



# Planning Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

January 28, 2019

THE CITY OF  
NOVATO  
CALIFORNIA

## Minutes

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

City Manager  
Regan M. Candelario

**Present:** Justin Derby, Chair  
David Gabriel, Vice Chair  
Dan Dawson  
Reva Rao  
Peter Tiernan  
Thomas Weldon  
Susan Wernick

**Absent:** None

**Staff Present:** Steve Marshall, Planning Manager  
Hans Grunt, Senior Planner  
Veronica Nebb, Senior Assistant City Attorney

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

#### APPROVAL OF FINAL AGENDA:

Motion/Second: PT/SW to approve final agenda. Motion passed 7-0 (Ayes: Tiernan, Wernick, Gabriel, Rao, Weldon, Dawson, and Derby)

#### PUBLIC COMMENT:

Clay Freeberg – commented on the procedures to conduct the Planning Commission hearing.

**CONSENT CALENDAR:** None

**CONTINUED ITEMS:** None

#### NEW ITEMS:

- WOOD HOLLOW HOTEL (HG)  
P2015-091; CEQA MITIGATED NEGATIVE DECLARATION  
MASTER PLAN  
PRECISE DEVELOPMENT PLAN  
DESIGN REVIEW  
VACATION OF A WAIVER OF VEHICULAR ACCESS  
APN 125-202-13 and -14; 7701 Redwood Boulevard**

**Hold a public hearing and adopt resolutions providing recommendations to the City Council regarding a mitigated negative declaration (IS/MND), master plan/precise development plan, and the adoption of general plan consistency findings relating to a vacation of a portion of a waiver of vehicular access for the Wood Hollow Hotel.**

Senior Planner Grunt presented the staff report.

Roshan Patel, representing Navin LLC (applicant), described the project and provided background on hotel demand in the Northbay. He noted a Hyatt hotel is not represented in Marin and occupancies in Novato in the range of 80%. The project is a unique design – not a prototypical Hyatt hotel.

Paul Smith, representing Navin LLC (applicant), discussed the project's consistency with the General Plan referencing the findings made in the staff report.

Commissioner Tiernan asked whether the bioretention areas represented an expansion of the wetland.

Mr. Smith stated the wetland would be preserved.

Scott Yarken of WR (applicant's biologist) the two bioswales would not expand the wetland. There would be no fill in the wetland or change to hydrology. Drainage water would be routed through the bioretention areas to trap contaminants – improves water quality. Areas within remaining wetland buffer would be seeded with grasses and forbs.

Commissioner Tiernan asked if keeping cattle grazing out of wetland would be an improvement.

Mr. Yarken answered it would be an improvement.

Commissioner Tiernan asked if the drainage system would improve the wetland.

Mr. Yarken noted the lower area is where ponding generally occurs and hydrology would not be affected.

Commissioner Tiernan asked if what frontage improvements would be required – tear up sidewalks and crosswalks.

Senior Planner Grunt noted there would be no changes to stormwater drainage features. Sidewalks already exist and a new crosswalk was installed near the SMART station. Sidewalks damaged due to construction would be repaired by the applicant.

Commissioner Tiernan asked about monument signs for the project.

Senior Planner Grunt said the project would be subject to standard sign requirement. Monument sign of up to 6-feet in height could be considered. No billboards.

Commissioner Tiernan asked about landscaping at the corner of Wood Hollow and Redwood.

Senior Planner Grunt stated landscaping would be installed at the corner outside of the limits of the wetland. Final details would be decided by the Design Review Commission.

Commissioner Tiernan asked about green features in the building.

Mr. Patel stated there is not enough room for solar. However, the project will follow the CalGreen building code.

Commissioner Tiernan asked why the project did not meet the threshold of an EIR.

Senior Planner Grunt said there were no significant and unavoidable impacts resulting from the project.

Commissioner Wernick asked for a description of the retaining wall design, how drainage would be collected at the wall, and how the water would be treated before flowing out to Wood Hollow Drive. She also asked about the stability of the hillside where the project is located.

Wayne Leach (civil engineer to the applicant) stated the geotechnical report indicates the slope is stable and recommends foundation design features. He described how drainage would be collected, treated, and then directed to the public storm drain system.

Commissioner Rao asked about the former soil issue involving the Buck Institute.

Mr. Leach referred to the geotechnical report prepared for the project site, noting borings were taken to assess soil condition and inform foundation design and building loading. He was not familiar with the particulars of the Buck Institute issues but thought it might have been a different scenario.

Chair Derby asked what prevented the building from being located further up-slope given the PG&E gas lines and wetland.

Mr. Leach observed the site having a number of constraints that were considered in siting the building, including native trees on the upslope areas of the site.

Senior Planner Grunt noted the Hillside Ordinance had the effect of reducing the size of the building and directs preserving trees.

Commissioner Wernick noted the Design Review Commission had concerns about not encroaching into the native trees.

April Phillips (landscape architect to the applicant) offered comments on the use of permeable paving and walls with space for drainage water to drop into a gravel well to slow the water – these are some additional sustainability features in the project.

Commissioner Wernick asked about employee count and traffic - 30 employees total?

Mr. Patel explained there would be three shifts of employees over a 24-hour period and described the typical schedule. Two to three employees on a shift usually.

Commissioner Wernick asked about increasing bicycle parking for employees.

Mr. Patel stated more bicycle parking could be added.

Commissioner Wernick asked about the depth of the PG&E gas lines crossing the site.

Mr. Leach noted that PG&E asked to have the pipes located vertically and horizontally. The pipe depths vary with the project from three to seven feet. PG&E want the pipe deep enough for cover, but not too deep to allow access.

Commissioner Wernick stated it is critical to know the location of the pipes.

Mr. Leach stated PG&E requested more location for pot holing and the mapping is pretty precise.

Vice Chair Gabriel asked about how thirty employees work with 87 parking spaces in an 87 room hotel and the possibility of electrical vehicle charging.

Mr. Patel explained how the parking figure works for a hotel with guest and employee peaks occurring at different times. He said it is possible to look at adding electrical vehicle charging.

Commissioner Rao if it is possible to make the building less visible to the neighbors by utilizing landscaping.

Mr. Patel thought it was possible to use landscaping to improve views.

Commissioner Dawson asked where overflow parking would go.

Mr. Patel reviewed the ITE parking standards for hotels, noting a ratio of .80 parking stall per room, whereas the project provides a 1:1 ratio. Parking is an average – Uber and Lyft reduce parking demand.

Commissioner Dawson asked about the expected lifespan of the natural gas pipes.

Mr. Leach indicated he doesn't know the age or life expectancy. PG&E will have access to the pipes. He noted PG&E would exercise its easement rights if work on the pipelines were necessary.

Commissioner Tiernan asked if PG&E would rip through the wetland.

Mr. Leach stated PG&E would be responsible as the impactor.

Commissioner Weldon respects priority for safety with development in proximity to PG&E's gas line and questioned if this project is unusual with regard to its proximity to PG&E's gas lines.

Senior Planner Grunt noted that because the site has never been developed there may be an increased awareness of the gas lines, but pointed out that existing and planned developments in similar proximity to PG&E's gas transmission lines is not uncommon as mentioned examples

including Trader Joe's, the newly constructed downtown bus transfer facility and recently entitled developments (Residence Inn and Park a Pup).

Public comment opened.

Robert Atkinson – questioned whether the hotel would be a Hyatt product based on its room count. Asked the developer to produce a letter from Hyatt indicating its intent to operate the hotel.

Ron Dowling – contested the project noting diminishment of the wetland, height variation, gas pipeline hazard, lack of public transportation – noted there were other opportunities in Novato for a hotel.

Hayden Nevins – noted the height exception requested and wetland buffer. Consider a smaller hotel.

Marilyn Kenna – contested the project and stated a hotel in an affluent area is in poor taste.

Melissa Perry – noted letters submitted to the Planning Division. Asked that the buffer around the wetland not be reduced for the project. Stated boxed trees in the parking lot will not like the project renderings. The project is too big and takes away from the character of the area. An EIR is necessary.

Melody Baird – commented on the potential hazard of construction over the PG&E gas lines and referenced federal recommendations. Do not adopt the Initial Study/Mitigated Negative Declaration.

Bertie Freeberg – commented on the history of the gas pipelines and noted speaking with a PG&E engineer. Claimed one pipeline is “aged out.” Recommended obtaining the exact condition of pipeline 21G. Noted the jurisdictional wetland delineation re-certified by the Army Corps of Engineers expired in September 2018. Wetland boundaries need to be reassessed.

Clay Freeberg – commented on the North Redwood Corridor Study and General Plan 2035 update. He noted the emphasis on planning to support land uses with high paying jobs. A hotel next to housing is not the best fit. He expressed concern about a budget hotel.

Michael Hooper – owned project site for 17 years; purchased with intent to develop office project. No office interest over his 17 year ownership. Hotel is a good use on a commercial site – designated for commercial use since 1979. Same gas line easements cross affordable housing opportunity site No. 3 (AHO 3) – Housing Element EIR addressed gas line issue – no significant impact. Pleased with the hotel design by the Patel group.

Coy Smith – CEO Novato Chamber of Commerce – unanimous supports for the project. He noted the occupancy rate in Novato is significant. Novato does not have a mix of hotels – more options encourage people to stay here.

Kim O'Brien – questioned whether the hillside was stable, if another hotel is necessary, where overflow would go, and where bikes are parked.

Bill Bradfield – stated parking math does not work, noting the various users that would demand parking.

Joe Robinson – contested the project stating there is no reason for an extended stay hotel, noting BioMarin and Fireman’s fund have left the area.

Meg Hoolahan – contested the project; don’t ruin what makes Novato for NASCAR.

Roberta Robinson – contested the project and questioned why more hotels are necessary.

Public comment closed.

Chair Derby asked about reverification of the wetland.

Mr. Yarken (biologist to applicant) reviewed history of boundary reviews for the wetland area.

Chair Derby confirmed that work within the wetland would require reverification.

Mr. Yarken confirmed this observation.

Commissioner Tiernan asked why wetland was considered low quality.

Mr. Yarken described the factors used in wetland assessment. He noted the prevalence of non-native grasses and the lack of water during the dry season. He observed the deeper pool area was furthest away from the hotel.

Chair Derby asked about Hyatt’s commitment to the project.

Mr. Patel introduced a letter submitted by Hyatt noting its interest in the project and pre-approval as Hyatt hotel location.

Chair Derby observed that a hotel cannot be financed without such a commitment.

Mr. Patel confirmed this circumstance.

Chair Derby asked if Hyatt was concerned about the number of rooms.

Mr. Patel said Hyatt was concerned about the room count, but really likes the location.

Commissioner Derby asked if housing was ever considered on the project site.

Senior Planner Grunt said the site was reviewed as a potential housing location during the Housing Element update, but not selected as a housing site.

Commissioner Derby asked about parking on the Fireman’s Fund site – a shared parking arrangement.

Senior Planner Grunt noted the projects meets the City's on-site parking ratio.

Commissioner Tiernan noted the claims about the saturation of hotel rooms. Is there reason or legal standard to say no more hotels.

Senior Assistant City Attorney Nebb address the concept of "urban decay" - arguments that over-saturation could leads to blight. Most challenges of this nature are unsuccessful – need substantial evidence in the record. The use [hotel] is encouraged in the General Plan by specific policy. This becomes a challenge for a developer. The current General Plan policy is the hand dealt to evaluate the project.

Commissioner Wernick asked about comments regarding emergency shut-off valves.

Mr. Leach was unaware of PG&E plans to install emergency shut-off valves.

Commissioner Wernick can we require PG&E records as a condition of approval.

Planning Manager Marshall recommended against such a condition since the City has no authority over PG&E and its uncertain if or when a response might be received.

Commissioner Wernick asked about the parking calculation for Residence Inn.

Planning Manager Marshall responded the same parking ratio used for Residence Inn was applied to the project.

Commissioner Weldon stated the project is balanced with the constraints of the site and risks, representing a good compromise and consistent with the General Plan.

Commissioner Dawson noted this is the first viable project to address site constraints given applicable policies to date.

Commissioner Rao was pleased there were changes made to the project design in response to neighbor concerns.

Vice Chair Gabriel agreed with his colleagues' comments on the project; felt the project was congruent with its site.

Commissioner Wernick agreed with her colleagues, noting this area of town is ripe for great things. The project is good for the overall wellbeing of the City. She was pleased the Design Review Commission reduced the building height and noted the wetlands would be preserved.

Commissioner Tiernan acknowledged there was a lot of transparency in the review process, noting the area is zoned for development. He noted the need to keep things in perspective regarding the PG&E gas lines and the desire to have control over the hotel tenant. However, we'll have to take the owner's word.

Chair Derby stated he likes the hotel design and commented it is possible the state could push high density housing on the site. He recommended bringing a Hyatt representative to the City Council meeting.

Motion/Second: Tiernan/Wernick to adopt resolution recommending the City Council adopt a CEQA Mitigated Negative Declaration for the project. Motion passed 7-0 (Ayes: Tiernan, Wernick, Gabriel, Rao, Weldon, Dawson, and Derby; Nays: None)

Motion/Second: Tiernan/Wernick to adopt resolution recommending the City Council adopt a master plan, precise development plan, and design review for the project. Motion passed 7-0 (Ayes: Tiernan, Wernick, Gabriel, Rao, Weldon, Dawson, and Derby; Nays: None)

Motion/Second: Tiernan/Wernick to adopt resolution recommending the City Council rescind a portion of a waiver of vehicular access applicable to the project site. Motion passed 7-0 (Ayes: Tiernan, Wernick, Gabriel, Rao, Weldon, Dawson, and Derby; Nays: None)

The Planning Commission separately recommended obtaining the PG&E gas line records.

**GENERAL BUSINESS:**

Vice Chair Gabriel requested the Commission consider a future agenda item to discuss the Commission's role in the review of the Capital Improvement Project.

Motion/Second: Gabriel/Rao to add an agenda item to discuss the Planning Commission's role in the review of the Capital Improvement program. Motion passed 7-0 (Ayes: Tiernan, Wernick, Gabriel, Rao, Weldon, Dawson, and Derby; Nays: None)

**UPCOMING AGENDAS AND QUORUMS:** Planning Manager Marshall discussed future meeting schedules.

**ADJOURNMENT:** Commissioner Wernick asked to adjourn the Commission's hearing in honor of retiring Community Development Director Bob Brown. The Meeting Adjourned at 9:35 PM.