



Planning Commission Meeting

Location: Novato City Hall, 901 Sherman Avenue

922 Machin Ave
Novato, CA 94945
415/899-8900
FAX 415/899-8213
novato.org

October 14, 2019

MINUTES

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

Absent: Reva Rao

Staff Present: Steve Marshall, Planning Manager
Vicki Parker, Community Development Director
Chris Blunk, Public Works Director
Brett Walker, Senior Planner
Veronica Nebb, Senior Assistant City Attorney

Mayor
Eric Lucan

Mayor Pro Tem
Denise Athas

Councilmembers
Pam Drew
Pat Eklund

Acting City Manager
Adam McGill

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

APPROVAL OF FINAL AGENDA: No changes to the proposed agenda.
Motion/Second: Tiernan/Dawson to approve final agenda. Motion passed 6-0-0-1 (Ayes: Tiernan, Gabriel, Dawson, Weldon, Wernick, and Derby; Nays: None; Abstain: None; Absent: Rao).

PUBLIC COMMENT: None

CONSENT CALENDAR:

1. APPROVAL OF PC MINUTES OF SEPTEMBER 23, 2019 (JD, DG, DD, PT, TW)
Motion/Second: Tiernan/Dawson to approve minutes of September 23, 2019. Motion passed 5-0-1-1 (Ayes: Tiernan, Gabriel, Dawson, Weldon, and Derby; Nays: None; Abstain: Wernick; Absent: Rao).

CONTINUED ITEMS: None

NEW ITEMS:

2. BUCK CENTER DEVELOPMENT AGREEMENT (CB)

PUBLIC HEARING AND POSSIBLY ADOPT A RESOLUTION FINDING THE BUCK CENTER DEVELOPMENT AGREEMENT CONSISTENT WITH THE GENERAL PLAN, ZONING, SUBDIVISION MAP ACT, CITY SUBDIVISION ORDINANCE AND ENSURES PROVISION OF PUBLIC FACILITIES CONSISTENT WITH THE GENERAL PLAN FOR REAL PROPERTY LOCATED AT 8001 REDWOOD BLVD, APN's 125-580-01, -07, -10, -11, -12, -13, -14, 125-180-79, -85

Hold a public hearing and adopt a resolution reporting to the City Council that a proposed Development Agreement between the City of Novato and the Buck Institute for Research on Aging is:

- (1) Consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable or proposed master plan or precise development plan;
- (2) Complies with the zoning for the real property in question;
- (3) Is consistent with and complies with the city's Subdivision Ordinance and State Subdivision Map Act; and
- (4) Ensures provision of public facilities in a manner consistent with the city's General Plan.

Public Works Director Chris Blunk presented the staff report.

Senior Assistant City Attorney Nebb added that nothing in the Development Agreement (DA) before them tonight is changing except for the timing of certain improvements.

Commissioner Weldon asked about the timeline of the DA term that states there is a 20-year term.

Senior Assistant City Attorney Nebb answered that if the DA were not extended at that time, the protections would expire.

Chair Derby inquired as to how much interest has accrued and how is it to be used? Also, there was 120 units of affordable housing proposed – Are they deed restricted and count in our RHNA numbers?

Senior Assistant City Attorney Nebb stated the interest goes into the General Fund and can be used however, the Council decides. This entitlement is under Measure B the voters approved and is counted in our RHNA numbers.

Chair Derby also inquired as to whether the Hillside Ordinance that came along six years ago - does that affect anything with the Buck Development?

Senior City Attorney Nebb stated it does not affect the Buck Development.

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

Motion/Second: Tiernan/Gabriel to adopt the resolution reporting to the City Council that the Buck Center Development Agreement is consistent with the Zoning Ordinance, Subdivision Map Act, City Subdivision Ordinance, and ensures the provision of public facilities consistent with the General Plan. Motion passed: 6-0-0-1 (Ayes: Tiernan, Gabriel, Dawson, Weldon, Wernick, and Derby; Nays: None; Abstain: None; Absent: Rao).

3. 7711 REDWOOD BLVD RESIDENCES; FILE: P2018-085 (BW)

PUBLIC HEARING AND POSSIBLE ACTION TO ADOPT RESOLUTIONS REGARDING RECOMMENDATIONS FOR: (1) AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE HOUSING ELEMENT; (2) GENERAL PLAN (MAP) AMENDMENT TO ADJUST THE BOUNDARY OF THE APPROXIMATELY 4 ACRE AFFORDABLE HOUSING OPPORTUNITY (AHO) OVERLAY DESIGNATION SURROUNDING THE SITE; (3) ZONING MAP AMENDMENT (REZONE) TO ADJUST THE BOUNDARY OF THE AHO ZONING DISTRICT FOR THE SAME AREA; (4) TENTATIVE SUBDIVISION MAP; (5) LOT LINE ADJUSTMENT; AND (6) DESIGN REVIEW; FOR A PROPOSED 80 UNIT RESIDENTIAL DEVELOPMENT PROPOSED TO BE LOCATED AT 7711 REDWOOD BLVD APN 125-580-16 AND -17; 7711 REDWOOD BOULEVARD AFFORDABLE HOUSING OPPORTUNITY SITE NO. 3 AND ADJACENT LANDS

Conduct a public hearing to consider and adopt:

- (1) A Resolution of the Planning Commission recommending the City Council adopt an addendum to the Environmental Impact Report for the 2007-2014 Housing Element;
- (2) A Resolution of the Planning Commission recommending the City Council adopt a general plan map amendment to adjust the boundary of the Affordable Housing Opportunity (AHO) Overlay designation surrounding the site;
- (3) A Resolution of the Planning Commission recommending the City Council adopt a zoning map amendment (rezone) to adjust the boundary of the AHO Overlay zoning district for the same area;
- (4) A Resolution of the Planning Commission recommending the City Council approve a tentative subdivision map;
- (5) A Resolution of the Planning Commission recommending the City Council approval a lot line adjustment; and
- (6) A Resolution of the Planning Commission recommending the City Council approve the design review.

Senior Planner Brett Walker presented the staff report.

Michael Hooper, representing the applicant, LandSea Homes, also gave a presentation.

Commissioner Weldon inquired about the Lot Line Adjustment (LLA) and if the LLA was not adjusted - what would be the consequence to the wetlands.

Planning Manager Marshall replied that the purpose of the LLA is to accommodate additional parking for the project. If the LLA was not approved, the developer may request a density bonus waiver to provide fewer parking stalls.

Commissioner Gabriel asked the applicant what the affordable units pricing may be.

Michael Hooper replied that things are changing, although the low-income units at the current area median income (AMI) is going to run about \$250,000, the very-low units maybe a little over \$100,000, and the market rate units are not known at this time. As to the fees, it is whatever is required by ordinance.

Commissioner Gabriel noted that whoever could afford one of the units needs to come up with a certain amount of capital.

Michael Hooper stated that the methodology is similar in Novato as to other areas in Marin County. It is driven by what a family of four needs to make in order to buy one of these units. Currently, the low income unit will run \$240,000-\$250,000 for a family of four spending no more than 30% of housing costs. The very-low units run about \$100,000 – money is lost on the low income units and possibly may break even on the market rate units.

Commissioner Wernick expressed that the minimum 80 units is what drove the site plan and the project has no amenities. There are a few 8 common ownership spots. We are looking at projects that include low income and yet there no single level units for people that are disabled or elderly. Did you look at that possibility?

Michael Hooper answered that they did; the site constraints are the constraints. The design is needed to make small footprints – the bigger footprints are less likely to fit into that triangle site. Perhaps in phase II, could provide single level units to accommodate disabled or the elderly. The conclusion was that this was the best project that we were asked to provide for this site.

Commissioner Wernick asked about what is being considered for the remainder of the parcel.

Senior Assistant City Attorney Nebb stated that the remainder parcel is not on the agenda so cannot be discussed at this time.

Commissioner Wernick noted she just likes to look at the bigger picture.

Michael Hooper offered a comment that they do not usually take 4 acres out of the 40 and design the only the 4 acre piece. You take the 40 and do a master plan, but could not do that here. The preferred scenario discussion regarding product type - go to residential. There is no demand for business and professional office here. Office requires big footprints and it is hard to put large footprints on this site.

Commissioner Tiernan inquired about the PG&E easements that run through the property. Does there need to be conditions regarding restrictions, PG&E inspections, etc., similar to another project with a pipeline.

Senior Planner Walker responded that there are two easements, one through the south of the property, through the parking lot, just south of the oak tree. The main PG&E easement is for the pipelines and then some additional easements on either side for access to the pipelines. Project plans have been submitted to PG&E and they have construction and development standards when building over their easements. There is a project condition (No. 6) where the applicant will follow all PG&E protocols and construction requirements at the site within those easements.

Commissioner Tiernan asked if the Lot Line Adjustment (LLA) has something to do with the County land adjacent to the site.

Senior Planner Walker stated the LLA has nothing to do with the County land in between Redwood Blvd and the project site. The County land is an old remnant from when Redwood Blvd. was Hwy. 101. When the Highway was put in, the land was relinquished to the County of Marin. Now the County is in talks with the City to relinquish this land to the City.

Commissioner Tiernan questioned if authorization is needed to cross this easement access. And, there is no parking there. Will there be street parking proposed along Redwood Blvd.

PW Director Blunk responded that the ownership of North Redwood Blvd between San Marin Drive and the northern limits of the roadway by the former Birkenstock warehouse goes back and forth between the City, County, and State five points along the road. Staff is trying to clean it up through these projects that have frontage on the right-of-way by taking the excess right-of-way through fee ownership.

Senior Planner Walker stated there are street parking improvements proposed for parking on the west side of Redwood Blvd, a bike lane in each direction, the two travel lanes, and the left turn lane into the project site.

Commissioner Tiernan noted that the site drops 10 feet to the level pad. Will fill be added to be level with Redwood Blvd?

Mark Chamberlain with LandSea Homes answered the proposal is to add 1-3 feet which was recommended and a retaining wall and small fence recommended by a biologist to be installed to deter people from going into the wetlands.

Commissioner Tiernan asked where the 4-1/2 foot wall was to be constructed on site. And since it is on a gas line easement, does it preclude trees?

Mark Chamberlain responded that the retaining wall is on the north side, right on the property line. The PG&E easement precludes trees and irrigation; PG&E requests that no utilities cross their easement.

Chair Derby asked about the history of the Affordable Housing Overlay. There are constraints on the site and curious as to where the density of 20-23 acres came from.

Senior Assistant City Attorney Nebb answered that an environmental review was done to lessen site constraints for this site. The City included mitigation measures in the Housing Element EIR that would address what additional studies still needed to be done. These additional studies brought up challenging constraints for the site and changes were made to the site plan to evolve through the development process.

Staff had challenges with the preceding Housing Element to find sites to meet the RHNA numbers. If a site is zoned at your default density, you could presume affordability requirements. With Novato's population, a default density was established at 30-acre density. The community, Council, and the working group for the Housing Element felt that a 30-unit density was not in keeping with Novato's community character. Staff worked with Housing and Community Development to prove a default density that was lower than a 30-acre density was appropriate and this resulted in a Novato specific bill through the State legislature that dropped the density.

Chair Derby asked, hypothetically, what if the applicant took on a larger area to build the same housing or more housing and therefore less constrained.

Senior Assistant City Attorney Nebb responded that the Housing Element did pre-environmental work for the housing opportunity sites to make it easier for the owners and developers to carry forward a project at the default density as designated in the Housing Element. As a result of that, if an applicant wanted to apply to change the General Plan and zoning from commercial to residential, the applicant would need to do the additional environmental review themselves. The slight change here in the boundaries for this project was to accommodate additional parking for the Project and impacts were being avoided by this shift.

Michael Hooper added that they owned the property for 22 years and saw the Housing Element approved 5-6 years ago and, all of a sudden they had a project, though still needed design review. They proposed to design the Project to stay within the limits of the AHO 3 requirements with the best site design. They wanted to avoid parking on the PG&E easement because of a General Plan amendment although the Project is much better for it, and the neighbors are asking for it.

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

Commissioner Wernick asked about the architecture as it appears boxy and flat. It seems more of an urban look, similar to the nearby Buck Center. This is an entrance to Novato and is a significant change. She inquired as to the width of the units – there are several different size units?

The Architect stated that there was a strong push from the Design Review Commission to take the cue from the Buck Center and go for a more minimal palate. The constraint of the site also drives the flatness and an opportunity for a roof deck. We added some accents of color for more variety. With the wetlands and setbacks, this created small footprints. The unit widths are about 21 feet and those with single-car garages are about 18 feet wide. The units that are

deeper are even narrower. They do work and there is a project in Dublin if interested in looking at a successful, similar design.

Commissioner Tiernan inquired about the Planning Commission adopting the Design Review resolution. Is the Planning Commission able to ask for design changes? He was not real comfortable with the boxiness of the design.

Planning Manager Marshall answered that as the project moves through the review bodies, each body has the full authority to review and condition projects. The Planning Commission can also put its perspective on architecture and site design either through comments to Council in the record or suggest a condition of approval that would go up to the Council including some direction on alternative architecture for discussion and decision. Then Project could go back to Design Review for final review.

Michael Hooper stated that this is serious as they have spent a great amount of time with the design and if the project keeps going back to City Council and then Design Review, it is delayed even further. We like the design and we worked closely with the recommendations of the Design Review Commission. We have worked on this project at least 2 years for this exact design, 6 years since the Housing Element, and 21 years in all.

Commissioner Wernick stated that the applicant goes through a hefty process through Design Review and when it comes to Planning Commission, it feels as if we are constrained. Maybe staff needs to look at this process in the future, especially for larger projects.

Commissioner Tiernan stated that typically the applicant meets with the neighbors, then Design Review several times, to Planning Commission, City Council, and then back to Design Review for final design details.

Planning Manager Marshall agreed that has been the process at the direction of the Design Review Commission, although it is not in the Zoning Code. With this Project, they did review architecture and site design all at once and so a condition was not required for the Project to come back to Design Review. There typically has not been substantive changes to architecture at the end of a project.

Commissioner Tiernan asked that since there is no landscaping on the PG&E easement and open exposed parking, will there be reflection from the headlights up the hill?

Planning Manager Marshall replied that you do have a hillside that curves around to left of the parking lot and it would be difficult for headlights to sweep across the units to the west [Partridge Knolls]. Also, those units are 120 feet vertically above the site.

Commissioner Wernick stated that we do have a housing shortage and though I am not delighted with the architecture, I do appreciate the process the applicant has gone through to bring something forward. Balancing this with the need to provide 16 units of desperately needed affordable housing, and perhaps additional amenities in the future, I would like to move forward with this. In the future, the landscaping could be augmented to soften the lines and possibly adding living walls.

Commissioner Gabriel noted that we are creating more jobs than we have affordable housing for and I am not willing to override the approval of the Design Review Commission. We do need this type of housing, especially here in Novato.

Commissioner Dawson stated that with the use of color and since most people are driving by that sight at 65 mph, you get the effect of relief by having the different colors. It seems like a good project for the constrained site.

Commissioner Weldon stated that what we're looking at is a CAD rendering of our State and regional housing policies. He noted all of the constraints, of this site in particular, and the design does a nice job of balancing all of them. If we want to add more amenities, this would need changes made in the housing policies. It is a good project for this site, a good use of the land, and consistent with the General Plan.

Chair Derby stated that what the applicant has designed is very nice, expensive, and the applicant and home builder have done the best job they can – designing the nicest project on a very constrained site. I would prefer it to be on a larger site although keeping with what has already been approved in the Housing Element, I can see why this has come forward and am in favor of the project.

Motion/Second: Tiernan/Wernick to adopt the CEQA Resolution. Motion passed: 6-0-0-1 (Ayes: Tiernan, Wernick, Gabriel, Dawson, Weldon, and Derby) – Rao absent.

Motion/Second: Tiernan/Wernick to adopt the GPA Resolution. Motion passed: 6-0-0-1 (Ayes: Tiernan, Wernick, Gabriel, Dawson, Weldon, and Derby) – Rao absent.

Motion/Second: Tiernan/Wernick to adopt the Rezone Resolution. Motion passed: 6-0-0-1 (Ayes: Tiernan, Wernick, Gabriel, Dawson, Weldon, and Derby) – Rao absent.

Motion/Second: Tiernan/Gabriel to adopt the Tentative Map Resolution. Motion passed: 6-0-0-1 (Ayes: Tiernan, Wernick, Gabriel, Dawson, Weldon, and Derby) – Rao absent.

Motion/Second: Tiernan/Wernick to adopt the Lot Line Adjustment Resolution. Motion passed: 6-0-0-1 (Ayes: Tiernan, Wernick, Gabriel, Dawson, Weldon, and Derby) – Rao absent.

Motion/Second: Dawson/Weldon to adopt the Design Review Resolution. Motion passed: 5-0-1-1 (Ayes: Wernick, Gabriel, Dawson, Weldon, and Derby) – Tiernan abstain, Rao absent.

GENERAL BUSINESS: Chair Derby stated that the Design Review process may be too long and something to look at. Senior Assistant City Attorney Nebb stated that this item could be agendaized for a future meeting.

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

ADJOURNMENT: The meeting adjourned at 9:00 pm.