



THE CITY OF
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Mayor
Eric Lucan
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Jeanne MacLeamy
Councilmembers
Denise Athas
Madeline Kellner
Pat Eklund

City Manager
Michael S. Frank

Planning Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

November 17, 2014

MINUTES

Present: Dan Dawson, Chair
Peter Tiernan, Vice Chair
Robert Jordan
Curtis Havel
Leslie Salazar
Susan Wernick

Absent: Jay Strauss

Staff Present: Bob Brown, Community Development Director
Elizabeth Dunn, Planning Manager
Hans Grunt, Senior Planner
Veronica Nebb, Assistant City Attorney

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

The meeting was called to order.

APPROVAL OF FINAL AGENDA:

M/s, Tiernan/Jordan, Ayes 6 (Dawson, Havel, Jordan, Salazar, Tiernan, Wernick),
Noes 0, Absent: 1 (Strauss) to approve the final agenda.

PUBLIC COMMENT: None

CONSENT CALENDAR:

**1. APPROVAL OF PC MINUTES OF OCTOBER 20, 2014
(RJ,DD,CH,LS,JS,SW)**

M/s, Jordan/Wernick. Ayes: 5 (Dawson, Havel, Jordan, Salazar, Wernick), Noes:
0, Absent: 1 (Strauss), Abstain (Tiernan) to approve the minutes of October 20,
2014 with edits.

CONTINUED ITEMS: None

NEW ITEMS:

2. JUNIOR ACCESSORY DWELLING UNITS ZONING ORDINANCE AMENDMENT (BB)

Consider the adoption of a resolution recommending to the City Council approval of amendments to the Novato Municipal Code (Chapter 19 – Zoning) to allow the permitting of Junior Accessory Dwelling Units and finding that the adoption is exempt from CEQA pursuant to Section 65852.2.

Community Development Director gave a presentation about the issues regarding a Zoning Code Amendment, which would allow Junior Accessory Dwelling Units in existing single family homes. Director Brown indicated that there's a size limit of 500 square feet, a limited wet-bar sized kitchen would be allowed, a bathroom could be private or shared, the use requires a deed restriction and owner occupancy on the property, and will be reviewed through a Use Permit process. The City can count this unit for the purposes of the Regional Housing Need Allocation (RHNA) if this is an independent unit (containing a bathroom, kitchen, and sleeping quarters).

The Commission had the following questions or comments:

There appears to be a discrepancy with parking (response: the parking is not required, as it was approved with the construction of the single family home)

How will this be promoted? Staff will inform the County Realtor and Contractor's Association, the Marin Builder's Exchange, and promote this on the City of Novato website, and in its quarterly newsletter.

Commissioner Tiernan stated that resale inspections catch a lot of illegal second units.

Commissioner Salazar asked if penalties for illegal work are assessed. Yes, and the penalty is three times the cost of the building permit to legalize an illegal unit. She also questioned if units without fire and noise suppression would be allowed if regulations changed, and the answer from staff was yes.

Staff briefly discussed the process to allow or legalize a junior accessory dwelling unit when asked by Commission Havel what the process is.

Commissioner Jordan inquired about the removal of the deed restriction - this requires City approval. A follow up question about limitation to occupancy was asked. Staff's response is that the size of the junior accessory second unit and kitchen will limit the occupancy of the unit.

The public comment period was opened. Three members of the public spoke on this issue: Rachel Ginis, who has been promoting this idea to repurpose existing single family homes to allow this junior accessory dwelling unit, and the former director of the Marin Municipal Water District. He indicated he will work with other water districts, and their fee structure to address that no additional capacity is being added. The third speaker indicated that this proposal will help renters. The public comment period was closed.

COMMISSION COMMENTS:

Commissioners commented that Junior Accessory Dwelling Units offer a good method to create more affordable housing, and legalize the units that already exist. Qualification of some of the units towards our RHNA is a plus.

Commissioner Havel questioned the need for public notice for a ministerial process, since neighbors can't really affect the outcome if the unit meets all zoning criteria. The City Attorney indicated that there may be situations where adding the exterior access could trigger the administrative design review process for second story modifications, which require public notification.

M/s, Tiernan/Jordan. Ayes: 6 (Dawson, Havel, Jordan, Salazar, Tiernan, Wernick), Noes: 0, Absent: 1 (Strauss).

GENERAL BUSINESS:

Director Brown reminded the Commission of their "homework" for the review of their chapters of the General Plan.

UPCOMING AGENDAS AND QUORUMS: (STAFF)

ADJOURNMENT:

Adjourned by the Chair at 8:02pm.