



**STAFF REPORT TO THE MARIN COUNTY  
AIRPORT LAND USE COMMISSION**  
Housing Element Update

**Recommendation:**      **1. Review Administrative Record**  
   **2. Conduct a Public Hearing**  
   **3. Provide comments**

**Hearing Date:**                      **January 9, 2023**

Application No(s):      Not  
   Applicable

Agenda Item:

Last Date for Action:      Not  
   Applicable

Owner(s):                      Multiple  
Assessor's Parcel No(s):      143-101-17, 143-101-20, 143-  
   101-35, 143-101-37, 125-180-  
   79, 125-180-85, 153-190-24,  
   and 143-110-31

Property Address:              Housing Element Sites in  
   Gross Field Referral Area

Project Planner:              Immanuel Bereket

Signature:                      *Immanuel Bereket*

**PROJECT SUMMARY**

Marin County staff requests the Airport Land Use Commission (ALUC) review and comment on the County's 2023-2031 Housing Element Update (HE Update) as it pertains to the Gross Field Airport Land Use Plan (ALUP). The HE Update identifies and analyzes the County's existing and projected housing needs and contains goals, policies, objectives, and programs to address those needs. The Housing Element Update proposes housing opportunity sites that are within the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces, including sites within the horizontal, conical, and transitional surfaces as shown in Attachment No. 3.

Section 65583 of the Government Code sets forth the specific requirements of the County's housing element. Included in these requirements are obligations to provide the County's "fair share" of the regional housing needs. This fair share is determined through the Regional Housing Needs Assessment (RHNA) process, which in the Bay Area is facilitated by the Association of Bay Area Governments (ABAG). For the 2023 to 2031 planning period, the unincorporated County was allocated a total of 3,569 housing units, including 1,734 for extremely low/very low-income, 512 for moderate-income, and 1,323 for above-moderate income households. The new unit allocation is approximately 12 percent of the County's current housing stock.

The HE Update identifies sites which could accommodate the required 3,569 new residential units to meet the RHNA. The County’s housing strategy to meet its RHNA obligations involves amending the Housing Overlay Designation (HOD) Countywide Plan designation and establishing an HOD zoning district, which would apply to all the Housing Element sites, including eight sites within the Gross Field Airport Referral Area Boundary, listed in Table 1 below. The Housing Element sites are dispersed throughout the unincorporated area of the County and include 153 Assessor’s parcels (see Attachment No. 2 for a Complete Housing Element Sites list).

**Table 1: Housing Element Sites within the Airport Referral Boundary**

Site Name	Parcel Number	Address	Density Designation	Total Units
Atherton Corridor	143-101-17	Atherton Avenue	20 units per acre. Limited to 2.75 acres	147
	143-101-20		20 units per acre. Limited to 2.5 acres	
	143-101-35		20 units per acre. Limited to 0.2 acres	
	143-101-37			
Buck Center Vacant Property	125-180-79	Redwood Hwy	20 units per acre. Limited to 12.5 acres	249
	125-180-85			
Greenpoint Nursery	153-190-24	275 Olive Avenue	15 units per acre. Limited to 3.5 acres.	53
Vacant Blackpoint	143-110-31	300 Olive Avenue	16 units per acre. Limited to 4 acres.	58

Of these eight sites, two sites, together referred to as Buck Center Vacant Property, are within Traffic Zone/FAR Part 77 Horizontal Surface, and four sites are located in the Overflight Zone/FAR Part 77 Conical Surface.

The amended HOD zone would require Countywide Plan and the Development Code amendments for each Housing Element site, including eight sites within the Gross Field Airport Referral Area Boundary. Countywide Plan redesignation maps and rezoning maps of the HOD sites will be prepared for the Board of Supervisors hearing currently scheduled for January 24, 2023. Changes to the Countywide Plan are in Attachment 3 and the Development Code in Attachment 4.

**BACKGROUND**

The Housing Element is one of the seven mandatory elements of the General Plan. State law requires all cities and counties in California to adopt a Housing Element as part of their General Plans. The Housing Element must be updated every eight years and certified by the State. Through the Housing Element, each jurisdiction must demonstrate that it is accommodating its fair share of the region’s housing needs and taking proactive measures to accommodate housing of all types for persons of all incomes. All cities and counties are subject to this requirement, regardless of their size, physical constraints, or real estate market characteristics.

The current Housing Element cycle (referred to as the “6th Cycle”) extends from January 1, 2023 through December 31, 2031. To comply with State law, the County must show that it has the capacity to add at least 3,569 housing units during this period,. The new unit allocation is approximately 12 percent of the County’s current housing stock.

No individual housing development projects are being reviewed or approved as part of the Housing Element update. At the time that development is proposed, while some housing could be approved using a ministerial process consistent with State law, the County would consider any health and safety issues in its review and would apply standard requirements related to noise within the Referral Area. ALUP Policy SZ-7.2 requires that any proposed development project, including general plan amendments and rezoning, be referred to the ALUC for review and comment. Housing opportunity sites included in the HE Update are located within the Gness Field Airport Referral Area Boundary. Therefore, the ALUC is being asked to review and comment on the proposed Countywide Plan amendments, Development Code amendments, and rezonings. Pursuant to Policy Statements 4.3 (b) and (c), the ALUC does not have the authority to approve or deny the proposed HE Update.

## **AIRPORT LAND USE PLAN POLICY ANALYSIS**

The Marin County Airport is located in an unincorporated area of Marin County, between U.S. Highway 101 and the Petaluma River. There is one existing northwest-southeast runway, which is 3,300 feet long and 60 feet wide. The runway was constructed by the County of Marin in 1965. The airport also includes aircraft parking apron tiedowns, aircraft hangers and associated buildings. The areas immediately surrounding the Marin County Airport are mostly undeveloped wetlands with multiple landowners, including the California Department of Fish and Wildlife. The ALUP includes a second crosswind (northeast-southwest) runway which has not been developed. The County has conveyed the land slated for the crosswind runway to the California Department of Fish and Wildlife for conservation purposes; therefore it is reasonable to conclude that this crosswind runway will not be feasible to develop.

The ALUP establishes Aviation Safety Zones, which help define the areas in which land use and/or zoning restrictions are established to protect public safety on the ground. There are five Aviation Safety Zones: 1) Clear Zone, 2) Approach Zone, 3) Traffic Zone, 4) Overflight Zone, and 5) Referral Area Boundary. Under the ALUP Policy SZ-7.2, the ALUC is required to review development projects located within the Gness Field Airport Referral Area Boundary.

Two of the parcels proposed for rezoning, both on the Buck Center property, are located within the Traffic Zone/FAR Part 77 Horizontal Surface (Aviation Safety Zone 3), (refer to Attachment 4). The Traffic Zone includes area under the flight paths of aircrafts as they prepare for landing or perform initial departure from the airport. This zone is designed to protect this area from obstructions and generally encompasses the traffic pattern area. Guidelines in place at the time of preparation of the ALUP called for this zone to extend 5,200 feet from the runway's ends. The Traffic Pattern Zone for Gness Field is more expansive, extending 5,200 feet from all edges of both the existing north-south runway and the undeveloped crosswind runway.

Four of the Housing Element sites within the Atherton Corridor are in the Overflight Zone/FAR Part 77 Conical Surface (Aviation Safety Zone 4), also shown in Attachment 4. This zone is the area in which aircraft are generally ascending or descending, but outside the flight paths for initial ascent or final descent and therefore risks in this area are considered minimal. As with the Traffic Zone, the Overflight Zone in the ALUP encompasses both the actual and the planned runway areas.

The final two Housing Element sites within the Referral Area are located along Olive Avenue. The Referral Area extends beyond the safety zones defined by typical aircraft maneuvers to include all land area within two miles of the airport's existing and potential runways.

The Housing Element sites were identified by the Board of Supervisors based on approved Guiding Principles that included, among others, ensuring a countywide distribution of units, addressing racial equity and historic patterns of segregation, and encouraging infill in areas close to transportation and services. With the significant increase in RHNA from the 5<sup>th</sup> Cycle allocation of 185 units to the 6<sup>th</sup> Cycle allocation of 3,569 units, Community Development Agency staff and consultants, the Planning Commission, and the Board of Supervisors included public input in identifying adequate sites that would be suitable for housing in the unincorporated portions of the county.

The HE Update sites in the ALUP Referral Area were identified because they provide adequate development capacity and on balance satisfy most or all of the Guiding Principles. Northern Marin and unincorporated Novato have a limited supply of properties suitable for development.. The Housing Element sites in the Referral Area together are proposed to accommodate over 500 homes. With the large size of the Referral Area encapsulating both the actual and potential runways, excluding sites in the Referral Area from the HE Update would significantly compromise the Housing Element and the effort to enable fairly-distributed and adequate housing in the county.

#### Height Restrictions:

The Buck Center Vacant Property is located within the Traffic Zone /FAR Part 77 Horizontal Surface and the Atherton Corridor properties are located within the Overflight Zone/FAR Part 77 Conical Surface(refer to Attachment No. 3). The ALUP does not specify height restrictions in these zones. No structures are proposed at this time, and future projects would be reviewed for safety by the ALUC prior to approval. Further, the exact location and building placement on the sites would be reviewed for consistency with any applicable height restrictions.

#### Density and Residential Use Restrictions:

Under ALUP Policy SZ-4.1, no new residential development should be allowed within the Traffic Zone. ALUP Policy SZ-4.1 includes two exceptions: 1) a development proposal which demonstrates to the ALUC that the housing units proposed in the Traffic Zone cannot be located on a portion of the property outside the Traffic Zone and would therefore deny the property owner a reasonable use of the property; and, 2) any development that is permitted in the Traffic Zone shall be limited to two units per acre of land within the project development area or the density allowed by zoning, whichever is less. Further, under ALUP Policy SZ-5.1, new residential uses in the Overflight Zone/Conical 77 Surface should be limited to a maximum of four dwelling units per gross acre, this restriction would apply to all four properties along Atherton Avenue.

The HE Update proposes Countywide Plan and zoning amendments to facilitate housing developments within Traffic and Overflight zones at a density of 20 units per acre, which is the minimum permissible default density under the State housing laws.

#### Noise Restrictions:

Under Policy BC-1.2, the ALUP noise contours use Community Noise Equivalent Level (CNEL) for depicting noise disruption from aviation activity. The ALUP uses 66 and 55 decibel (dB) CNEL noise contours and includes different noise mitigation based on the type of use exposed to aviation noise. Under ALUP Policy NC-1.4, new residential development should be prohibited within the 60 dB CNEL, while Policy NC-1.6 requires acoustical analysis for new residential development within 55 dB CNEL. Policy NC-1.5 requires a noise easement as a condition of

approval for projects within 60 dB CNEL. These requirements would be applicable to development on the Housing Element sites.

### Other Considerations

The current ALUP was adopted in 1991 and assumes that there will be an additional expansion of Gness Field Airport including the crosswinds runway. The land for the crosswinds runway, which was previously owned by the County of Marin, has been conveyed to the California Department of Fish and Wildlife for conservation purposes. Further, the California Department of Transportation (Caltrans) adopted an updated Caltrans Airport Land Use Planning Handbook in 2011. The Safety Zones in the 2011 Caltrans Airport Land Use Planning Handbook are different than those used in the current ALUP. Among other changes, the 2011 Caltrans Airport Land Use Planning Handbook relaxes housing density standards, allowing greater residential density per acre than currently permitted by the ALUP.

The Marin County Department of Public Works is currently considering an extension of the existing runway by 300 feet to north. This extension would not affect safety zones or considerations associated with any of the HE Update Sites.

No specific housing developments are proposed at this time and future development would be required to undergo development review on a project-by-project basis. The HE Update demonstrates to the California Department of Housing & Community Development Department (HCD) through the site inventory availability of sufficient sites to achieve the RHNA. The change in CWP and Zoning designations are necessary to comply with the State housing laws. Any future project on these sites would be subject to review on a project-by-project basis.

The purpose of the HE Update and the RHNA is to support increased housing supply and affordability and to affirmatively further fair housing by addressing patterns of residential segregation in Marin County which have been documented through an extensive public engagement process. In contrast, the ALUP itself recognizes that the risks associated with aircraft overflight in the areas beyond the runway approach zones are minimal and provides safety zones for a runway that will not be built without significant action, including re-transfer of land relinquished by the County for conservation purposes. While the ALUP would indicate that there are aviation-related constraints to housing on sites in the various portions of the Referral Area, an update to the ALUP that considers a realistic runway configuration and is based on Caltrans' updated guidance is needed to understand the necessary provisions for safe and suitable housing development in the vicinity of Gness Field.

### **RECOMMENDATION**

Staff recommends that the Airport Land Use Commission review the administrative record, conduct a public hearing, and provide comments regarding the proposed project.

Attachments:

1. Housing Element Sites list
2. Airport Land Use Plan Safety Zones Map (Figure 3.1)
3. Changes to the Countywide Plan
4. Changes to the Development Code