



# Planning Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

April 8, 2019

## MINUTES

THE CITY OF  
NOVATO  
CALIFORNIA

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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

**Absent:** Susan Wernick

**Staff Present:** Steve Marshall, Planning Manager  
Chris Blunk, Public Works Director

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

**APPROVAL OF FINAL AGENDA:** No changes to the proposed agenda.  
Motion/Second: PT/DD to approve final agenda. Motion passed 6-1 (Ayes: Tiernan, Gabriel, Rao, Weldon, Dawson, and Derby; Absent: Wernick)

**PUBLIC COMMENT:** None

### CONSENT CALENDAR:

**1. APPROVAL OF PC MINUTES OF MARCH 25, 2019 (DD, JD, DG, RR, PT, TW, SW)**

Motion/Second: Tiernan/Gabriel to approve minutes of March 25, 2019.  
Motion passed 6-1 (Ayes: Tiernan, Gabriel, Rao, Weldon, Dawson and Derby; Nays: None; Abstain: None; Absent: Wernick).

**CONTINUED ITEMS:** None

### NEW ITEMS:

**2. 1602 VALLEJO AVENUE ZONING MAP CORRECTION (SM)  
P2019-019: CEQA EXEMPT – CEQA GUIDELINES  
SECTION 15061(b)(3)**

**APNs 141-221-74 & -75; 1602 VALLEJO AVENUE**

Conduct a public hearing and possibly adopt a resolution recommending the City Council approve rezoning the parcels at 1602 Vallejo Avenue from R1-7.5 to R10-4.5 to correct an inconsistency with the Medium Density Multiple Family Residential (R10) general plan land use designation assigned to these parcels.

Planning Manager Marshall presented the staff report.

Commissioner Tiernan inquired as to whether one of the parcels would be designated open space as it is beyond a 30 degree slope.

Planning Manager Marshall responded there is a portion of the second parcel that is currently encumbered by a private open space easement, where development would not be allowed.

Commissioner Tiernan asked why it needs to be rezoned since it is not buildable on a portion of the parcel.

Planning Manager Marshall responded that it is a legally created lot and the portion outside of the easement is available for development. In all likelihood, we expect the parcels to be merged and treated as one site.

Commissioner Tiernan was concerned the applicant may interpret that the portion of the easement should still count toward development of the site.

Planning Manager Marshall said a gross density calculation is prepared for the entire parcel. We [city] have a slope density reduction factor - when the slope increases, the density decreases. For a multi-family project at the site, the development potential might be 9 to 10 units.

Commissioner Tiernan noted that when we fix the mistake the zoning will determine what project may come forward.

Planning Manager Marshall explained the General Plan (GP) takes precedence over the zoning and the GP already assigned a multi-family designation to the parcels. Tonight, the Commission would make a recommendation on assigning a conforming zoning designation to match the GP. Then the owner/applicant would have a consistent set of development standards from one of the R-10 zoning districts. A project would be subject to Design Review and State housing law.

Commissioner Derby asked if there is an applicant is requesting this rezone or is it just a clean-up.

Planning Manager Marshall responded that the applicant is in contract to purchase the parcels and during the due diligence we found the zoning and GP were not consistent. The applicant did not want to wait until the GP update so he submitted an application to go forward with the rezone. The rezone will give clarity on what can be done with the parcels.

Commissioner Dawson inquired if access for the upper parcel is off of Seventh Street or is it landlocked.

Planning Manager Marshall responded that access would be taken from Vallejo.

Commissioner Weldon asked if the neighbors were notified.

Planning Manager Marshall responded that standard notification for this type of action is a 600 foot radius to owner/occupants, a legal ad in the Marin IJ, and if subscribed to the City's notify system there is a push notification.

The public comment period was opened. There were no members of the public wishing to address the Planning Commission on the matter.

Motion/Second: Dawson/Tiernan to adopt the resolution recommending the City Council adopt an exemption from CEQA and approve amending the Novato Zoning Map to rezone two parcels at 1602 Vallejo Avenue. Motion passed: 6-1 (Ayes: Tiernan, Gabriel, Rao, Weldon, Dawson and Derby; Nays: None; Abstain: None; Absent: Wernick).

**3. GRANT OF EASEMENTS TO NORTH MARIN WATER DISTRICT FOR RECYCLED WATER INFRASTRUCTURE (CB)  
GENERAL PLAN CONSISTENCY REPORT**

Consider providing a report to the City Council regarding whether the grant of easements to North Marin Water District for the purpose of installing, operating, and maintaining recycled water infrastructure on city-owned property is consistent with the Novato General Plan.

Public Work's Director Chris Blunk presented the staff report.

Commissioner Tiernan asked why the recycled water lines were under the Water District and not the Sanitation District.

PW Director Blunk responded the Sanitary District treats the wastewater, but the water distribution is under the purview of the Water District.

Commissioner Tiernan inquired if the recycled water line is down by Ignacio or South Novato Blvd.

PW Director Blunk answered that it starts by the wetlands area through Vintage Oaks, crosses under HWY 101, ends up near Rowland and South Novato. As the alignment goes through, it crosses six different properties.

Commissioner Tiernan noted the recycled water is essentially going through the golf course to end of Ignacio.

PW Director Blunk confirmed that the primary users of the recycled water are large irrigation projects, i.e., city parks, golf course, etc.

Commissioner Derby asked about the City owned parcels - was there any development potential there, would they lose value.

PW Director Blunk answered that the future use of these parcels is very low. Right now there are no development plans for these parcels and there is language in the easements that could potentially relocate the facilities, if needed.

The public comment period was opened. There were no members of the public wishing to address the Planning Commission on the matter.

Motion/Second: Tiernan/Gabriel to adopt the resolution reporting to the City Council that the proposed grant of easements to North Marin Water District for the purpose of installing, operating, and maintaining recycled water infrastructure on City-owned property is consistent with the General Plan. Motion passed: 6-1 (Ayes: Tiernan, Gabriel, Rao, Dawson, Weldon, and Derby; Nays: None; Abstain: None; Absent: Wernick).

### **GENERAL BUSINESS:**

#### **4. PRESENTATION ON THE PREPARATION OF THE CAPITAL IMPROVEMENT PROGRAM AND DISCUSSION OF THE PROCESS AT THE PLANNING COMMISSION LEVEL (CB)**

PW Director Blunk presented the staff report.

Commissioner Gabriel explained that he wanted to give his fellow commissioners the information he obtained so that a conclusion could be made to the question brought up at the May 18, 2018, meeting by Commissioner Strauss regarding the oversight given to the Planning Commission for CIP projects.

Commissioner Rao inquired if the public wanted to see any information from the various Committees' review. Would you have to be a part of those Committees or how does that work? Is the public opining on decisions already taken place or is the public adding to those new budget ideas.

PW Director Blunk noted the public can reach out to the Public Works Department via email [pw@novato.org](mailto:pw@novato.org) or give us a call, and the public/Commissioners may attend any of the workshops or Committee meetings. There are a lot of opportunities for the public to attend, give feedback and give their input or find out information needed on the CIP projects. If we hear something that makes a lot of sense, we have every opportunity to modify projects.

Commissioner Rao said the report was very informative – Thanked PW Director Blunk.

Commissioner Weldon noted he thought the CIP process seems clearly laid out of the Planning Commission's role. He was wondering why this issue was brought up. Is there an example to look at?

Commissioner Tiernan responded that Commissioner Strauss was concerned about a pedestrian crossing that was added on Ignacio Blvd – whether there were enough or it was placed in the wrong area. He felt that the Planning Commissioners should have a larger role in that review.

Commissioner Gabriel also noted that he was trying to solve the mystery on which CIP projects are given priority and how.

Commissioner Tiernan said he believes that the paving and road improvements are not within the purview of land use. He wondered if perhaps there are other elements of the CIP projects that may trigger a review by the Planning Commission. He came to the conclusion that the CIP is basically a budget document and not a land use item. Commended Commissioner Gabriel for taking the time to do research and confirmed that the rest of the State only does a general plan consistency review.

Commissioner Dawson stated that some of the concern is that the Planning Commission is looking at it so late in process that it was preordained. He concurred with Commissioner Tiernan that CIP projects are not really relevant to the Commissioner's purview and other committees have been set up to review them. It might be helpful to be noticed of the other committee meetings in case we wanted to attend.

Commissioners Weldon and Tiernan asked which projects would be brought before the Planning Commission to review.

PW Director Blunk wanted to answer the question as to what "review" means. Needs to be a better definition. State law says that the Planning Commission will review a list of projects for General Plan consistency and report that to the governing body. The other section is with regards to when a new structure is proposed. We bring all of those projects to you, i.e., the Community Garden. When you say "review", my interpretation is that you are talking more about the design/physical features of the project as opposed to "does the character of the project fit within the guidance of the General Plan" which is what is the intention of the State law and why we are bringing the projects to the Planning Commission. We are transparent and there is an opportunity for the Commissioners/public to give more land use input at other committee meetings.

Commissioner Derby said that he would like to see the work done, don't want analysis paralysis with extra steps and a lot of what we see is at the end anyway, not far different from what we're supposed to do. Thanked PW Director Blunk for his presentation.

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

**ADJOURNMENT:** The Meeting adjourned at 8:05 pm.