

**Affordable Housing Opportunity (AHO) Overlay Site #3
7711 Redwood Boulevard, Novato
AKA Area D2, San Marin Business Park
APN No. 125-580-16 & 125-580-17**

**Design Review
Tentative Map
General Plan Map Amendment
Zoning Map Amendment
Lot Line Adjustment
Density Bonus Law Requests**

April 2019

Project Setting

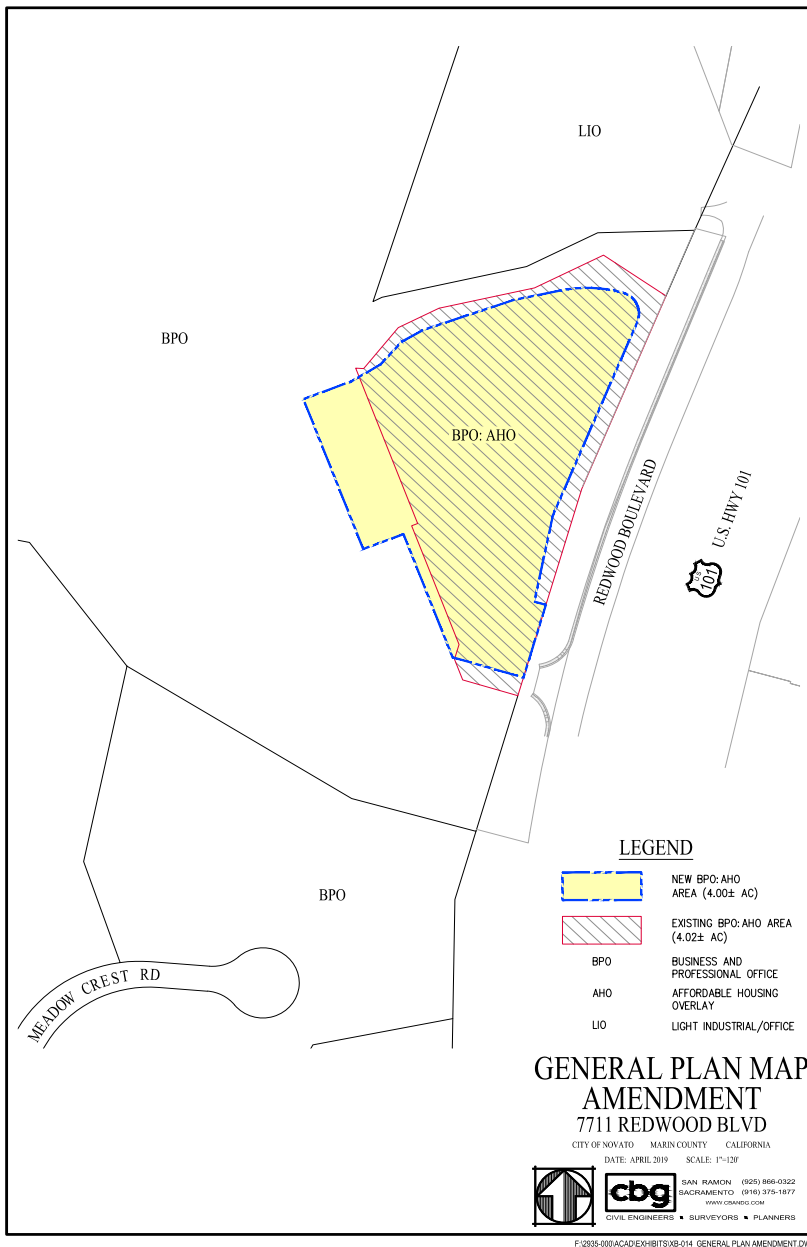
The Project is set in a valley at the foot of Mount Burdell on filled land and is surrounded on three sides by oak studded and woodland hillsides. Buck Center is clearly visible to the north west. A few Partridge Knolls homes are visible 1200 feet away and 200 feet higher in elevation to the west. The Wright family home is on the hillside to the north. Highway 101 and Redwood Blvd are to the east but there is a remnant strip of land from the Highway 101 widening project between the Project site and Redwood Boulevard currently owned by the County of Marin to be conveyed to the City of Novato, portions of which are intended to be conveyed to Campus Properties. Highway 101 and Redwood Boulevard are 10' – 15' higher in elevation than the Project site, but still low enough to provide magnificent views over the freeway. Excellent views of the hillside and woodlands to the south and south west are uninterrupted. For the past 40 years, the Project site has been used for cattle grazing.

The Project site is a 4-acre portion of the original 68-acre San Marin Commerce Park first approved for industrial development in 1979, and of the 40 acres identified as Areas D and E of the San Marin Business Park owned by Campus Properties. The 4-acre Project site was designated as appropriate for residential development of not less than 80 units, and possibly up to 152 units, in the 2013 Novato Housing Element. The Project site is identified in the Housing Element as AHO Overlay Site #3 (and as Area D2 of the San Marin Business Park). It has therefore been designed "Affordable Housing Opportunity Overlay" on the Novato General Plan Land Use Map, and zoned "Affordable Housing Opportunity Overlay" per the Novato Zoning Map.

Areas D1 and E1-3 of the San Marin Business Park continue to be designated in the Novato General Plan as Business and Professional Office (BPO) and are zoned PD. The Wright property is designated in the General Plan as Light Industrial Office (LIO) and zoned PD.

Project Description

The Project comprises 80 for sale townhome units in 14, 3-story buildings, many with roof-top decks, on the 4-acre Project site. The 4-acre parcel is APN 125-580-16 and as shown in the Housing Element, adjusted to include a portion of APN 125-580-17. The adjusted parcel would maintain the same number of units but modify the shape of the 4 acres to exclude all wetlands and add an approximate 27,150 sq.ft. portion of the adjoining APN 125-202-17, largely on the PG & E easement.



The adjusted parcel will be subject to a reciprocal access easement from Redwood Boulevard with Area D1, San Marin Business Park, and the PG & E Pipeline Maintenance easements. The Design Review Board indicated that it prefers the adjusted parcel at its Design Review Workshop on February 6, 2019. The Novato Fire District also prefers the adjusted parcel.

The benefits of the adjusted parcel include improved site layout, fire access, trash collection, parking, and avoidance of wetlands. It will also provide more guest parking spaces for the Project.

All townhomes will be 2- and 3-bedroom units ranging in sizes from 1,114 sq.ft to 1,754 sq.ft, each with at least a one car garage parking space. Most units will have two garage parking spaces. A total of 150 garage parking spaces and 27 surface spaces (includes 1 handicap space) would be provided for a total of 177 spaces; 160 spaces are required by the AHO Ordinance. The portion of Redwood Boulevard immediately adjoining AHO Site #3 is 45 feet wide and is lightly trafficked. Twenty-five parking spaces can be accommodated on Redwood Boulevard at the Project frontage, with Class 3 bike lanes on either side.

Unit Summary			residential sf			
10	Plan 1	2 bd/1.5 ba	+/-	1114	nsf	1-car garage
19	Plan 2	3 bd/3 ba	+/-	1385	nsf	2-car garage tandem
25	Plan 3	3 bd/3 ba	+/-	1645	nsf	2-car garage
26	Plan 4	3 bd/2.5 ba	+/-	1754	nsf	2-car garage
80	Total Units					

Parking Summary		
140	spaces	(in 2-car garage)
10	spaces	(in 1-car garage)
150	spaces total (in garages)	
27	spaces (on-site)	
177	spaces total (2.23 spaces/du)	

25 additional on street spaces on Redwood Blvd.

The County-owned strip of land lying between the Project site and Redwood Blvd is not owned or controlled by Campus Properties. Nevertheless, the Applicant wishes, with the consent of the property owner as necessary, to landscape and maintain the Redwood Blvd frontage through the Home Owners Association (HOA). The landscape details shown on the Landscape Plan and other plans is therefore for information only, reflecting the Applicant's intent should the Applicant obtain the owner's permission.

The Project is presently not directly served by sewer facilities. A new lift station will therefore be constructed on the property, and a new line will be extended along the frontage of the property in Redwood Boulevard to the existing manhole at Black John Road.

Zone 2 potable water is available at the Project site entry. However, the North Marin Water District requires that the Project be served by Zone 1 potable water. The nearest connection to Zone 1 water is in Redwood Boulevard at Black John Road. Therefore, the Zone 1 water will be extended from Black John Road to the Project entry.

Similarly, no recycled water line exists in Redwood Boulevard. The Project would therefore extend the existing recycled water line from Wood Hollow Drive to the Project site.

The adjusted 4-acre parcel excludes all wetlands to the north and east (portions of the former Wetlands Area A-1). A Wetlands delineation for the parcel was certified by the Army Corps of Engineers ("ACE") in 1999, but has since expired. First Carbon Solutions ("FCS"), a qualified wetlands Biologist, was retained to survey the 4-Acre parcel and the remaining 36 acres of APN 125-580-17. FCS walked the entire property with an ACE representative in December 2018, and concluded that some hydrological features had changed since 1999, resulting in changes to the 1999 delineation. A new Preliminary Jurisdiction Determination (PJD) map has been submitted to the ACE for certification. At a minimum, it is expected that the former Wetland Area O will no longer be mapped as a jurisdictional feature on the PJD map.

The Project Site is highly constrained by its triangular shape, minimum density requirement, the Area D-1 access easement, the PG & E Pipeline and Maintenance easements, and the presence of off-site wetlands. To meet the minimum density requirements without excessively exceeding the height limit and changing to a more expensive construction type, as a modification/waiver pursuant to the State Density Bonus Law, the Project will request a reduction in the 50-foot required wetland setback for which a Wetland Management Plan is required.

No fill will be placed into any wetlands. A storm-water outfall is proposed, and the applicant will obtain a s. 1602 outfall permit. The Wetlands Management Plan will include wetland mitigation measures for the reduced wetland setback.

The Project will comply with the Arts Program by designing and installing appropriate art work, the potential location of which is shown on the Landscape Plans along with pedestrian circulation, bicycle parking, mechanical equipment, and central trash location.

The site plan has been carefully reviewed on multiple occasions with the Novato Fire District, who prefer this Project site configuration over the site area as shown in the Housing Element. An emergency vehicle access (EVA) will be provided at a

future date on development of Area E of the San Marin Business Park. All proposed Project turning radii meet the Novato Fire Department’s requirements.

The Project architecture, beginning at the level of site planning, takes a creative approach to form making, and continues through to a thoughtful consideration of color and detail, with the intent of creating a well- designed community that accommodates a variety of residents and has a welcoming human scale. A major goal of this Project is to create a signature look to the architecture that has a distinctive presence when viewed from Highway 101 and serves as an attractive gateway to the City.

Color and massing take cues from the Buck Institute visible up the hill from the Project site. A strong rhythm of bay windows and a color palette of whites and off-whites are a nod to the strong geometric forms and color of the Buck Institute. Articulation of buildings is achieved through subtle shifts in plane changes, changes in materials that will create different textures and shadows, and small areas of stronger colors to act as a playful counterpoint to the primary neutral palette. Roof decks occur at many units to take advantage of views and the stair enclosures that give access to them provide rhythm to the bay windows.

The Project will be a Planned Development (PD). Development Standards will be those shown in Novato Municipal Code s. 19.16.070. F.3 – F.7 Affordable Housing Overlay Ordinance, along with normal engineering standards.

Below Market Rate (BMR) Units

The Project will provide 10% of the units (8), adjustable for family size, as affordable to Very-Low Income families, and 10% of the units (8), adjustable to family size, as affordable to Low Income families, each using Area Wide Median Incomes published by the California Department of Housing and Community Development (HCD) for the applicable year in which the particular BMR unit is delivered for occupancy. The plan type of the BMR units have been selected to minimize the homeowners’ HOA dues. Since the roof-top deck type of units will carry a higher HOA monthly fee, no BMR units will have roof-top decks. The Project will offer the following:

10 units of type Plan 1	2 bed/1.5 bath	1,114 sq.ft.	1 car garage
6 units of type Plan 2	3 bed/3 bath	1,385 sq.ft.	2 car tandem garage

The location of the BMR units is shown on Sheet A.0.0.2.

State Density Bonus Law – Waiver/Modification Request Details

The Project is a “housing development” as defined by Cal. Gov. Code s. 65915, the State Density Bonus Law. The State Density Bonus Law provides that when an

applicant proposes to build the required number of units affordable to Moderate, Low, and Very Low Income families, the applicant is eligible for, and entitled to a Density Bonus, and further entitled to up to three Concessions and Incentives, and a Waiver or Modification of all remaining local requirements that would physically preclude the development of the project with the additional density to which the project is entitled and with the Concessions and Incentives. The burden of proof is on the agency, not the applicant, to deny Concession and Incentives and Modifications and Waivers.

Because the Project is providing 10% of the units (8) as affordable to Very Low Income families, and 10% of the units (8) as affordable to Low Income families, the Project is entitled to 2 Concessions or Incentives, which are defined to include, among other things, "reduction in site development standards or a modification of zoning code requirements or architectural design requirements," including a reduction in setbacks and square footage requirements, and "[o]ther regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs." Gov. Code s. 65915(k).

The Project is also entitled to an unlimited number of Modifications and Waivers of any development standards that would physically preclude the construction of the Project at the density to which the Project is entitled. The Project is 80 townhome units in 14, three-story buildings of the number, type, shape and size proposed, with roof-top decks and other features as shown in the Design Review and Tentative Map submittal materials.

The Project is not requesting a Density Bonus, but is reserving the right to request the two Concessions and Incentives to which it is entitled under State density bonus law s. 65915 (d), and is requesting several Modifications and Waivers under s. 65915 (e) of the State Density Bonus law. Modifications and waivers are proposed for reduced wetland setbacks, increased height, and reduced building setbacks. In the event there is any question about whether these requests qualify as waivers, the Applicant will request that such modifications(s) instead be granted as a concession or incentive, since the requested modifications would result in identifiable cost reductions for the Project. Further details on the requested waivers and modifications are provided below.

Reduced Wetland Setbacks

Site improvements are set back from the wetlands 3 feet in a variety of places as shown on the Wetland Buffer Exhibit and in the Wetlands Management Plan.

As a waiver/modification, reduced wetland setbacks from the otherwise required minimum of 50 feet, to 3 feet in some areas, are needed because strict adherence to the required 50-foot minimum setback would physically preclude the construction

of the development at the density permitted under the Density Bonus Law, unless the Project were to fill a portion of off-site former Wetlands Area A-1 at a significant additional cost to the Project and to the detriment of the environment. The reduction of the 50-foot wetland setback requirement is mitigated by (i) providing a vertical setback, namely a low retaining wall with a 42-inch high fence along the north and east property line where the off-site wetlands are located, and (ii) implementation of the mitigation recommendations contained in the Wetlands Management Plan.

The Wetlands Management Plan will be prepared by the Project’s biological consultant to mitigate the potential impact of site improvements and buildings being located within the typical 50-foot buffer of any wetlands. This will focus on the extent to which the hydrology of the wetland is impacted, if at all, by encroaching into the buffer.

Increased Building Height.

The Project seeks a waiver of the 35-foot building height maximum specified in Novato Zoning Ordinance s. 19.16.070(I), to provide required parapets and rooftop staircase exits that will provide residents with access to the proposed roof decks. Roof decks are needed because strict adherence to the required building height would physically preclude the construction of the development at the density permitted under the Density Bonus Law, while also meeting the Project/s open space requirement, which cannot otherwise be accommodated on the Project site. Parapets would increase building heights from 35 feet to approximately 37 feet. Stairways would further increase the building heights in the applicable areas from 35 feet to approximately 44 feet.

Reduced Building Setbacks

With the Lot Line Adjustment (see heading “Lot Line Adjustment” below for further details), modest reductions in building setbacks are needed, because strict adherence to the required building setbacks would physically preclude the construction of the development at the density permitted under the Density Bonus Law. The requested building setbacks are as follows:

	Setback	From	To
Building 4	Side	10'	8'
Building 5	Side	10'	4'
Building 6	Side	10'	7.5'
Building 7	Side	10'	3.7'
Building 8	Front	20'	7'
Building 9	Front	20'	8'
Building 10	Front	20'	8'

Building 11	Front	20'	8'
Building 12	Front	20'	8'
Building 13	Front	20'	8'
Building 14	Front	20'	17'

The new property lines were set to exclude the wetlands. The distance from the back of the walk on Redwood Boulevard to each building face with frontage on Redwood Boulevard is 85' to 100', which is far exceeds the minimum standard.

Jurisdictional Permits

The Project does not propose to fill any the off-site jurisdictional wetlands. Therefore no s. 404 permit will be required. There will be one stormwater outfall requiring a s.1602 permit from the California Department of Fish and Wildlife and water quality certification. Applications for jurisdictional permits will take place after Project approvals.

Tree Protection

No trees are proposed for removal, however there are two trees on the Project site and one other tree on the adjoining property that are in close proximity to proposed Project site development areas. To mitigate any potential adverse impacts of development close to these trees, the Project has provided an Arborist’s report and draft mitigation measures.

Tentative Map

The Tentative Map contemplates the subdivision of the property into 14 Lots (numbered 1 -14) and 8 Parcels (labeled A – H). On the closing of the first sale of the Project site, a mutual easement benefiting and burdening the Project site and the adjoining property over Street A will be reserved.

C. C. & R’s and Home Owners Association

The common areas of the Project will be governed by the HOA, who will manage, maintain, and operate the Project in accordance with Conditions, Covenants and Restrictions (CC&R’s) to be recorded against each unit and the common areas, Articles of Incorporation (Articles), and Bylaws. The HOA will have the right to adopt rules, regulations, and guidelines, including design guidelines and community space rules to implement the CC&R’s.

Trash

The Project proposes to use a concierge service for trash pick-up charged to the HOA. Space has been provided in all garages to store waste and recyclables in bags that homeowners will put outside their garages on pick up days (Tuesdays). The concierge service will pick up and deliver the bags to the Trash enclosure for Recology Sonoma Marin to collect.

PG & E Easements

A total of eight (8) easements benefiting PG & E affect the property. Two are gas transmission pipeline easements for Pipe Lines 21F and 21G, four are adjoining construction and maintenance easements, and the other two are overhead electric power line distribution easements. No overhead power lines exist in the overhead electrical power line distribution easements. An application for quit claim of these easement is in process, but it is currently delayed on account of the PG & E bankruptcy proceedings.

Currently, PG & E's pipeline division is reviewing the Project plans for consistency with easement conditions and PG & E guidelines for construction within its pipeline easements and construction and maintenance easements. No vertical construction is proposed within PG & E's gas transmission lines collective easement, nor is any tree planting. Only paving for drive aisles and parking areas are proposed. No utility lines are proposed in the collective PG & E pipeline easements. PG & E is studying the precise requirements for minimum and maximum coverage of its pipelines, so that appropriate conditions can be included in the construction documents.

Lot Line Adjustment

The Project will require a Lot Line Adjustment to re-shape the boundaries of the existing legal parcel (as shown in the Housing Element) to conform with the proposed version of the Project site. The original property lines were arbitrarily established to conform with the prior project. The new property lines will exclude all wetland areas and include similar areas resulting in a total of 4 acres. Previously the 4 acres included all of the joint access (Street A) to the Project site and the adjoining Area D1 of the San Marin Business Park. The Lot Line Adjustment will split the joint access down the middle so that half is in the 4 acres and other half is in Area D1. An appropriate agreement between the owners of Area D1 and the 4 acres for construction and maintenance of the joint access road will be recorded against the two properties.

General Plan & Zoning Map Amendment

At the time of the adoption of the Housing Element, the shape of the 4 acre site designated for housing was arbitrarily identified on both the General Plan Land Use

Map and Zoning Map. Accordingly, these maps will also need to be amended to reflect the proposed revisions to the boundaries of the Project site.

Plans Submitted

Design Review – KTG, CBG and Jett (updated to April 11, 2019)
Tentative Map – CBG dated April 5, 2019 Sheets C1 to C6
Lot Line Adjustment Map – CBG dated April 5, 2019
Wetland Buffer Exhibit – CBG dated April 5, 2019
General Plan Map Amendment Exhibit - CBG
Zoning Map Amendment Exhibit -CBG

Reports Submitted

Arborist Report – Ed Gurka, Independent Arborist Services dated March 6, 2019
Cultural Report – Archeological Resource Service dated February 28, 2019
Biological Report – Monk
Noise Report – Edward L. Pack Associates, Inc report dated February 4, 2019
Air Quality & Greenhouse Gas Assessment – Illingworth & Rodkin, Inc dated February 20, 2019
Trash Management Plan – American Trash Management dated April 10, 2019
Phase 1 Environmental Site Assessment – Engeo dated September 6, 2018
Geotechnical Review comments Report – Engeo dated April 9, 2019
Title Report – First American Title Company dated May 17, 2018

Process/Submittals

Preliminary Applications	Submittals
Neighborhood Meeting December 2018	s. 19.40.070 D Constraints Map Conceptual Site Plan – with LLA Conceptual Site Plan – without LLA Illustrative Building Design
Design Review Workshop (DRC) February 6, 2019	s. 19.42.030 D. 1 Constraints Map Lot Line Adjustment Conceptual Site Plan – with LLA Conceptual Site Plan – without LLA Illustrative Building Design

Major Design Review Application	Submittals
Major Design Review (DRC) March 2019	Per s. 19.40 and 19.42 Per Design Review Guidelines Art Program – s.19.21 Master Plan Amendment – Not required PDP – Not required

Other Project Applications April 2019	Submittals
Lot Line Adjustment (PC)	Per s. 9.13 Record of Survey
Tentative Map (PC)	Per s. 9.7, and s. 9-9.008 Soils Report Preliminary Report C.C & R's description
Conditional Use Permit	s. 65583.2 (i) - Not required
Wetland Management Plan To be submitted	For Setback areas only – No Use Permit. Monk
Concessions/Incentives - Planning Processing Fee Waivers Wetland Setback s. 19.36.070 (PC)	Per s.65915 (d) (1) HO Program 9.F Supplemental Application for Density Bonus
Mods/Waivers - Wetland Setback s. 19.36.070 (PC) - Building Setbacks s. 19.16.070	Per s. 19.25.060 A. 3. Per s.65915 (e) (1) Supplemental Application for Density Bonus

<p>- Increase in Building Height s.19.16.070 Table 2-12 To be submitted</p>	
<p>CEQA To be submitted</p>	<p>Environmental Data Submission – Not Required: No Initial Study Traffic Report – not required Tree Report – Gurka, 3/19 Cultural Report – ARS, 2/28/19 Biological Report – Monk Noise Report – Pack, 2/4/19 Air Quality Report – I & R, 2/20/19</p>
<p>General Plan Map Amendment (Council)</p>	<p>s. 19.56, s. 19.40, s.19.56.070 s. 65356 Exhibit</p>
<p>Zoning Map Amendment (Council)</p>	<p>s. 19.56, s.19.40, s.19.56.070, s.65857 Exhibit.</p>