

CITY COUNCIL OF THE CITY OF NOVATO

ORIGINAL

ORDINANCE NO. 1683

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO APPROVING ZONING MAP AMENDMENTS TO IMPLEMENT THE LAND USE DESIGNATION ASSIGNMENTS OF NOVATO GENERAL PLAN 2035 AND FIND SUCH AMENDMENTS TO BE EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15162

WHEREAS, pursuant to Government Code Section 65300, each city in California must adopt a comprehensive long-term general plan addressing the physical development of the city; and

WHEREAS, on October 27, 2020, the Novato City Council adopted the Novato General Plan 2035 by Resolution No. 2020-069; and

WHEREAS, pursuant to Government Code Section 65860(a) city zoning ordinances shall be consistent with the general plan of the city; and

WHEREAS, the land use designations for a number of properties were revised by General Plan 2035; and

WHEREAS, there are a number of parcels throughout the City for which the current zoning designation is not consistent with the corresponding land use designation adopted with General Plan 2035; and

WHEREAS, Novato Municipal Code (NMC) Chapter XIX - *Zoning* establishes zoning classifications and definitions implementing the land use designations of General Plan 2035 and these zoning classifications are depicted on the Novato Zoning Map, specifically by parcel; and

WHEREAS, Novato Municipal Code (NMC) Section 19.04.030 incorporates the Novato zoning map into the City's zoning ordinance by reference as though it were fully included in the zoning ordinance; and

WHEREAS, pursuant to Government Code Section 65860(c), in the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended; and

WHEREAS, the zoning map amendments, listed in Table 1 below and as described in *Exhibit A* attached hereto, do not require additional environmental review pursuant to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15162 since the amendments conform to the land use designations established by General Plan 2035 for which an EIR was certified; and

WHEREAS, the Planning Commission held a public hearing on December 13, 2021, to consider and receive public testimony on the proposed zoning map amendments; and

WHEREAS, by resolution adopted on December 13, 2021, the Planning Commission recommended the City Council approve the proposed zoning map amendments; and

WHEREAS, public notices describing the City Council's public hearing on the proposed zoning map amendments were mailed to property owners whose property is the subject of a zoning amendment and all public agencies providing essential services in Novato, as well as published in a 1/8th page newspaper advertisement placed in the Marin Independent Journal, a newspaper of local circulation, on March 11, 2022, per the noticing requirements of NMC 19.58.020 and California Government Code sections 6061, 65090, 65091, 65094, and 65854.

NOW, THEREFORE, the City Council hereby finds and ordains as follows:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Record

The Record of Proceedings ("Record") upon which the City Council bases its decision, but is not limited to: (1) the staff reports, City files and records and other documents relating to the proposed zoning map amendments (2) the evidence, facts, findings and other determinations set forth in this ordinance, (3) the City of Novato 2035 General Plan and its certified final EIR and the Novato Municipal Code, (4) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City (5) all other matters of common knowledge to the City Council including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the city of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

Section 3. CEQA Finding

On October 27, 2020, the City Council certified the Final Environmental Impact Report (EIR) (SCH No. 2016122043) for General Plan 2035. The proposed zoning amendments were considered and reviewed as a part of the Final EIR, as the zoning map amendments implement the land use designations assigned to each site by the General Plan.

CEQA Guidelines Section 15162 states that when an EIR has been certified for a project, no subsequent EIR is required for that project unless the lead agency determines one or more of the following:

1. Substantial changes to the Project are proposed requiring revisions to the EIR due to new significant environmental effects;
2. Substantial changes occur with respect the circumstances under which the project is undertaken which will require major revisions to the previous EIR due to involvement of new significant environmental effects;
3. New information of substantial importance which was not known or could not have been known at the time the previous EIR was certified as complete shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed zoning amendments match those specified in General Plan 2035 and analyzed in its EIR. As such, there are no substantial changes proposed to the zoning amendments requiring revision of the EIR.

General Plan 2035 was adopted in October 2020 and applies citywide. The circumstances under which General Plan 2035 was adopted have not changed since that time and the proposed zoning amendments remain relevant to implementation of the General Plan's land use policies.

The proposed zoning map amendments match those identified in General Plan 2035 and analyzed in its EIR. Given this circumstance, adopting the zoning map amendments will not create any additional impacts not analyzed in the EIR or cause an increase in the severity of any significant environmental impact identified in the EIR. No proposed mitigation measure related to the potentially significant impacts of General Plan 2035 was rejected as infeasible. No new mitigation measure(s) or project alternative(s) that is considerably different from those analyzed in the EIR have been identified that would substantially reduce one or more significant effects of General Plan 2035 as adopted.

In this instance as described above, potential impacts to the environment resulting from the proposed zoning map amendments were reviewed as part of the EIR. As there is no development currently proposed at these sites, there are no project-specific significant effects that are peculiar to the project or a site to analyze at this time. Any future development applications involving the subject sites would be subject to project-specific CEQA review at the time a project is proposed. If CEQA review is required, this process would include an opportunity for public review and comment.

No additional environmental review pursuant to CEQA is therefore required for action to be taken on the proposed zoning map amendments.

Section 4. Zoning Map Amendment Findings

The City Council makes the following findings as required by Section 19.56.070.C. of the Novato Municipal Code with respect to the zoning map amendments at issue herein based on the evidence contained in the Record which is herein incorporated by reference:

1. *The proposed amendment is consistent with the General Plan;*

The intent of the proposed zoning map amendment is to conform the zoning classification of each individual property to its general plan land use designations as a result of the recent general plan update. This action is consistent with the following General Plan policies:

Policy LU 1: Implementation of Land Use Map. Implement the Land Use Designations Map (Map GP-1) and Land Use Designation (Table GP-3) by approving development and conservation projects consistent with the land use definitions, densities and intensities. *Ensure consistency between the General Plan, the Zoning Ordinance, and other land use regulations [emphasis added].*

Facts in support: The proposed zoning map amendments assign zoning district classifications implementing and consistent with the General Plan land use designations applied to the affected properties as depicted on General Plan Land Use Map GP-1.

Program LU 1c: North Marin Water District's Tank Sites. Consider redesignation of the Rosalia Water Tank site parcel (APN 153-111-15) from Business and Professional Office to Very Low Density Residential, and rezoning the Rosalia and San Marin water tank sites to zoning districts compatible with their residential land use designations.

Facts in support: The R1-40 zoning district is proposed for two NMWD tank sites in San Marin (APNs 141-110-06 and -07) which is a low-density residential zoning district, compatible with the 2035 General Plan land use designation of R1 applicable to these properties. The PD zoning district is proposed for the Rosalia NMWD tank site (APN 153-111-15), consistent with the RVL general plan land use designation assigned to this site. The proposed amendments are consistent with Policy LU 1C.

Program LU 28d: Clayton Court. Consider redesignation of Clayton Court, depicted as Site 1 in Figure GP-9, from Medium Density Multi-Family Residential to Low Density Residential and rezoning to a consistent zoning district in recognition of its current single-family development pattern.

Facts in support: The proposed zoning map amendments rezone 12 parcels on Clayton Court to the R1-7.5 zoning district, a low density residential zoning district implementing the Low Density Residential (R1) land use designation of General Plan 2035, consistent with Policy LU28d.

Program LU 28e: **First Street**. Consider redesignation of the westerly side of First Street from Olive Avenue to Vallejo Avenue, depicted as Site 2 in Figure GP-9, from Mixed Use to Medium Density Multiple-Family Residential (identical to the rest of the NW Quadrant neighborhood) and rezoning to a consistent zoning district which would eliminate the requirement for commercial development in recognition of its current development pattern which is almost entirely residential.

Facts in support: The zoning map amendments include rezoning 12 parcels on the west side of First Street between Vallejo Avenue and Olive Avenue from Mixed Use (MU) to the R10-2.2 zoning district. The R10-2.2 district is a residential zoning classification which does not require commercial development be provided in conjunction with a residential project. The R10-2.2 zoning district implements the R10 land use designation of General Plan 2035. The proposed amendment is consistent with Policy LU28e.

Program LU 26a: **North Redwood Corridor Sites 5b and 6**. Consider redesignation of North Redwood Corridor Sites 5b and 6, as identified in Figure GP-7, from Commercial/Industrial to General Commercial and rezoning to a consistent zoning district.

Facts in support: As found on 2035 General Plan Figure GP-7, North Redwood Corridor Site 5b and 6 are comprised of APNs 143-011-06 and 143-061-01, -02, -06, -11, -10, -08, respectively. The proposed zoning amendments include rezoning Sites 5b and 6 from Commercial/Industrial to General Commercial (CG) consistent with the CG land use designation of the properties and Policy LU 26a.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*

Facts in support: The proposed zoning map amendments do not authorize any increase in development potential or change the types of permitted or conditionally permitted land uses from those which have already contemplated at each site through the land use designation assignments of General Plan 2035. Each affected property would remain subject to uniform development standards and project review procedures intended to protect the public interest, health, safety, convenience, and welfare. Accordingly, any future development projects would be assessed against such standards to protect the public interest, health, safety, convenience, and welfare, consistent with Finding No. 2.

3. *The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA), and the Novato Environmental Review Guidelines*

Facts in support: Refer to the discussion under Section 3, CEQA Finding above. The proposed zoning amendments are exempt from further environmental review pursuant to CEQA Guidelines Section 15162. Accordingly, the proposed zoning map amendments meet Finding No. 3.

4. *The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments.*

Facts in support: The process implemented to prepare General Plan 2035 included consideration of the suitability of each affected property to accommodate the land uses permitted under the proposed land use designation and corresponding zoning classification. In all instances, the properties were found to be suitable for the proposed land use designation and zoning assignments and the activities that could be accommodated thereunder.

Any future land use or development application involving the affected sites would be subject to a project specific review to ensure adequate provision of utilities. Any conditionally permitted land uses would be reviewed for compatibility with adjoining land uses and site suitability for a proposed use or development. Based on the observations above, the zoning amendments are consistent with Finding No. 4.

Section 5. Decision

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City Council finds the proposed zoning amendments to be exempt from further environmental review pursuant to CEQA Guidelines Section 15162 and approve the amendments to the Novato zoning map as described in Table 1 below and identified on ***Exhibit A*** attached hereto.

Table 1 – Proposed Zoning Map Amendments

APN	Address	2035 General Plan Land Use Designation	Current Zoning	Proposed Zoning Map Amendment
North Redwood Corridor Focus Area				
143-011-06	7546 Redwood Blvd.	General Commercial (CG)	Commercial/Industrial (CI)	General Commercial (CG)
143-061-01	N/A			
143-061-02	7552 Redwood Blvd.			
143-061-06	7576 Redwood Blvd.			
143-061-10	7586 Redwood Blvd. Unit A			
143-061-11	7586 Redwood Blvd. Unit D			
143-011-05	7530 Redwood Blvd.	General Commercial (CG)	General Commercial (CG), Downtown (D) Overlay	General Commercial (CG); Remove from Downtown (D) Overlay
143-011-07	7514 Redwood Blvd.	General Commercial (CG)	General Commercial (CG); Downtown (D) Overlay	General Commercial (CG); Remove Downtown (D) Overlay
143-011-08	N/A	CG; Affordable Housing Opportunity (AHO) Overlay	General Commercial (CG); Affordable Housing Opportunity (AHO) Overlay; Downtown (D) Overlay	General Commercial (CG); AHO Overlay; Remove from Downtown (D) Overlay

APN	Address	2035 General Plan Land Use Designation	Current Zoning	Proposed Zoning Map Amendment
North Marin Water District Properties				
153-111-15	N/A	Very Low Density Residential (RVL)	Business and Professional Office (BPO)	Planned District (PD)
141-110-06	N/A	Low Density Residential (R1)	Community Facilities (CF)	Low Density Residential (R1-40)
141-110- 07	N/A	Low Density Residential (R1)	Community Facilities (CF)	Low Density Residential (R1-40)
Clayton Court				
141-221-14	1100 Clayton Ct.	Low Density Residential (R1)	Medium Density Multiple Family Residential (R10-4.5)	Low Density Residential (R1-7.5)
141-221-15	1104 Clayton Ct.			
141-221-16	1108 Clayton Ct.			
141-221-17	1112 Clayton Ct.			
141-221-18	1116 Clayton Ct.			
141-221-19	1120 Clayton Ct.			
141-221-20	1121 Clayton Ct.			
141-221-21	1117 Clayton Ct.			
141-221-22	1113 Clayton Ct.			
141-221-23	1109 Clayton Ct.			
141-221-24	1105 Clayton Ct.			
141-221-25	1101 Clayton Ct.			
First Street – Between Vallejo Avenue and Olive Avenue				
141-243-03	1109 Olive Ave.	Medium Density Multiple Family (R10)	Mixed Use (MU); Downtown (D) Overlay	R10-2.2; Remove parcels from Downtown (D) overlay
141-243-06	1133 First St.			
141-243-07	1129 First St.			
141-243-08	1125 First St.			
141-243-09	1121 First St.			
141-243-10	1117 First St.			
141-243-11	1113 First St.			
141-243-15	1108 Vallejo Ave.			
141-243-24	1101 First St.			
141-243-31	1109 First St.			
141-243-32	1105 First St.			
141-243-36	1137 First St.			
Redwood Boulevard – Between DeLong Avenue and Lamont Avenue				
153-390-01	7250 Redwood Blvd.	Mixed Use (MU)	Planned District (PD); Downtown (D) overlay	PD; Remove parcels from D overlay.
153-091-10	7200 Redwood Blvd.			

APN	Address	2035 General Plan Land Use Designation	Current Zoning	Proposed Zoning Map Amendment
153-121-03	N/A			
Marin County Open Space Parcels – Bahia/Rush Creek Open Space Preserve				
143-151-20 143-151-24	N/A	Conservation (CON)	Planned District (PD) Baylands Overlay (B)	CON; (B) Overlay
City of Novato Open Space				
155-400-01 155-400-02 155-400-04 155-400-06 155-400-07	N/A	Open Space (OS)	Planned District (PD)	Open Space (OS)

Section 6: Severability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

Section 7: Publication and Effective Date

This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in the *Marin Independent Journal* a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

publishing the title or appropriate summary in the *Marin Independent Journal* at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance; and

This ordinance shall go into effect thirty (30) days after the date of its passage and adoption.


* * * * *

I HEREBY CERTIFY that the foregoing ordinance was first read at a regular meeting of the Novato City Council on the 22nd day of March, 2022, and was passed and adopted at a regular meeting of the Novato City Council on the 10 day of May, 2022 by the following vote, to wit:

AYES: Councilmembers Athas, Eklund, Milberg, Wernick, Lucan
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

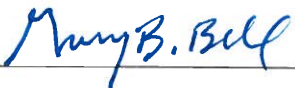
Mayor of the City of Novato

Attest:



City Clerk of the City of Novato

Approved as to form:



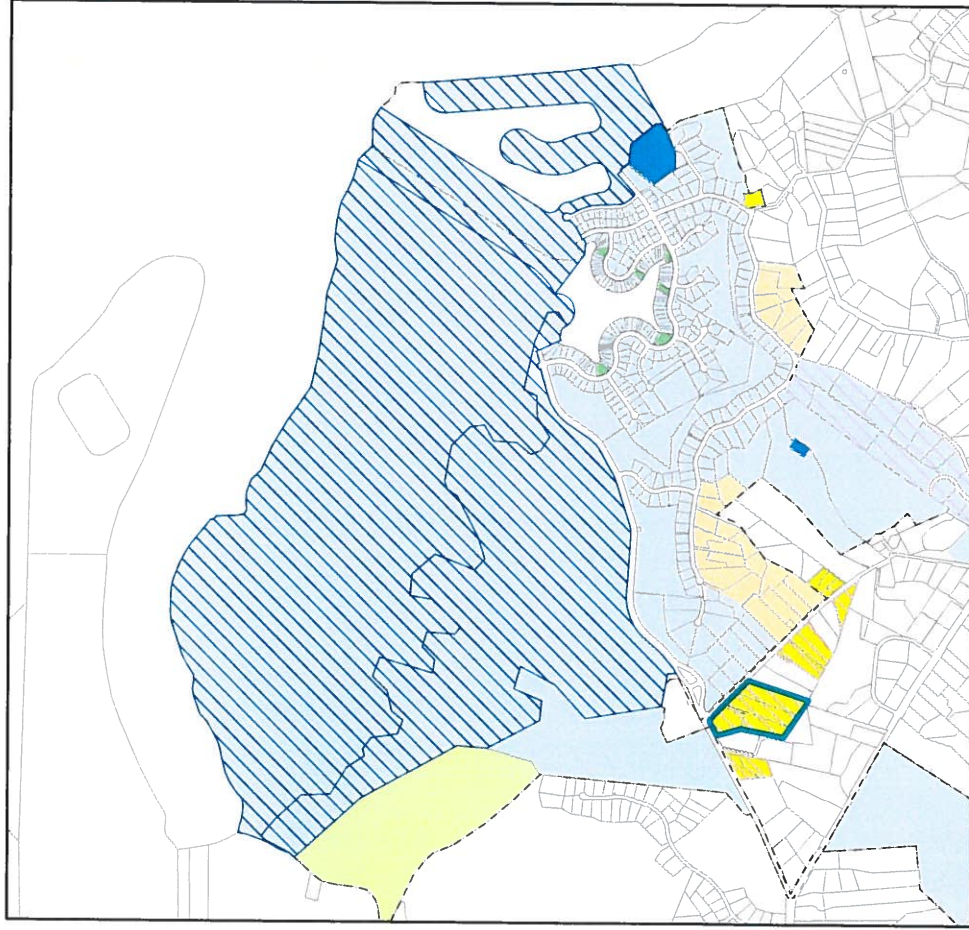
City Attorney of the City of Novato

Attachments

Exhibit A – Zoning Map Amendments

Zoning Map Amendments – Exhibit A

143-151-20, 143-151-24



Layer

Zoning

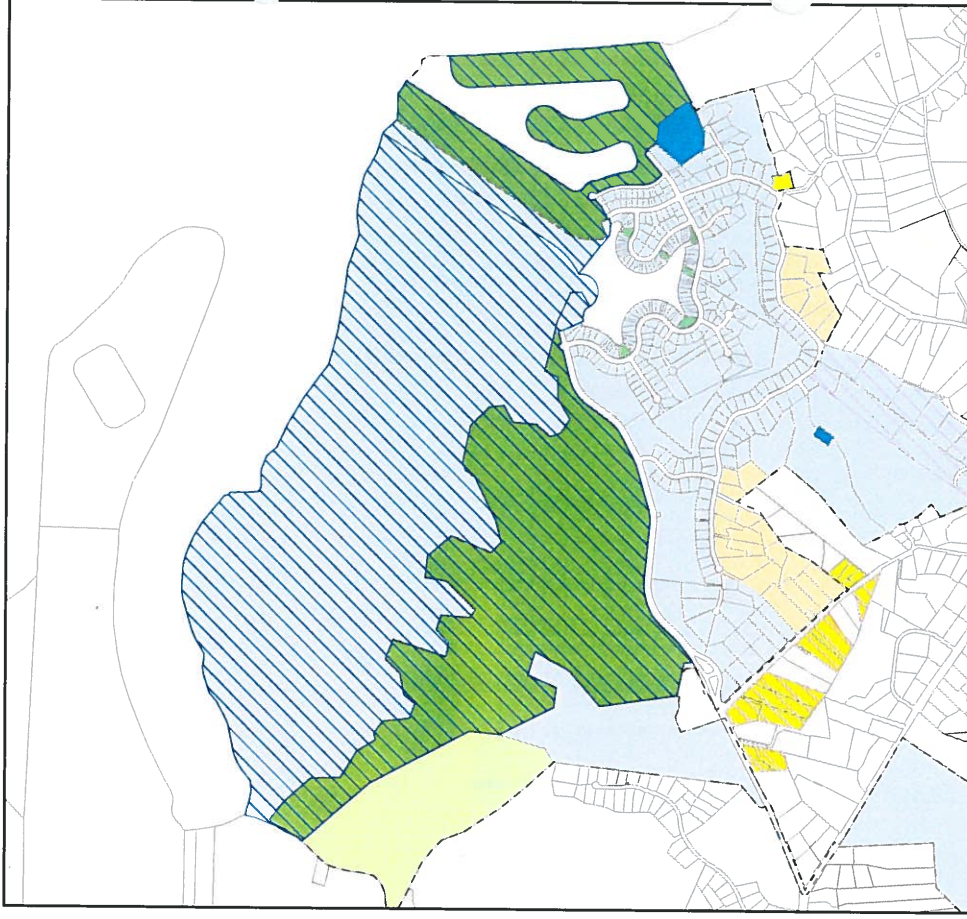
- Rural Residential
- Very Low Density Residential
- Low Density Residential

- Medium Density Detached Residential
- Medium Density Residential
- Medium Density Multiple Family Residential
- High Density Multiple Family Residential
- Business and Professional Office
- Neighborhood Commercial

- General Commercial
- Downtown Core Retail
- Downtown Core Business
- Commercial / Industrial
- Mixed Use
- Research / Education-Institutional

- Light Industrial / Office
- Conservation
- Agriculture
- Open Space
- Restricted Open Space
- Community Facilities

- Parkland
- Planned District
- Undesignated
- Zoning Overlay
- Baylands



Zoning Map Amendments – Exhibit A

155-400-01, 155-400-02, 155-400-04, 155-400-06, 155-400-07



Zoning		Medium Density Detached Residential	General Commercial	Light Industrial / Office	Parkland
Rural Residential	Medium Density Residential	Downtown Core Retail	Downtown Core Business	Conservation	Planned District
Very Low Density Residential	Medium Density Multiple Family Residential	Commercial / Industrial	Conservation	Agriculture	Undesignated
Low Density Residential	High Density Multiple Family Residential	Mixed Use	Open Space	Open Space	
	Business and Professional Office	Research / Education-Institutional	Restricted Open Space	Community Facilities	
	Neighborhood Commercial				

143-011-06, 143-061-01, 143-061-02, 143-061-05, 143-011-08, 143-061-10, 143-061-11, 153-111-15, 141-110-06, 141-110-07, 141-221-14, 141-221-15, 141-221-16, 141-221-17, 141-221-18, 141-221-19, 141-221-20, 141-221-21, 141-221-22, 141-221-23, 141-221-24, 141-221-25, 141-243-03, 141-243-06, 141-243-07, 141-243-08, 141-243-09, 141-243-10, 141-243-11, 141-243-15, 141-243-24, 141-243-31, 141-243-32, 141-243-36

