
MEASURE SUBMITTED TO THE VOTERS

MUNICIPAL

**CITY OF NOVATO
BAHIA REFERENDUM
MEASURE A**

A Shall the master plan ordinance (City of Novato Ordinance No. 1437) establishing certain land use regulations which will allow the development of the Bahia residential project be adopted?

**CITY OF NOVATO
BAHIA REFERENDUM
IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE A**

On January 9, 2001, the City Council for the City of Novato approved Master Plan Ordinance 1437 ("Bahia Master Plan Ordinance") pertaining to the 654 acre Bahia Property ("Project Site"). The Project Site is located at the northeastern edge of the City of Novato east of U.S. Highway 101 and north of State Highway 37. The Bahia Master Plan Ordinance permitted the development of no more than 117 acres of the 654 acres which comprise the Project Site. The remaining 537 acres of the Project Site would be retained as open space and park land.

Under the City of Novato's planning laws, a master plan ordinance, such as the one at issue in the present case, is a rezoning and zoning text amendment setting forth a specific development proposal for a specific area of land. The Bahia Master Plan Ordinance sets forth the specific development proposal which is proposed for the Project Site in some detail, namely, 424 new single family and townhome units, a community center with a clubhouse, swimming pool and spa, administrative offices and an outdoor turf and picnic area.

Under State law, when a referendum petition, such as that which qualified Measure A for this election, garners a sufficient number of valid signatures, the effective date of the ordinance which is the subject of the petition is suspended. Thus, the effective date of the Bahia Master Plan Ordinance adopted by the Novato City Council has been suspended.

If Measure A is adopted by a majority vote of the voters voting on it, this suspension will be lifted and the Bahia Master Plan Ordinance will become effective. If a majority of the voters do not vote in favor of Measure A, the Bahia Master Plan Ordinance will be ineffective and cannot again be enacted by the City Council for one year after the date of its disapproval by the voters.

Dated: March 5, 2001

JEFFREY A. WALTER
City Attorney

The above statement is an impartial analysis of Measure A (Bahia Master Plan Ordinance 1437), if you desire a copy of the ordinance, please call the Novato City Clerk's Office at (415) 897-4311 and a copy will be mailed at no cost to you.

**ARGUMENTS FOR
AND AGAINST
THIS MEASURE
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ARGUMENT IN FAVOR OF MEASURE A

The Bahia project is another example of Novato's success finding balance among our environmental and economic needs.

The benefits are clear:

- A 531 acre nature preserve
- \$1.6 million for schools
- \$1.3 million for affordable housing

Please read the Marin Independent Journal editorial 12/16/00:

"Bahia: An authentic try to strike a balance

"THE NOVATO CITY Council is taking flak and is being threatened with a referendum. But its approval of a plan last Wednesday to build 424 homes at Bahia is an honest attempt to strike a balance among the environment, Marin's dire need for housing and the property owner's right to build on land zoned for development.

"The proposal reflects a significant reduction from 729 homes that were proposed in 1995. In addition, the development was redesigned to offer even greater protection for the environmental assets of the bayside site. Some 80 percent of the 654-acre site, located on the northeast side of Novato, will remain open as protected open space and community parkland and facilities.

"On the housing front, the development will add 120 town homes and 304 single-family residences to Marin's stock. In addition, the developer will pay \$1.3 million in in-lieu fees toward construction of low and moderate-income housing in Novato.

"At the same time, the developer promises to contribute toward the work needed to correct the siltation problem that has troubled the Bahia lagoon for many years.

"The journey from city approval to construction will likely be rocky, what with the threat of a referendum. It appears certain that public debate will continue, outside of the council chambers, over protecting the blue oaks that stand on the property....

"....Still, the council accomplished its mission of trying to respect our environment while addressing Marin's ever-growing need for additional housing."

Yes on A.

s/ Jon T. Dahlstrom, Bahia Member

s/ Berwyn D. Forsythe, Bahia Member

s/ Gabrielle A. Flather, Bahia Now Committee

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE A

The developer behind Measure A will say anything, claiming things to be true that just aren't so. Enough is enough.

They fail to mention:

Over 200 children will live in these new houses and attend **already overcrowded schools**. These additional children will need classrooms and other facilities that will cost more than the developer is paying, further burdening the finances of an already overwhelmed school district.

They fail to mention:

The developer is required by state law to put money into an affordable housing fund because they **aren't building any affordable homes**.

They fail to mention:

Almost 4,000 new car trips every day and the **additional congestion** these new North Bay commuters will cause on Hwy 101.

They fail to mention:

The developer's "open space" is either hillsides **too steep for development**, or **undevelopable wetlands**.

They fail to mention:

Every major environmental group in Marin opposes this project. They don't mention the **loss of beautiful hillsides, rare wetlands**, and thousands of **healthy oak trees**.

They fail to mention:

The loss of community access to an open water lagoon, and the negative impacts on the existing Rush Creek Open Space preserve.

We oppose the Bahia development because it's a bad project. It's out of balance with the Novato community. **It's bad for commuters, taxpayers, and Novato's schools.**

Vote against school overcrowding.
Vote against more congestion on Hwy 101.
Vote against the loss of open space.
Enough is enough.

Vote NO on Measure A

s/ Harry J. Moore
Former Marin County Supervisor

s/ Eileen Moylan, Treasurer
Atherton Community Association

s/ Carol Bedi
Bahia Homeowner since 1980

s/ Patricia R. Ravitz, Bahia Homeowner
Co-chair, Citizens to Save Bahia

s/ Jan Murray
Former Novato Unified School District Trustee

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ARGUMENT AGAINST MEASURE A

Enough is enough! Once again, the Novato City Council has embraced the developer's agenda, turned its back on Novato citizens, and approved another massive development. And now they're trying to hide the referendum in a special election bought and paid for by the developer. Why? Because the developer thinks that lower voter turnout could make it easier to get approval for a 424-unit development in an isolated corner of northeast Novato.

The developer Art C's proposal will:

- Add almost **4,000 new car trips every day** to our local roads and highway 101, adding to **congestion** on 101 and neighborhood streets.
- Burden Novato's overcrowded schools, **adding over 200 students**. Developer fees won't even cover costs of new facilities for these students.
- Burden Novato's taxpayers, because over time **housing doesn't pay for itself**. Property taxes do not keep up with the cost of providing services.
- **Destroy oak-forested ridgelines**, kill thousands of native trees, and degrade recreational benefits of public trails.

Don't be conned by the developer's deceptive campaign:

- His "donation" of land consists mainly of steep slopes and protected wetlands, property that is extremely difficult to develop under any circumstance.
- Over two hundred Bahia residents have signed a petition adamantly opposing this project and many are working to defeat Art C's proposal.
- The project brings more expensive monster homes to Novato, **not workforce** housing.

Housing development doesn't pay. If it did, why would Novato – the fastest growing city in Marin – be cutting city services and making front-page news with its budget crisis?

This project is bad for congestion, the Bahia neighborhood, our schools, our environment, and all Novato taxpayers. In fact, the only one who benefits from this development is the developer, Art C.

Vote **NO** on Measure A!

s/ Lowell W. Sykes, President
Marin Audubon Society

s/ Nancy P. Mc Carthy, President
Marin United Taxpayers Association

s/ Bernie Meyers
Former Novato Mayor

s/ Lynn Emrich, Co-Chair
Citizens to Save Bahia

s/ Patricia A. Warren
Former Novato Unified School District Trustee

REBUTTAL TO ARGUMENT AGAINST MEASURE A

Once again, extremists have distorted the truth and misled you.

Point One: Their attack on the integrity of the City Council is the worst kind of political rhetoric.

The Marin IJ said it best: "THE NOVATO CITY Council is taking flak... But its approval of a plan... to build 424 homes at Bahia is an honest attempt to strike a balance among the environment, Marin's dire need for housing and the property owner's right to build on land zoned for development... the council accomplished its mission of trying to respect our environment while addressing Marin's ever-growing need for additional housing."

Point Two: Their characterization of traffic on Highway 101 is the worst kind of distortion.

Traffic studies show that the peak hours traffic impacts are only 0.26% increase north of Atherton on 101 and 1.15% south of Atherton on 101.

Point Three: Their misrepresentation of Bahia homeowners is a terrible injustice to the vast majority of the Bahia neighborhood.

Marin Superior Court documents clearly show that the overwhelming majority of the Bahia Homeowners Association families supported the project.

Point Four: Their charge that the project will degrade recreational benefits of public trails is an outright deception.

There are no public trails at Bahia; it's private property. The Bahia Project will create miles of hiking trails and parks for all Novato residents. Even the Bahia Horsemen's Association will be accommodated with the approval of the Bahia Project.

Let's stop the distortions.

Give Bahia A Chance!
Vote "YES" on Measure A

s/ Sy Forsythe
23-Year Resident, Bahia

s/ Jon Dahlstrom
16-Year Resident, Bahia

s/ Gabrielle Flather
Five-Year Resident, Bahia

s/ Anita McClary
24-Year Resident, Bahia

s/ David E. Milano, Former Mayor
Citizen of the Year

END OF MEASURE A

