



THE CITY OF  
NOVATO  
CALIFORNIA

# SPECIAL Planning Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

May 17, 2017

922 Machin  
Novato, CA 94945  
415/899-8900  
FAX 415/899-8213  
[www.novato.org](http://www.novato.org)

Mayor  
Denise Athas  
Mayor Pro Tem  
Josh Fryday  
Councilmembers  
Pam Drew  
Pat Eklund  
Eric Lucan

City Manager  
Regan M. Candelario

**Present:** Susan Wernick, Chair  
Curtis Havel, Vice Chair  
Dan Dawson  
Justin Derby  
Jay Strauss

**Absent:** Robert Jordan  
Peter Tiernan

**Staff Present:** Robert Brown, Community Development Director  
Veronica Nebb, Senior Assistant City Attorney  
Steve Marshall, Planning Manager

## CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

## APPROVAL OF FINAL AGENDA

**PUBLIC COMMENT:** None

**CONSENT CALENDAR:** None

**CONTINUED ITEMS:** None

## NEW ITEMS:

1. **HAMILTON SQUARE (SM)  
CEQA MITIGATED NEGATIVE DECLARATION & ERRATA  
P2013-040; USE PERMIT  
970 C STREET; APN 157-980-05**

**(1). Conduct a public hearing to consider and adopt:**

- a. a resolution recommending to the City Council approval of a Revised Initial Study/Mitigated Negative Declaration prepared for Hamilton Square;
- b. a resolution recommending the approval of a use permit authorizing and applying conditions of approval to the removal of 2,800 cubic yards of contaminated soil and its replacement with uncontaminated fill soil at Hamilton Square;

**(2) Consider providing preliminary comments on the residential condominium project proposed at Hamilton Square.**

Planning Manager Marshall presented the staff report.

The Commission asked questions of staff regarding:

- verification of the applicant's claim that utilizing a tent structure was financially infeasible;
- analysis of cancer risk during remediation phase;
- preparation of an EIR versus Mitigated Negative Declaration - would EIR provide more information/mitigation
- Regional Water Board process and relationship to City development review process
- level of mitigation – anything unique and proportionality to project
- duration and timing of remediation
- use permit procedure for remediation
- grading permit and relationship to use permit
- site monitoring – clarify procedures and implementation actions
- noise during remediation phase
- schedule and effect of inclement weather
- depth of excavation across site
- staging and storage of excavated soil
- what are hazards and what is being emitted; dust control

Casey Clement of Thompson Builders and Alex Vondeling of Opticos Design presented the project on behalf of the applicant – focusing on the design and merits of the housing proposal slated to follow the remediation phase of the project.

Paul Thompson of Thompson Builders addressed the issue of the cost to install a tent during the remediation phase.

Members of the Commission questioned Mr. Thompson about use of a tent, the proposed mitigation measures, and demolition of the former gas station.

The public hearing was opened.

Margie Quittie – commented on the project design, suggested wind studies to determine if there are better times of the year or days to perform remediation work.

Kim Stafford (representing Lanham Village HOA) – read a list of concerns from a letter previously submitted to the Planning Commission. Requested a tent be used during remediation; anything less is unacceptable. Expressed concern about dust control, traffic, and hazardous conditions. Noted project requires storm drain easement from Lanham Village. Felt burden of remediation shifted to nearby residents.

Joan Goode – Stated a focused EIR should be prepared for the project due to sensitive receptors. Considers cost of tent to be small in comparison to project. Recommended the Planning Commission vote against the mitigated negative declaration and use permit.

Brigit Nevin – Commented the community is not being heard – even with mitigations and monitoring there is the possibility of exposure to hazardous materials. Stated that trust with the community has been broken. Noted there is nothing ordinary about the project setting – identified SMART station with diesel trains and vehicles on US 101 as creating a cumulative air quality impact.

Marianne Husband – Stated \$400,000 for tenting is logical given the cost of medical bills, lawsuits, and other things that could go wrong. Asked for site to be tented.

Stephanie Mosebrook – Commented that when dealing with VOCs - if emergency occurs exposure has already happened. There is still a large margin of error with mitigation. Referenced failure of dust control with nearby project. Cleaning site without tent is unnecessarily risky.

Dean Bullock – Stated he would like to see the depth of the mitigation plans. What happens if project stops during remediation?

Commissioner Strauss asked if bonding was required if project stops.

Amy Baxt – Questioned what happens in an emergency? What happens to my child? What has already happened to my child? How much is too much exposure? Referenced freeway, SMART station – cumulative exposures.

Michael Heck – Concerned about personal health due to existing medical conditions. Asked about wind and control of dust during non-work hours. May find more contamination and what happens if developer walks away – require a bond. A tent is the only way to proceed.

The public hearing was closed.

Commissioner Strauss inquired about possibility of bonding and the procedure if the developer walks away from site.

Planning Manager Marshall referred to a mud and dust bond required for a grading permit.

Commissioner Havel asked if any consideration had been given to relocating school children during remediation.

Planning Manager Marshall said it was considered, but ruled out since a move would be disruptive

to the children and temporary quarters would require state licensing.

Commissioner Derby asked if other measures beyond a tent were considered – maybe another barrier.

James Reyff, Illingworth & Rodkin, stated winds are variable and a wind break would have openings to allow some wind to pass through.

Chair Wernick asked about details of tarping off-site locations.

Planning Manager Marshall said the environmental monitor would assess off-site locations and develop the details to address tarping areas.

Commissioner Dawson asked if excavation areas could fit under tent.

Planning Manager Marshall said there are options to use a smaller tent and move it as work progresses.

Commissioner Havel asked about a comparison between the exposure levels of a person at a gas station versus someone near the remediation project.

Cem Atabek, Baseline Environmental, stated exposures levels at a gas station would be much higher.

Commissioner Dawson – proposal does not rise to the level of requiring an EIR; additional analysis will not necessarily change anything. A mitigated negative declaration is adequate. A tent is not necessary here; mitigation measures address needs. Supports remediation as proposed.

Commissioner Havel – CEQA document is sufficient and mitigation is adequate. Didn't see any technical report requiring tent. Condition of approval for bonding is a good idea. Support both resolutions, but add bonding condition.

Commissioner Derby – noted need for infill projects from a big picture perspective. CEQA – very thorough job. Doesn't support tent. Supports CEQA document.

Commissioner Strauss – stated there is a responsibility to do everything possible to reflect community concern– don't just defer to experts and speculation. We don't have cost details on tent to weigh costs versus the project. We need to ask the questions of the impact of requiring a tent. Need to find a way accommodate the community's legitimate concerns about safety. Could find a better way to get the project done.

Chair Wernick – will listen to the experts – have faith in experts that have true experience in what they recommend. Requested staff continue to provide detailed information to the public.

Commissioner Havel – noted the latest design changes to the project didn't change the environmental review and remains adequate.

Motion/Second – Havel/Derby to adopt the resolution recommending the City Council approve the revised mitigated negative declaration for Hamilton Square. Passed 4-1-2 (Ayes:, Derby, Dawson, Havel, and Wernick; Nays: Strauss; Absent: Tiernan and Jordan)

Motion/Second – Dawson/Havel to adopt the resolution recommending the City Council approve the proposed use permit to allow remediation of Hamilton Square. Passed 4-1-2 (Ayes:, Derby, Dawson, Havel, and Wernick; Nays: Strauss; Absent: Tiernan and Jordan)

The Planning Commission provided preliminary feedback on the revised site design and building massing/height presented by the applicant for Hamilton Square;

Commissioner Dawson – redesign appears responsive to community comments. Fine with reduced size and lower building height.

Commissioner Havel – architecture is in keeping with Hamilton. Details will look nice.

Commissioner Derby – likes revised project design. Wants to see articulation in the buildings, but thinks details should be left to Design Review Commission.

Commissioner Strauss – likes the redesigned project.

Chair Wernick – Likes mix of styles and pleased to see lower height units. Interested in seeing a model/perspective rendering to understand relationship to Lanham Village. See if more parking can be accommodated.

**GENERAL BUSINESS:** None

**UPCOMING AGENDAS AND QUORUMS:**

Commissioner Havel raised the issue of the Planning Commission providing comments on the proposal for a downtown SMART station. Commissioner Strauss suggested the commissioners attend the City Council hearing on the matter and provide comments. The commissioners present supported placing the matter on a future agenda.

Motion/Second: Havel/Derby to schedule discussion of downtown SMART station for May 22, 2017. Motion passed: 5-0-2 (Ayes: Wernick, Havel, Derby, Strauss, and Dawson; Absent: Tiernan and Jordan).

**ADJOURNMENT:** Meeting adjourned at 10:15 PM.