policy provides the prevailing criteria for annexations. As such, there is no reason to have a separate policy for annexation procedures. LU Policy 13 could be converted to a program under LU Policy 10A. Perhaps include direction to create clear annexation</p>	<p>Please clarify.</p>	<p>Policy 13 would be revised to provide a more general statement about annexations. A new program could be created that either contains these annexation criteria or directs the drafting of an ordinance providing a process to consider and criteria/findings to support annexations.</p>

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<p>b. Proposed annexations must be contiguous to existing developed areas. Annexation and development that “leapfrogs” over vacant and undeveloped land will not be allowed.</p> <p>c. Annexation of an area should not have either short-term or long-term negative impacts on the City’s fiscal condition.</p> <p>d. For proposed developments seeking annexation, a specific development plan, including maps and text, must be prepared for the proposed annexation, showing how the proposed development contributes to the attainment of General Plan goals and policies.</p> <p>e. Proposed developments must be consistent with the proper land use designation and meet all other requirements of the General Plan.</p> <p>f. Other relevant policies are found in the Economic Development and Fiscal Vitality Chapter. EC Program 23.2 would establish annexation fees and EC Policy 25 and E C Program 25 .1 call for a Fiscal Impact assessment of projects as appropriate.</p>			<p>standards/guidelines to be inserted in the Zoning Ordinance.</p>		

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<p>LU Policy 14 Congestion Management Agency. Coordinate with the Marin County Congestion Management Agency and support its role in addressing Countywide transportation problems.</p>	<p>The City regularly coordinates with the Transportation Authority of Marin (TAM) on local and regional transportation issues. A member of the Novato City Council is appointed to represent Novato on the TAM Board.</p>	<p>N/A</p>	<p>Carry forward in the Circulation Element.</p>		
<p>LU Program 14.1 Support the continuation of the CMA's responsibilities of reviewing and maintaining transportation standards and reviewing local general plan amendments for consistency with these standards.</p>	<p>The City issues referrals for significant projects that may generate traffic of citywide and/or countywide concern. Otherwise, the City uses TAM's congestion management plan and its accompanying policies to measure potential traffic impacts through the CEQA process for proposed general plan amendments.</p>	<p>N/A</p>	<p>Delete. Too detailed. See recommendation for retaining Policy 14 in the Circulation Element.</p>		
<p>LU Policy 15 Redevelopment Plan. Use the Redevelopment Plan to help attain General Plan goals, objectives, and policies.</p>	<p>The Novato Redevelopment Agency is closed.</p>	<p>N/A</p>	<p>Delete, policy no longer relevant.</p>		

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<p>LU Program 15.1 Continue to implement the redevelopment plan within its existing boundaries. (See LU Map 2.)</p>	<p>See comments above for Land Use Policy 15.</p>		<p>Delete, program no longer relevant.</p>		
<p>LU Policy 16 Coordination with Marin County. Coordinate policies and land use planning with the County of Marin for areas outside the Urban Growth Boundary, including the Gness Field area, Black Point, Indian Valley, and other areas.</p>	<p>See comments for LU Policy 12 and LU Programs 12.1 and 12.2.</p> <p>The Marin County CDA regularly sends the City project referrals and/or draft studies relevant to land use policies and planning in areas within the County's delineated Novato Planning Area, including Gness Field, Black Point, Indian Valley, and BMK.</p>	<p>None.</p>	<p>Consolidate LU Policy 16 with LU Policy 12.</p>	<p>How about North?</p>	<p>Not sure of this reference.</p>
<p>LU Program 16.1 Request the County of Marin to work with the City to prepare a specific plan for the Gness Field area and for other areas, as necessary.</p>	<p>The County has not developed a specific plan for Gness Field.</p> <p>The 2007 Countywide Plan includes policies for the Gness Field Area. As such, it is doubtful the County would be interested in a specific plan area.</p>	<p>None.</p>	<p>Delete.</p> <p>The 2007 Countywide Plan includes policies for the Gness Field Area. As such, it is doubtful the County would be interested in a specific plan, and this would entail significant City staff time.</p>		