

# BLACK POINT COMMUNITY PLAN

December 1978

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## INTRODUCTION

The origins of the Black Point Community Plan date back to 1973 when the Marin County Board of Supervisors adopted the Marin Countywide Plan. Because the Countywide Plan was intended as a broad policy document to guide the future orderly growth and development of the County, the small grain but nonetheless highly important issues of the many relatively small unincorporated areas were deferred pending the development of more detailed community plans. It was intended that such community plans be formulated with the greatest possible degree of local citizen participation.

Subsequent to the adoption of the Countywide Plan, professional staff from the Marin County Planning Department was assigned to work with a volunteer citizens' group in the Black Point area. Due to various circumstances and constraints, the professional assistance to be rendered was sporadic, but although the County was not always able to professionally service the community, a small number of the citizens' advisory group continued in their efforts to produce a plan document. In 1977, a new planner was given the Black Point Community Plan assignment and work on the document once again progressed. In the Fall of 1977, a draft version was published, circulated and set for public hearing before the Marin County Planning Commission. At the conclusion of the first public hearing, it became evident that the draft document was less than complete. Moreover, the first public hearing revealed that several disparate local attitudes

prevailed regarding the ultimate development of the Black Point Planning Area, particularly the component located northerly of State Highway 37.

In order to broaden the scope of the Plan and to better reflect the concerns of all groups, a major re-write of the draft Plan was undertaken, ultimately culminating in this second draft version.

Heavily re-written and expanded, the second draft of the Plan was subject to extremely controversial hearings before the Marin County Planning Commission and by the Board of Supervisors. Further revisions to many of the policies contained within this Plan were required as a result of the public hearing process. As finally adopted by the Marin County Board of Supervisors on December 17, 1978, the Black Point Community Plan has become a detailed extension of the Marin Countywide Plan and will serve as an official policy guide for Marin County.

## A BRIEF OVERVIEW

Black Point is a special community and its residents, by means of this community plan, seek to preserve its major assets and strengthen its distinguishing characteristics, while at the same time providing reasonable standards for new development.

Black Point is special because of its location, its setting, and the way in which it has developed.

### LOCATION

It parallels the Petaluma River - as such it is one of a very few front communities in Marin with the opportunity to relate to river activities and their special amenities. Further, it is bounded on the west by the flat uninhabited Bay Plains.

### SETTING

It is approached primarily by Highway 37 which bisects the community and the Bay Plain itself. From Sonoma on the east, it is the important visual entrance to Marin, offering a major densely vegetated hill form rising up prominently from the flatlands around it.

### DEVELOPMENT PATTERN

Although located in the Novato Planning Area, the fastest growing area of Marin, Black Point is separated from the Novato developed area by the Flood Plains, and has historically retained a rural sense of place, with an absence of urban services and amenities.

Because of the desire to strengthen these qualities - that are the reasons people select Black Point as a place to live - the following main objectives are advanced by this plan.

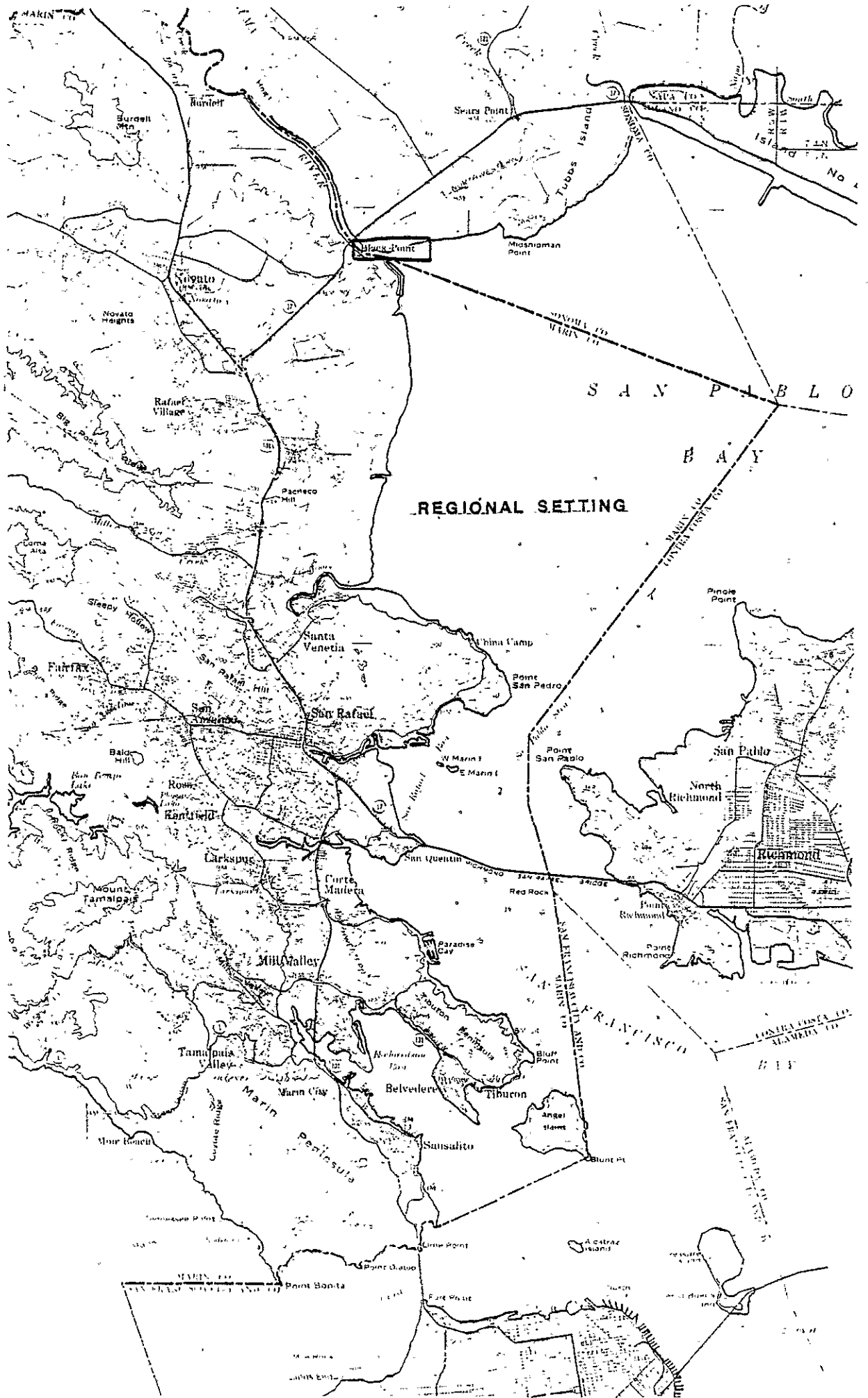
1. Maintain Black Point as an identifiable rural residential community.
2. Maintain Black Point as an independent and unincorporated village.
3. Preserve the natural attributes and features which are located within and which surround the Black Point community.
4. Seek minimal improvements within the Black Point area which would further enhance the quality of life and safety within the community.
5. Seek orderly and managed growth of the Black Point community as well as the surrounding incorporated and unincorporated areas which tend to influence the character of Black Point.

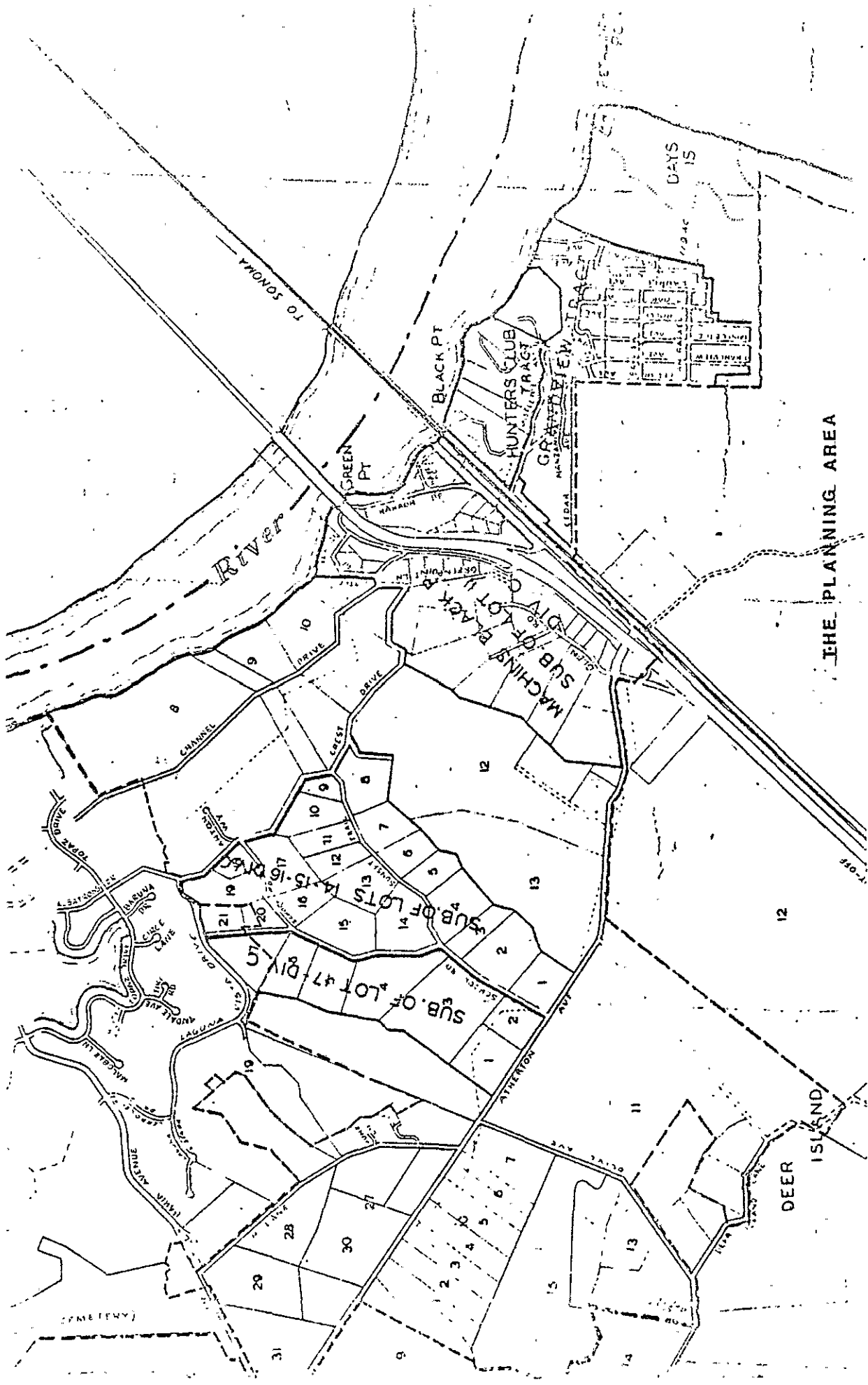
The plan seeks to achieve these objectives by carrying out a series of action programs intended as policy guides for decision makers. The above policies are the foundation of the policy and action recommendations contained within this plan.



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The Novato Advance  
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THE PLANNING AREA

## HISTORY OF BLACK POINT

## HISTORY OF BLACK POINT

Black Point is that part of the Rancho de Novato located along the Petaluma River at its entrance to the San Pablo Bay. It is an area of low lying tree covered hills and marshlands. The area has a long history extending back to 1839 when Governor Alvarado granted the 8,877 acre Novato Rancho to Fernando Feliz. Since that time the story of Black Point follows the growth of Marin County when California became a state in 1850.

The Novato Rancho had many owners through the years until in 1892 when the land was mortgaged. The west half was taken over by the San Francisco Savings Union, and the east half, which is the Black Point area, went to Charles Chase of New York. The Chase interests were taken over by the Home and Farm Company which auctioned off 5 and 10 acre parcels and town lots. This land split led to the subdivision of the area and initiated the trend which was to lead to the rural community which exists today.

The settling of Black Point occurred a short period after a man named Day settled on what is now called Day Island in 1850. Settlers from this area moved to Black Point, and for more than a hundred years, Black Point has been known as an area for fishing and hunting. Throughout the years, much of its activity has revolved around this recreational feature along with boating.

In 1850 Black Point was regarded as an important shipping point for livestock, lumber, and cordwood. Associated with Black

Point history has been ship building in the 1860's. Oak trees were removed from the hills and used for this purpose. This is perhaps why the giant oak no longer exists in the area.

In conjunction with the building of Donahues landing on the Petaluma River during the period 1879 until 1884, the Northwestern Railroad and materials operated from the Black Point area. Eventually, the trains crossed the Petaluma River and continued on into Sonoma County to Glen Ellen. The means of access to Black Point were essentially by either train or ferries until the County acquired a road right of way in 1884 which more than likely is the route along what is now Atherton Avenue. A few residents still live in Black Point who can remember crossing from San Francisco by ferry to Sausalito and then coming to Black Point by horse and buggy during the early 1900's, passing through Novato, and coming across the old County road.

The main post office was located in the Black Point area from 1865 until 1891 when it was moved to Novato.

At the turn of the century, Black Point was an area bordered by some large ranches which occupied reclaimed bay flood plains but was undergoing subdivision into smaller ranching and farming parcels and town lots.

The subdivision into small lots brought the name of Grandview to Black Point which is the area now referred to as the "old" Black Point area. This subdivision brought city dwellers from San Francisco into the area, and small weekend and summer cottages

began to appear along with some smaller structures used as "hunting" refuges. Black Point at this time was then accessible by railroad and having a station, but was no longer the railroad center associated with the development of Donahue's landing. Ferries bringing building materials continued to stop at Black Point along the canal at Norton Avenue, and Black Point was also accessible by road or rail by those crossing from San Francisco to Sausalito.

There were few permanent residents in the Black Point area outside of those operating the small ranches or those involved with business in the area until the World War II period began. However, a school house was located in Black Point on School Lane at the turn of the century and operated until 1947 when the district unified with Novato. Up to this time, Black Point was oriented around weekend summer residents and associated pleasure boating along the Petaluma River, and other recreational activities such as hunting and fishing, and for its restful country atmosphere.

The existing residences began to be available for rentals during World War II possibly because of the wartime housing shortage and Black Point approximation to Mare Island. This period of time seems to have ushered in the phase of permanent residents.

The small homes have been added to and enlarged in many cases to accommodate families. Many who spent their summers and weekends here as children now find Black Point their home for retirement years.

In general, it can be stated that Black Point attracts people because it has remained essentially an undeveloped, semi-rural area offering relief from the tract-type environment. Black Point is enjoyed for its views, its natural vegetation of shrub and tree covered hills, and as an enjoyable, restful place to reside.



## LOCATION AND ENVIRONMENTAL SETTING

LOCATION

NATURE OF THE GEOLOGIC SETTING

SEISMIC ASPECTS

WILDLIFE

THE SOCIAL SETTING

CURRENT LAND USE

## LOCATION

The unincorporated community of Black Point is located approximately 35 miles north of San Francisco and is situated on the easterly extreme of Marin County and abuts the Petaluma River. Principal access to Black Point is via State Highway 37 which separates the two major land areas which comprise the community. To the south of Highway 37 lies Old Black Point, the originally subdivided area. To the north of Highway 37 lies new Black Point, an area largely undeveloped until recent years. The two components create a striking contrast. In the southerly component, most homes are of a vintage nature, many having been built several decades ago as summer homes. In the northerly component, the majority of the homes are of recent construction and are contemporary in design. The degree of contrast between the two components is further intensified by the roadway patterns. To the south, roads and streets are extremely narrow and circuitous. North of Highway 37, however, the roads are generally straighter and wider, having been designed and built to prevailing County road improvement standards. The Community Survey conducted in conjunction with this Plan revealed that 35% of the residents north of Highway 37 had been residents of the area for five years or less. To the south, the same survey indicated that 25% of the residents had lived there for five years or less. In both components, students comprised but 1% of the population; 16% of the north Black Point residents were retired, compared against 32% in south Black Point. Detailed demographic information can

be found within the Appendix section of this Plan.

#### NATURE OF THE GEOLOGIC SETTING

The gross geologic characteristics of the Black Point area are as sharply contrasting as is the appearance of the dark green hills rising abruptly from the flat gray-brown plain.

The hills are composed of ancient conglomerate, a strong, stable rock type made up of well-cemented sand and gravel deposited some 140 million years ago.

In contrast, the adjacent flat lands are underlain by weak alluvial deposits of soft, unconsolidated, water-saturated clay, silt, and vegetative remains (peaty material) accumulated as marshlands in San Francisco Bay within about the last ten thousand years. Although the surface of this plain is mostly below sea level (as much as minus 3 feet in places), it has acquired a moderately firm crust as a result of drying of the top few feet after the Bay waters were excluded by dikes constructed in the early 1900's. Samples taken from bore holes, however, indicate that the Bay mud beneath this surface crust is still soft, plastic, highly compressible material. Peat and peaty debris is widely but irregularly distributed throughout the mud, and a large thick lens of peat lies just under the surface crust a short distance south of the hills.

The soft Bay mud (beneath the surface crust) thickens rapidly away from the base of the hills, reaching a thickness greater than 100 feet a little more than half a mile south of the hills.

This soft mud rests on similar sediments that are much older, thus more compact and firm.

Prior to being enclosed by dikes, this flat land was part of the flood plain of Novato Creek and other adjacent natural drainage systems.

The conglomerate bedrock of the uplands is quite strong and stable, capable of standing firm in very steep cuts.

Weathering of the conglomerate has yielded a thin gravelly soil that is also quite stable, being well drained and not subject to landsliding even on steep slopes. The soil supports a rather dense oak forest that effectively protects it from serious erosion.

However, on the characteristic steep slopes of these hills, the soil is potentially subject to rapid erosion when stripped of vegetation, and scars produced by erosion to bedrock can be expected to remain visible for many years or decades.

The Bay mud underlying the plains is much more sensitive to external influences than the compacted old rocks of the hills. Not only is the soft Bay mud highly compressible, but it will flow laterally under the influence of localized pressures such as local thick fills placed on it too rapidly. All fills placed on this material will subside, the amount of subsidence depending on the weight of fill and the compressibility of the underlying mud. The subsidence of large development fills on thick Bay mud such as that near Black Point normally amounts to several

feet over a few decades. Since the compressibility of the Bay mud is variable from place to place, and can only be broadly extrapolated from sparse samples obtained from widely spaced bore holes, subsidence under large areas of fill can always be expected to be differential--more in some places than in others.

Peat is by far the most compressible of the components making up the soft Bay mud. Its presence unknown or unaccounted for is likely to result in differential subsidence and disruption of large structures built on it. Its known presence can be expected to significantly increase the cost of site preparation, engineering and construction of such structures.

#### SEISMIC ASPECTS

The Black Point area lies some 18 miles east of the San Andreas Fault and within about 4 miles to the west of the Hayward Fault. Both are active faults that have been sources of great earthquakes during the 150 years or so of our historical records, and beyond that both exhibit abundant evidence of great displacements for many millions of years. Thus great earthquakes should be expected from them in the future, and our inability to predict just when should not prevent us from anticipating them in planning and construction.

An unknown factor in this area is the presence of the Burdell Mountain Fault. It passes southeasterly through or beneath the marshlands a half mile or so west of the Black Point hills, its trace here being concealed by the young Bay mud. We have no definite evidence whether or not this fault is potentially active,

but to the northwest it is a prominent feature that exhibits topographic evidence suggesting displacement in relatively recent geologic time. In any case, from the standpoint of simple statistical probability, damaging earthquakes in this area are likely to be derived from sudden large displacements on the San Andreas or Hayward Faults. Both pass sufficiently close that great earthquakes generated on either of them within the North Bay Region should be expected to have severe seismic effects in the Black Point area.

Given relatively good building codes such as we have, earthquake damage to structures is influenced more by the nature of the earth materials under the structures than by proximity to the fault. In general, hard, well cemented rock such as the conglomerate of the Black Point hills responds to earthquake influences with fast, high frequency, low amplitude vibrations that might be considered to manifest themselves at the surface as a sort of rippling motion. Well built wood frame structures in such a setting are not likely to be disrupted or to collapse by shaking from an earthquake.

In contrast, unconsolidated alluvial deposits such as those of the Bay marshlands can only respond with relatively slow, low frequency, high amplitude vibrations that yield lurching ground motions. Amplitudes of waves in such loose, water saturated material might be as much as 10 times greater than those in solid rock. Thus, structures located on the soft deposits will be subjected to much more potentially disruptive shaking than

those on rock. Subsidence (settlement) resulting from compaction of soft Bay mud under loads of man-made fill should be expected to be accelerated by strong shaking motions, and differential subsidence to be accentuated. Sewer and water pipes in such ground are particularly susceptible to rupture during great earthquakes.

### WILDLIFE

The wildlife of Black Point divides itself into two zones: Uplands and Flood Plains. The flood plains are further separated into two areas; i.e., those created by the Petaluma River, a navigable watercourse, and the flood plains of Novato Creek.

The Petaluma River and surrounding marshlands have historically abounded with birds, fish and game. The birdlife is gradually diminishing due to encroachment upon their natural breeding grounds. Contamination of the Petaluma River combined with dredging has substantially diminished fishing opportunities in the area. Moreover, water contaminants have almost eliminated the sticklebacks and snails which sustained birdlife.

Mink, one of the small animals which used to be plentiful in the area, are no longer seen and even the common raccoon are appearing with less frequency than in the past. The uplands historically were the home for both small and large game animals. Urbanization has, however, frequently reduced range areas and eliminated access trails. As further development occurs, a further degradation of the area's wildlife can be expected.

An inventory of the types of birds, animals, reptiles and fish found within the Black Point Planning Area is provided in the Appendix of this Plan.

#### THE SOCIAL SETTING OF BLACK POINT

While census information is available for the Black Point Planning Area, the conduct of a community survey which polled both residents and non-residents property owners has provided an excellent profile for the area.

Highlights of that survey are as follows:

1. The rural atmosphere of Black Point was the major reason for purchasing property in Black Point.
2. Sixty four percent (64%) of the families polled have resided in Black Point more than six (6) years.
3. Sixty three percent (63%) of all families polled had a total income of \$20,000.00 or less, while 37% of all families had a combined annual income exceeding \$20,000.00.
4. A majority of all employed residents work in Marin County (52%).
5. The maintenance of poultry and livestock is common to the area with poultry outnumbering dogs (189 versus 148) with a high incidence of horses (42) and cattle (28).
6. Most household shopping occurs in Novato (63%).
7. The majority of residents and absentee property owners (88%) have expressed a preference for single family residential development.
8. Eighty one percent (81%) of all polled expressed a preference for maintaining the rural character of the area.



9. Sixty four percent (64%) of all polled expressed preference for maintaining the Bay plain in agricultural uses, but 10% of those polled expressed a preference for residential uses and 7% expressed a preference for commercial/industrial development.
10. The most preferred community improvement for present residents (66%) is open space area preservation; the lowest priority (14%) is the establishment of a community house.
11. Ninety one percent (91%) of all residents and property owners expressed opposition to the concept of annexation to the City of Novato.
12. Almost a quarter (23%) of the total number of household heads are retired.
13. Pre-school and school age children represent 19% of the total population of the Planning Area compared with a factor of 33% for residents 51 years of age or older.

The complete contents of the Community Survey together with an extract of the Novato Special Census conducted in 1974 which covered the Black Point area can be found within the Appendix to this Plan.

#### CURRENT LAND USE

1. Agricultural - Approximately 80% of the Black Point Planning Area is zoned for limited agricultural and residential uses in two identifiable areas - the rolling hillsides extending upwards and easterly of Atherton Avenue and the flatland Bay plains located westerly of Atherton Avenue. The former

area has been experiencing substantial residential development, and agricultural uses are therefore generally limited to the maintenance of livestock (horses) and small garden plots. The Bay plain is used for hay crops and grazing for small herds of livestock. Except for a private stable, no commercial operations exist except for a few dog kennels within the limits allowed under the agricultural land use regulations.

2. Residential - At the present time, there are approximately 297 single family dwelling units located within the Planning Area. Of this total, 200 units are located in the northerly component of the Planning Area, i.e., north of State Highway 37, while the balance are located in the more traditional Black Point area south of Highway 37. A more detailed description of these two areas will be found in subsequent sections of this Plan.
3. Commercial - The total commercial development in the area consists of a "Mom and Pop" type grocery store. The community survey conducted prior to the development of this Plan indicated that residents of the area had little interest in further commercial development.
4. Industrial - There are two light industrial businesses operating in Black Point. They are located adjacent to the Southern Pacific railroad and have an off loading siding. They occupy approximately five of the available ten acres, so further expansion is limited.

5. Recreational - There are only two recreational facilities in Black Point. One is a privately owned stable; the other is a public boat ramp located on the Petaluma River. This single dock facility is scheduled for expansion to two docks in the near future. There are no equestrian trails at the present time, so riding is limited to private lands and public roads.
6. Open Space - Until recently, there have been no publicly owned open space areas per se within the Black Point Planning Area, except for the Petaluma River which forms the easterly limits of the Planning Area, several small parcels used by the Novato Fire Protection District are used for a fire training station, and a site along the Petaluma River maintained by the County of Marin as a public boat ramp. Future and planned public open space areas will be discussed in a subsequent section of this Plan.

## PLANNING AND LAND USE ISSUES

North Black Point

Deer Island

The Novato Bay Plain

South Black Point

The Gridiron

Petaluma River Bay Plain

Day Island

The Village Center

The Pleasure Faire

Growth Management

Moderate Income Housing

Sonoma County Planning Policies

Planning Goals, Policies, Impacts and  
Mitigation Measures

1. NORTH BLACK POINT:

As noted earlier, the area north of State Highway 37 consists of two definable geographical areas. To the east of Atherton Avenue, the area consists of upland ridge lands, descending downward to the Petaluma River. To the west of Atherton Avenue, the land area is generally defined as a Bay plain subject to occasional inundation except for its northerly component which presents similar topographical features as those easterly of Atherton Avenue. The total land area within the entire northerly component of the Planning Area comprises some 907 acres.

Soils types and conditions within the area are described as follows: Within the Bay plain area the soils are generally Bay mud. Soil conditions east of Atherton Avenue and "H" Lane consist of Novato conglomerate. Between "H" Lane and Atherton, the soils are more mixed and contain areas of volcanic rock, sedimentary rock of the Franciscan formation, and small amounts of clayey, sandy silts.

Domestic water supply to this entire area is provided by the North Marin County Water District; sanitation disposal is provided through the use of on-site (septic tank) waste disposal systems.

In 1973, the Marin County Board of Supervisors adopted the Marin Countywide Plan. The Land Use element of that document placed the area east of Atherton Avenue within the Ridge and

Upland Greenbelt designation, while the lands west of Atherton Avenue were generally designated as a Conservation Safety Zone, recognizing the Bay plain conditions. Subsequent to the adoption of the Countywide Plan, the Marin County Planning Department commenced compliance rezoning measures as required by State law. The general zoning category applied to areas designated Ridge and Upland Greenbelt provided for a residential density of one (1) dwelling unit per ten (10) acres. The County Board of Supervisors when adopting such zoning throughout the County (some 12,500 acres), indicated that this base density could be adjusted either upwards or downwards depending upon the findings achieved through environmental assessments for individual parcels which would reveal site capabilities and constraints.

Implementation of the Ridge and Upland Greenbelt zoning policies was never accomplished, however. Instead, the Marin County Planning Commission and Board of Supervisors responded to local opinion which strongly urged that, because of the limited opportunities to develop the nearby Bay plain due to natural constraint factors, more intensive development should be authorized along the more stable hillsides generally east of Atherton Avenue. It was argued that a greatly reduced level of development on the Bay plain would provide a compensatory balance. This compelling argument prompted an amendment to the Marin Countywide Plan. The Ridge and Upland Greenbelt designation was deleted and the area was thereupon designated "Developable Area." Subsequent to that action, the land area generally east of Atherton Avenue was

placed in an Interim Zoning district pending determination of a more permanent zoning classification.

While redesignation of the hill and canyon area from Ridge and Upland Greenbelt to developable Area implied that the Westerly Bay plains should also be reclassified to a zoning category which would reduce the development potential of the Bay plain, such an action was never undertaken by the County, and official records provide no factual evidence to support the intent of a lower density on the Bay plains. The policy that the Bay plains rather than the ridgelands should provide a community separator function is set forth in this community plan.

The Marin Countywide Plan also recognized the Black Point area as a unique village which would require a more detailed planning effort than could be accomplished through the Countywide Plan. Towards that end, the Countywide Plan advanced the concept of detailed community plans which would focus attention on issues of local significance. Efforts to pursue such a community plan for the Black Point area proceeded on an "on again, off again" basis. Due to both budgetary and staffing constraints, the long desired community plan failed to materialize, despite the efforts of a local citizens' committee - the Black Point Planning Group.

As the Interim Zoning measures applied to the hill and canyon areas carried a statutory life span, it became necessary to pursue permanent zoning for the area, albeit in the

absence of an adopted community plan. It was within this framework that the present zoning designation of A-2:B-3.5 - S.C. No. 2 was generated. This zoning district provides for single family residential development on parcels ranging from a high density of 30,000 square feet of land area for level ground condition to a low density of two (2) acres where sloping hill side conditions prevail. As this district is agriculturally based, the maintenance of livestock is permitted; horses and various fowl species are commonplace.

Since the adoption of that zoning designation for the lands located on the easterly side of Atherton Avenue, various development plans have been advanced. In the main, most development proposals have been limited to land divisions of two, three and four parcels. A limited number of subdivisions, i.e., developments of five or more parcels, have been submitted to the County for development approval. The two most significant proposals in this category have been the Lockton Lane Subdivision (13 home sites), and the Atherton Oaks Subdivision (33 home sites proposed). While the former proposal has secured all local approvals required, the latter is pending approval as of September 1978.

One of the primary reasons for the 30,000 square foot to two acre minimum parcel area zoning requirements for this area was the testimony of Mr. William Desmond, Marin County Environmental Health Director, who stated at various public hearings



that this lot size was the minimum for the area to properly accept further on-site waste disposal systems. In later interviews, Mr. Desmond indicated that his opinion was limited to individual site capabilities based upon soils and ground water conditions. Early in 1978, the Regional Water Quality Control Board expressed concern that the continued use of septic tanks within the Black Point Planning Area, particularly the old "Gridiron" area south of State Highway 37, could ultimately produce an adverse cumulative impact on both ground water systems and the nearby Petaluma River, i.e., wastewater from septic tanks systems might leach beyond property line limits upon which such septic tanks systems were situated.

In response to the concerns of the Regional Water Quality Control Board, the Marin County Board of Supervisors authorized the conduct of a cumulative impact study regarding on-site waste disposal systems within the Black Point area with specific emphasis on the area south of State Highway 37. The area north of State Highway 37 was to be given less intensive analysis, but the results of the study could have implications on future residential density requirements for the lands located easterly of Atherton Avenue. Assuming that septic tanks can continue to be installed on parcels created within the range of existing land use density limitations, the Marin County Planning Department has projected that the existing number of dwelling units north of Highway 37 will increase from 199 to a maximum buildout of 583 to 602 dwelling units. Making allowances for street rights

of way and easements, the area demonstrates a potential of some 331 to 342 new dwelling units, or an increase of some one hundred and seventy two percent (172%). Moreover, this projection assumes that the Bay plain area as well as the low lands abutting the Petaluma River offers negligible development potential.

The pattern of development which has occurred in the area north of State Highway 37 in recent years has been typified by individual residential lots frequently located along privately maintained streets (designed and constructed to County standards and specifications) extending along the various topographic spurs off the main north-south ridge line. Applicable County roadway improvement standards for such developments within the range of densities currently applicable do not require any type of pedestrian ways or sidewalks. Homes constructed within such developments are generally custom designed for owner occupancy or for potential owner occupancy. Review of building permit values for such new construction as well as review of real estate listings for such new homes indicates a prevailing market price range of \$110,000 upwards. The resulting socio-economic pattern within this area is clearly of an upper-middle class income level. In the absence of any publicly held open space or park areas for active recreational pursuits, field investigation of the area has clearly indicated that the streets within the area have become the playfield resource for children who reside within the community.

The 1975 community survey conducted as part of the community planning process indicated that the then residents and property owners desired a single family detached, rural residential/agricultural development to occur in the future. However, the broad nature of the survey creates some difficulty in establishing the difference between "rural" and "suburban" development. When this Plan was originally taken to public hearing before the Marin County Planning Commission in late 1977, it became increasingly apparent that individuals differed in their respective positions of what constitutes "suburban" versus "rural" development. To some individuals, the present range of residential densities, i.e., 30,000 square feet to two acres, represented rural development. Alternatively, other voices were heard which suggested that the minimum parcel area requirements for the area north of State Highway 37 should be increased to not less than five acres in area. Such diverging attitudes and philosophies tend to be reduced to an "eyes of the beholder" judgment except as follows: The greater the minimum parcel area required, the greater the increase in value of improvements, and the less the need for an urban level of services.

As noted earlier, contemporary land use decisions within the Black Point area, particularly in regard to residential densities, have been substantially predicated upon minimal parcel area requirements to satisfy health (septic tanks) standards. Accordingly, current land use regulations permit a range of residential densities commencing at a minimum level of 30,000 square feet extending upwards to two (2) acres. The present regulations

afford no opportunities for clustered types of development but instead require standard lotting practices based upon slope conditions. Opportunities to generate and maintain open space areas for active or passive recreational pursuits have been foreclosed by this type of development. In the absence of any preserved open areas, excepting privately held lands still pending development, recreational activities occur mainly on the streets within the area. Use of the streets for recreational activities ranges between softball to horseback riding.

2. DEER ISLAND:

Rising to an elevation of 200 feet to the west of the Black Point Planning Area and situated in the midst of the Novato Bay Plain is Deer Island. This unusual land form creates a unique visual break in this otherwise lowland area for both motorists who travel on nearby Highway 37 as well as hillside residents of the Black Point area to the east. In recent years, both the County of Marin and the City of Novato have endeavored to seek funding for public acquisition of Deer Island, which have now been obtained. Although beyond the limits of the Black Point Planning Area, the visual importance of Deer Island from various parts of the Planning Area has prompted continued interest and support for its acquisition.

### 3. THE NOVATO BAY PLAIN:

The Novato Bay Plain, extending to the west of the major residential component of the northerly portion of the Planning Area, provides a varied number of planning considerations. The broad and extensive scenic vistas which this area provides - uninterrupted by elements of urbanization - are important for motorists travelling State Highway 37. The serenity of this area, together with the vegetated and hilly vistas of Black Point rising to the east and the subsequent descent over the Petaluma River, undoubtedly prompted the City of Novato to designate this route as a scenic corridor. Equally important is this unspoiled vista to the residents of Black Point north of Highway 37 whose homes look downward across the Bay Plain.

Critical to any potential development of the Bay Plain area is the fact that this area is subject to occasional flooding and inundation; moreover, as a bay plain, the area is overlain with Bay mud. In the event of any seismic activities (the Burdell fault being nearby), the Novato Bay Plain could experience liquefaction and/or differential settlement. Any improvements developed atop the Bay mud could, therefore, be jeopardized, and human safety cannot be reliably predicted within this sensitive area. However, the Bay Plain area can continue to contribute importantly to the agricultural resource of Marin County, especially for the growing of grain and silage crops.

#### 4. SOUTH BLACK POINT

The hill and canyon area located immediately south of Highway 37 and west of the Petaluma River Bay Plain is generally known as Old Black Point. It was within this area that the community experienced its first residential development many decades ago. The major portion of the area is uplands, with soils configurations similar to those found in the northerly component of the Planning Area. With limited exceptions, the area is used principally for single family residential and limited water oriented recreational purposes. South Black Point is more particularly described as follows:

#### 5. The Gridiron:

The section known as the Gridiron is located in the southern portion of the hills of south Black Point and extends into the lowlands below the hills. It was created as a subdivision in 1905. The lots as subdivided measured 25 feet in width by 100 feet in depth. Access to the lots was to be provided via 25-foot wide right-of-way roadways. The Gridiron is a "paper" subdivision which took no cognizance of either steepness of terrain (ranging beyond 40 percent slope in many instances) nor the lowland floodplains. Encompassing approximately 200 acres, there exist approximately 300 separate ownerships and fewer than 100 homes. Most of the hill lands are composed of Novato Conglomerate while the floodplain is underlain with Bay mud. The elevation along the ridge-line extends upwards of 80 to 100 feet. In many instances, the streets plotted to serve the

development are totally non-existent; those streets which are improved to varying but minimal standards frequently are located beyond the limits of their intended rights-of-way due to topographic constraints. The entire subdivision is afforded primary access via Grandview Avenue, a curving, narrow two-lane roadway. The steep and narrow roadways within the Gridiron itself present a serious hazard to both life and property. Emergency service vehicles, particularly fire trucks, are all but barred from the area. In the event of structural or brush fire, fire trucks must negotiate steep roadways (upwards to 30 percent grade) with no means of turn-around.

For many years, it was presumed that County health policies and codes regarding the installation of septic tanks would substantially impede further residential development within the Gridiron. Such a presumption became invalid when authorizations were granted for the installation of "engineered" septic tanks on parcels comprised of 5,000 square feet of land area. The authorization of such "engineered" systems set off a flurry of building activity within the Gridiron. The impetus for renewed interest in the development of the Gridiron can be attributed to a water service connection moratorium in the Marin Municipal Water District area to the south. Black Point in general and the Gridiron in particular were "discovered" as a favorable place to live.

The authorizations to develop lots within the Gridiron area on parcels as small as 5,000 square feet using on-site

waste disposal systems came to the attention of the Regional Water Quality Control Board in early 1978. The Regional Board expressed their concern to the County of Marin that reliance upon septic tank waste disposal systems on parcels that small could ultimately lead to an adverse cumulative impact, i.e., leachates could flow from individual sites, contaminate ground water supplies, and ultimately degrade the water quality of the Petaluma River and surrounding wetland habitat areas. Concurrently, the County became aware that residential growth within the Gridiron was occurring at an accelerating pace - development generally devoid of adequate access, or fire protection, plus the potential of the cumulative sanitation impacts suggested by the Regional Board. An "Interim Ordinance" was thereupon introduced for consideration by the Marin County Board of Supervisors, an ordinance which for practical purposes placed a hold on additional development pending the completion of this Community Plan and pending completion of a cumulative impact study relative to the use of on-site waste disposal systems within the Gridiron.

The original draft of the Black Point Community Plan recommended that the undeveloped lands within the Gridiron area should be amalgamated through the redevelopment process, and that new streets be plotted and developed based upon sensible contemporary planning practices. The thus aggregated lands would then be subject to re-subdivision and resale for private single family residential development. Subsequent



analysis revealed that a substantial portion of the remaining undeveloped lands within the Gridiron was subject to seasonal flooding and inundation (the Petaluma River bay plain) and was totally unsuited for development. The remaining hillside lands were analyzed, and a specific land utilization plan was formulated which was based upon topography, access and on-site waste disposal constraints. Proposed new lots each approximate one (1) acre in area with access in conformity with County roadway design and improvement standards. The proposed new lot pattern was developed without regard to ownership lines; to achieve legal lot status will require mutual cooperation between neighboring property owners.

6. The Petaluma River Bay Plain:

An important natural feature within the Black Point Planning Area is the Petaluma River, which creates a definite boundary. Immediately west of the River are lowland marsh areas subject to intermittent inundation depending on tides and surface run-off from the hills to the west. This wetland area supports an abundance of wildlife species, and because of its low lying character, has witnessed but minimal man-made improvements or intrusions. Ownership of this sensitive area south of Highway 37 is generally by the State of California. North of Highway 37, three bottomlands are still held in private ownership. Although the State has no plans for development of its holdings, privately held lands to the north have been advertised for potential development. Development of such lands would not be possible unless either major filling or dredging were authorized. Either alternative would effectively destroy the River Bay Plain as a habitat area and would also drastically alter the visual character of the Planning Area when viewed from both the easterly shore of the River as well as from the hillside residential area immediately to the west. Access to the River Bay Plain is minimally available via Channel Drive. During periods of high tide and heavy surface run-off, this marginal roadway is similarly inundated. The highest and best use of all such lowland areas is a natural flood plain and habitat area and its use and/or development for more intensive uses should be deterred.

7. Day Island:

Day Island, lying south of Highway 37, forms the southeasterly extreme of the Black Point Planning Area. It contains approximately 130 acres, features variable terrain, and with but limited exception is controlled by one property owner.

The island consists of low level bay plain extensions and dredged lagoons fronting the bay. Improvements on Day Island are limited to two (2) dwellings plus various accessory buildings. The island portion contains approximately 30 acres and attains a maximum elevation in excess of 100 feet. The prevailing soils are a coarse grained sandy matrix containing rhyolite and grey chert. Access to the Island is via an extremely narrow causeway between the lagoons and the surrounding bay plains connected to the south Black Point hills. For years, the inadequacy of vehicular and emergency services access has prevented large scale development from occurring on Day Island.

Because Day Island has retained much of its relatively unspoiled character, it has continued to function as a highly important habitat area. Its resources have long been sought for permanent preservation. The Marin Audubon Society, for example, has been extremely supportive of public efforts to acquire Day Island. Concurrently, the low land flood plains, which in part comprise and surround Day Island, have been identified by the Marin County Flood Control District as

essential to the development and implementation of a comprehensive flood plain management program. Concerted efforts to acquire publicly Day Island were partially accomplished in July 1978 when the first of two payments was made to the Hover family. By the end of the year, a second and final payment will be presented and the permanent preservation of Day Island for ecological preserve and flood control management purposes will be assured.

8. The Village Center:

Commercial enterprises with Black Point's village center are extremely limited in number. Located alongside and served by the Northwestern Pacific rail line which generally parallels Highway 37 are two industrial occupancies, one a lumber yard and the other a beer warehousing and distributing facility. On the opposite side of the tracks and fronting on Harbor Drive is an old time "Mom and Pop" general store. The historically significant Black Point Inn was also located in this general area until its total destruction by fire a few years back. The village center could readily accommodate additional commercial enterprises, but the relatively small population of the Planning Area and the close proximity of the community to established and nearby Novato and Ignacio shopping areas will likely serve as deterrents to further commercialization of the area. By retaining commercial zoning around the village center, at least the option for further local resident-serving commercial development will be kept open.

9. The Pleasure Faire:

Operation of the Faire was historically limited to a maximum period of six (6) weeks. However, the promoters of this event, located adjacent to old Black Point but within the incorporated limits of the City of Novato, have been successful in their efforts to secure authorizations for both a substantially increased period of operation as well as increases in the breadth and scope of the Pleasure Faire operations. Black Point residents previously and adversely impacted by the Faire have been strongly opposed to any further extension or enlargement of the Faire. The concerns expressed related to both the Faire's effects on the residential neighborhood as well as the concern that a year-round operation drawing vast numbers of visitors to the Black Point area would precipitate the development of off-site commercial uses. Visions of restaurants, coffee shops, motels, service stations and allied uses are vividly sketched in the minds of Faire opponents.

Importantly, the promoters and developers of the Pleasure Faire do not control any lands beyond the limitations of the Faire ground property itself.

Local advocates of the Faire view its presence as an important means of maintaining open space with limited service demands and without public cost as an altogether appropriate

alternative to its conversion to a major residential development. Moreover, local proponents of the Faire cite the unlikelihood of commercial spillover based upon the difficulty in securing amendments to local zoning codes. Conversely, opponents to the Faire have indicated that a year round type of operation could be considered a sufficient change in local conditions to warrant the granting of zoning changes to facilitate the accommodation of off-site ancillary commercial uses.

Plans for the full time utilization of the Pleasure Faire property have been approved by ordinance by the City of Novato. The conditions of approval, (see Appendix 1) include "periodic review and adjustment to ensure acceptable impacts on the Black Point neighborhood." The operations plan is reviewed annually by the Zoning Administrator, at which time conditions can be added, if necessary.

Given these circumstances, the cooperative control of undeveloped lands both within the old Black Point community and the undeveloped Bay Plain lands to the north of the Faire grounds become a critical issue, and the need for close coordination and cooperation between the City and County Planning staffs. Planning Commissions and elected policy decision makers even a more critical concern.

Two approaches appear evident to resolve this issue:

1. Secure a commitment from the City of Novato to refrain from granting approvals for the conversion of Bay Plain lands under their jurisdiction.
  
2. Establish a citizens' advisory group to represent the best interests of the Black Point community on land use and allied issues in both the incorporated (Novato) and unincorporated (County) jurisdictional areas.

Of these two options, the latter appears feasible and potentially effective. The second alternative also recognizes that neither the City nor the County can refrain itself from taking future land use actions. Elsewhere in the County, the recognition of an active citizens' group, subsequent to the adoption of a community plan, has proven to be very effective, for example, the Stinson Beach Village Association.

10. Growth Management:

Since the publication and first public hearing on the draft Black Point Community Plan, the nearby City of Novato has established a growth management plan. Although the City and County Planning staffs were working closely towards a comprehensive growth management plan which would have included both the incorporated and unincorporated areas within the greater Novato area, the ordinance adopted by the Novato City Council is now limited to those lands located within the corporate limits of Novato, although the ordinance provides for eventual participation by the County.

In adopting its management plan, the City of Novato has left the door open to further discussions and negotiations which could permit the revival of the joint plan. Black Point might well benefit from such a comprehensive approach, particularly in view of the future major build-out potential of the Bahia residential development to the north of Black Point, as well as the incorporated wedges which extend into the Black Point Planning Area. In view of these circumstances, there remains an excellent opportunity for future cooperative attempts to achieve a comprehensive growth management plan similar to that currently operative in Southern Marin between the County and four incorporated cities.



Growth management policies and practices currently operative in the southern Marin area provides for the participation of four (4) cities, i.e., Belvedere, Tiburon, Mill Valley and Sausalito, and the County as well. Growth targets are based upon Countywide Plan annual growth projections. In-filling of existing single family residential parcels is allowed without growth management review. Were it ultimately possible to extend similar policies and practices within the greater Novato area, it is anticipated that the same type of exemptions and exclusions, which are intended to benefit the owner of a single parcel intended for residential improvement, would prevail.

11. Moderate Income Housing:

As a rural area in which single family detached housing is the prevailing housing type, where large scale developments are not possible, and where public services and transportation are limited, the creation and maintenance of moderate income housing units presents an extremely difficult situation. This is particularly true in the area north of Highway 37 where many of the residential units are of relatively new construction, spacious in size, desirable in location, and costly to purchase. The continued use of septic tanks, which requires low density is another major constraint.

While the area south of Highway 37 has experienced similar new construction, there exists within this area the old summer homes dating back many decades, which are in many instances occupied by retirees living on fixed incomes. The Community Survey found in the Appendix of this Plan revealed that 32% of the heads of households residing in Old Black Point were retired. Similarly, 35% of those responding in the area south of Highway 37 indicated that annual family income did not exceed \$10,000.00. Tax relief benefits arising from the Proposition 13 tax initiative will serve to assist the maintenance of moderate income housing units. Such relief will not be available to purchasers of newly created and costly dwellings.

There are a few opportunities, however, which might serve to introduce new moderate income units within the Planning Area. The proposal of this Plan to eliminate industrial zoning in the village commercial core area and the subsequent introduction of Village Commercial Residential (VCR) zoning with its broad range of uses would permit the construction of residential units above future commercial uses within the area. Likewise, the Second Unit Ordinance proposal, long under consideration for the entirety of Marin County, would have applicability and potential use within the Black Point Planning Area, provided septic tank and other environmental problems could be solved. And, for those of limited financial means, housing rehabilitation loans are presently available to arrest any deteriorating housing units.

12. Sonoma County Planning Policies:

As previously noted, many residents of Black Point enjoy a fine vista of the Agricultural Bay plain both to the east and west of the Planning Area itself. The probability of any major development occurring in Marin County's Bay plain area will continue to remain limited. To the east, however, future planning decisions by Sonoma County could irreparably destroy both the highly scenic gateway to Black Point along the Highway 37 corridor, as well as eroding the vistas presently enjoyed from Black Point. A proposal has been advanced for the development of approximately 900 acres of Bay plain lands east of Black Point in Sonoma County. The development is conceived as

a major industrial park in which various uses, including warehousing and light manufacturing uses, might be accommodated. The North Marin County Water District has been approached as a potential source of domestic water to this contemplated development. The subject lands are within the service capabilities of North Marin; to deliver potable water to this area would require the installation of a pipeline across the Highway 37 bridge over the Petaluma River. At this juncture, North Marin has indicated to Sonoma County that it can provide water if uses are of a low water consumption nature, i.e., warehousing. Were this development to proceed, the Black Point community would experience several major impacts, particularly those associated with traffic, air and visual quality and noise. While the ultimate decision as to whether or not the contemplated development will proceed rests with Sonoma County, further consideration of the proposal should thoroughly involve the participation of both the County of Marin and the City of Novato.

The Planning Director of Sonoma County, Mr. Dranab Chakrawarti, has discussed Sonoma County Planning policies and programs for this area with Marin County staff. The Sonoma County General Plan shows one area across the Highway 37 bridge as agricultural.

In 1977, a consultant's report on the feasibility of industrial development of this area was presented to the Sonoma

County Planning Commission and Board of Supervisors. These two bodies determined that such a change in land use designation would not be appropriate now, but should be subject to further study of industrial-commercial development potential throughout the County. Such a study is now under way, in cooperation with the nine cities in the County, and is due for completion in 18 months. Until such time as the study is complete and several plan amendments are made, the Planning Director is advising applicants for industrial or commercial development, in areas not so designated in adopted plans, that the staff will recommend denial. The Planning Commission has in fact denied all such applications up to now.

13. Basic Planning Goals and Policies:

The general and specific policies of this portion of the Plan are based upon the following goals:

- Goal #1 - Maintain Black Point as an identifiable rural residential community.
- Goal #2 - Maintain Black Point as an independent unincorporated village.
- Goal #3 - Preserve the natural attributes and features which are located within and which surround the Black Point Community.
- Goal #4 - Seek minimal improvements within the Black Point area which would further enhance the quality of life and safety with the community.
- Goal #5 - Seek orderly and managed growth of the Black Point village area as well as the surrounding incorporated areas which influence the character of Black Point.

Because each of these goals is inter-related, all have applicability to the following specific policies. And, because such goals are inter-related to other aspects of this Plan, they are reiterated as a reminder to the reader that any plan is an integrated unit reliant upon the sum total of all components.

- A. Policies, Programs, Impacts and Mitigation Measures:
  - Land Use.

Policy 1. Permit further residential development in the geographic area north of Highway 37 based upon the following factors and constraints:

- \* Topographic conditions vary between relatively flat to steeply sloping.
- \* Septic tanks will continue to be used as the primary means of waste disposal.
- \* Limited soil mantles on sloping hillsides present difficulties for on-site containment of leachates.
- \* Seasonal fire hazards represent a serious potential hazard to life and property.
- \* Agricultural uses incidental to residential occupancies such as the maintenance of horses and varied fowl species prevail.
- \* There exists a strong desire to maintain the rural character of the area.
- \* Flexible land use regulations utilizing planned district techniques offer greater latitude in land use planning.
- \* Major street or roadway improvements necessitating the establishment of long cul-de-sacs have proven difficult for fire protection.

Program:

1. In the area north of Route 37 and east of Atherton, eliminate the prevailing A-2:B-3.5-SC No. 2 (Limited Agriculture, one single family residence per 30,000 square feet or larger minimum parcel area)

district classification in favor of the A-RP-2 (Agriculture, Residential Planned, 2 acres per dwelling unit) district classification, except for the low land marsh and tidal areas of the Petaluma River, which should be zoned A-RP 60.

In those areas where slope of building and septic site is 15% or less, and road concerns and fire protection are adequate, a 1 1/2-acre minimum will be considered. Gross density shall be increased to no more than one unit per 1 1/2 acres.

2. In the area west of Atherton and north of Olive Avenue, now zoned A-2 and A-2:B-4, the zoning should be changed to A-RP-2 (one unit per two acres).

Exceptions are the Novato Bay Plain area which should be zoned A-RP 60 and the Rosewood Court area, which is largely developed and should retain the present zoning. A density increase of up to one unit per 1/2 acres will be considered when site constraints are met as described in (1) above.

**Impact:**

A major shift in the overall density of further land developments within the northerly component of the Planning Area would have an obvious initial impact upon property values. Such an impact is viewed as short-term as more costly parcels for residential development are placed on the market. Increased



parcel areas would also further inhibit the introduction of moderate income housing units to the Planning Area. However, with new parcels being offered to the public for sale in the range of \$60,000 per site, such an impact is of only relative consequence. Positive impacts associated with such planned district zoning include the ability to cluster dwelling units in a manner to minimize the establishment of lengthy cul-de-sac roadways, the preservation of open space areas for scenic and recreational activities and the clear preservation of the Black Point area as a rural place.

Conversion of undeveloped parcels to residential development and use will tend to disrupt animal habitat (the migratory and feeding trails), precipitate increased use of natural and man-made resources, i.e., water, natural gas and electrical energy, and increase pollutants resulting from additional vehicular traffic generated by new residential development. The actual extent and degree of such impacts can be related directly to the intensity of development permitted. Clustering of residential units can be used to preserve habitat values.

The utilization of a planned residential district instead of the present agricultural zone to allow clustering is not intended as a means by which attached

or townhouse developments might be introduced into the Black Point Planning Area on a wholesale basis. The underlying character of the area is clearly based upon the traditional single family detached housing type. A planned district would, however, permit land to be developed in the most sensible fashion without the rigidity of standard zoning controls over parcel size and setbacks, which are often not suitable for environmentally sensitive areas. Depending on the density ultimately established, it may be possible to create relatively small parcels where soils and topographic conditions permit. Similarly, for those individuals who would desire to establish rental units on their property, the planned district regulations would permit entertainment of such land use developments.

Since the adoption of the present zoning regulations north of Highway 37, the most typical (and only) type of new development has been of subdivided lots ranging upwards of \$80,000.00 in value. The present trends totally foreclose any satisfaction of the County's housing goals. While the establishment of planned district land use controls cannot be touted as a panacea to resolve this problem, at least the appropriate vehicle would exist to achieve such goals.

Mitigation Measures:

Require the preparation of Environmental Assessments for major land development proposals which exceed or potentially or cumulatively may exceed then (10) residential parcels prior to the undertaking of detailed site planning in order that habitat area and migratory and feeding trails can be identified and avoided. Encourage the use of water and energy conserving devices, i.e., low flush toilets, insulation, etc., for inclusion in the construction of new houses.

NORTH BLACK POINT BUILDOUT (907 ACRES)

Area	Existing Lots	A-2:B-3.5			
		SC-2	2 A/C	2½ A/C	3 A/C
A	39	112	87	74	66
B	36	75	57	50	47
C	62	100	92	86	77
E	50	68	56	53	52
D & F	133	247	227	209	194
TOTAL	320	560-602	489-519	459-472	420-436
Existing Lots		-320	-320	-320	-320
New Lots *		240-282	169-199	139-152	100-116
% Increase Lots		75-88%	53-62%	43-48%	31-36%
Average Density 2.8		1.6-1.5	1.9-1.7	2.0-1.9	2.2-2.1
Existing Houses	220	+220	+220	+220	+220
Potential Houses	100	340-382	269-299	239-252	200-216

\* NOTE: Smaller number is buildout less 15% which may not be divided. Analysis assumes no development on 250 acres of bay plain Barrick not included.

Policy 2. Restrict future development in Old Black Point, especially in the Gridiron area, in order to achieve the following purposes:

- \* Promote the amalgamation of substandard sized parcels to minimal lot area requirements commensurate with on-site (septic tank) waste disposal constraints inherent to the area.
- \* Foster the development of a revised circulation system suitable for the passage of passenger, service and fire protection vehicles.
- \* Strongly discourage development of any privately owned Bay plain lands generally located below an elevation of 15 feet due to the inability to dispose effectively of on-site wastes, and
- \* Permit additional land divisions in the area between Highway 37 and the Gridiron at a density comparable to that existing.

Programs:

1. Retain and extend the existing A-2 (Limited Agriculture). Two acre minimum parcel area) district in the south Black Point area to permit continued residential development on a limited scale.
2. Adopt the Planning Department's "Gridiron Plan" which would:

- \* Strongly support voluntary and private amalgamation of lots within the Gridiron area so as to generally meet a one (1) acre minimum parcel area standard to permit the accommodation of septic tanks and allied drainfields.
- \* Introduce a new roadway link connecting the Gridiron and the old Balck Point area to Grandview Road via Mistletoe Avenue.
- \* Develop cul-de-sacs which can accommodate fire protection vehicles at the ends of Norton, Holly, and Grandview/Mistletoe.
- \* Strongly discourage the development of any privately held lands located below an average elevation of 15 feet, less than 1 acre in size, or more than 30% in slope. Allow development only upon the provision of clear and site-specific evidence that such lands can accept septic tank waste discharges.
- \* Owners of developed sites adjacent to such constrained lands are to be encouraged to purchase such residual lands so as to increase existing developed holdings to provide for additional septic tank disposal areas and to provide for enhanced outdoor living areas.

Impacts:

The advancement of a relatively specific development plan for the Gridiron area is considered a positive

mitigation measure. Buildout of the area under this plan, which calls for the creation of seventeen (17) amalgamated lots, will have but limited adverse impact upon the environment. Conversely, buildout of the area on existing parcels as small as 5,000 square feet utilizing a deficient circulation system will continue to present serious questions as to the ability of special services districts to adequately protect human and structural safety as well as the further implications for environmental detriment - particularly cumulative impacts resulting from septic tank discharges.

It is conceivable that in the future when the otherwise deficient circulation system is improved and upon the possible introduction of a sanitary sewer line to service the area, currently contemplated restrictions on development could be lifted. To permit the wholesale development of the Gridiron area at this time is considered premature at best. While it may not be possible to effectively mitigate adverse short-term financial impacts, it is anticipated that long-term values, given the introduction of improved access, will be sustained.

Policy 3.

Provide opportunity for further commercial and light industrial activities within the Village core area

south of Highway 37 through elimination of present M-1:H (Light Industrial and Highway Frontage) and C-1:H (Neighborhood Commercial and Highway Frontage) Districts and supersede with VCR (Village Commercial and Residential) District, covering the same land area presently governed by the M-1:H and C-1:H Districts.

Impacts:

Positive impacts are associated with the above policy as further commercial and light industrial development would diminish the community's reliance upon Novato and Ignacio for retail trade needs, thereby diminishing reliance upon the automobile for shopping purposes. Moreover, further commercial and light industrial development would provide new employment opportunities for present and future residents of the Planning Area. Adverse impacts and necessary mitigation measures will be identified at the time of individual development proposals.

Policy 4.

Reclassify both the tidelands and the submerged portions of the Petaluma River to the O-A (Open Area) zoning district to reflect existing public ownership.

Impacts:

No impacts, whether positive or negative are identifiable with the recommended reclassification of public

lands along and within the Petaluma River to reflect their ownership.

Mitigation Measures:

None required.

Policy 5.

Rezone the privately-owned marsh and wetlands located north of Highway 37 and west of the Petaluma River to A-RP-60, consistent with environmental constraints and community separator value. Require that prior to approval any development proposal clearly meet and demonstrate compliance with all of the following protection policies established by the State of California and herein adopted by the County of Marin:

- \* The proposed project must be water dependent or an essential transportation, water conveyance or utility project.
- \* There must be no feasible, less environmentally damaging alternative location for the type of project being considered.
- \* The public trust must not be adversely affected.
- \* Adequate compensation for project caused losses shall be part of the project. Compensation to the County of Marin and/or the State Department of Fish and Game and/or the State Resources Agency shall be determined pursuant to the policies of the State Resources Agency.



Impacts:

None; the above policy guidelines are mitigation measures to prevent untoward environmental damage of of this particularly environmentally sensitive area.

Policy 6:

Retain prevailing land use regulations on the 130 acres which comprise Day Island as an interim measure. Upon acquisition of Day Island for public and flood control purposes, reclassify this area to the O-A District to reflect its public ownership.

Impacts:

The impacts associated with the above policy are financial in nature. It has been the long-standing policy of the County of Marin to neither up-zone or down-zone lands actively proposed for public acquisition so as not to influence property values. This policy therefore requires no mitigation measures.

Policy 7.

Upon public acquisition of Day Island, the County and any partners in ownership shall refrain from attempting any intense recreational use or development of the Island.

Impacts:

The above policy is considered a mitigation measure recognizing that Day Island is an environmentally sensitive breeding, feeding and general habitat area, and recognizes that vehicular and equestrian access to the Island is via a narrow roadway not considered conducive to heavy traffic movements. The access constraint alone has deterred major development from occurring on Day Island.

Policy 8.

Although located within the City of Novato, the lands occupied by the Renaissance Pleasure Faire abut old Black Point and the use of the site for intensive commercial-recreational activities can directly impact the Black Point Community. Primary impacts attributed to the Faire are traffic, noise and potential fire hazard. Secondary impacts associated with the Faire are the future prospects of additional related commercial development near the Faire grounds. Therefore, the City and County should officially designate an advisory committee composed of Black Point residents whose purpose and role shall be one of participating in the review process for any commercial developments proposed within the immediate vicinity of the Pleasure Faire property, i.e., approximately a one-half mile radius from the entrance to the Faire grounds.

Impacts:

The actual impacts of the Pleasure Faire were fully addressed in an Environmental Impact Report prepared for the City of Novato in 1976. Copies of that document are on file with both the City of Novato and the County of Marin. The impacts associated with the establishment of a citizens' advisory committee to assist in the review of related land development proposals is considered a positive one in that broader public involvement in the decision making process can be guaranteed.

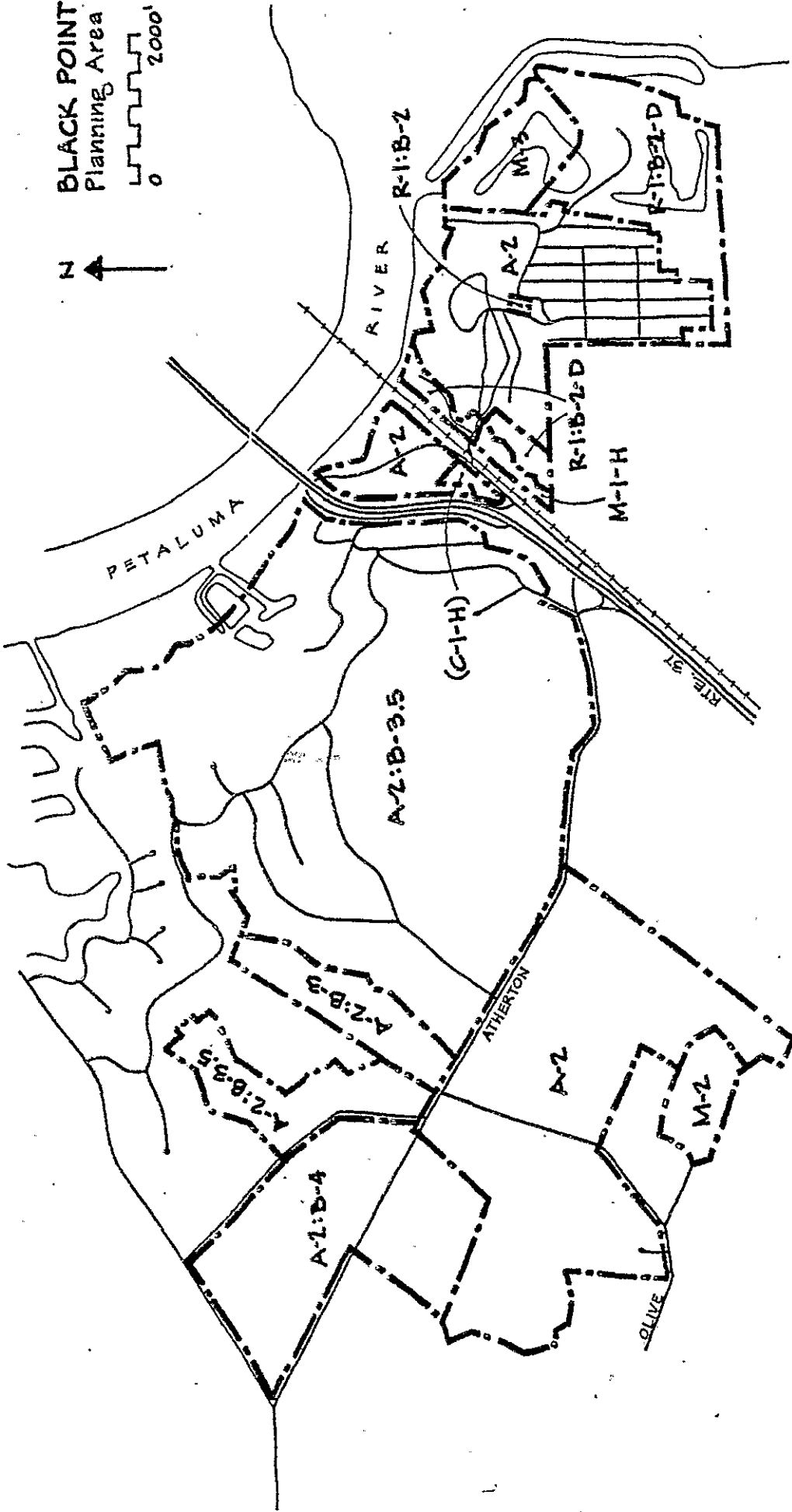
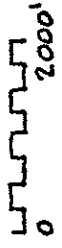
Policy 9.

Reclassify the unincorporated Novato Bay Plain lands which are generally located to the west of Atherton Avenue to the A-RP-60 (Agricultural-Residential Planned, 60-acre minimum parcel area) District in recognition of the physical constraints which prevail in the area, i.e., flooding and inundation, potential for liquefaction, subsidence on hydraulic fill, existing agricultural use, and the community separator function of the water edge lowlands in Black Point. Existing developed parcels in the north part of this area should be zoned A-RP-3.

Impacts:

The above policy is deemed a mitigation measure which would inhibit intensive urban type of development from occurring in this sensitive area. Additionally, this policy would serve to enhance and maintain the viewshed from the hillside residential uses to the east.

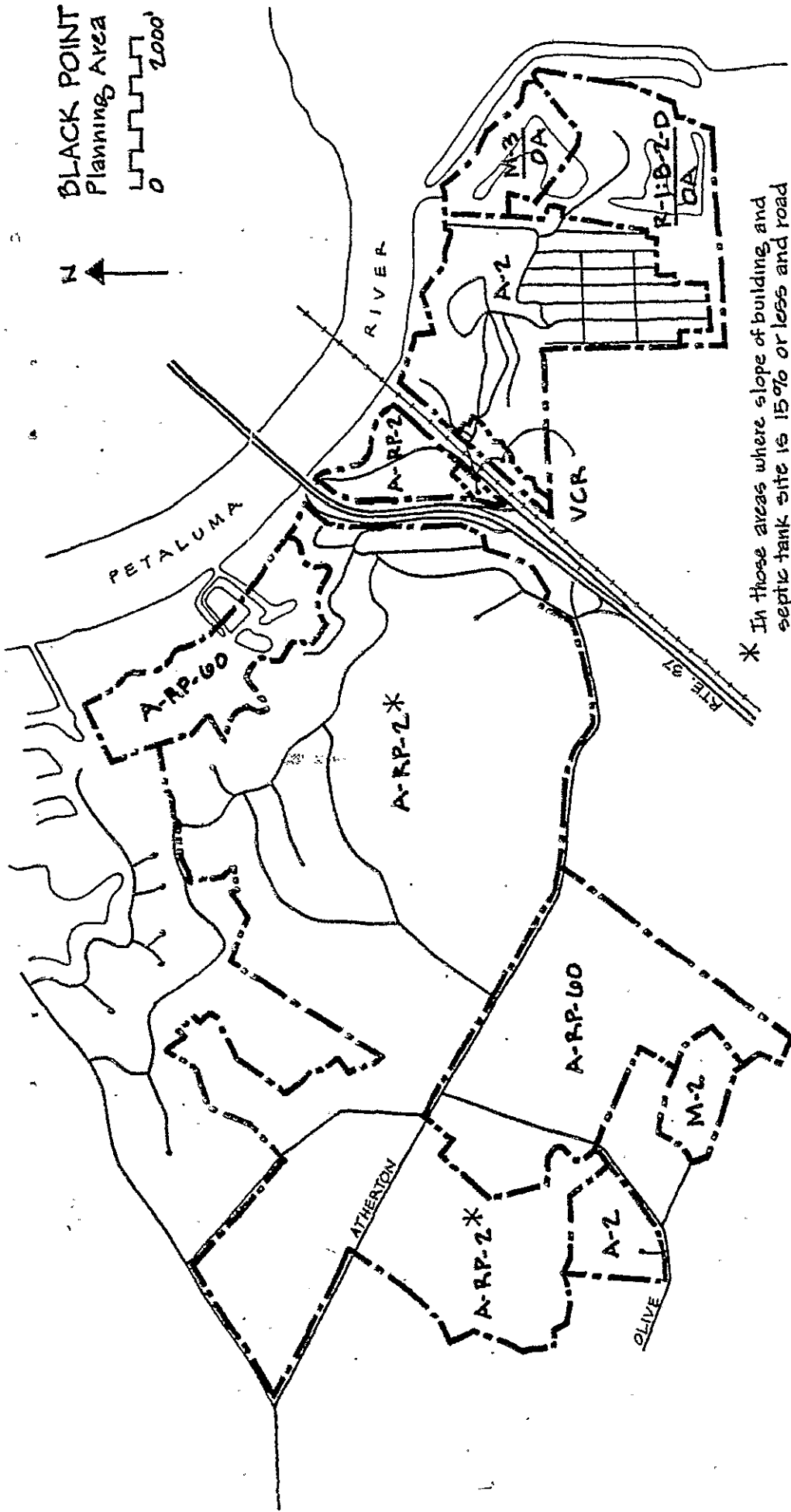
**BLACK POINT  
Planning Area**



**EXISTING ZONING**

- R-1-B-2..... SINGLE FAMILY RESIDENTIAL DISTRICT - 10,000 SQ.FT. MINIMUM LOT SIZE
- R-1-B-2-D... SINGLE FAMILY RESIDENTIAL DISTRICT - VARYING MINIMUM LOT SIZE
- A-2-B-3..... LIMITED AGRICULTURAL DISTRICT - 20,000 SQ.FT. MINIMUM LOT SIZE
- A-2-B-3.5... LIMITED AGRICULTURAL DISTRICT - 30,000 SQ.FT. MINIMUM LOT SIZE
- A-2-B-4..... LIMITED AGRICULTURAL DISTRICT - 1 ACRE MINIMUM LOT SIZE
- A-2..... LIMITED AGRICULTURAL DISTRICT - 2 ACRE MINIMUM LOT SIZE
- C-1-H..... RETAIL BUSINESS DISTRICT
- M-1-H..... LIGHT INDUSTRIAL DISTRICT
- M-2..... HEAVY INDUSTRIAL DISTRICT
- M-3..... PLANNED INDUSTRIAL DISTRICT

BLACK POINT  
Planning Area  
0 1000' 2000'



\* In those areas where slope of building and septic tank site is 15% or less and road concerns and fire protection are adequate, a density of one unit per 1 1/2 acres will be considered.

PROPOSED ZONING

- A-RP-2 ..... AGRICULTURAL/RESIDENTIAL PLANNED DISTRICT - ONE UNIT PER 2 ACRES
- A-RP-60..... AGRICULTURAL/RESIDENTIAL PLANNED DISTRICT - ONE UNIT PER 60 ACRES
- A-2..... LIMITED AGRICULTURAL DISTRICT - 2 ACRE MINIMUM LOT SIZE
- R-1-B-2-D... SINGLE FAMILY RESIDENTIAL DISTRICT-VARYING MINIMUM LOT SIZE
- VCR..... VILLAGE COMMERCIAL-RESIDENTIAL DISTRICT
- M-3..... PLANNED INDUSTRIAL DISTRICT
- M-2..... HEAVY INDUSTRIAL DISTRICT
- OA..... OPEN SPACE DISTRICT

## PUBLIC SERVICES AND FACILITIES

WATER SUPPLY

FIRE PROTECTION

SANITATION

COMMUNITY FACILITIES

LOCAL GOVERNMENT

POLICIES, PROGRAMS, IMPACTS AND MITIGATION  
MEASURES

## PUBLIC FACILITIES AND SERVICES

### 1. Water Supply:

Domestic water to the Black Point area is supplied by the North Marin County Water District from their Crest Road storage tank. The Water District normally derives about 70% of its total supply from the Russian River and the balance out of Stafford Lake in Marin County.

An 8-inch line on Olive Avenue and a 6-inch line on Atherton and H Lane feed water to a pumping station located at the School Road - Sunset Trail intersection which pumps water up to the Crest Road tank located on top of the hill. From there, a 10-inch main feeder follows Crest Road for about a mile where it reduces to an 8-inch line. Just before the water line crosses the Northwestern Pacific Railroad tracks at Grandview to enter the Old Black Point area, an adjustable pressure reducer had to be installed to compensate for the differential requirements of the low lying area compared to the homes located at higher elevations. In Old Black Point, most of the main feeder lines are either 8 or 6 inches in diameter except for some small one inch branches such as found on Holly, Laurel and Norton.

In general, the water distribution and supply system is adequate to supply the existing development within the community as well as accommodating future development.

The continued ability of the North Marin County Water District to service new customers has fostered a substantial amount of new, although generally small scale, residential development in the northerly portion of the Planning Area. New single family residential construction is substantially evident.

2. Fire Protection:

Fire protection for the Black Point area is furnished by the Novato Fire Protection District. According to the District, their Station #2 located on south Novato Boulevard is the closest station and normally handles primary fire calls with other stations utilized as necessary. The type of equipment deployed varies as conditions warrant. Of critical importance is the response time between Novato and Black Point - approximately four to five minutes.

Although the District constructed a training and maintenance facility on Atherton Avenue in recent years, further development of this site as an additional station is presently beyond the funding capabilities of the District.

This problem of adequate fire protection is compounded for several reasons. As previously stated, the old Gridiron section within the southerly component of the Planning Area, with its narrow and minimally improved steep roadways, prevents the District from rendering good fire protection services under the best of circumstances. Moreover, the type of devel-



opment which has occurred in the northerly component of the Planning Area typified by long cul-de-sac streets extending down ridgelines has, in the opinion of the District and their consultants, created a situation in which adequacy of fire protection services cannot be fully guaranteed. Fire equipment and personnel battling structural or grassland fires at the end of such cul-de-sacs can easily be entrapped should fires rapidly change direction. The District has expressed grave concern that a continuance of this type of development could prove hazardous to both equipment and personnel. One means by which the prevailing type of development can be mitigated so as to enhance fire protection is to widen roadways and to provide for large diameter cul-de-sacs at the end of ridgeline and similar roadways. While such a mitigation enhances the accessibility for fire fighting equipment, it contrarily creates roadways which are generally considered out of character for an area which most residents view rural in nature. Further, widened roadways will not necessarily prevent shifts in conflagrations from entrapping manpower and equipment. Widened roadways at diminished gradients simply provide faster response time and means of turn-around, and allow vehicles to pass each other.

One of the major elements which must be considered in any discussion in the adequacy of fire protection services is the number of dwellings and therefore population to be served by the Fire Protection District. It is axiomatic that the greater the density, the greater the need for fire protection

services. Rural densities could reduce the need for an urban level of structural fire protection services.

The basic design of residential subdivisions can substantially influence adequacy of fire protection services as well. Clustered nodes of development adjacent to major roadways, eliminating the need for the development of long cul-de-sacs, can readily facilitate enhanced fire protection services. Additionally, the materials used in dwelling unit construction and the type of introduced landscaping surrounding dwelling units can be a material factor in structural fire safety. Lastly, the size of water mains, the amount of water pressure sent through such lines, and the ready availability of hydrants all contribute to fire safety for both structural and non-structural protection services.

According to the Novato Fire Protection District, continued development of the Black Point Planning Area at the present density, design and improvement standards is, to paraphrase their comments, an invitation to disaster.

These standards and goals were recommended by the Novato Fire Protection District in a May 1976 Draft Fire Protection Plan. They should be used as a guide for development in Black Point as modified by the specific requirements of individual sites.

1. Grade of streets, maximum grade 18%.
2. Width of streets, paved surfaces of roadway, 20 feet, minimum width.
3. Diameter of cul-de-sacs - 68 ft. minimum

4. Length of dead-end or cul-de-sac roads: dead-end roads, maximum length - 150 feet; cul-de-sac, maximum length, 800 feet.
5. Water mains in older part of district should be increased from 2" and 4" mains to 6" or 8" mains.
6. Prevent areas of extreme wildfire hazard; public access to dense brush, steep wooded canyons.
7. Clearing of highly flammable brush and dense woods around residences and avoid combustible roofing in hazardous areas.

In summary, Black Point is a high risk area because developments are planned for hillside and canyon areas with steep slopes, thick vegetation cover, and limited hazardous access, particularly where such areas border wild woodlands and grasslands, and because of the long response time to closest fire stations west of Highway 101.

The adopted Environmental Hazards Element of the County-wide Plan, Policy No. 1, calls for avoiding development in areas identified as extreme fire hazard. If development is to occur, fire resistant materials, clearances from structures and landscaping with fire resistant plants is recommended.

Before development occurs in such potentially critical areas, adequate fire suppression equipment and water supply should be assured access from more than one source and fuel breaks and fire trails maintained.

### 3. Sanitation:

All lands located within the Black Point Planning Area are located beyond the limits of the Novato Sanitary District. Therefore, all dwellings as well as commercial and industrial uses are reliant upon on-site (septic tank) waste water disposal systems.

The absence of sanitary sewers has prevented the wholesale development of large land holdings. Septic tank code provisions maintained and enforced by the County of Marin which are based upon locations of septic tanks, size and capacity of drainfields, topography, slope and allied considerations have necessarily influenced the minimum size of parcels proposed for creation. Many individuals contend that this factor alone will facilitate the retention of the rural character of the Planning Area.

The northerly portion of the Planning Area was in fact rezoned from an old Interim Zoning District to a new zoning classification which was primarily based upon the area's ability to accept discharges from septic tank systems. Prevailing land use regulations within the southerly component of the Planning Area ostensibly provide regulations for a two (2) acre minimum parcel area for lands proposed for development. However, the actual lot and ownership patterns within the southerly component range between 2,500 square feet to over 2 acres. Until recently, development of small parcels containing 5,000 to 15,000 square feet was deemed impossible due

to the constraints imposed by the County's septic tank code requirements. Exceptions granted to those code requirements stimulated the development of parcels as small as 5,000 square feet within the old Gridiron area. This matter ultimately came to the attention of the Regional Water Quality Control Board which subsequently expressed concern to Marin County about such exemption practices. The development of such small parcels could ultimately precipitate adverse cumulative impacts, i.e., septic tank discharges could flow from within prescribed property ownership downhill or downstream to the environmental detriment of nearby water courses, marshy lowlands, and the Petaluma River. The area of concern expressed by the RWQCB was primarily directed to the area south of Highway 37 and the Gridiron in particular, but conveyed similar implications for the balance of the Planning Area. Coincident with the expressed concerns of the Regional Water Quality Control Board was a local realization that continued building activities within the Gridiron area, previously described as poorly accessed and potentially fire hazardous, would prevent the development of any reasonable solutions to the problems inherent to the area. The County of Marin, through its Board of Supervisors, took two specific actions to reverse the on-going situation. First, an interim ordinance was introduced and enacted which for practical purposes foreclosed further building activities in the area south of Highway 37 pending completion of this revised draft of the Black Point Community Plan. Secondly, a contract was awarded to the engineering firm of Cooper Clark and Associates to undertake the preparation of a cumulative

impact study regarding the continued use of septic tanks within the Black Point area.

In a report presented to the Planning Commission in August, 1978 and the Board of Supervisors in September, the consultants reached the following conclusions:

1. When property designed, constructed and maintained, septic tank systems have a high degree of reliability over a reasonable life period. However, historically, in general practice, septic systems have been poorly designed and maintained and thus have had a high rate of failure.
2. The State Water Resources Control Board has recently adopted policies which encourage use of individual sewage disposal systems in rural areas where sewers are uneconomical to construct.
3. The Regional Water Quality Control Board has adopted a separate policy requesting that local Health Authorities adopt regulations requiring certain determinations be made in the use of septic tanks and that periodic inspections be made by a responsible public body or that maintenance districts be established to assure the long-term maintenance of individual sewage disposal systems.
4. The regulations accompanying the Marin County Septic Tank Ordinance (Chapter 18.06, Marin County Code) requiring 1 to 2 acre minimum lot sizes depending on slope is almost never a controlling factor since it

does not apply if it can be demonstrated that a proposed septic tank and drainfield design will meet the other provisions of the ordinance.

5. The solid bedrock areas are generally shallow and exhibit a high initial permeability rate in the upper layers but a very low permeability rate in the hardpan area and when saturated.
6. Alluvium soils have good permeability but have seasonally high groundwater conditions.
7. In general, the soils found on the ridges and in the valleys are better suited for operation of septic tank drainfields than are the thinner soils found on the slopes.
8. With the exception of septic tank drainfield failures along the waterfront of the Petaluma River and observations of seasonal high groundwater conditions in alluvium soils, the septic tank experience in Black Point has been relatively good. Some drainfield failures have occurred in the bedrock areas of Black Point primarily due to the general impermeability of the hardpan layer and saturated soils; however, where the lot size is adequate, drainfields can usually be extended to mitigate the failure.
9. Based on the analysis of possible cumulative impacts, use of minimum lot sizes of 3/4 acre to one acre should minimize the chance of drainfield failure and adverse cumulative impacts for both the bedrock and alluvium areas providing the sewage disposal systems

are properly designed for slope and soil conditions and are properly maintained.

10. Most areas of Black Point except the Gridiron area are developing with one acre lots which should be adequate in terms of minimizing failures and cumulative impacts provided the systems are properly designed and maintained.
11. In the Gridiron, failures and adverse cumulative impacts could occur if the area continues to develop with 10,000 square foot lots.

The consultants made the following recommendations based on these findings:

1. Percolation tests should be reported as the drop in water level in the final hour of the test.
2. Setbacks from off-site land features and existing or potential future off-site improvements should be considered in the approval process.
3. Where the soil mantle is thin and percolation is marginal, the use of a valved system plus reservation for a replacement system should be required.
4. Special engineering such as mounding should be required for construction of drainfields in poorly drained alluvium areas.
5. Special engineering including increased setbacks, valved systems and wider trench spacing, should be required for drainfields designed on slopes exceeding 20%.



6. Lot sizes of 3/4 acre to one acre on level ground should be viewed as the minimum size necessary to minimize the probability of failures or adverse cumulative impacts.
7. In order to assure that septic tank failures are corrected and any adverse cumulative impacts are mitigated, a public agency should be empowered to make periodic inspections of all septic systems in order to assure that they are properly maintained.

The Planning Commission recommends that before any septic tank enforcement program is started, low-interest loans be made available to eligible homeowners, to assure that residents will not be forced to leave, due to the inability to make improvements.

The Planning Department staff in its report to the Planning Commission, made the following additional recommendations, if individual septic systems are to be employed as the long-term waste disposal method for Black Point. These were also endorsed by the Regional Water Quality Control Board:

1. For flat parcels, 3/4 of an acre should be the minimum parcel size and parcel size should be increased to 2 acres minimum at 25% slope. It is not appropriate to use septic systems on parcels below 3/4 acre or where drainfield slope exceeds 25%.
2. A septic tank maintenance district should be formed to assure proper maintenance of all operating systems and should require bi-annual inspections.

3. Downslope setbacks should be increased so as to insure adjacent parcels a reasonable use of property.
4. Before approving land divisions/subdivisions and other development proposals, the location of proposed improvements on each parcel and the location of both primary and replacement drainfields must be shown so that required setbacks can be assured.
5. To insure alternate closing and resting, a dual valved drainfield system and a reserve area for an equivalent replacement field should be shown.
6. When considering "engineered" systems that are proposed that would substantially modify these requirements, a performance bond that has sufficient funding to remedy a health hazard for a 5-year period should accompany the application.

The Board of Supervisors has referred these findings and recommendations from the Cumulative Impact Study to the Department of Public Works for consideration of revisions of Chapter 18.06 of Marin County Code, dealing with individual Sewage Disposal Systems.

The Novato Sanitary District is planning to phase out the Bahia treatment plant and build a pump station and pressure pipeline to the Crest-School intersection, thence down School and generally along Olive to the Novato treatment plant. The District plans the trunk line as a high pressure main, to which local service connections would not be possible.

Recognizing the difficulties which would likely be encountered if a septic tank maintenance district were formally proposed for the Black Point area, it is conceivable that a major overhaul to the existing septic tank statutes maintained by Marin County could include a requirement that all septic tanks be subject to bi-annual inspections. Currently, only on-site systems installed since 1971 are subject to reinspection, and it is presumed that many septic tank systems installed prior to that date might be operating improperly. Were all systems subject to inspections, such problem systems could be detected and remedial action taken. There are, however, substantial cost implications to amending this requirement. Obviously, the number of septic tank field inspectors would have to be increased. The ability of the County to assume additional staffing costs in light of current financial constraints is difficult to assess; were such an amendment advanced and adopted, such revised regulations would be applicable on a Countywide basis.

#### 4. Community Facilities:

For years, the old Black Point Inn served as a focal point for the community. In addition to its primary function as a place to eat and drink, it also served importantly as a place for community gatherings.

Because there are no schools or other government buildings within the Planning Area, it was the only place for gatherings

of any magnitude. Since its destruction by fire, community meetings have by necessity been held in the basements, garages, family and living rooms of the residents. Large meetings cannot be conducted within the community and, instead, are held in school facilities in the City of Novato. The Black Point Improvement Club, one of (if not) the oldest such organization in the State, has slowly been accumulating funds for the ultimate purpose of constructing a multi-purpose community center. However, high land and construction costs tend to thwart the earnest efforts of this organization.

When the original draft of this Plan was published, it was suggested that a site for a community gathering facility might exist at the westerly end of the public boat ramp parking lot immediately south of the Highway 37 bridge structure over the Petaluma River. An opportunity for joint use of this facility still prevails. Additionally, through the use of Housing and Community Development Act Block Grant funding, an alternative site located within the old Black Point area has been suggested. Located off Grandview Avenue and downsloping towards the unimproved right-of-way of Mistletoe Road, this site would offer good convenience to the residents of old Black Point and reasonable convenience to residents whose homes are located in the northerly component of the Planning Area. However, due to its steepness, the development of off-street parking facilities to support a community gathering facility would prove extremely difficult. This same site has

been proposed for residential development and various proposals to accomplish this goal have been submitted to the County Planning Department. Actual development for residential purposes has been deterred due to the applicability of the interim ordinance previously discussed. Perhaps HCDA funds which are available for acquisition of this difficult site could be used for the same purpose should this site not be acquired.

Since the destruction of the historic Black Point Inn by fire a few years ago, there has been absolutely no public or quasi-public place for the conduct of either public meetings nor for social and/or local cultural events. Meetings for groups such as the Black Point Planning Group have of necessity been conducted in the limited confines of residential garages or family rooms. The size of such rooms has frequently limited attendance. Even the Marin County Planning Commission in their deliberation of the Black Point Community Plan has found itself reliant upon either Civic Center facilities or those of a comparable nature found in the City of Novato. It is conceivable that a permanent community structure could accommodate a myriad number of uses, limited in scope only by the local residents desire to utilize the building.

Local active recreational opportunities are limited due to the general absence of school playgrounds and other sites to accommodate traditional activities such as baseball,

basketball, etc. As the area continues to experience residential development, local streets have experienced increased use as playfields, a forced and not necessarily desirable alternative to defined and developed playfield areas. Moreover, as equestrian activities increase in popularity, and in the absence of any defined and separated equestrian trail system within the Planning Area, use of the same streets for horseback riding purposes has accelerated. The results of this situation are less than desirable at best and hazardous at worst.

The Petaluma River offers varied recreational activities including boating and fishing. Its presence adjacent to Black Point gives Black Point the unique status of being the only river sited community in all of Marin County. The importance of this natural resource for both recreational and visual purposes is a key element in giving Black Point a unique identity.

##### 5. Local Government:

As is evident in the previous portions of this plan, Black Point receives its services through tax payments to various special districts and to the County of Marin. There is no special district coincident with the overall boundaries of the Planning Area. While residents of the Black Point area have not expressed a particular desire for incorporation as a city, there is general feeling against total or incremental

annexations by the City of Novato. The recent passage of the Statewide Proposition 13 property tax reform initiative may have bearing on both the annexation policies of the City of Novato and upon any efforts to establish a locally elected district covering Black Point. For example, while a majority of voters within the Planning Area might approve the establishment of a local district, current regulations would require a two-thirds majority of all registered voters within such a district in order to establish a tax rate. Likewise, the financial constraints on the City of Novato through the same initiative will likely diminish the furtherance of an aggressive annexation campaign in the Black Point area. With substantially reduced property tax resources resultant from Proposition 13, the capital improvement funding capability of the County has been sharply curtailed. Previously stated local community goals such as the development of an equestrian trail system will continue to receive governmental moral support but the funding to achieve such programs is probably no longer available. The Black Point area cannot expect to see increased public services provided by special districts which serve the community. For example, the fire fighting training center located on Atherton Avenue which could be further developed as a local fire station to improve response time to the area will undoubtedly remain a training center. Restrictions on revenue generations through property tax increases prevent the funding of both capital improvement projects, i.e., new fire stations, as well as the manpower to maintain such stations. Proposition 13 will, therefore, have

a profound effect upon Black Point.

6. Policies, Programs, Impacts and Mitigation Measures:

Public Services

1. Seek approval from the County of Marin to construct a locally financed community center on lands located adjoining and west of the County installed and maintained boat ramp parking lot south of Highway 37 - Petaluma River Bridge.

Impacts:

Except for short term impacts associated with the construction of a community center at the requested location were this policy recommendation accepted, i.e., noise, dust, limited use of energy to power mechanical devices, etc., no adverse impacts are identified. The actual establishment of a community center to provide a local place for community meetings will likely create positive social impacts.

Mitigation Measure:

None necessary.

2. Establish a locally represented citizens' advisory group to perform such diverse functions as advising the County on land development proposals within the Planning Area; and maintaining open lines of communication with nearby political subdivision such as



the City of Novato on issues such as the Pleasure Faire, preservation of the flood plains as open space and the future use of Hamilton Air Force Base, and the County of Sonoma relative to present and future land use policies on the east side of the Petaluma River.

Impacts:

The establishment of a local citizens' group and its formal recognition by the County of Marin would not in itself create any adverse impacts. Indeed, the work of such a group could conceivably help assure and maintain the integrity of the Black Point area as a rural residential area.

Mitigation Measure:

None necessary.

3. Work with the City of Novato and the Marin County Local Agency Formation Commission in developing and establishing either a Sphere of Influence for Black Point into which annexations by the City of Novato would be prohibited, or seek the development and establishment of an Urban Limit Line surrounding Novato beyond which the annexations into Black Point would be barred.

Impacts:

The establishment of a Black Point Sphere of Influence is viewed as a positive impact in that piecemeal and

premature conversion of rural lands to urban use would be eliminated. Costly extensions of the infrastructures necessary to support urban development, i.e., water mains and roadway widening projects could thus be avoided or substantially minimized. Moreover, the establishment of such a Sphere of Influence would prove beneficial to the taxpayers in the City of Novato as well.

Mitigation measure:

None necessary.

## CIRCULATION

ROADS AND STREETS

WATERWAYS

RAILWAYS

PUBLIC TRANSPORTATION

TRAILS

POLICIES, PROGRAMS, IMPACTS AND MITIGATION  
MEASURES

## CIRCULATION

### ROADS AND STREETS:

The Black Point area is presently served by two access roads: Highway 37, a limited access divided highway maintained by the State which traverses the Planning Area on an east-west route and designated by the Novato General Plan as a scenic highway; and Atherton Avenue, County maintained and designated as an arterial road by the Marin Countywide Plan and traversing the Planning Area on a north-south route.

The remaining streets and roadways within the Planning Area fall within the classification of Residential Roads or Residential Cul-de-Sac Roads. As is evidenced in the Roadway Status Report found within the Appendix of this Plan, few of the existing roads currently meet existing County standards, and many roads and streets are not publicly maintained.

While the School Road/Crest Drive thruway, Harbor Drive, Grandview from the junction at Harbor Drive to the hilltop at the Liebert Gates are County maintained, Iolanthus, extending from Grandview and providing access to the Gridiron and to Day Island is not a publicly maintained road. Some streets such as Cedar, Mistletoe, San Rafael and Bay View exist on paper only. The situation is particularly acute in the Gridiron area where streets were platted without regard to topographic conditions. Although it would be highly desirable to upgrade the substandard streets and roads within the

Planning Area, local funding assistance for such a major program is not (nor is it likely to become) available. Therefore, any upgrading of such streets and roads will continue to remain the responsibility of the owners of the adjoining parcels. Were such roadways brought up to prevailing County right-of-way and improvement standards, the County might consider accepting the roads for public maintenance.

Recognizing that the Black Point community is experiencing new development and growth, newly proposed streets and roadways can be designed to meet current County standards as prescribed by Section 24.04 of Title 24 of the Marin County Code regardless of whether such roadways are to be offered for public dedication or to be maintained as private streets. As cited earlier in this Plan, the nature and design of both old and new roadways has been a grave concern of the Novato Fire Protection District. New roadways within the northerly component of the Planning Area extend up and down ridgelines and end in cul-de-sacs. These new roadways are generally fairly narrow in width in comparison with the density and traffic that the present zoning could produce. In the old Black Point area, the main road providing access to the area (Grandview) is also relatively narrow and circuitous. Once past this bottleneck, the situation further erodes within the Gridiron, where gradients sometimes exceed 25% and where paving improvements are non-existent.

A long desired community goal to minimize part of the area's access and circulation problems has been the use and development of the Mistletoe right-of-way as a secondary or one-way couplet access to old Black Point. Although development of this right-of-way can be accomplished, there exists virtually parallel and partially within the Mistletoe right-of-way a seasonal water course. Because of this natural condition, future improvement of the Mistletoe right-of-way could prove extremely expensive at both design and construction stages. An alternate route using the existing rights-of-way of Beattie and Murphy Lane plus a connection in between could become the major two-way access to old Black Point. This alternative was also identified by the Planning Department in its overall review of the Gridiron area in old Black Point. That study suggested that Oak and Laurel be linked about 250 feet above the San Rafael right-of-way and that cul-de-sacs suitable for fire protection vehicles be developed at the ends of Norton, Holly and Grandview/Mistletoe.

#### WATERWAYS:

The Petaluma River located on the easterly boundary of the Black Point Planning Area, is one of four (4) navigable rivers in the State of California. Until the early 1950's, the Petaluma River (then called Petaluma Creek) was used extensively for marine navigation and commerce. The river steamer "Gold" made a nightly run between San Francisco and Petaluma conveying passengers, eggs and chickens until 1952, for example.

Today, however, although the River channel is maintained by the Army Corps of Engineers, the waterway is used by pleasure craft primarily. To accommodate the needs of boaters, the County has installed a boat launching ramp alongside the Highway 37 bridge, a facility which enjoys substantial public use. Across the river and located within Sonoma County is the Shellmaker project. Developed in recent years as an industrial/commercial and recreational project, the shoreline and adjoining marsh have been substantially altered. Visible from Black Point, the project has long been of grave concern to residents of the community. In addition to visually impacting Black Point, increased marine use of the river could have a degrading impact upon the waterway. High speed boating activities could create wave actions which could degrade the surrounding marshy low-lands as habitat areas. The noise alone from high powered watercraft can disturb the habitat value of this area.

River commerce and cargo volumes (approximately 300,000 tons annually) on the river consist primarily of sandy gravel, shell, grain, concrete and petroleum.

#### RAILWAYS:

Paralleling State Highway 37 on an east-west route is the Northwestern Pacific Railroad Line, a subsidiary of the Southern Pacific Transportation Company. Passenger service on the line was abandoned decades ago and only freight service is currently provided. This railroad provides service to the two

industries located within the Planning Area: a lumber yard and a beer warehousing and distributing facility. While serving local Black Point industries, this rail line's primary importance is its linkage between the Southern Pacific main line at Fairfield-Suisun City via Shellville to the west and the entire Pacific Northwest area of California. The frequency of service on the line varies with lumber loadings from Northern California and the shipment of goods and materials to both San Rafael and points north. At least two scheduled freights pass through Black Point each day. The swing railroad bridge across the Petaluma River is normally kept in the open position until approaching trains necessitate its closure by a bridge tender. This permits unimpeded use of the river for watercraft and prevents unsafe trespassing on the bridge itself. The horizontal clearance is 110 ft., vertical clearance is 7 ft. The bridge was built in 1911.

#### PUBLIC TRANSPORTATION:

Pacific Greyhound Lines provides two round trips daily between San Francisco and Black Point. Stops are located on Highway 37 at the Atherton Avenue off-ramp for northbound coaches and at Crest Road for southbound coaches. Because of the limited population within the Planning Area, no bus service is provided by the Golden Gate Bridge, Highway and Transportation District. Although residents of the area favor improved transit service, the likelihood of actually achieving improved service is remote at this time. Property owners



within the Planning Area pay the same 5¢ per \$100.00 of assessed valuation as do other property owners within Marin County for the support of the Marin County Transit District. Although local Black Point residents cannot claim any direct benefit from the payment of taxes to support local transit services, increase in population resultant from the build-out of the Black Point Community might ultimately warrant an extension of local transit service to the area. Should improved public transit be extended to the Black Point Planning Area along the Highway 37 corridor, it would be appropriate to introduce a limited number of parking spaces in the vicinity of bus stops for the benefit of commuters. However, because the introduction of such improved services in the future cannot be reliably predicated, the exact location of such support parking facilities cannot be quantified as to the exact number of spaces nor as to the precise location of such support facilities.

#### TRAILS:

As noted earlier, as the Black Point Community continues to develop, the need for an equestrian trail system will escalate. While the community has expressed a strong desire for the introduction of such a trail system into the community via its public opinion survey, the funding capability of the County to undertake such a project remains remote. And because most roadways have been laid out along narrow and steep

ridgelines, the ability to secure additional right-of-way widths to accommodate an equestrian trail becomes difficult. Further, the subdivision of undeveloped lands into standard residential sites further prevents the establishment of integrated open space areas where equestrian activities could otherwise occur. The establishment of any trail system will therefore of necessity involve the willingness of concerned and affected property owners to grant equestrian rights-of-way to one another in order to develop such a trail system.

#### POLICIES, PROGRAMS, IMPACTS AND MITIGATION MEASURES:

##### CIRCULATION

1. Request the Marin County Department of Public Works to undertake a specific design and engineering study for the establishment of a new roadway serving the Gridiron area using the "paper" right-of-way of Mistletoe Avenue. Were it proven feasible to develop this right-of-way, Mistletoe and Grandview Avenues could function as one-way couplets to serve the old Black Point and Gridiron areas.

##### Impacts:

The full impacts and necessary mitigation measures of this policy would have to be fully addressed during and after design phase and prior to any construction activities.

2. Seek as a long-term goal the establishment of regular commuter bus service from Black Point to San Francisco and points in Marin County when the population of the community

increases sufficiently to create a reasonably economical patronage level.

Impacts:

The future introduction of commuter bus service to and from Black Point will diminish reliance upon the private automobile and therefore will have a salutary impact upon the conservation of automotive fuel, a National resource in critical supply.

3. In order to maintain the rural character of the Planning area, new streets and roads should be developed at the minimum scale commensurate with anticipated traffic projections and for fire protection purposes.

Impacts:

Minimizing roadway improvements in the new developments will diminish the extent and degree of environmental damage to presently undeveloped areas. However, the introduction of new roadways carries a secondary impact when homes are constructed on parcels served by such new roadways. Removal of trees, grasses and allied vegetation and the disruption of habitat areas are direct impacts of such development.

Mitigation Measures:

Require the clustering of new dwellings to minimize the length of new roadway; require the preparation of Environmental Assessments prior to the development of new roadway proposals to avoid to the extent possible identified habitat areas or areas of geological instability.

4. Retain the Marin Countywide Plan designation of Atherton Avenue as an "Arterial Road" with eventual improvement as a two-lane road using County funds. Until a more comprehensive traffic study is done, no new traffic lanes or turning lanes should be added. Designate Crest Road as a Residential Feeder Road terminating at the intersection of School Road and Anton Way; designate all other streets and roads within the Black Point Planning Area as either "Residential Road" or "Residential Cul-de-Sac Roads."

Impacts:

The designation of Atherton Avenue as an "Arterial Road" was based upon existing and projected traffic volumes. It is already being used at this level of service. A reduction in the level of improvement without a decrease in projected traffic would result in increased level of exhaust pollutants.

5. Require as a condition of development within the Gridiron area the improvement of interior roadways subject to further analysis by the Public Works Department. Cul-de-sacs near the ends of Norton, Holly and Grandview/Mistletoe should be given priority consideration.

Impacts:

Roadway improvements as outlined in the above policy are intended as mitigation measures to a presently precarious situation which prevents the Novato Fire Protection District from rendering adequate fire protection services.

Short-term impacts associated with this policy include noise and dust from construction equipment and negligible use of non-replenishable fuels.

6. Maintain the existing service road which extends around the base of the Gridiron area as an alternative emergency route for both residents of the area, for emergency service vehicles, and for potential use as an emergency exit from the adjoining Pleasure Faire property.

Impacts:

As this roadway exists, no impacts are associated from its designation as an emergency route in the event of fire or similar disaster.

7. Upon further development of the Bahia area in the incorporated area immediately north of Black Point, seek the connection of the two stub ends of Crest Road in the northerly component of the Planning Area to serve only as:
  - a. Emergency services roadway for fire protection vehicles.
  - b. An equestrian and pedestrian trail.

It should be clearly stated that the plan opposes any connection of these two roadway elements as a normally travelled vehicular route. Such a change could present untenable traffic burdens on the otherwise rural character of the area.

Impacts:

Impacts associated with the creation of an emergency services and pedestrian/equestrian link between the presently unconnected ends of Crest Road are viewed as mitigation measures to the existing absence of fully adequate fire protection circulation routes and to the absence of pedestrian and equestrian trails within the Planning Area. The short-term impacts associated with the actual development of this connector for specialized purposes is far outweighed by the positive benefits which would accrue to the Planning Area as a result of such improvements.

8. Request the Department of Public Works to evaluate routes for additional access between Atherton Avenue and Crest Road, to improve fire protection access and to help redistribute traffic destined for Crest Road and the cul-de-sacs along Crest Road.

Impacts:

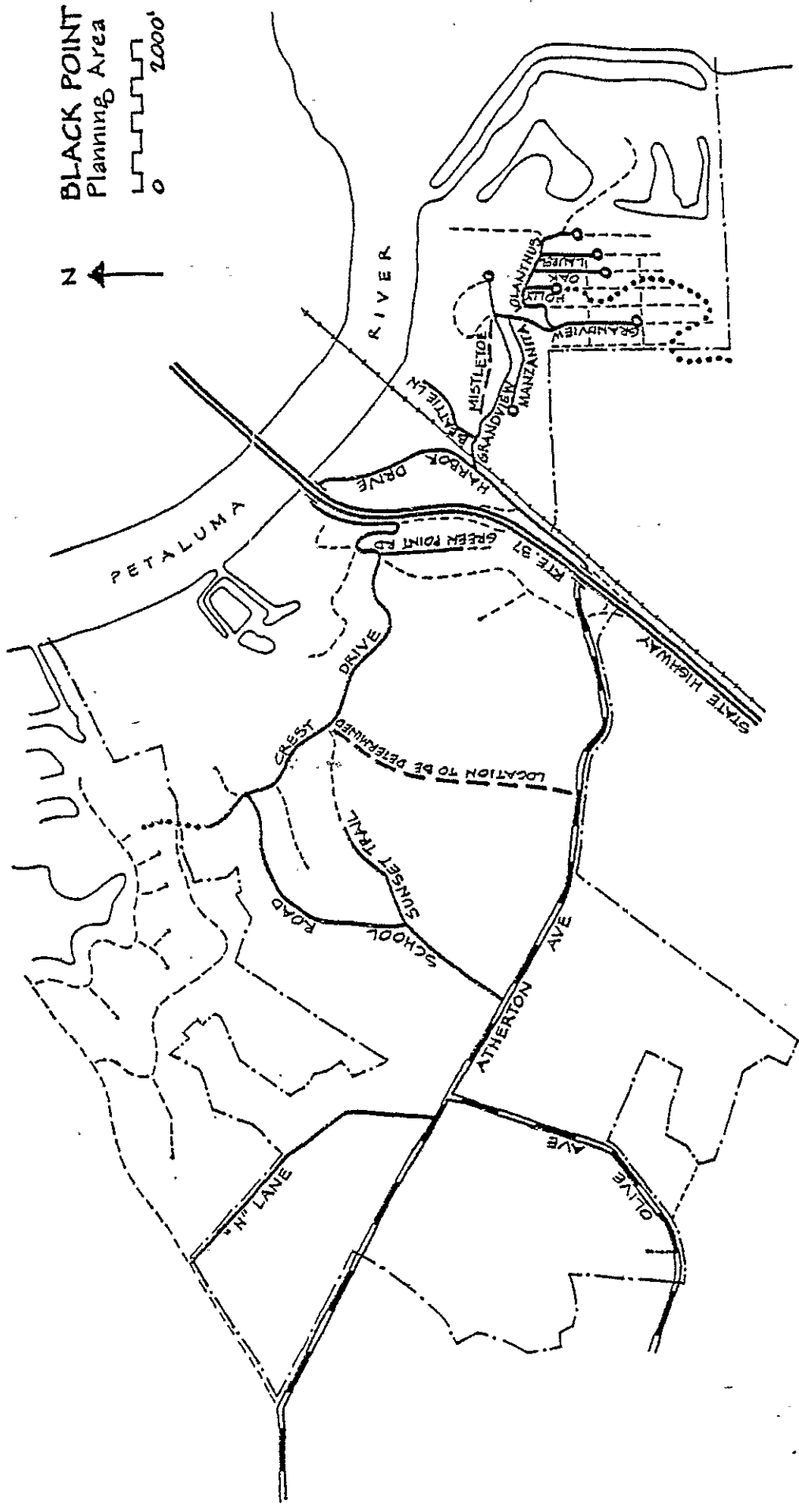
Would be determined at the time of specific alignments is recommended

9. Where feasible, developments should include trails for pedestrian and equestrian use.

Impacts:

Would be determined as part of evaluation of development proposals.

BLACK POINT  
Planning Area



**CIRCULATION**

- ==== FOUR-LANE ARTERIAL HIGHWAY
- ==== TWO-LANE ARTERIAL ROAD
- EXISTING ACCESS ROAD
- - - PROPOSED NEW ACCESS ROAD
- ..... EMERGENCY ACCESS ROUTE
- o POSSIBLE CUL DE SAC LOCATIONS

## ENVIRONMENTAL IMPACT REPORT SUMMARY

ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

ALTERNATIVES TO THE PROPOSED ACTION

SHORT TERM USES

IRREVERSIBLE ENVIRONMENTAL CHANGES

GROWTH INDUCING IMPACTS

ENERGY CONSERVATION MEASURES



Any Significant Environmental Effects Which Cannot Be Avoided  
If the Proposal is Implemented:

There are no recommendations in the Black Point Community Plan which demonstrate the potential of either major adverse environmental impact or which cannot be readily mitigated. The Plan advances few actual projects which involve either major expenditures of funds or depletion of resources. The Plan primarily addresses aspects of form and design of development, minor services or facilities which are expected to enhance the communities social environment, etc. The Community Plan, however, covers a limited area and cannot propose or seek to implement measures relating to the surrounding incorporated and unincorporated areas. The future of Black Point as a rural residential community depends as much on the future of these surrounding lands as it does on the events which occur within the community itself.

Alternatives to the Proposed Action:

The Black Point Community Plan is the product of community evaluation of alternative means of achieving local goals. Because the Plan is essentially a series of policy recommendations, it is impossible to dissect the policies as though they were discrete projects unrelated to one another. Where a policy has recommended an action with the potential of adversely impacting the environment, the impacts and options have been defined and identified. The alternative of "No

Project", i.e., no Community Plan, would result in the maintenance of current policies, programs and regulations which presently govern the community, contrary to the stated goals of the residents and property owners within the community.

The Relationship Between Local Short Term Uses of Man's Environment and the Maintenance and Enhancement of Long Term Productivity:

The recommendations of the Community Plan are designed to benefit the local community and its physical environment. Community goals expressed in the document reveal an interest in improving conditions and the physical environment to both enhance its value to wildlife and people. Certain proposals, such as the creation of a new roadway using Beattie connected to Murphy Lane via a new right-of-way for ingress and egress to the old Black Point area, have the potential to adversely affect the environment as well as benefiting the environment. The degree to which adverse impacts can be avoided depends upon the actual design of the projects. The community will have to weigh the advantages of these projects against the specific impacts in order to determine the balance or ultimate beneficial effects of the projects.

Any Irreversible Environmental Changes Which Would be Involved In the Action Should it be Implemented:

The implementation of the Plan policies contained within this document would irreversibly commit only minor resources

(only a Countywide or Regional scale) such as construction materials for the recommended projects. Most policies are conceptual and direct programmatic changes involving little or no physical effect on the environment.

The Growth Inducing Impact of the Proposed Action:

The Community Plan is a series of policy actions rather than a proposed action, and has the potential of directing and guiding community growth. Numerous externalities (including public agencies and economic factors) will directly influence the actual implementation of the Plan and determine the rate at which the community grows and changes. A general stabilization of land use policies and regulations resultant from the Plan could stimulate interest in additional development, but recognizing the limited amount of undeveloped large parcels within the Planning Area suitable for conversion to residential development, future growth will generally be limited to "in filling" areas, growth inducing impacts of the Plan itself will be negligible.

Energy Conservation Measures:

Only a few of the policies and programs advanced in this Community Plan relate to the utilization of energy. Implementation of the Plan will result in no significant utilization or conservation of energy.

APPENDIX 1

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 770

AN ORDINANCE OF THE CITY OF NOVATO ADOPTING THE LIVING HISTORY CENTRE MASTER PLAN TEXT AND MAP IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF NOVATO ZONING ORDINANCE (ORDINANCE NO. 8) AND THE CONSERVATION AND PLANNING LAW OF THE STATE OF CALIFORNIA

THE CITY COUNCIL OF THE CITY OF NOVATO DOES ORDAIN AS FOLLOWS:

SECTION 1: The City Planning Commission on November 7, 1977, did approve the Living History Centre Master Plan consisting of Master Plan and text exhibits prepared by Garret Eckbo & Associates, dated September 30, 1977.

SECTION 2: The City Council has reviewed said written Master Plan Text and Map, held a public hearing thereon, and made the following findings:

1. That the master plan is in conformance with the applicable goals and policies of the Novato General Plan.
2. That the master plan complies with the use limitations of the specific Planned District to which it relates.
3. That the proposed development can be adequately, reasonably and conveniently served by public services, public conveniences, public utilities and public facilities.
4. That the development concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood.

SECTION 3: The Council of the City of Novato does hereby approve and adopt same as the Living History Centre Master Plan subject to the following conditions:

See attached list E-16

SECTION 4: This ordinance shall be published once in the Novato Advance, a newspaper of general circulation, published in the City of Novato within fifteen (15) days after its passage and adoption and shall go into effect thirty (30) days after the date of its passage and adoption.

\* \* \* \* \*

THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 13th day of December, 1977, and was passed and adopted at a regular meeting of the Novato City Council on the 10th day of January, by the following vote:

AYES: Council Members YORKE, STOCKWELL, WILHELM, MILANO

NOES: Council Members BURKE

ABSENT: Council Members NONE

/s/ David Milano  
Mayor of the City of Novato

Attest:

/s/ Peggy Lehigh  
City Clerk of the City of Novato

Approved as to form:

/s/ Clark Palmer  
Clark Palmer, City Attorney

LIST OF CONDITIONS

1. The master plan for the Living History Centre consists of the following:
  - a. A set of graphic exhibits, including Sheet 6, entitled "Living History Centre Proposed Master Plan" prepared by Garrett Eckbo & Associates of San Francisco.
  - b. A master plan text entitled "Living History Centre Master Plan" dated 9/30/77, also prepared by Garrett Eckbo & Associates.
2. Only those activities described in the master plan text shall be considered allowable uses for the property. Prior to use of the property for any activities (with the exception of agricultural production, routine maintenance, and security) a precise development plan, providing a detailed description of an activity or group of activities, including all required support systems and utility improvements, shall be filed for review and approval by the Novato Planning Commission.
3. The following limitations and procedures apply only to major events, defined as those activities with maximum daily attendance in excess of 2000 people:
  - a. There shall be a maximum of two (2) major events during the calendar year. One event shall be limited to four consecutive weekends plus one weekday holiday, and the other shall be limited to six consecutive weekends plus one weekday holiday. Should an event be cancelled on one or more days due to inclement weather or other comparable circumstances beyond the control of the applicants, one additional weekend (two additional days) may be allowed immediately following the event. Criteria by which this allowance may be made will be established through precise plan approval.
  - b. Precise development plans for major events shall be submitted for final approval at a public hearing before the Novato City Council following hearing by the Planning Commission.
  - c. Precise development plans for major events shall include an Operations Plan, describing (through the use of text or graphics) those aspects of the event which require periodic monitoring and adjustment to assure acceptable impacts for the surrounding community. The Operations Plan shall be composed of the following elements:
    - 1) A program to manage traffic generated by the event both on-site and at the Atherton freeway interchange. This program shall be submitted for review and comment by the Novato Planning and Public Works Departments, CalTrans, California Highway Patrol, and Northwestern Pacific Railroad. Off-site road improvements may be required by the City to ensure traffic safety.
    - 2) A fire safety plan with proposals to ensure an acceptable risk for the event as determined by the Novato Fire District and Novato Planning Department. Proposals may be required to include any or all of the following:
      - a) Fire patrol stations and procedures.
      - b) Firebreaks and fire roads.
      - c) Water supply (main and hydrant) locations.
      - d) Crowd control measures.
      - e) Emergency evacuation procedures.
      - f) Fire-retardant landscaping and/or irrigation.
      - g) Fire-resistive construction techniques.

- 3) A noise control plan for physical improvements and/or restrictions on the conduct of activities to ensure that noise impact on neighboring homes meets the Neighborhood Sound Environment Goal for a "rural-suburban very quiet" neighborhood in the Novato General Plan. Said plan shall include methods by which noise levels can be monitored and who will perform such monitoring. Exceptions to the General Plan noise standard will be made only for nonrecurring sources related to required improvements (such as construction of the 8-inch water main in 1977).
  - 4) Dust control procedures which may include paving or periodic surface treatment of roads and paths, scheduling of service vehicles and safety patrols, and revegetation of exposed soils. Such procedures shall ensure that airborne dust generated by the event does not reach a level that is visually apparent from neighboring homesites.
  - 5) A camping plan establishing the location, maximum area, and number of temporary campsites for event participants which describes in detail the improvements necessary to meet the Health and safety requirements established by the California Department of Housing and the Marin County Division of Environmental Health. The camping element shall also include a statement outlining rules and regulations to be enforced with regard to all campers to prevent potential security, noise, and safety problems.
  - 6) An attendance control system ensuring that maximum daily attendance levels, to be established by precise plan approval, are adhered to; said system to include a method by which attendance levels can be reasonably monitored.
  - 7) Other control mechanisms which may require periodic review and adjustment, as deemed necessary by the City, to ensure acceptable environmental impacts on the Black Point neighborhood from the subject event.
- d. Unless this requirement is waived by the City Council as provided below, the Operations Plan for each major event shall be submitted, each year after the initial precise plan approval, for review by the Novato Zoning Administrator to ensure continued acceptable impacts on the surrounding community. Such submittal shall be made at least 150 days prior to the planned commencement date of the event.

The Zoning Administrator shall consider the Operations Plan as a regularly scheduled public hearing and shall give notice thereof to affected public agencies and the Black Point Improvement Association. His consideration and action shall be based on environmental impacts of the past year's event as well as any modifications to the Operations Plan proposed by the applicant. The Zoning Administrator may continue action on the Operations Plan pending the receipt of additional data, modification of the Plan, completion of physical on-site improvements, or receipt of reasonable assurance that such improvements will be completed. However, if the Zoning Administrator does not take action to approve or disapprove the Operations Plan at least 75 days prior to the planned commencement date of the event, the Operations Plan shall be deemed approved. The Zoning Administrator shall act to deny the Operations Plan only if he determines that the event as proposed cannot be conducted without threat of material injury or loss to persons or property. If the Operations Plan is denied by the Zoning Administrator, the applicants may resubmit the Plan in order to demonstrate compliance with the Zoning Administrator's requirements or they may appeal the action of the Zoning Administrator to the City Council. The City Council shall act upon such appeal no later than 50 days prior to the commencement of the event.

If the requirements of the applicable precise development plan or of the Operations Plan are materially breached during the course of the event (as determined by the Zoning Administrator) the City will require immediate correction and may seek injunctive relief seeking corrective remedies and/or discontinuation of all or a portion of the event. Failure to meet any requirements of the precise plan or Operations Plan will be considered in reviewing the following year's Operations Plan and may also constitute grounds for reevaluation of the precise plan by the City Council.

This requirement for review and approval of a particular Operations Plan by the Zoning Administrator may be removed by the City Council at any future time should the Council determine that such periodic monitoring is no longer necessary to protect the public. Subsequent events shall continue to be subject to the provisions and requirements of the precise plan and latest applicable Operations Plan. Any modifications of the event, however, shall be submitted to the Zoning Administrator who may request the City Council to restate the annual approval process to ensure acceptable community impact.

4. Precise development plans for any activity may be required to contain any or all of the following types of information:
  - a. A study prepared by a naturalist, biologist, or similarly qualified professional describing impacts on existing vegetation and agricultural production from the proposed use including soil compaction, drainage, grading, and tree removal. The study shall include remedies for any adverse impacts reported.
  - b. A detailed archaeological reconnaissance of areas encompassed by the precise plan prepared by a qualified archaeologist to include remedies for any adverse impacts.
  - c. A detailed soils report prepared by an engineering geologist for those areas proposed for significant physical improvement or grading to include remedies for any geologic, soils, or seismic hazards reported.
  - d. A plan for provision of all utilities required for the proposed activities based on information provided by utility agencies. Utility improvements may be phased based on a specific schedule set forth in the precise plan text and approved by said agencies.
5. The first precise plans describing a major event shall include the following:
  - a. A detailed plan and phasing schedule for on-site circulation improvements to include construction of a paved road from project entrance to project exit (with the exception of streets within parking areas), construction of a bus driveway and bus parking pad, construction of a continuous bike/pedestrian trail from project entrance to the event site, and improvement of a service road to the entrance of the event. Improvements shall be designed in accordance with requirements of the Novato Public Works and Planning Departments, based on the Novato Development Standards Ordinance. Phasing of construction for said improvements shall be determined through the precise development plan approval process. The City reserves the right to require additional circulation improvements necessary to support activities proposed in subsequent precise development plans, including surfacing of service and emergency roads to limit dust generation and to facilitate emergency access. Should a public crossing of the Northwestern Pacific Railroad be required as a result of traffic caused by Living History Centre activities, the owners of the Living History Centre shall bear the total cost of such construction.
  - b. A landscape plan and phasing schedule for landscape installation, prepared by a registered landscape architect, to include screen treatment of parking, service, maintenance, and camping areas; definition of site entrance and entrance to major event areas; and revegetation of pregraded or newly graded areas. Materials chosen shall extend native planting wind-row planting typical of agricultural uses in this area. Phasing of landscape installation shall not extend beyond three years from the date of precise plan approval. Landscaping beyond the scope of this plan may be required with subsequent precise plan approvals.
6. Precise development plans for activities requiring significant physical improvements in the Early California History Site shall include engineered plans for recontouring the quarry site to natural-appearing topography and plans for revegetation of exposed slope areas supplemental to the landscape plan required under Condition 5.

7. Precise development plans proposing building construction (other than temporary events or maintenance structures), grading, landscaping, or significant signing shall be submitted for review and approval of the Novato Plan Review Committee based on considerations contained in the Novato Zoning Ordinance (Chapter 8.17) prior to issuance of building, grading, or sign permits.
8. Camping area designations shall be deleted from the master plan exhibit. Camping areas will be approved based on information contained on the camping element of the Operations Plan for major events or with precise plans for other activities including a camping function. In no case shall the total number of tent or RV campsites combined exceed 50 at any given time.
9. Permanent staff camping shall be located and described in the first submitted precise plan. It is the intent of the master plan to have staff camping replaced by permanent on-site housing for full-time staff. A plan and schedule for conversion to such housing shall be submitted with precise plans for the first major event. Should the applicants be unable or unwilling to convert staff camping to permanent on-site housing within a reasonable time period, the staff camping area must be removed.
10. Permanent structures may be located within the 100-year floodplain or on bay mud strata only if it can be demonstrated that foundation and building design incorporate suitable engineering techniques to ensure acceptable risk to life and property for the range of uses proposed as determined by the Novato Building Inspection Division and Public Works Department and the Marin County Flood Control District.
11. Owners and applicants are advised that compliance with requirements and conditions listed does not relieve them from compliance with provisions of all applicable City ordinances and regulations or with requirements of other agencies having authority over proposed activities.
12. Following a period of three years from ordinance adoption, the City Council may initiate reevaluation of any or all activities of the master plan for which precise plans have not been approved should circumstances have changed such that those elements are no longer in conformance with community goals and policies as stated in the Novato General Plan.
13. The Nova Albion site and use shall be deleted from the master plan and text. This area may be utilized for expansion of the Early California History site, the Administration complex, or private open space with boundaries to be determined at the precise plan stage.
14. The first precise plans describing a major event shall contain a cost/benefit analysis of a new project access from Highway 37 at the southwest corner of the property.
15. The precise plan for the Renaissance Faire shall include proposals to reduce peak hour traffic volumes which may include revised exiting procedures, variable ticket prices, and scheduling of events within the Faire.



APPENDIX 2

SUMMARY OF POLICIES AND PROGRAM RECOMMENDATIONS - BLACK POINT COMMUNITY PLAN

<u>POLICY</u>	<u>PROGRAM</u>	<u>RESPONSIBILITY/COST IMPLICATIONS</u>
<u>RESIDENTIAL</u>		
1. North Black Point: limit development in accordance with environmental and service constraints.	1. Rezone to A-RP-2 with density adjustments to 1 unit/1½ acres if environmental problems are solved on specific sites.	} County. Budgeted for FY 1978-79 }
2. South Black Point: restrict development in order to attain minimum lot sizes and public health and safety standards.	2a. Retain A-2 zoning from railroad through gridiron. 2b. Adopt Gridiron Plan supporting amalgamation of lots to minimum of 1 acre, and restricting development of lots of smaller size, more than 30% slope, and less than 15 feet in elevation.	
<u>COMMERCIAL/LIGHT INDUSTRIAL</u>		
3. Encourage resident-serving and employment-generating development in the village core.	3. Rezone to V-C-R.	County. Budgeted for FY 1978-79
4. Restrict commercial/recreational development in and around the Renaissance Pleasure Faire.	4. Establish a Black Point Citizens' advisory committee to plan cooperatively with Novato, the County, and with other public agencies.	County, City of Novato. No major costs.
5. Restrict non-residential, non-agricultural development across the river in Sonoma County.	5. Establish a Black Point Citizens' advisory committee to plan cooperatively with Novato, the County, and with other public agencies.	County, City of Novato. No major costs.
<u>CONSERVATION/OPEN SPACE</u>		
6. Preserve environmentally critical areas.	6a. Acquire Day Island; prevent intense recreational development.	Open Space/Flood Control Districts. Funds allocated.
	6b. Implement State protection policies for Petaluma River wetlands.	County, State, Project review costs.
	6c. Rezone Novato Bay Plain lands and Petaluma River wetlands to ARP-60.	County. Budgeted for FY 1978-79
	6d. Rezone publicly-owned property to O=A	County. Budgeted for FY 1978-79

POLICY

PUBLIC SERVICES

- 7. Establish a center for community activities.
- 8. Officially recognize the status of Black Point as an unincorporated village.

CIRCULATION

- 9. Improve access in Old Black Point, to meet basic safety and welfare standards.

PROGRAM

- 7. Develop a community center adjoining County boat ramp or on alternate location.
- 8. Establish sphere of influence or urban limit line, with City of Novato.

- 9a. Develop Grandview and Mistletoe as one-way couplets.
- 9b. Link Oak and Laurel; develop cul-de-sacs for fire access.

- 9c. Maintain service road around base of Gridiron for emergency access.

- 10a. Establish commuter bus service to San Francisco and points in Marin

- 11a. Develop Atherton as a two-lane arterial.
- 11b. Connect Crest Road to Bahia as an emergency/trail route only.

- 10. Improve public transit

- 11. Develop new streets and roads at a minimum standard consistent with the area's rural character and with public safety requirements.

RESPONSIBILITY/COST IMPLICATIONS

County. Would require allocation of additional Block Grant funds.

County, City of Novato, LAFCO. Would require funds for study.

County Department of Public Works. No funds available now for study or construction. Some improvements possible as conditions of development approval.

County. Minimal maintenance costs.

Golden Gate Bridge District. Would require fund allocation.

County. Would require fund allocation.

RESOLUTION NO. 78-453

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS ADOPTING AMENDMENTS TO THE BLACK POINT COMMUNITY PLAN.

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WHEREAS: The Marin County Board of Supervisors on October 31, 1978 adopted the Black Point Community Plan, in accordance with State of California requirements for general plans, and

WHEREAS: The Board of Supervisors on November 7, 1978, requested the Marin County Planning Commission to consider initiating an amendment to the community plan, particularly with respect to density recommendations for the area north of Route 37, and

WHEREAS: The Marin County Planning Commission on November 20, 1978, held a duly noticed public hearing on amendments to the Black Point Community Plan, and

WHEREAS: The Planning Commission did initiate such amendments, with respect to the density for areas north of Route 37, based on findings of community character, public services, public safety, and circulation, and

WHEREAS: The Planning Commission has recommended that the Board amend the Community Plan to provide for a lower density in portions of the area north of Route 37, as indicated in the Commission's November 20, 1978 Minutes, and

WHEREAS: The Board of Supervisors has held a duly noticed public hearing on December 12, 1978, to consider the proposed amendment, and

WHEREAS: The Board of Supervisors sustains the findings of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED: That the Marin County Board of Supervisors does hereby amend the Black Point Community Plan as follows:

- 1) In the area north of Route 37 and east of Atherton, eliminate the prevailing A-2:B-3.5-SC No. 2 (Limited Agriculture, one single family residence per 30,000 square feet or larger minimum parcel area) district classification in favor of the A-RP-2 (Agriculture, Residential Planned, 2 acre per dwelling unit minimum

parcel area) district classification, except for the lowland marsh and tidal areas of the Petaluma River Bay Plain to the west of the Planning Area, and except for the Rosewood Court area, which is largely developed and should remain in the present zoning. In those areas where slope of building and septic site is 15% or less and road concerns and fire protection are adequate, a  $1\frac{1}{2}$  acre minimum will be considered. Gross density shall be increased to no more than one unit per  $1\frac{1}{2}$  acres.

- 2) In the area west of Atherton and north of Olive Avenue, now zoned A-2 and A-2:B-4, except for the lowland and Rosewood Court areas noted above, the zoning should be changed to A-RP-2 (one unit per two acres), with provisions for higher density as in (1) above.

THE FOREGOING RESOLUTION PASSED AND ADOPTED by the Board of Supervisors of the County of Marin on the 12th day of December 1978, by the following vote, to-wit:

AYES: Supervisors: Denis T. Rice, Barbara Boxer, Gary Giacomini, Arnold M. Baptiste  
NOES: - Supervisors: Bob Roumiguere  
ABSENT: Supervisors: -

Arnold M. Baptiste  
CHAIRMAN OF THE BOARD OF SUPERVISORS  
COUNTY OF MARIN

Attest:

Peter Meyer  
Clerk of the Board

APPROVED AS TO FORM  
W. John Uez  
COUNTY COUNSEL'S OFFICE  
MARIN COUNTY, CALIFORNIA

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION NO. 78-414

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS ADOPTING THE BLACK POINT COMMUNITY PLAN.

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WHEREAS: The State of California requires each city and county to prepare and adopt a comprehensive long-term general plan for its future development, and

WHEREAS: The Marin County Board of Supervisors on October 20, 1973, has adopted such a general plan, the Marin Countywide Plan, and

WHEREAS: It is the policy of the Marin County Board of Supervisors and the Planning Commission to prepare more detailed plans for the unincorporated communities within the County, and

WHEREAS: The Black Point Community Plan was prepared by the County Planning Department in close cooperation with the community and in consultation with various local, State, and Federal agencies, and

WHEREAS: The Marin County Board of Supervisors has reviewed the environmental impact report for the Black Point Community Plan certified by the Marin County Planning Commission on October 5, 1973, and

WHEREAS: The Black Point Community Plan essentially conforms with the Countywide Plan, and reflects the important goals and recommendations of the Countywide Plan for the City-Centered Corridor, although the Board of Supervisors recognizes that in preparing more detailed community plan certain minor conflicts and deviations from the more general Countywide Plan are unavoidable, and

WHEREAS: In the opinion of the Board of Supervisors the Black Point Community Plan reflects a high degree of community consensus regarding the future development and conservation of the Black Point planning area, and

WHEREAS: The Black Point Community Plan, like any other general plan, after its adoption shall be from time to time reviewed,

and if necessary, amended to adjust the plan to changing conditions,  
and

WHEREAS: The Board of Supervisors on October 31, 1978 has  
held a duly noticed public hearing on the Black Point Community  
Plan.

NOW, THEREFORE, BE IT RESOLVED: That the Marin County Board  
of Supervisors hereby adopts the Black Point Community Plan as  
recommended by the Marin County Planning Commission on October 5,  
and as amended by Board of Supervisors  
1978, and including the following maps:

- . Existing Zoning
- . Slope
- . Proposed Zoning
- . Circulation

THE FOREGOING RESOLUTION PASSED AND ADOPTED by the Board of  
Supervisors of the County of Marin on the 31st day of October, 1978  
by the following vote, to-wit:

AYES: Supervisors: Arnold M. Baptiste, Barbara Boxer, Gary Giacomini,  
Bob Roumiguieres

NOES: Supervisors: -

ABSENT: Supervisors: Denis T. Rice

*Bob Roumiguieres*  
CHAIRMAN OF THE BOARD OF SUPERVISORS  
COUNTY OF MARIN

Attest:

*Peter Meyer*

Clerk of the Board

APPROVED AS TO FORM

COUNTY COUNSEL'S OFFICE  
MARIN COUNTY, CALIFORNIA