



CITY OF NOVATO
COMMUNITY DEVELOPMENT

PLANNING COMMISSION

Meeting Minutes

Via Zoom Teleconference

Monday, November 9, 2020 - 7:00 PM

A. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

The Planning Commission meeting began at 7:00 PM.

Commission Present: Chair David Gabriel, Commissioner Dan Dawson, Commissioner Justin Derby, Commissioner Rachel Farac, Commissioner Curtis Havel, and Commissioner Peter Tiernan

Commission Absent: Vice Chair Reva Rao

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

B. APPROVAL OF FINAL AGENDA

COMMISSION ACTION: Upon motion by Commissioner Tiernan and seconded by Commissioner Dawson, the Planning Commission voted 6-0-0-1 via roll call to approve the final agenda.

AYES: Commissioners Dawson, Derby, Farac, Gabriel, Havel, and Tiernan

NOES: None

ABSTAIN: None

ABSENT: Commissioner Rao

Motion carried.

C. PUBLIC COMMENT

There were no members of the public that commented during this time.

D. CONSENT ITEM

D.1. Approval of PC Minutes of September 28, 2020 (DG, DD, CH, JD, RF, PT)

COMMISSION ACTION: Upon motion by Commissioner Tiernan and seconded by Commissioner Farac, the Planning Commission voted 6-0-0-1 via roll call to approve the minutes.

AYES: Commissioners Dawson, Derby, Farac, Gabriel, Havel and Tiernan
NOES: None
ABSTAIN: None
ABSENT: Commissioner Rao

Motion carried.

PUBLIC HEARING

E. CONTINUED ITEMS

There were no agenda items.

F. NEW ITEMS

**F.1. LANDING COURT HOMES; FILE: P2018-038
PUBLIC HEARING AND POSSIBLE ACTION TO ADOPT RESOLUTIONS: (1) MAKING A CEQA DETERMINATION AND FINDINGS PURSUANT TO CEQA GUIDELINES SECTION 15183; (2) APPROVING A VESTING TENTATIVE MAP; AND (3) APPROVING DESIGN REVIEW AND A DENSITY BONUS REQUEST FOR A PROPOSED 32-UNIT RESIDENTIAL DEVELOPMENT TO BE LOCATED ON LANDING COURT, APN 153-162-70; AFFORDABLE HOUSING OPPORTUNITY (AHO) SITE NO. 2**

Conduct a public hearing to consider and adopt:

- (1) A resolution adopting CEQA findings pursuant to CEQA Guidelines Section 15183; and
- (2) A resolution approving a vesting tentative map; and
- (3) A resolution approving the design review and a density bonus request for Landing Court Homes, a proposed 32-unit residential development on Landing Court.

Brett Walker, Senior Planner, presented and summarized the staff report. He noted that two public comment letters were received on the project. Senior Planner Walker stated that the applicant's representative, Karen Martin, was also available for a presentation and to address any questions.

Comments from the Commission included:

- Commissioner Derby questioned what the off-site mitigation measures are and if the Housing Element established the mitigation measures to this site only.
 - Senior Planner Walker responded that Condition of Approval No. 32 does require some frontage improvements along Landing Court: curb, gutter, and sidewalk along the property frontage as well as from the project site to the corner of Landing Court and Redwood Blvd, an accessible sidewalk and crosswalk improvements. This mitigation measure is verbatim from the Housing Element and is applicable to this site only.

- Commissioner Derby inquired that with the new laws, is the Planning Commission limited in recommending substantive changes to the project.
 - Assistant City Attorney Nebb stated that if the project meets the objective standards, the Commission cannot rely on neighborhood compatibility to require subjective changes or denial on such a basis would violate the Housing Accountability Act.
- Commissioner Tiernan questioned whether the applicant has to tear out the existing sidewalk. He also stated there is a grade change along Landing Court and inquired if fill will be required. He also requested the applicant to discuss the landscaping in their presentation.
 - Public Works Director Blunk replied that the sidewalk is substandard and needs to be replaced to meet accessibility standards. He noted that the center of the site has a grade change in the center and fill will be proposed. The buildings will continue to be 35 feet or less above finished grade. The project will have onsite drainage, bio-filtration swales, etc.
- Commissioner Farac noted that she did a site visit to the property. She requested the applicant discuss the impact of the housing and fencing with the grade change during the presentation.

Applicant Karen Martin gave a presentation to discuss the product type, in-line townhomes with 7 affordable units, the landscaping/trees adjacent to the homes on Clausing Court, grading, and views. She expressed concerns with the cost of the bulb out as well as the cost of the intersection improvements and the stormdrain. She requested to have a fair share cost of improvements with the project being proposed down the street. She is under the impression the sidewalk is actually on the neighboring property and does not believe the owner would give permission to take a portion of their land to make an improvement to the sidewalk.

- Commissioner Derby inquired if there was a possibility of cost sharing with the neighboring property.
 - Senior Planner Walker responded that a draft condition was proposed and could be added to address concerns to capture the offsite improvements. He read the condition into the record for the Commission.
- Commissioner Tiernan asked how the fair share amount is determined.
 - Public Works Director Blunk described the process to develop a fair share cost.
- Commissioner Tiernan stated that he did two site visits and met with one of the neighbors.

The public comment period was opened.

- Joe Dorsey noted he is concerned with a 3-story project being built in this neighborhood. He stated the length of building proposed behind his home is 140' versus another building at 130'. He noted the Design Review Commission requested changes in another building. He indicated they will lose entire visibility to the mountains and would like a gap in the building, maybe drop a unit. He said the project is nice looking and the angles of the butterfly roof

design are interesting, but would prefer a flat or standard style roof, rather than a butterfly roofline.

- Emily Larson stated she worked with the applicant, Karen Martin, and thinks they were helpful, did a good job. She does agree with Joe Dorsey's comments. She noted the project seems big for the one-story neighborhood.

The public comment period was closed and brought back to the Commissioners for final comments.

- Commissioner Tiernan acknowledged Joe Dorsey's comments and asked staff to discuss.
 - Senior Planner Walker confirmed that at the DRC meeting where the project was recommended for approval, that building no. 5 was indicated as the nearest building to 80 Clausing Court. He acknowledged the discussion revolved around the difference in setbacks which is 80+ feet to the house at 80 Clausing Court compared with other buildings that are 29 to 30 feet to the property line. One of the DRC members felt that 80 feet setback was sufficient and recommended approval of the project plan without any changes to building no. 5. Senior Planner Walker stated he did not recall a discussion of the butterfly roofline. He noted a change to the roofline could cause redesign of the building.
- Commissioner Dawson observed that there are windows at the rooflines which could be bedrooms and if the roofline is lowered, it would shorten the height of the windows. He agreed it would be fair to have the sidewalk/crosswalk improvements shared with the other projects in the area and would agree to add that proposed condition.
- Commissioner Tiernan commented he is in support of the project. He does not believe that splitting the building in half would address the mountain views issue and confirmed he would like to see more tree landscaping. He approves of adding the condition to share costs of the improvements.
- Commissioner Havel stated he is in support of the project and the additional condition for fair share costs of improvements. He appreciated the comments from the neighbors, although, the record shows that the applicant has made great efforts to address the neighbors' concerns. To modify the architecture design and removing one unit would create time delays and cost impacts, and the project is currently meeting the affordable housing quota.
- Commissioner Derby indicated he is in support and believes the applicant has met the difficult metrics with the challenges of a buildable site and feasible project. He acknowledged the applicant has put much effort in working with the neighbors and thanked the applicant.

Senior Planner Walker announced that he received an email at this time that someone wanted to speak in the public portion of the meeting and requested to reopen the public comment period.

Chair Gabriel reopened the public comment period.

- John Christopher, a resident at 767 Clausing Avenue, noted that if the trees parallel to his property line grow to 45-70 feet, he is concerned they will block off his solar system. He inquired what the height of building will be if adding fill to the site. Mr. Christopher applauded Karen Martin on the design of the project and outreach to the neighbors.

Senior Planner Walker noted that John Christopher was not the same person who emailed him and read their email: "I was not able to speak during the public comment period as I was muted. I am 65 years old and request to have the project put on hold until COVID is resolved to have an in-person meeting."

Chair Gabriel closed the public comment period.

COMMISSION ACTION: Upon motion by Commissioner Tiernan and seconded by Commissioner Dawson the Planning Commission voted 6-0-0-1 via roll call to adopt the CEQA resolution.

AYES: Commissioners Dawson, Derby, Farac, Gabriel, Havel, and Tiernan
NOES: None
ABSTAIN: None
ABSENT: Commissioner Rao

Motion carried.

COMMISSION ACTION: Upon motion by Commissioner Tiernan and seconded by Commissioner Derby the Planning Commission voted 6-0-0-1 via roll call to adopt the Vesting Tentative Map resolution as amended to add the fair share condition of approval for the off-site sidewalk and crosswalk improvements read into the record by Senior Planner Walker.

AYES: Commissioners Dawson, Derby, Farac, Gabriel, Havel, and Tiernan
NOES: None
ABSTAIN: None
ABSENT: Commissioner Rao

Motion carried.

COMMISSION ACTION: Upon motion by Commissioner Tiernan and seconded by Commissioner Dawson the Planning Commission voted 6-0-0-1 via roll call to adopt the Design Review and Density Bonus resolution.

AYES: Commissioners Dawson, Derby, Farac, Gabriel, Havel, and Tiernan
NOES: None
ABSTAIN: None
ABSENT: Commissioner Rao

Motion carried.

G. GENERAL BUSINESS

There were no agenda items.

H. COMMITTEE AND LIAISON REPORTS

Planning Manager Marshall discussed future meeting schedules and announced that tonight is Assistant City Attorney Nebb's last Planning Commission meeting with the City of Novato and is the newly appointed City Attorney for the City of Vallejo.

Assistant City Attorney Nebb stated it has been her honor and pleasure to work with staff and the Planning Commission over the last 25 years.

I. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:31 PM.

I HEREBY CERTIFY that the foregoing minutes were duly adopted at the Planning Commission meeting of _____, 2020.

/Shelley Woods/

**_____
Shelley Woods, Senior Office Assistant**