

Brett Walker

From: Lynn Berger <lynnmarieberger@yahoo.com>
Sent: Tuesday, June 29, 2021 10:50 AM
To: Brett Walker
Subject: [External] Bahia River View

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brett,

My name is Lynn Berger and I live at 2416 Topaz Drive directly below the proposed project. I am extremely concerned about building above such a steep and unsettled grade above my house. This has been deemed unsafe at previous meetings concerning this. I myself witnessed a hillside crashing through and destroying the next door neighbors house while taking refuge at a friends house during the 1981 floods in Greenbrae. The property owners persistence of pushing this through despite previous safety warnings is alarming to me especially in today's climate with the Florida building colapse dominating the news. I also think it's extremely unsafe to have cars pulling out of parking spots on such a steep and fast road populated by many bicyclists ,hikers and wildlife. Building here would be extremely irresponsible and dangerous to all concerned.

Thank you ,
Lynn Berger

Sent from my iPhone

Brett Walker

From: Mark Bevan <mrmrkbevan@gmail.com>
Sent: Tuesday, June 29, 2021 12:48 PM
To: Brett Walker
Subject: [External] Bahia River View Project-PLEASE REJECT

Follow Up Flag: Follow up
Flag Status: Flagged

To: whom it may concern
From: Mark Bevan 105 Baruna court Novato, CA

Please reject said project and note there was no attempt whatsoever by the developer to reach out and/or communicate in anyway with our community which will be seriously impacted by this development. This in contrast to the Misty Lane developer which had a series of community out reach meetings. The following letter, written and previously submitted by another resident/owner expresses my views perfectly.

“ In September 2019, the Design Review Commission voted 5-0 to recommend that the Novato Planning Commission deny the Bahia River View project.

The committee members expressed concern the project did not comply with the City's regulations on hillside development, including the requirement of a 25-foot vertical separation from the ridgeline to the roof peak of any future residence. The 2019 Bahia River View project had a 150-foot-high ridgeline above sea level and is on a ridge looking up from Topaz Drive. There is no backdrop of a mountain or ridge, and the proposal was totally contrary to the hillside ordinance, which residents of Novato expect to be fully enforced. The Bahia River View property has a view of the Petaluma River, the San Francisco Bay, and the surrounding mountains. This view is enjoyed by painters, hikers, the entire Bahia community, and residents of Novato who drive out to park and take in the beauty of our view. Search-and-rescue crews hold trainings on this site. The wildlife is abundant and, since the recent development of Misty Court in Bahia, has been squeezed into an ever-shrinking habitat and depends on this land for its existence. Stargazers frequently come to this site to enjoy the many fantastic displays of the heavens. Now Ms. Malama is back with a new proposal which attempts to circumvent our ridgeline ordinance. She is asking to have her property rezoned from one lot to five lots. The site was previously graded, resulting in nine stepped pads on this property, which were never intended as house pads. The soil was moved to the bottom of the hill to create an RV parking area, which is no longer there. These proposed lots are precursors to development and would be out of compliance with our ridgeline ordinance, just as the 2019 project was. We depend on the Planning Commissioners to see through the intent of this request to subdivide this lot into five separate lots. The current zoning is for one house on one lot. That is what this developer purchased, and that is all she is entitled to. Ms. Malama seeks to change the zoning from planned district to low density residential, which according to Community Development Department senior planner Brett Walker, would avoid the need to create a master plan and precise development plan for future housing projects. This is a blatant attempt to circumvent the 5/0 denial she received from the Design Review Committee and to circumvent our existing City ordinances. When Ms. Malama's made her first proposal in 2017, residents expressed concerns about losing privacy in their homes and backyards. Many were concerned about the impacts on wildlife. And virtually all were upset about the potential loss of the spectacular view that is the gateway to our community. At a 2017 workshop on the project, Design Review Commission members also raised concerns about the homes impacting views, the lack of story poles to demonstrate how tall future homes would be and whether the homes' designs would fit with the surrounding neighborhood, according to the meeting minutes. Now Ms. Malama is attempting to skirt these issues by seeking to sub-divide her lot. Ms. Malama's new proposal ignores the concerns of the community by filing a Draft Initial Study/Mitigated Negative Declaration (IS/MND), which includes changing the single lot Planned District (PD) to a subdivision of 5 lots (R1-10). She is entitled to what she purchased; one lot zoned for one house! I ask that she be held to her initial

purchase and that the concerns of the Bahia Community be respected and heeded. I ask you not to let this developer attempt to ignore and avoid dealing with our Hillside and Ridgeline Protection Ordinance and impact the property values and quality of life of the current residents of Bahia. Dividing the lots into five new R1-10 lots creates momentum to develop where prior issues still have never been addressed, are still problematic, and must be addressed before any approval can be considered. The MND gave 20 days for concerned residents to review a 334-page document and write letters. No meeting was held with the Bahia community. This is entirely unfair and puts residents at a serious disadvantage. The wildlife corridor will be destroyed if this lot is divided into five lots. This was not addressed in the MND. We have a responsibility to our wildlife. In Bahia, wildlife has already been pushed and squeezed by the new Misty Court development. The hazardous traffic conditions created with five new lots on Bahia Drive are not addressed in the MND. Allowing this lot to be subdivided would create the impression for unsuspecting new owners that this property is ready to build on. They would still face all the issues Ms. Malama faced when her project was rejected 5/0 by the Design Review Committee. The property is still on a ridgeline. The slope is also too steep! Please reject this proposal.”

Brett Walker

From: Pranav Bhanushali <pranavpt2006@gmail.com>
Sent: Monday, July 5, 2021 10:32 PM
To: Brett Walker
Subject: [External] Bahia River View P2017-023 SAVE OUR HILL - Humble Request

Respected Mr Walker,

My name is Pranav Bhanushali. I am home owner of 2432 Topaz drive , Novato, Ca.

I am writing to protect our beloved hill from getting divided and sold to developers. This is so much liked by every novato resident and they always come to hike here and enjoy the hike and beautiful view of petaluma river . This parcel was bought as a single Lot allowed 1 home and needs to remain just that. In 2019 the Planning Commission voted 5 - 0 against it as it doesn't address the Ridgeline Ordinance among many other concerns. The project was changed but the community was not involved in any changes, or noticed and our concerns still not addressed. The intent is to divide the property and sell the lots to unsuspecting people to try and build on them.. it is not fair to anyone involved and will just continue to waste our tax payer money. This hill is not appropriate for building.. the drainage issues; noise issues, traffic on the hill and build spots and most of all the wildlife that make this area their home. This should be a greenbelt; not another beautiful view for a few rich folks. We of Novato enjoy this hill and the fantastic views of the Petaluma river and surround.. don't let one deep pocket southern Marin person take it away.

Thank you ,
Best regards

Brett Walker

From: N Blair <nblair9999@gmail.com>
Sent: Friday, July 23, 2021 7:00 PM
To: Brett Walker
Subject: [External] Re: Bahia River View

Dear Planning Commissioners,

Before I quote what other neighbors have likely sent to you, I will express what concerns me most. I am exceedingly worried about the wildlife within our area and the depletion of the resources they need to survive. The Monarch Butterfly migrates through Novato each year as it makes its way towards Mexico. This butterfly used to be such a common insect, however, now their numbers are alarmingly low. In fact, they are about to go extinct. Because they don't have protection from the federal government, it is crucial that we do what we can to preserve the open space and natural wildlife habitats that they and other animals call home.

Today I witnessed one lone Monarch in my garden here off of Equestrian Ct. I am not far from where the Bahia River Project was proposed. Monarch butterflies can only survive so long as there are Milkweed and Eucalyptus trees. Milkweed in particular is a weed that has been eradicated from the properties of homeowners over the years. Finding this important food source has become more and more difficult. The sad part is most people are unaware of the plight of Monarchs, and while development continues, so does the depletion of their food source. We cannot afford to lose the diversity of plant life. I encourage you to educate yourselves about their plight (<https://xerces.org/>).

We need to do better as stewards of our environment. And now with more and more people able to work remotely, we don't need to be leaders in urban development. Climate change has been upon us for some time now, so we should be doing everything in our power to reverse the damage. Every home and development that goes up makes it more difficult for the wildlife to travel to important food sources and puts them at more risk when they are forced to find alternative routes. The forests in our area provide much-needed shelter and protection to many animals.

Please reject the Bahia River Project and be the proponents of change that our environment so desperately needs.

Here is what some of my neighbors have already sent you, and I agree with everything they have said:

In September 2019, the Design Review Commission voted 5-0 to recommend that the Novato Planning Commission deny the Bahia River View project. The committee members expressed concern the project did not comply with the City's regulations on hillside development, including the requirement of a 25-foot vertical separation from the ridgeline to the roof peak of any future residence. The 2019 Bahia River View project had a 150-foot-high ridgeline above sea level and is on a ridge looking up from Topaz Drive. There is no backdrop of a mountain or ridge, and the proposal was totally contrary to the hillside ordinance, which residents of Novato expect to be fully enforced. The Bahia River View property has a view of the Petaluma River, the San Francisco Bay, and the surrounding mountains. This view is enjoyed by painters, hikers, the entire Bahia community, and residents of Novato who drive out to park and take in the beauty of our view. Search-and-rescue crews hold trainings on this site. The wildlife is abundant and, since the recent development of Misty Court in Bahia, has been squeezed into an ever-shrinking habitat and depends on this land for its existence. Stargazers frequently come to this site to enjoy the many fantastic displays of the heavens. Now Ms. Malama is back with a new proposal which attempts to circumvent our ridgeline ordinance. She is asking to have her property rezoned from one lot to five lots. The site was previously graded, resulting in nine stepped pads on this property, which were never intended as house pads. The soil was moved to the bottom of the hill to create an RV parking area,

which is no longer there. These proposed lots are precursors to development and would be out of compliance with our ridgeline ordinance, just as the 2019 project was. We depend on the Planning Commissioners to see through the intent of this request to subdivide this lot into five separate lots. The current zoning is for one house on one lot. That is what this developer purchased, and that is all she is entitled to. Ms. Malama seeks to change the zoning from planned district to low density residential, which according to Community Development Department senior planner Brett Walker, would avoid the need to create a master plan and precise development plan for future housing projects. This is a blatant attempt to circumvent the 5/0 denial she received from the Design Review Committee and to circumvent our existing City ordinances. When Ms. Malama's made her first proposal in 2017, residents expressed concerns about losing privacy in their homes and backyards. Many were concerned about the impacts on wildlife. And virtually all were upset about the potential loss of the spectacular view that is the gateway to our community. At a 2017 workshop on the project, Design Review Commission members also raised concerns about the homes impacting views, the lack of story poles to demonstrate how tall future homes would be and whether the homes' designs would fit with the surrounding neighborhood, according to the meeting minutes. Now Ms. Malama is attempting to skirt these issues by seeking to sub-divide her lot. Ms. Malama's new proposal ignores the concerns of the community by filing a Draft Initial Study/Mitigated Negative Declaration (IS/MND), which includes changing the single lot Planned District (PD) to a subdivision of 5 lots (R1-10). She is entitled to what she purchased; one lot zoned for one house! I ask that she be held to her initial purchase and that the concerns of the Bahia Community be respected and heeded. I ask you not to let this developer attempt to ignore and avoid dealing with our Hillside and Ridgeline Protection Ordinance and impact the property values and quality of life of the current residents of Bahia. Dividing the lots into five new R1-10 lots creates momentum to develop where prior issues still have never been addressed, are still problematic, and must be addressed before any approval can be considered. The MND gave 20 days for concerned residents to review a 334-page document and write letters. No meeting was held with the Bahia community. This is entirely unfair and puts residents at a serious disadvantage. The wildlife corridor will be destroyed if this lot is divided into five lots. This was not addressed in the MND. We have a responsibility to our wildlife. In Bahia, wildlife has already been pushed and squeezed by the new Misty Court development. The hazardous traffic conditions created with five new lots on Bahia Drive are not addressed in the MND. Allowing this lot to be subdivided would create the impression for unsuspecting new owners that this property is ready to build on. They would still face all the issues Ms. Malama faced when her project was rejected 5/0 by the Design Review Committee. The property is still on a ridgeline. The slope is also too steep! Please reject this proposal. Regards,
Nina Blair

Brett Walker

From: Barbara Brooks <barbbrooks@att.net>
Sent: Tuesday, July 18, 2017 3:33 PM
To: Brett Walker
Cc: Bob Brown; Steve Marshall
Subject: Bahia Riverview Project

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Brett Walker,

As a resident of Bahia for nearly 40 years, I've seen all the changes in the neighborhood, witnessed some of the planning errors and rejoiced in the fact that it is now a tranquil and beautiful area. One of the features is that it is friendly to wildlife, a prime example of an environmentally valuable area, thanks in part to the Fish and Wildlife preserve called Rush Creek, along Bahia Drive to the north. There is a developer's project on the drawing board which will impact the neighborhood, as currently projected, in a negative way.

1) There appears to be no corridor for wildlife to move from the open space in Bahia to the Rush Creek area. There needs to be designated space between houses, with no fencing which might block the movement of deer, coyotes, jack rabbits, foxes, owls, and the many wild animals who live here. There are also migrating birds who visit the trees in the neighborhood (herons, egrets, and more). Turkey vultures, ravens, sweep that area...it is a balanced environment. There can be no fencing which would obstruct natural movement for the wildlife.

2) The ridge line would appear to be affected, obstructing the views of the more than 200 neighbors who drive daily into the community. Seven houses on Bahia Drive is a massive project. Think of the disastrous massive visual experience as one enters downtown Novato (the Whole Foods apartment project.) The scale and character of the project is incompatible with the open space across Bahia Drive, and with the community

3) Looking at the slope and the acreage, it appears that most of the 7 acres is unusable for buildings. Soil erosion and drainage are problematic and the stability of the sloped area is questionable.

4) The architectural renderings of the buildings are beautiful. Unfortunately, they have been projected against a backdrop of hillsides which are imaginative. Note that there are chimneys for fireplaces, although it is my understanding that fireplaces can no longer be built in Marin County. Fire hazards so close to open space are prohibitive. Flat roofs with gardens needing water?? Solar roofs would be more compatible energy-wise. Swimming pools? We are in a drought/rainfall stage, with climate change. I thought new pools were prohibited. I don't think the sloped land will stand up to the structure needed for the heaviness of pools filled with water. The elevation and mass of the houses is unclear at this point, but it would seem that no more than four homes would be possible here.

5) The developer would probably need to install sidewalks, since many Bahia residents walk and jog this area, some with children, and bicycles.

Thank you for considering these suggestions. I am writing in lieu of appearing at the Wednesday night meeting, to save your time.

Best regards,

Barbara Brooks
719 Albatross Drive
Novato, CA 94945

cc: Bob Brown, City of Novato
Steve Marshall, City of Novato

June 22, 2021

To the City of Novato Community Development:
Project Name & Application
Bahia River View
P2017-023

My wife and I have been residents of Bahia for 43 years residing at 2908 Topaz Drive. Please consider opposing subdividing this plot for the following reasons.

What sold us on buying into this community was the beautiful river and incredible panoramic views of Marin and Sonoma counties. Our community, and other people outside this community, have enjoyed and treasured this view over the decades. To subdivide this plot would not only take away our beautiful entrance to our community, but we would lose an important asset, which our community would like to protect.

Other reasons for not subdividing are that this corridor is a natural pathway for many of our wild animals and houses built on those lots would impact those homes living near below losing their privacy. Driving out onto Bahia drive from those lots with approaching cars coming down the hill, especially at night and bad weather, would introduce additional risk.

Lastly, due to the scarcity of water, we are concerned about developing more homes due to the current and future drought conditions.

Please protect our view.

Respectfully,

Biagio Cacciatore
Edith Cacciatore

Biagio and Edith Cacciatore

Brett Walker

From: Shirley Chao <shirleymiles@yahoo.com>
Sent: Wednesday, July 19, 2017 11:47 AM
To: Brett Walker
Cc: Bob Brown; Steve Marshall
Subject: Bahia River View

Dear Brett Walker,

I am writing to voice my opposition to the Bahia River View planned development (Project# P2017-023 Design Review, novato.org/bahiariverview). I believe it will have multiple negative impacts on the Bahia community.

The proposed development would obstruct multiple views in our neighborhood. From Bahia Drive, it would obstruct the community's view of the Petaluma River and San Pablo Bay. This view is greatly valued by our community. It is a very large part of what drew many of our residents, including myself, to Bahia in the first place. Many of the residents and visitors to our neighborhood often park on Bahia Drive to watch the moon rise with its reflection on the water, to watch the birds circling and soaring on the warming air currents that rise over the main lagoon, or to simply enjoy the full panoramic view of the Bahia lagoons, Petaluma River, Sonoma hills, San Pablo Bay all the way to the East Bay. These panoramic views are what make our neighborhood so attractive and desirable.

From Topaz Drive the development would impede the view of the ridgeline, where we often watch the sunsets and the colors of the sky change dramatically above the ridge. These views are some of the most valuable aspects of this community, and they have been appreciated by all of our residents for many decades. The proposed development would obstruct these views that everyone in our community currently enjoy and share.

In addition to obstructing our views of the river and the bay, I am concerned about the environmental impact this development will have on erosion and drainage in our neighborhood. Bahia has had a history of drainage issues. I am worried that changing the slope of this hillside so drastically would change the paths of water runoff, and potentially create new drainage and/or flooding problems for the neighbors below.

In regards to the number of units, I am extremely surprised that a single lot could be permitted to be separated into seven subdivisions. They have also proposed seven driveways with three of the units having multiple car garages. This will create traffic safety issues along Bahia Drive. There is a blind crest at the top of Bahia Drive. With the proposed driveways positioned perpendicularly to the street below this blind crest, it would make entering into and exiting out of those driveways extremely dangerous.

In summary, I believe the proposed development would create dangerous traffic situations, have a negative environmental impact on the slope and drainage of the hillside, and take away from the beauty currently valued and appreciated by all members of our community. I ask you to please take these concerns into account when assessing the Bahia River View proposal.

Thank you very much for your time and consideration.

Kind regards,

Shirley Chao
2733 Topaz Drive
Novato, CA 94945

cc: Bob Brown
Steve Marshall

Brett Walker

From: Shirley Chao <shirleysmiles@yahoo.com>
Sent: Monday, June 28, 2021 10:51 PM
To: Brett Walker
Subject: [External] Opposition to Bahia River View P2017-023

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom It May Concern,

As a resident of Bahia I am writing to state my **opposition** to the proposed Bahia River View development. Any development in that area would:

- Block the view, which is a valuable asset to our community.
- Lead to a loss of privacy for the existing residents below on Topaz.
- Create dangerous traffic conditions with cars entering & exiting driveways along Bahia Drive.
- Bahia Drive is the only way out of our community in an emergency and needs to remain a safe exit.
- Have an adverse effect on numerous animals as it is a wildlife corridor.

On a side note, I did not receive the mailed notification from the city about the development. I only found out about it when another Bahia resident posted it on Next Door.

Kind Regards,

Shirley Chao
2733 Topaz Drive
Novato, CA 94945

Brett Walker

From: Lynn Emrich <msemrich@gmail.com>
Sent: Wednesday, June 30, 2021 5:16 PM
To: Brett Walker
Subject: [External] Bahia River View Draft IS/MND

To: Novato Planning Commission

From: Lynn and Jim Emrich

RE: Bahia River View Draft IS/MND

The current property is zoned as a single lot and should not be divided into 5 buildable lots. The draft initial study does not adequately describe the current site. On page 20 of the study, under 3.1 Aesthetics, 1a "have a substantial adverse effect on a scenic vista?". The box is marked "less than significant impact" This is incorrect because construction of 5 houses on this property would destroy a significant expansive view from Bahia Drive. On a clear day, the view to the southeast extends as far as the Carquinez Bridge.

In addition, the 5 houses would violate the prohibition on building on a ridgeline in the Novato Hillside and Ridgeline Protection Ordinance. At the September 18, 2019 Design Review Commission Meeting, commissioners voted 5 to 0 to recommend Denial of the subdivision and lot creation. Commissioners repeatedly stated that homes would be on ridgelines and silhouetted against the sky.

We urge the Planning Commission to follow the recommendation of the Design Review Commission and deny approval of the subdivision.

Brett Walker

From: Mary Galletta <maryinmotion@rocketmail.com>
Sent: Tuesday, July 11, 2017 4:40 PM
To: Brett Walker; Steve Marshall; Bob Brown
Subject: Bahia River View Project

Brett Walker (Senior Planner), Steve Marshall (Planning Manager), Bob Brown (Community Development Director):

This project is destructive, senseless and greedy. Money, money, money... It sickens me how closed minded you people are and it's hard for me to write this email to you respectfully because I'm angry. Your total disregard for the existing community and wildlife who will be negatively affected by this project is staggering. You need to hear me!! As a resident of Bahia for nearly a decade, I don't want you to destroy my view, I don't want you to eliminate the wildlife corridor which will endanger dozens of species by taking away their nesting, breeding, and feeding destinations, I don't want you to create more more traffic, pollution, and congestion in my neighborhood, I don't want your giant homes built in my community. I hate this idea and I know I'm not alone. Open your eyes and open your hearts, see things from our perspective. Your Bahia River View Project is a bad idea. Homes built in this area will also create fire danger and land erosion concerns. It doesn't benefit anyone but the rich, elite home buyers (who will be the only ones able to enjoy the view) and you greedy, money hungry developers. Please take your building obsessions someplace else!!

Obviously upset but trying to be respectful-
Mary Galletta

Brett Walker

From: Michael Hall <michael.hall@autodesk.com>
Sent: Wednesday, June 30, 2021 5:28 PM
To: Brett Walker
Subject: [External] Bahia River View

Follow Up Flag: Follow up
Flag Status: Flagged

Brett,

I am writing in response to your request for community input on the Bahia River View proposal to subdivide the single lot that runs along Bahia Dr. into five smaller lots. I have been opposed to the proposed subdivision and development of this lot since Ms. Malama originally proposed it. I remain so today. Below are my reasons. I am restating the points I made at the Design Review Commission presentations on July 19, 2017 and September 18, 2019 because little or nothing has changed in the proposal since.

- 1) According to Novato's ordinances on the subdivision of lots, it is not acceptable to create lots on which compliant structures cannot be built. The Hillside and Ridgeline Protection Ordinance, when interpreted correctly, precludes construction of any structure on these lots. The Novato General Plan Section 19.26.050.J.2 of the Hillside and Ridgeline Protection Ordinance states that any the peak of any structure must be 25 ft. below the adjacent ridgeline.

The elevation of each of the proposed lots is no more than 28 feet lower than the elevation the elevation of the corresponding section of the ridge immediately adjacent on the far side of Bahia Dr, with all but Lot 5 being significantly less than 25. That means that no structure of more than 3 feet in height could be built on any of the proposed lots without exceeding the limits of the Hillside and Ridgeline Protection Ordinance.

Further, Section 19.26.050.J.1 states "Structures shall not be placed so that they are silhouetted against the sky when viewed from a public street..." No structure could be built on any of the proposed lots without being silhouetted against the sky to the north of the site from any number of locations in Bahia.

The Bahia Riverview development team asserted that the ridge that descends along Bahia Dr. was not relevant in this discussion. That denies the definition of "Ridge" or "Ridgeline" as stated in the Ordinance, which is "Ridgeline. The highest 5-foot contour elevation of a landform including any locations which, when viewed from a public street within one-eight (1/8) mile of the subject site, no earth backdrop for a structure placed thereon is afforded by the subject or contiguous property." The ridge that runs down Bahia clearly meets this definition.

In the Design Review Commission review of the proposal on Sept. 18. 2019, the Commissioners cited the proposal's failure to address this issue as their primary reason for rejecting it 5-0 at that time. From the minutes of the Sept. 18, 2019 meeting: "Commissioner Radovanovich stated that if the houses are silhouetted against the sky, that is a deal breaker." and "Commissioner Farrell stated that the hillside/ridgeline issue needs to be resolved, stated the need for story poles, and suggested that the proposal may be too much development and that a lower density may be warranted."

The revised project plan and the Draft Mitigated Negative Declaration Bahia River View Project submitted earlier this month show clearly on Page 37 that even the lowest of these structures would be ***blatantly silhouetted against the sky in such a way as to dominate the entire neighborhood and change its character substantially.***

- 2) The Novato Master Plan defines the need to protect important view basins throughout the city as a vital cultural resource. The Environmental Stewardship Section 12 portion of the General Plan refers to Petaluma River, specifically the view impacted by this development, is cited as one of two examples of such a resource. The Dudek Mitigation plan states that there would be no significant impact to that view corridor. That is not possible. The development team has provided two images (pages 33 and 34 of the Draft Mitigated Negative Declaration Bahia River View) that show the optimal vantage points to defend their position. An animated rendering showing the impact as you descend the hill would better demonstrate the impact of this development on the views identified as a resource for all of Novato.
- 3) Privacy for multiple residents of Bahia, specifically those in the first block of Topaz Dr., will be dramatically impacted. The elevation diagrams provided in the Draft Mitigated Negative Declaration Bahia River View (page 19) inaccurately states that my house (2404 Topaz Drive) sits more than 40 feet from the toe of the hill between it and Lot 5 and that the height difference between my lot and the proposed Lot 5 is no more than 10 feet. The Master Bathroom of my home is 12 feet from the toe of the hill and the height difference between the lots is over 15 feet. As a result, any house built on that lot will loom over mine. There will be no portion of the back of my house that is not directly impacted and nakedly exposed to my new neighbor. The same is true of my immediate neighbors.
- 4) Finally, I would like to request that the city confirm the accuracy of the Average Slope calculations for Lots 1 and 2. If the average slope of either lot exceeds 25%, it is unbuildable and renders the sub-division request moot. Given that Dudek's report lists both lots' average slope as exactly 25%, I would hope the city has confirmed their findings.

I look forward to the ongoing discussion.

Michael Hall

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Brett Walker

From: Tisha Kahl <tishakahl@gmail.com>
Sent: Monday, July 26, 2021 7:41 PM
To: Brett Walker
Subject: [External] Bahia River View P2017-023 - SAVE OUR HILL!

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

My name is Leticia T. Kahl living at 40 Circe Court in Bahia. My husband and I recently moved to Novato from San Rafael in hope of finding the peace and quiet that Bahia offered. We are OPPOSED to any building on the hill.

This area should remain open for many reasons, as follows:

AESTHETICS:

To have more housing in our neighborhood will diminish the striking beauty of Bahia. The openness this hill offers will be replaced by buildings. This area should be designated County Open Space.

SAFETY:

More importantly, the safety factor will now be strained. As it is there is only one way in and out of the area. God forbid there should be a fire in our area - we only have one way out. The more people and cars we put in this area, will only slow down any evacuation.

ENVIRONMENTAL:

Additionally, the traffic and noise will increase that may harm the birds that call this area a sanctuary.

Please do not allow the property to be divided, built on or disrupted. We vote for it to remain open space!

Thank you for considering our voice.

Leticia and Alex Kahl

Brett Walker

From: Brooke Kimple <loebus@gmail.com>
Sent: Tuesday, June 29, 2021 3:44 PM
To: Brett Walker
Subject: [External] No more Bahia River View

Follow Up Flag: Follow up
Flag Status: Flagged

Please add my voice to the list of those opposing the new development on Bahia Drive. I'm sure others have gone into detail on the many many reasons this ridge line shouldn't be developed so I'll refrain now but I wanted to share my displeasure at the way this project is being rammed down the throats of the people of Bahia and Novato at large.

Mobile Brooke

Brett Walker

From: Geoff Kinnaird <kinnairdf1@yahoo.com>
Sent: Tuesday, July 18, 2017 5:05 PM
To: Brett Walker
Cc: Bob Brown; smarshall@vovato.org
Subject: Opposition to the Bahia River View planned development

Dear Mr. Walker,

I am writing to voice my opposition to the Bahia River View planned development (<http://novato.org/government/community-development/planning-division/planning-projects/bahia-river-view>), as I believe it will have a negative impact on the Bahia community.

The proposed development will block the view of the Petaluma River, Bahia lagoons, Sonoma hills and San Pablo Bay from Bahia Drive. This view is the first thing you see as you enter Bahia, the panorama unfolding as you crest the hill has a real “Wow” factor. It is especially stunning on the clear nights when the full Moon is hanging low in the East and reflecting off the water, the Moon looking close enough to touch. It is very common to see cars stopped along Bahia Drive to appreciate it on their way home. The view, day or night, is one of the features that makes our neighborhood unique and desirable. It is an asset to our community, one that all of those who live in and visit Bahia can enjoy. It should not be reserved for just the few who live in these proposed homes.

I also have great concern about the traffic conditions these homes would pose. Bahia Drive is a blind crest with a blind turn halfway down. Vehicles coming in to Bahia and slowing down to make the 90 degree turn to enter their driveways, as well as those crossing over Bahia Drive to exit Bahia, would create very dangerous situations. Vehicles parked on the street in front of these homes would further limit visibility and increase the likelihood of accidents. Bahia Drive is also popular with cyclists, walkers and runners, putting them at risk as well.

The location of the proposed homes also creates runoff, erosion and noise issues for those living below them. It would be a great loss of privacy for those homes as well.

I am not sure if you are aware of Bahia’s history, but it has been a difficult one. The loss of the main lagoon and its access to open water was a major blow to the homeowners at that time. Many felt that they had been conned. The financial loss, as well as the legal anguish that followed only compounded that misery. The pain and animosity of that loss still remains for many.

Having been a resident of Bahia for 10 years, I think we are finally getting to a point where we are getting close to putting the loss of the lagoon behind us, and are finding our new identity. We are now able to move on from a community built around boating, that no

longer has access to open water, to one that boasts natural beauty, scenic views, abundant wildlife, open space and a sense of solitude.

In the last few years, I have seen many new residents moving in, most with young families, certainly attracted to these features, as well as our new parks and remodeled pool and clubhouse. It would be a shame if this new wave of residents were to have the rug pulled out from under them, just as those who bought into Bahia for the open water access did years before. Approving this development, and taking away the Bahia Drive view would be like kicking Bahia down just as it was getting back on its feet. Please let Bahia get the chance to find itself again.

Thank for your time and consideration on this matter.

Best regards,

Geoff Kinnaird

2733 Topaz Dr.

Brett Walker

From: Geoff Kinnaird <kinnairdf1@yahoo.com>
Sent: Monday, June 28, 2021 11:43 AM
To: Brett Walker
Subject: [External] Opposition to Bahia River View P2017-023

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom It May Concern,

As a resident of Bahia I am writing to state my **opposition** to the proposed Bahia River View development. Any development in that area would:

Block the view, which is a community asset.

Lead to a loss of privacy for residents below.

Create dangerous traffic conditions with cars entering & exiting driveways along Bahia Dr.

Bahia Drive is the only way out of our community in an emergency and needs to remain a safe exit.

Have an adverse effect on the wildlife as it is an animal corridor.

Also, I did not receive the mailed notification from the city, and only found out about this when another Bahia resident posted it on Next Door.

Best Regards,

Geoff Kinnaird

2733 Topaz Dr.

Novato, CA

September 16, 2019

To: Council Member Eric Lucan and Novato Design Review Commission

RE: Bahia River View Project

Thank you for accepting comments on the project and holding a public workshop. I have the following comments:

I am disappointed that the project is still being proposed in violation of the Novato General Plan and Zoning Ordinance.

The 16.87 acre site is a legal lot and the owner has the right to propose a use that is consistent with the Novato General Plan and Zoning Ordinance. The General Plan designation of R1, with the adoption of a master plan ordinance amendment and the approval of a precise development plan resolution **may permit the construction of a single family residence** on the property. However, the property owner has submitted a revised project plan proposing to **subdivide the lot into five lots**.

Because the existing lot exceeds an average slope of 10 percent, any proposed development is subject to the Hillside and Ridgeline Protection standards of the Novato Zoning Ordinance, (Section 19.26). The standards state in part:

19.26.050 – Hillside Project Development Standards

G. Lot Configuration. The creation of new lots or the relocation of lot lines shall comply with the following standards:

3. Lots shall not be created with building envelopes which would allow structures to project within 25-feet of the top 5-foot contour of a ridgeline or knoll.

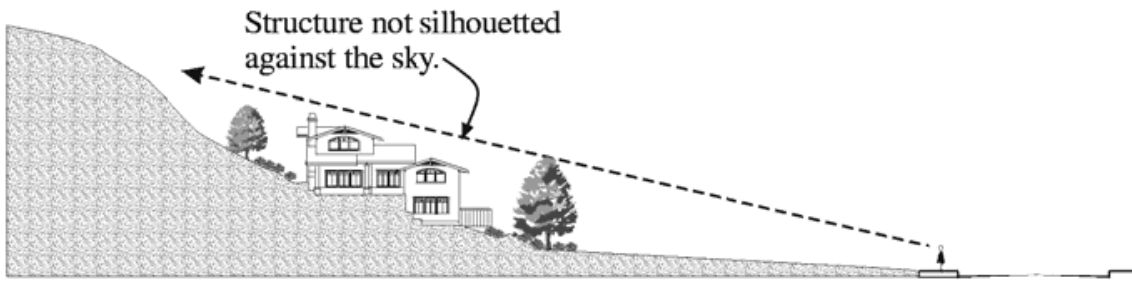
Comment:

The property is partially located on a ridge to the south of Bahia Dr. and northwest of Topaz Dr. As viewed from portions of Topaz Dr. and Night Heron City Park, the new homes on the proposed lots would not have an earth backdrop and therefore would silhouette against the sky. This circumstance would be in direct conflict with Development Standard G. 3 above.

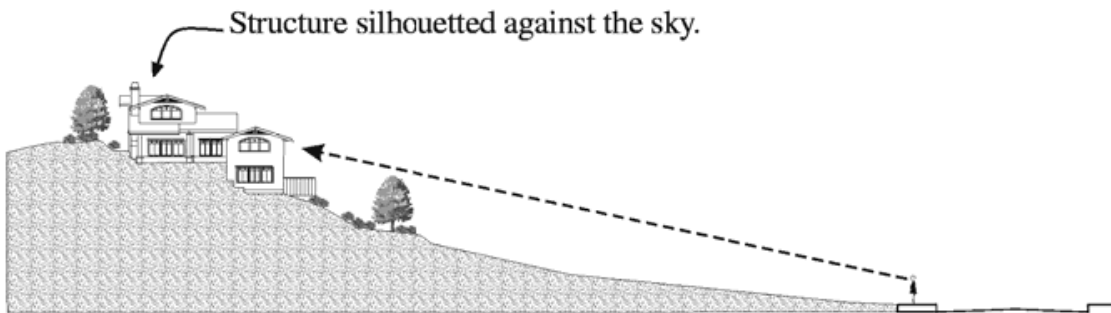
The new homes also would not be in compliance with General Plan Policy EN 13 and 27 which encourage protection of public views [from Bahia Dr.] to the Petaluma River.

J. Siting and Height Limitations. Structures that are placed adjacent to ridgelines or knolls shall comply with the following provisions....:

1. Siting Restrictions. Structures shall not be placed so that they are silhouetted against the sky when viewed from a public street, except where the review authority determines that the only feasible building site on an existing lot cannot comply with this standard. See Figure 3-11.



THIS



NOT THIS

Figure 3-11

2. Placement Below Ridgeline Required. Structures shall be located so that a vertical separation of at least 25 feet is provided between the top of the structure and the top five-foot contour of the ridge or knoll to maintain the natural appearance of the ridge. See Figure 3-12.



Figure 3-12

Comment:

The project proposes to subdivide the lot to allow multiple homes on the ridgeline of the existing property. These homes will not have an earth backdrop and the homes will therefore silhouette against the sky as viewed from Topaz Dr. This circumstance is in conflict with Development Standards J.1 and 2 above.

19.20.080 - Scenic Resources Protection

D. Development standards. Proposed developments and new land uses shall comply with Section 19.16.030 (Baylands Overlay District) and Division 19.26 (Hillside and Ridgeline Protection) where applicable, and the following requirements:

1. Protection of existing views. Development and new land uses, or changes to existing structures or land uses shall not result in a change in the elevation of the land, or impair major views, vistas, viewsheds of major landforms from public roads, or public vantage points as described above.

Conclusion: The City Council adopted the Hillside and Ridgeline Protection Standards approximately 17 years ago in response to substantial concerns raised by citizens regarding hillside developments which they believed negatively impacted privacy, safety, view corridors, scenic vistas, native vegetation, and ridgelines.

The proposed project must be rejected. The applicants have two choices:

1. Submit an application for Design Review to construct a single home on the property, or
2. Submit an application to amend the Novato General Plan and Zoning Ordinance to modify the language of these documents in a manner that will allow the multi-home project they are seeking.

If there is any doubt that the proposal would violate the Hillside and Ridgeline Protection Standards, I recommend an on-site Design Review Commission workshop be held after Story Poles are in place.

Thank you again for your consideration,

Alan Lazure,

Bahia Resident

September 16, 2019

Subject: Bahia River View Project #P2017-023

Dear Mayor Eric Lucan (District 3) and Design Review Commission,

I am writing to strongly voice my concern about the Bahia River View application for 5 large homes to be located on Bahia Dr.

One of my key concerns continues to be to protect the views which we as residents and all others visiting Bahia will no longer have if these homes are approved to be built. My family and I have lived in Bahia for close to 33 years and continue to be awed by the views that welcome us when returning home. At various times during the year we have seen people park their cars along the hillside curb to view fireworks, view the celestial sky or just view the beautiful land around the Petaluma River below. General Plan EN Policy 13 Views: states that we should "encourage protection of visual access to the San Pablo Bay Shoreline and the Petaluma River". EN Policy 27 Scenic Resources: states we should "protect visual values on hillsides, ridgelines, and other scenic resources".

The existing pads were established when Bahia was originally built in the 1960's and I am fairly certain that these pads today do not meet, nor should be approved to be built on, due to the Ridgeline standards. The Ridgeline standards were written due to the direction given by the City Council for the protection and guidance of future buildings for all of Novato. Does Bahia not qualify for this protection? These proposed homes absolutely do not meet the Ridgeline standards as viewed from many areas along Topaz Drive, such as from the City's Night Heron Park at Topaz Dr. and Malobar Dr. The homes definitely would be above the ridgeline (Story poles would verify this). If any homes are to be approved all remaining pads should be required to be re-graded with a natural contour.

The project is also asking to be rezoned from PD to R1-10. I understand this to mean the project would no longer be part of the Bahia HOA. The proposed homes will be located at the main entrance to the lower Bahia homes but not be a part of Bahia. Why is that? The homes proposed also do not match or even come close to matching size and design of the existing Bahia homes. General Plan CI Policy 1 Compatibility of Development with Surroundings: states "Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale and ambiance of the surrounding neighborhood".

Wildlife corridors currently used would no longer exist. LU Program 9.1: Prepare a guide to Constraints Analysis to: "1. Identify lands with high environmental value or significant hazards. These would generally include wetlands and watercourses, native woodlands, habitat important to special species, wildlife travel corridors, scenic resources (including scenic hillsides and ridgelines) and land subject to flood or fire hazards". I do feel that this project site is a land area with high environmental value and if lost will be of significant hazard to our wildlife.

Driveways onto Bahia Dr. could pose problems with lack of sight distance and entering the steep main traffic corridor used for the current Bahia development.

Further development in the Bahia area would mean more homes/people to evacuate in case of disaster in a development which only has one way in and one way out. Has the Fire District approved of further development in this area?

Developer has not installed any stop poles for their proposed project and should be required to before any further study or decision is made.

Developer has not had any neighborhood outreach or neighborhood meetings since before the last Design Review meeting in 2017.

Please limit this ridge line/wildlife area to one home in accordance with the requirements of the General Plan and Zoning Ordinance.

Thank you for your time and consideration of my comments.

Jan Lazure
713 Bolero Ct.
Novato, CA 94945

July 16, 2017

To: Novato Design Review Commission

RE: Bahia River View Project

Thank you for accepting comments on the project and holding a public workshop. I have read the July 19 staff report for the project and have the following comments:

The 16.87 acre lot is a legal lot and the owner has the right to propose a use that is consistent with the Novato General Plan and Zoning Ordinance. The General Plan designation of R1, with the adoption of a master plan ordinance amendment and the approval of a precise development plan resolution **may permit the construction of a single family residence** on the property. However, the property owner has submitted an application proposing to **subdivide the lot into seven lots**.

Because the existing lot exceeds an average slope of 10 percent, any proposed development is subject to the Hillside and Ridgeline Protection standards of the Novato Zoning Ordinance, (Section 19.26). The standards state in part:

19.26.050 – Hillside Project Development Standards

G. Lot Configuration. The creation of new lots or the relocation of lot lines shall comply with the following standards:

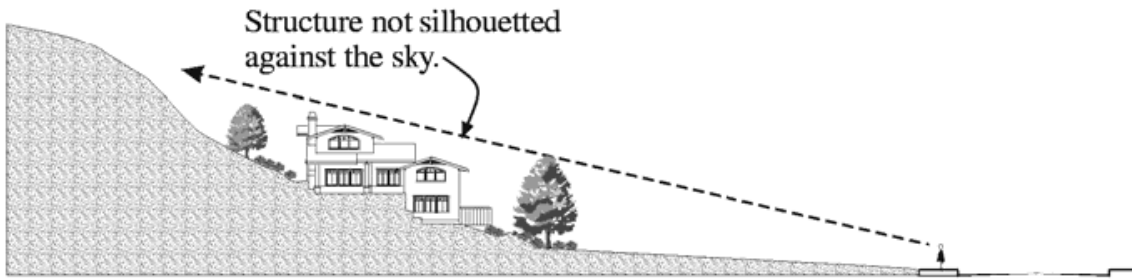
2. Lot layout shall be designed to avoid grading or building within 25-vertical feet of the top 5-foot contour of a ridgeline or knoll.
3. Lots shall not be created with building envelopes which would allow structures to project within 25-feet of the 5-foot contour of a ridgeline or knoll.

The property is partially located on a ridge to the south of Bahia Dr. and northwest of Topaz Dr. As viewed from portions of Topaz Dr. (a public street) the homes on the new lots would not have an earth backdrop and therefore silhouette against the sky. This circumstance would be in conflict with Development Standards G.2 and 3 above.

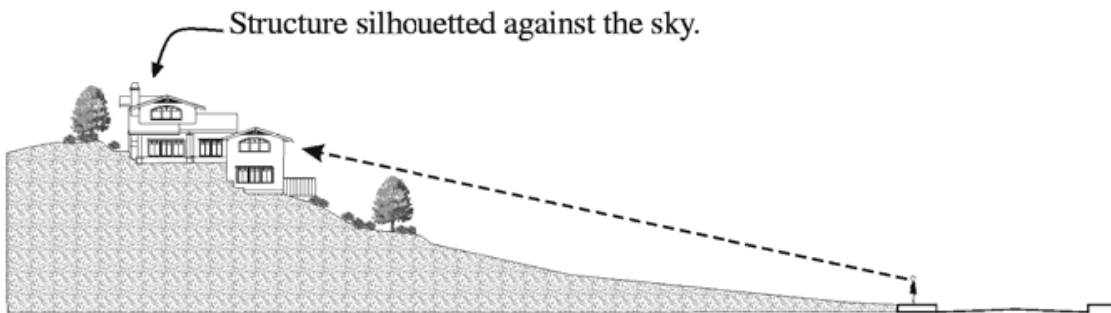
These homes would not be in compliance with the General Plan Policy EN 13 and 27 which encourage protection of public views [from Bahia Dr.] to the Petaluma River.

J. Siting and Height Limitations. Structures that are placed adjacent to ridgelines or knolls shall comply with the following provisions....:

1. Siting Restrictions. Structures shall not be placed so that they are silhouetted against the sky when viewed from a public street, except where the review authority determines that the only feasible building site on an existing lot cannot comply with this standard. See Figure 3-11.



THIS



NOT THIS

Figure 3-11

2. Placement Below Ridgeline Required. Structures shall be located so that a vertical separation of at least 25 feet is provided between the top of the structure and the top five-foot contour of the ridge or knoll to maintain the natural appearance of the ridge. See Figure 3-12.



Figure 3-12

The project proposes to subdivide the lot to allow multiple homes on the ridgeline of the existing property. These homes will not have an earth backdrop and the homes will therefore silhouette against the sky as viewed from Topaz Dr. This circumstance will be in conflict with Development Standards J.1 and 2 above.

19.20.080 - Scenic Resources Protection

D. Development standards. Proposed developments and new land uses shall comply with Section 19.16.030 (Baylands Overlay District) and Division 19.26 (Hillside and Ridgeline Protection) where applicable, and the following requirements:

1. Protection of existing views. Development and new land uses, or changes to existing structures or land uses shall not result in a change in the elevation of the land, or impair major views, vistas, viewsheds of major landforms from public roads, or public vantage points as described above.

Conclusion: The City Council adopted the Hillside and Ridgeline Protection Standards approximately 15 years ago in response to substantial concerns raised by citizens, of the impacts of then hillside developments which they believed negatively impacted privacy, safety, view corridors, scenic vistas, native vegetation, and ridgelines.

The proposed project must be rejected until it is redesigned to comply with the Novato General Plan and the Hillside and Ridgeline Protection Standards. I suspect that such a redesign will be nearly impossible if subdivision into multiple lots is proposed. Development of multiple homes on this property will require a violation of the prohibition of building on slopes greater than 25% and/or violation of the prohibition to create home sites that will silhouette against the sky as viewed from Topaz Dr. Once a redesign is done, I recommend an on-site Design Review Commission workshop be held after the Story Poles are in place.

Thank you for your consideration,

Alan Lazure

Filename: Bahia River View
Directory: C:\Users\bwalker\Documents
Template: C:\Users\bwalker\AppData\Roaming\Microsoft\Templates\Normal
.dotm
Title:
Subject:
Author: Alan Lazure
Keywords:
Comments:
Creation Date: 7/15/2017 2:37:00 PM
Change Number: 8
Last Saved On: 7/16/2017 2:02:00 PM
Last Saved By:
Total Editing Time: 416 Minutes
Last Printed On: 7/17/2017 7:16:00 AM
As of Last Complete Printing
Number of Pages: 3
Number of Words: 685 (approx.)
Number of Characters: 3,905 (approx.)

Brett Walker

From: Lazure Family <alanjanl@comcast.net>
Sent: Sunday, July 23, 2017 1:46 PM
To: Brett Walker
Cc: Steve Marshall
Subject: Bahia River View project

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brett,

Good to meet you at the DRC meeting last Wednesday.

I had a chance to go back over the Zoning Code sections within the Hillside and Ridgeline Protection Standards that you and I briefly spoke about during the DRC on Wednesday. As with any code or law there are always ways to interpret language that may not have been written in clear and straight forward manner.

I believe that you and I agreed that Section 19.26.050 – Hillside Project Development Standards, paragraph G. Lot Configuration, was clear. It states, "The creation of new lots or the relocation of lot lines shall comply with the following standards:" The Bahia River View project is proposing new lots and therefore shall comply with items 1. through 7. of paragraph G. Of particular relevance to the proposed project are items G.2 and 3:

G. 2. Lot layout shall be designed to avoid grading or building within 25-vertical feet of the top 5-foot contour of a ridgeline or knoll.

3. Lots shall not be created with building envelopes which would allow structures to project within 25-feet of the 5-foot contour of a ridgeline or knoll.

The purpose of G.2 and 3. above is to not allow the creation of new lots that would permit building construction on or near the top of a ridgeline. The project proposes building envelopes on a ridge and therefore does not comply with the Lot Configuration standards of the Hillside Project Development Standards.

We did not discuss paragraph J. of Section 19.26.050, which further supports the standards of paragraph G., with siting and height limitations for structures placed adjacent to a ridgeline. My comments about the relevance of J.1 and 2. and Section 19.20.080 – Scenic Resource Protection, are included in my correspondence to the DRC dated July 16, 2017. You mentioned that there was other language in the Hillside and Ridgeline Protection Standards that allow flexibility for new lots in designing building envelopes on a ridgeline. After further review of the Code I could not find the language that you spoke about. The other paragraphs of Section 19.26.050 primarily deal with development on existing lots.

I would be interested in meeting with you at the Planning Division if you would like to discuss the Code as it relates to creating new lots or any other component of the project.

Regards,

Alan

June 29, 2021

To: Mayor Pro Tem Eric Lucan and the Novato Planning Commission

RE: Bahia River View Project

Thank you for accepting comments on the draft Bahia River View Mitigated Negative Declaration (MND) and project merits. I continue to be disappointed that the project is still being proposed contrary to the policies of the Novato General Plan and requirements of the Zoning Ordinance.

The Novato Design Review Commission (DRC) held public Workshops on the proposed project in 2017 and 2018. The DRC was critical of the information provided and concerned about many of the potential negative impacts the proposal may create. At both Workshops, with votes of 5-0 the DRC determined that not enough project details were available to make a positive recommendation to the Planning Commission. Most Commissioners expressed concern about the placement of homes on a ridgeline and that the existing pads may not be an adequate size for construction of a house. They suggested the need for better section drawings, more graphics to depict home designs and the need for story poles.

The 16.87-acre site is a legal lot and therefore the owner has the right to propose a single home that is consistent with the Novato General Plan and Zoning Ordinance.

Because the existing lot exceeds an average slope of 10 percent, the proposed 5-lot subdivision is subject to the Hillside and Ridgeline Protection Standards of the Novato Zoning Ordinance, (Section 19.26). These Standards were adopted by the City of Novato to reduce the number of potential lots due to various criteria for lessening community impacts that a project may cause. The Standards state in part:

19.26.050 – Hillside Project Development Standards

G. Lot Configuration. The creation of new lots or the relocation of lot lines shall comply with the following standards:

3. Lots shall not be created with building envelopes which would allow structures to project within 25-feet of the top 5-foot contour of a ridgeline or knoll. See Figure 3-12.

19.60.020 of the Novato Zoning Code includes the definition of a Ridgeline as follows: “Ridgeline. The highest 5-foot contour elevation of a landform including any locations which, when viewed from a public street within one-eighth (1/8) mile of the subject site, no earth backdrop for a structure placed thereon is afforded by the subject or contiguous property.” The subject property is within 1/8th mile of Topaz Dr. and Night Heron City Park. See Photo attached of the view of the ridge from Topaz Dr. and Night Heron City Park where all or portions of proposed Lots 1, 2, 3, and 4 would be located.

Comment:

The property is partially located on a ridge to the south of Bahia Dr. and northwest of Topaz Dr. As viewed from portions of Topaz Dr. and Night Heron City Park, the new homes on the proposed lots would not have an earth backdrop and therefore would silhouette against the sky. This circumstance would be in direct conflict with Development Standard G. 3 above.

J. Siting and Height Limitations. Structures that are placed adjacent to ridgelines or knolls shall comply with the following provisions....:

1. Siting Restrictions. Structures shall not be placed so that they are silhouetted against the sky when viewed from a public street, except where the review authority determines that the only feasible building site on an existing lot cannot comply with this standard. See Figure 3-11.

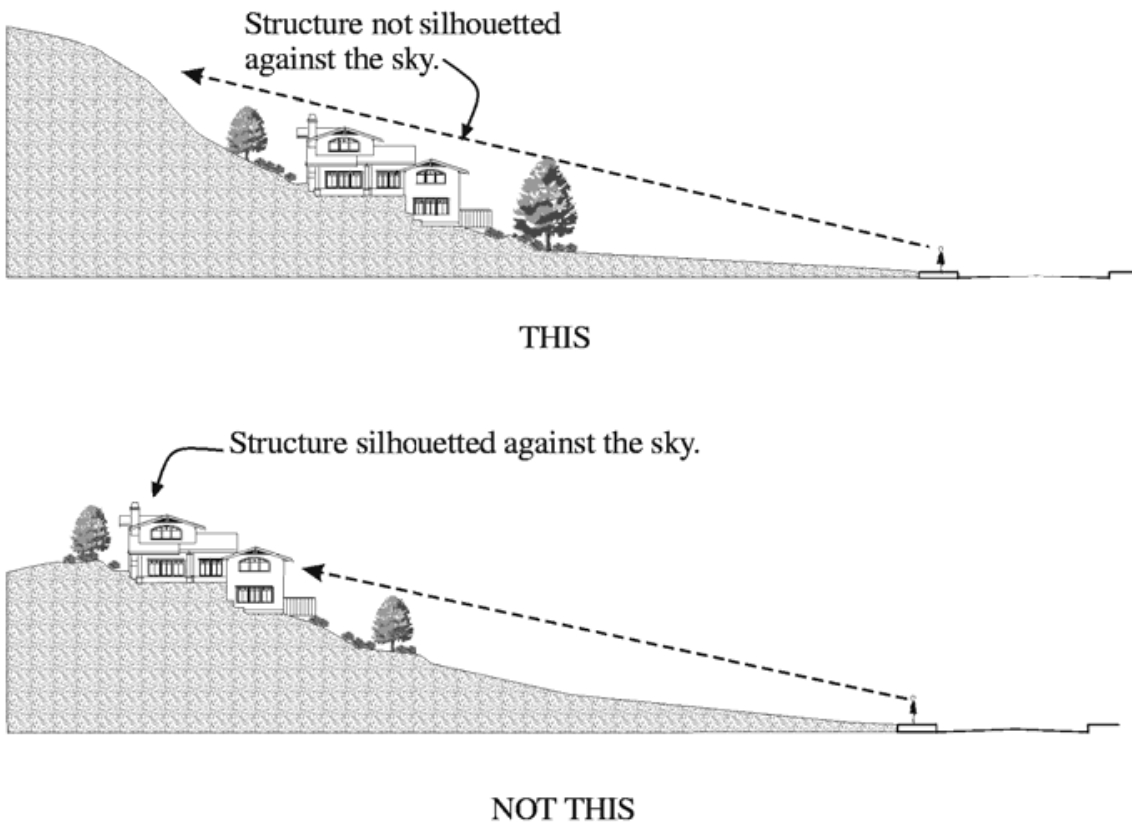


Figure 3-11

2. Placement Below Ridgeline Required. Structures shall be located so that a vertical separation of at least 25 feet is provided between the top of the structure and the top five-foot contour of the ridge or knoll to maintain the natural appearance of the ridge. See Figure 3-12.



Figure 3-12

Comment:

The J.1. and 2. Standards may be forgiven for development of the existing lot with a single residence. However, with the proposed subdivision with multiple new residences must comply with J.1. The proposed homes will not have an earth backdrop and the homes will therefore silhouette against the sky as viewed from Topaz Dr. and Night Heron City Park. The lack of an earth backdrop conflicts with the Development Standards J.1 and 2. above.

One of the chosen observation points (3.1 Aesthetics; Figure 5, Key Observation Points) in the MND (Figure 8) is located at the adjacent residential driveway at the north end of Night Heron Park. This location is too close to the project site (showing only Lot 2 and a portion of Lot 3), to be a good representation of actual views of the ridgeline from the park environment. A more telling location would be from the south end of the park near the intersection of Topaz and Malobar Drives (see attached photo). This vantage point represents a better public view of the ridgeline from Topaz Dr. and Night Heron City Park and includes proposed Lots 1, 2, 3 and most of 4. If story poles were installed as requested by the DRC, a very different conclusion would be reached in the MND, that the Aesthetic view impact is less than significant. Why is the applicant not following the City Story Pole requirements?

19.20.080 - Scenic Resources Protection

D. Development standards. Proposed developments and new land uses shall comply with Section 19.16.030 (Baylands Overlay District) and Division 19.26 (Hillside and Ridgeline Protection) where applicable, and the following requirements:

1. Protection of existing views. Development and new land uses, or changes to existing structures or land uses shall not result in a change in the elevation of the land, or impair major views, vistas, viewsheds of major landforms from public roads, or public vantage points as described above.

Comment: Placement of new homes on the property would not be in compliance with General Plan Policy Environmental Stewardship ES 12 and ES 15 which encourage protection of public views [from Bahia Dr.] to the Petaluma River. The primary views of the Petaluma River and adjacent watershed of the Petaluma Marsh are dramatically seen as one enters the Bahia community eastbound on Bahia Dr. at the top of the hill near Cerro Crest Dr.

New homes along the curving downhill entrance will have a substantial negative impact by blocking views of the river valley below. Within the MND the applicant has presented computer generated simulation views of what new structures may look like along Bahia Dr. The observation point (3.1 Aesthetics; Figure 5, Key Observation Points) used along eastbound Bahia Dr. (Figure 6) is taken from a skewed point that is beneficial to the project merits at the expense of the Bahia Community.

Unfortunately, the observation point is located at the lower end of proposed lot 4 (dual pads), near the point at which the straight portion of Bahia Dr. begins. A more telling location would be from the most westerly uphill portion of lot 4 wherein the view from Bahia Dr. looks across lots 3 and 4 that yields a more significant view that will be blocked by the pad slope, the house and landscape improvements. If story poles were installed as requested by the DRC, a very different conclusion would be reached in the MND that the Aesthetic view impact is less than significant.

Building Envelopes: The Tentative Map shows large building envelopes for the proposed lots that include substantial areas of 25 percent or greater slope. Zoning Code Section 19.26.050 of the Hillside Project Development Standards state, “No development potential shall be allowed for areas with average slopes of greater than 25 percent.” Given this standard, the proposed building envelopes must be reduced in size to eliminate areas of 25 percent or greater slope. If the areas of these building envelopes are not reduced, then future lot owners may believe they can make improvements within the 25 percent slope area. Additionally, conditions shall enforce this standard to ensure that tall downhill retaining walls not be allowed which will enlarge the existing pads into the 25 percent slopes. All land outside the building envelopes should be preserved as a private open space easement on the subdivision map to ensure that no development may occur on the 25 percent or greater slopes.

Conclusion: The City Council adopted the Hillside and Ridgeline Protection Standards approximately 20 years ago in response to substantial concerns raised by citizens regarding hillside developments which they believed negatively impacted privacy, safety, view corridors, scenic vistas, native vegetation, and ridgelines.

The draft Mitigated Negative Declaration and the project must be rejected. The applicants have two choices:

1. Submit an application for Design Review to construct a single home on the property, or
2. Submit an application to amend the Novato General Plan and Zoning Ordinance to modify the language of these documents in a manner that will allow the multi-home project they are seeking (any modifications would have city-wide implications).

If there is any doubt that the proposal would not violate the Hillside and Ridgeline Protection Standards, I recommend an on-site Design Review Commission workshop be held after Story Poles are in place.

Thank you again for your consideration,

Alan Lazure,

34-year Bahia Resident

Night Heron City Park at Topaz and Malobar Drives. View of Ridgeline and Proposed Lots (left to right) 4, 3, 2, and 1.



Brett Walker

From: Lazure Family <alanjanl@comcast.net>
Sent: Sunday, July 16, 2017 2:02 PM
To: Brett Walker
Cc: Steve Marshall; Terri Brown
Subject: Bahia River View Application - Design Review Commission Staff Report Comments

July 16, 2017

Dear Design Review Commission

I am writing to strongly voice my concern about the Bahia River View application for 7 large homes to be located on Bahia Dr.

My first concern is the views which we as residents and all others visiting Bahia will no longer exist if these homes are approved to be built. My family and I have lived in Bahia for close to 31 years and continue to be awed by the views that welcome us when returning home. At various times during the year we have seen people park their cars along the hillside curb to view fireworks, view the celestial sky or just view the beautiful land around the Petaluma River below. EN Policy 13 Views: states that we should “encourage protection of visual access to the San Pablo Bay Shoreline and the Petaluma River”. EN Policy 27 Scenic Resources: states we should “protect visual values on hillsides, ridgelines, and other scenic resources”.

The existing pads were established when Bahia was originally built in the 1960’s and I wonder if they would ever be approved for grading today by current city standards? If any homes are approved any remaining pads should be required to be re-graded with a natural contour.

Homes proposed do not match or come close to matching size and design of the existing Bahia homes. CI Policy 1 Compatibility of Development with Surroundings: states “Ensure that new development is sensitive to the surrounding architecture, topography, landscaping, and to the character, scale and ambiance of the surrounding neighborhood”.

Wildlife corridors currently used would no longer exist. LU Program 9.1: Prepare a guide to Constraints Analysis to: “1. Identify lands with high environmental value or significant hazards. These would generally include wetlands and watercourses, native woodlands, habitat important to special species, wildlife travel corridors, scenic resources (including scenic hillsides and ridgelines” and land subject to flood or fire hazards”. I do feel that this area is a land area with high environmental value and if lost will be of significant hazard to our wildlife.

Driveways onto Bahia Dr. could pose problems with lack of sight distance and entering the steep main traffic corridor used for the current Bahia development.

Developer should be required to install story poles before any further study or decision is made.

One or two homes might work for this location but not seven.

Thank you for your time and consideration of my comments.

Jan Lazure
713 Bolero Ct.
Novato, CA 94945

June 24, 2021

Subject: Bahia River View Project P2017-023 – Mitigated Negative Declaration Report

Dear Mayor Pro Tem Eric Lucan and the Novato Planning Commissioners,

I am writing to strongly object to the applicant, Bahia Lands LLC, receiving an approval for their proposed 5-lot subdivision for the Bahia River View Project. Their request for a tentative subdivision map creating 5-lots with the anticipation of 5 single family homes to be built on these pads should be denied. I also would urge you to deny the Mitigative Negative Declaration Report (MND).

The city notice was a surprise to us and brought to our attention by a neighbor. We did not receive a postcard from the city in the mail. Nor were we alerted by email of any notifications although we had signed up for eNotification through the city website for alerts on this particular project.

According to page 4 – 2.3.1 of the MND the applicant, Bahia Lands LLC, does not intend on constructing any residential dwellings. The applicant is now, after two denials from the Design Review Commission, wanting to subdivide the one lot site into a 5-lot subdivision by requesting a zoning change. Most of the planned lots appear to have some sort of slope issue. The MND on page 3 – 2.2 states: “The 6.8-acre project site has an average slope of 26%”. “Of the 6.8 acres, 4.8 acres, or 70%, of the site contain slopes over 25% and 1.5 acres contain slopes of up to 10%”. In 2001, our City enacted a Hillside and Ridgeline Protection Ordinance (H&RPO) which limits development on hillsides with an average slope of 10% or more. The Municipal Code (MC) 12.26.050, Hillside Project Development Standards A. states “No development potential shall be allowed for areas with average slopes of greater than 25 percent”. The ordinance was written, due to the direction given by the City Council, for the protection and guidance of future hillside development for all of Novato. Does Bahia not qualify for this protection?

The MND, on page 3 – 2.2 also states that there currently exist previously graded pads. These existing pads were established when Bahia was originally built in the 1960’s for fill to create a RV yard at the end of Bahia Dr. There also exist curb cuts on both sides of Bahia Dr., in this area, that were done at the time of the original Bahia construction, in the late 1960’s. The curb cuts were made by the developer without any approved project for the subject property. I am certain that these pads today do not meet, nor should be approved to be built on, due to the Novato General Plan (NGP) and H&RPO.

The MND on Page 20 – 3.1 Aesthetics: A and C would have less than significant impacts as to the existing views or vista. I strongly disagree because the dwellings would take away from those views coming and going within Bahia, whether by car, bicycle, or walking. These

proposed homes absolutely do not meet the ridgeline standards as viewed from many areas along Topaz Drive, such as from the City's Night Heron Park at Topaz Dr. and Malobar Dr. The homes would definitely be seen above the ridgeline (Story poles would verify this). According to Webster's New World Dictionary a ridge is: "The long, narrow crest of something; a long, narrow elevation of land; any raised narrow strip; the horizontal line, formed by the meeting of two sloping surfaces". The NGP states in Chapter 3 Environmental Stewardship, page 3-28: ES 15: Scenic Resources. "Protect visual values on hillsides, ridgelines, and other scenic resources. Development should be located and designed to protect views of important scenic resources identified on Figure ES-5". ES 15a: Hillside and Ridgeline Protection further states – "Ensure that new development complies with the requirements of the Scenic Resources Protection Ordinance and the Hillside and Ridgeline Protection Ordinance in the Zoning Code". Also following along these same lines, the NGP under GUIDING PRINCIPLES, page 1-7 states: "We wish to preserve and enhance: • the open space, hillsides and ridgelines, creeks, wetlands and other natural features that give our City its scenic beauty and quality of life and define our borders". These are key reasons why only one home should be approved to be built on the subject property and all remaining pads should be required to be re-graded with a natural contour.

The MND on page 33 – Figure 6 shows conceptual visualization of future residential development and landscaping. Will there be determinations made now if the project is approved that there can be no two-story housing or trees that can block the views coming down the hill? The report's illustrations show an open wood fence and a flat board. Where is the "landscaping" the picture refers to? Page 35 Figure 7 also does not show landscaping, only open fencing and pretend one-story homes. Page 37 – Figure 8 Shows parts of the houses and rooflines above the hill lines. These homes would not be compliant to the Ridgeline Standards as the homes appear above the ridgeline without any hill or ridgeline to form backdrop. Once again where are the story poles?

According to the Division 19.26, found in the MC - Hillside and Ridgeline Protection, under: 19.26.030 - Permit Process and Application Requirements: G "The installation of story poles is required to demonstrate the location, footprint, massing and height of proposed hillside buildings. The installation of stakes and flags may also be required to demonstrate the location of proposed access roads, driveways and retaining walls. Story poles shall be erected in accordance with the City of Novato Placement of Story Poles Policy and Procedures, which are available at the Community Development Department". Story Poles have yet to be put up for public review.

One of my key concerns continues to be to protect the views which we as residents and all others visiting Bahia will no longer have if these homes are approved to be built. My family and I have lived in Bahia for close to 35 years and continue to be awed by the views that welcome us when returning home and leaving Bahia. At various times during the year, we have seen people park their cars along the hillside curb to view fireworks, view the celestial sky or just view the beautiful land around the Petaluma River below. Under the NGP, page 98, Chapter 3 Environmental Stewardship: ES12 Views, states that we should "encourage protection of visual

access to the San Pablo Bay Shoreline and the Petaluma River”. On the same page, ES 15 Scenic Resources: “Protect visual values on hillsides, ridgelines, and other scenic resources. Development should be located and designed to protect views of important scenic resources identified on Figure ES-5. ES 15a: Hillside and Ridgeline Protection. Ensure that new development complies with the requirements of the Scenic Resources Protection Ordinance and the Hillside and Ridgeline Protection Ordinance in the Zoning Code”.

The MND on page 46 – 3.4 Biological Resources - d states there is no impact on wildlife corridors. I disagree that these potential dwellings would not impact wildlife corridors that currently exist. The NGP, Chapter 3 Environmental Stewardship, page 3-26: ES 3: Wildlife Habitat - Endeavor to preserve and enhance wildlife habitat areas and wildlife movement corridors in watercourse areas and control human use of these areas as necessary to protect them.

The NGP also refers to Anticipated Growth under LU 3c item c on page 2-25, “The project may be approved if it can be found that the project will do one or more of the following: i. generate substantial overriding public benefits, ii. be in compliance with all of the other goals and policies of the General Plan, and iii. benefit the public health, safety, and general welfare of the community”. This project, I do not feel is in compliance with all of the goals and policies of the NGP or the H&RPO.

Please look at this application closely and ask yourselves if the application and report truly meet all our city standards, ordinances and the current NGP. Bahia Lands LLC were denied twice at Design Review and have decided to bypass the Commission’s negative recommendations. This in itself should be a red flag. The project started by requesting to build on 7 lots, then went to 5 lots and now requests subdividing the existing 1 lot and changing the zoning. According to the NGP, Chapter 2 Great Places, page 2-48: Goal CC 2: Promote high-quality and sustainable development, item CC 3: Hillsides states “Protect Novato’s hillsides and ridgelines from erosion, slope failure and visual impacts by limiting the extent and location of new development and ensuring that new development complies with the requirements of the Hillside and Ridgeline Protection ordinance in the Zoning Code”. CC 4: Environmental Constraints states “Assess environmental constraints when considering development of lands with high environmental value (e.g., wetlands or scenic ridgelines) or significant hazards (e.g., soil stability, fire or flood hazards)”. CC 4a: “Constraints Analysis. Require the submittal of a constraints analysis for new development consistent with the Hillside and Ridgeline Protection Ordinance when needed as part of documentation for compliance with the California Environmental Quality Act (CEQA)”.

Chapter 2 Great Places, page 2-49, goes on to say under: CC 10: “New Development in Residential Neighborhoods. Preserve, enhance and maintain the residential character of neighborhoods to make them desirable places to live. New development should: • Enhance neighborhood image and quality of life, • Incorporate sensitive transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy, • Preserve historic and architecturally significant structures, • Respect existing landforms and natural features, • Maintain acceptable infrastructure service levels, and • Provide sufficient

parking". This project, in my opinion, does not enhance our neighborhood image or our quality of life, it takes away from it.

Thank you.

Jan Lazure – Bahia Resident
713 Bolero Ct.
Novato, CA. 94945



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

July 1, 2021

Brett Walker, Senior Planner
City of Novato
bwalker@novato.org

RE: River View Mitigated Negative Declaration (MND)

Dear Mr. Walker:

This conveys concerns of the Marin Audubon Society about the proposal to subdivide graded pads along Bahia Drive in preparation for the River View development. The proposal is to subdivide the lots into five building sites. Two graded areas that apparently are not part of this proposal remain at the top of the hill. Our concerns involve the native trees on the site.

The entire tree species listed is native except one. More than half of the trees are blue oaks. According to the MND "The blue oak woodland alliance is not listed as a sensitive vegetation community under the Natural Community List (CDFW 2020)." This is likely because this species is not uncommon statewide and this is a statewide list. It is a hot-weather species commonly found in the Sierra foothills. In Marin the only own blue oak woodland is at Bahia (there may be a few scattered trees elsewhere). And there may be two other areas in other locations around the Bay. We recommend that the rarity of blue oak woodlands locally be noted in the MND to support protection of these trees.

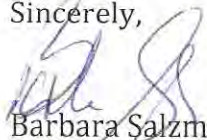
The MND reports 78 trees on the five sites. Most appear to be on Lot 1 and we are pleased that these trees will be protected, as stated. However, Figures 9 and 10, both overlays on aerial photos, appear to show trees on all other lots except perhaps 1. The MND should discuss these trees and whether they could be removed when the specific project is submitted. The building lots on Figure 3, when considered with the aerials on Figures 9 and 10, show these trees would be in the buildable area. The MND needs to discuss whether these trees could be removed with the development. If that is possible, measures to ensure their protection should be provided. In the event it is impossible to protect any of these, mitigation in the form of planting additional trees of the same species according to the CDFW recommendation for oak mitigation should be required. Further, trees can be lost due to construction related impacts, e.g. root damage from heavy equipment. The MND should address measures to avoid such damage and mitigation for construction related tree impacts.

Finally, the fate of the graded lots at the top of Bahia Drive should be discussed. Good planning practice would dictate that the lots be planned when a proposal is being considered for other areas owned by the same developer. Would the developer be able to return with a plan for these lots?

Our recommendation would be that these lots, which also appear to support a significant number of trees, be permanently protected as open space.

Thank you for considering our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Barbara Salzman', written over the printed name.

Barbara Salzman
Conservation Committee

Brett Walker

From: Heather Merath <heather@fcpt.com>
Sent: Tuesday, June 29, 2021 9:39 AM
To: Brett Walker
Subject: [External] Bahia River View - Notice of Intent to Adopt a Mitigated Negative Declaration

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mr. Walker,

My name is Heather Dunworth (Merath) and I am a Bahia homeowner (2821 Topaz Drive). I am writing to you regarding my opposition and concern regarding the Bahia River View subdivision.

I have a few concerns regarding these lots, the mitigated negative declaration and the homes to be built. Most of us who have chosen Bahia as a place to purchase a home have done so based on living with an amazing view and nature/wildlife. Currently we have an unobstructed view from the top of Bahia Drive, and it should stay that way. The proposed homes to be built would obstruct that view.

There is an abundance of wildlife that use the proposed area as their highway/homes. We have hare, deer, skunk, racoons, foxes, coyote, etc. The space for the wildlife would be taken away.

I hope you will consider my opposition and if you have any questions, please feel free to contact me at heather@fcpt.com.

Sincerely,

Heather Merath | Property Management Paralegal

Four Corners Property Trust

591 Redwood Hwy, Ste 3215, Mill Valley, CA 94941

415.432.8379 (direct) | 650.515.6244 (mobile)

heather@fcpt.com



Brett Walker

From: jlmillican@comcast.net
Sent: Wednesday, June 30, 2021 8:37 PM
To: Brett Walker
Subject: [External] Bahia River View Proposed Zoning Change

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commissioners,

In September 2019, the Design Review Commission voted 5-0 to recommend that the Novato Planning Commission deny the Bahia River View project.

The committee members expressed concern the project did not comply with the City's regulations on hillside development, including the requirement of a 25-foot vertical separation from the ridgeline to the roof peak of any future residence. The 2019 Bahia River View project had a 150-foot-high ridgeline above sea level and is on a ridge looking up from Topaz Drive. There is no backdrop of a mountain or ridge, and the proposal was totally contrary to the hillside ordinance, which residents of Novato expect to be fully enforced.

The Bahia River View property has a view of the Petaluma River, the San Francisco Bay, and the surrounding mountains. This view is enjoyed by painters, hikers, the entire Bahia community, and residents of Novato who drive out to park and take in the beauty of our view. Search-and-rescue crews hold trainings on this site. The wildlife is abundant and, since the recent development of Misty Court in Bahia, has been squeezed into an ever-shrinking habitat and depends on this land for its existence. Stargazers frequently come to this site to enjoy the many fantastic displays of the heavens.

Now Ms. Malama is back with a new proposal which attempts to circumvent our ridgeline ordinance. She is asking to have her property rezoned from one lot to five lots. The site was previously graded, resulting in nine stepped pads on this property, which were never intended as house pads. The soil was moved to the bottom of the hill to create an RV parking area, which is no longer there.

These proposed lots are precursors to development and would be out of compliance with our ridgeline ordinance, just as the 2019 project was.

We depend on the Planning Commissioners to see through the intent of this request to subdivide this lot into five separate lots.

The current zoning is for one house on one lot. That is what this developer purchased, and that is all she is entitled to.

Ms. Malama seeks to change the zoning from planned district to low density residential, which according to Community Development Department senior planner Brett Walker, would avoid the need to create a master plan and precise development plan for future housing projects. This is a blatant attempt to circumvent the 5/0 denial she received from the Design Review Committee and to circumvent our existing City ordinances.

When Ms. Malama's made her first proposal in 2017, residents expressed concerns about losing privacy in their homes and backyards. Many were concerned about the impacts on wildlife. And virtually all were upset about the potential loss of the spectacular view that is the gateway to our community.

At a 2017 workshop on the project, Design Review Commission members also raised concerns about the homes impacting views, the lack of story poles to demonstrate how tall future homes would be and whether the homes' designs would fit with the surrounding neighborhood, according to the meeting minutes. Now Ms. Malama is attempting to skirt these issues by seeking to sub-divide her lot.

Ms. Malama's new proposal ignores the concerns of the community by filing a Draft Initial Study/Mitigated Negative Declaration (IS/MND), which includes changing the single lot Planned District (PD) to a subdivision of 5 lots (R1-10). She is entitled to what she purchased; one lot zoned for one house! I ask that she be held to her initial purchase and that the concerns of the Bahia Community be respected and heeded.

I ask you not to let this developer attempt to ignore and avoid dealing with our Hillside and Ridgeline Protection Ordinance and impact the property values and quality of life of the current residents of Bahia.

Dividing the lots into five new R1-10 lots creates momentum to develop where prior issues still have never been addressed, are still problematic, and must be addressed before any approval can be considered.

The MND gave 20 days for concerned residents to review a 334-page document and write letters. No meeting was held with the Bahia community. This is entirely unfair and puts residents at a serious disadvantage.

The wildlife corridor will be destroyed if this lot is divided into five lots. This was not addressed in the MND. We have a responsibility to our wildlife. In Bahia, wildlife has already been pushed and squeezed by the new Misty Court development.

The hazardous traffic conditions created with five new lots on Bahia Drive are not addressed in the MND.

Allowing this lot to be subdivided would create the impression for unsuspecting new owners that this property is ready to build on. They would still face all the issues Ms. Malama faced when her project was rejected 5/0 by the Design Review Committee. The property is still on a ridgeline. The slope is also too steep!

Please reject this proposal.

Sincerely,

Patricia Ravitz
Bahia Resident

[Jamie L. Millican](#)

Brett Walker

From: jlmillican@comcast.net
Sent: Wednesday, June 30, 2021 8:36 PM
To: Brett Walker
Subject: [External] Bahia River View Proposed Zoning Change/ MND Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Walker and Planning Commissioners,

I have reviewed the MND document for this project and herein raise the following issues with comments:

1. The subdivision of the parcel seems absurd given the surrounding Bahia development. For the larger lots, the potential home size would be quite out of character. The contrast between the sizes of Lots 1 and 2 are in stark contrast to those of Lots 3-5. As a result and considered collectively, there would be a clear lack of consistency in design approaches and overall street appearance.
2. Should any one of these owners decide to fence the entire boundaries of their properties with 6-foot-high solid fencing, the migration of the plentiful wildlife in this area would be significantly limited. The MND does not address this in any way.
3. While the Applicant may have the legal right to subdivide these properties, I have serious doubts that anyone purchasing these lots will fully understand the extent of the mitigations that would be required and the costs of same. It seems to me that the Applicant wants to subdivide these lots based on a 'greater fool' theory—meaning that her intent is to find fools greater than herself to purchase these lots without doing complete due diligence prior to purchase. My guess is that the Applicant is trying to subdivide and sell these lots individually because she cannot find a feasible way to construct five homes on this parcel. If this is true, then what would be the point of creating subdivided lots that future buyers could not afford to build on given the mitigations required.
4. The accommodation to not require the sidewalk to extend beyond the limits of the future house on Lot 1 should not be granted. Currently, numerous residents walk on that side of the hill in the street due to the lack of a sidewalk. This is a safety hazard. Once housing is added with the resulting added street parking in this area, the hazard to pedestrians will increase. Having a sidewalk to the top of the hill is necessary now and will be more necessary in the future. I urge you to not allow the accommodation on limiting the sidewalk extent.
5. Bahia Drive is the major artery for the majority of homes within the Bahia development. Many Bahia residents speed down this hill. Any residence built on this hill should be required to have enough space for a driveway that allows for the resident to turn their car around so that they can approach the street facing forward. With cars parked on the street, visibility up the hill and down the hill will be significantly hindered. Having cars back out on the street into a center two-way turn lane means the vehicle will be backing over the sidewalk, past (potentially) parked cars, into oncoming downhill traffic, and potentially into any uphill traffic turning directly onto Bahia Drive from Topaz. Add to that the numerous children and adults who skateboard and cycle down this hill who will be less visible to drivers backing out of these driveways. This car/traffic approach will create an accident waiting to happen.
6. It is not clear from the information provided in the MND exactly how the traffic lanes and accommodation for street parking would work on Bahia Drive. There are times when there are a number of vehicles (including some with horse trailers) parked on both sides of the street pretty far up the hill starting from Topaz and also at the top of the Bahia Drive hill. These vehicles are parked by those accessing the Rush Creek Preserve trails to the north. Careful consideration needs to be given to how the parked vehicles, the active traffic and the center two-way turn lane is handled. Note that there is no sidewalk on the Preserve side, so all pedestrian traffic from the parked vehicles walks in the street.

While I am not opposed to seeing some development occur on this parcel, the proposed subdivision is unworkable on multiple levels. Therefore, I urge that the Planning Department and the Planning Commission reject it.

Sincerely,

Jamie L. Millican & E. Thomas Cottrell

Bahia Residents and Owners

652 Santana Road

Novato, CA 94945

Brett Walker

From: Melanie Nasson-Kurgpold <melsie@dreamsonics.com>
Sent: Wednesday, July 19, 2017 4:31 PM
To: Brett Walker
Cc: Bob Brown; Steve Marshall
Subject: Bahia River View Project

Dear Brett Walker:

As a full-time mother living in the Bahia subdivision, I often work with the lens of Permaculture design with its ethics of earth care, people care, and fair share and see that encouraging Permaculture in agricultural systems is in the Novato general plan (EN Program 21.1 under EN Policy 21). I wonder why the integrated approach of Permaculture design is not being applied to all our municipal systems and planning in light of the stressed relation between human and earth systems. The Bahia River View project does not meet the standards of the Permaculture lens, and so I have deep concerns about the viability of this project for the longterm. I have not yet seen much effort on the part of this developer to really engage with the community to produce a design that is in alignment with the care of the earth and the people. I see that property as a bridge between the wild and the domestic, so the person(s) who holds the power of that property has a great responsibility to steward that property with a lot of care to create win-win possibilities for the earth and the people in the true essence of community. In regards to the project plan:

- I have concerns about the loss of our ridgeline view that has become a treasure in our community. Given the time it has been there it has become a precedent in our community and losing it would be heartbreaking. Just because it was zoned for development 40 years ago does not mean that those intentions are still applicable today. I know many of us have expressed that it was one of the biggest factors in deciding to purchase a home in this community and is definitely a uniting force in our community.
- I am deeply concerned for the wildlife who live and nest in this location and being cut off and abruptly bulldozed out of their home.
- I'm concerned about the removal of trees when the soil on the property has not been rehabilitated and maintained with the proper microbiology to give the trees a chance to rebound.
- I am concerned about the overall aesthetics of the design. While I appreciate the efforts around sustainable landscaping and green roofs, the angularity of the home structures themselves seem to accentuate the cuts on the hillside that have plagued the view of that property. The design seems to lack consciousness in resonating and working with the patterns and systems of the environment as well as the existing community.
- I am concerned about the density of the plan and how the property is being subdivided given that it has been zoned for one home. From what I understand, the existing pads are there because the soil was used for fill for the downhill properties, and given the pads' irregularity, I question what the original developer's real intentions were when they were cut. With the density and angularity of the design, it seems a little too reminiscent of developed hillsides in very urban San Francisco.
- I am concerned for my neighbors who live downhill from the project. With a home situated on the hill above my property, I know what it is like to have a home look down on me. It is one of the biggest factors that detracts from the value of our home.
- With the drought and no doubt more to come, I am concerned about the demand on our already stretched water resources with the addition of more homes.
- I am concerned about the noise impact. Given the amphitheater-like shape of our community, noises are much more audible in Bahia despite the distance between the noise source and the listener.

This design is a step in the wrong direction in solving Marin's housing crisis. I am not in support of this project as it stands now and will continue to oppose it until I see a much greater effort to steward that land responsibly and design it with the ethics of earth care, people care, and fair share (i.e. return the surplus as nature does). It's been my observation that when we humans lose a sense of the wild we become unfed and greedy and try to feed ourselves in all sorts of unhealthy, imbalanced ways. I think Ms. Malama is missing a greater and more fulfilling opportunity to work collaboratively and co-creatively with our community to heal that land while providing for herself.

Thank you for your time,
Melanie Nasson-Kurgpold

Brett Walker

From: tim o connor <tim150978@yahoo.com>
Sent: Monday, June 28, 2021 8:32 AM
To: Brett Walker
Subject: [External] Bahia River View

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Mr Walker,

My name is Tim O' Connor, I am a Bahia resident and I am also currently serving as the President of the Novato Home Owners Association. I am writing to you (and by extension the Novato Planning Commission) to voice my opposition and concern regarding the proposed subdivision of the lot in Bahia.

This will be the third time this project has been presented to a Novato City agency. As you are probably aware, this project went to the Design Review committee twice and has been rejected twice. The lot in question is wholly unsuitable for construction. It is a very narrow piece of land with a sharp drop off at the back. The actual buildable space is very limited and the sharp incline means that it is impossible to build on these sites while still also complying with the City's ordinances (primarily the hillside ordinance). This has been a roadblock for this developer from day 1, but rather than take the feedback the DRC offered, they have instead chosen to piecemeal the project and separate the subdivision from the construction in the hopes of moving it forward. This is evident throughout the MND and their communications accompanying by their consistent inference that an approved subdivision is with the understanding that construction would follow an approval (in fact they even went so far as to provide you with their construction timetable once the land has been subdivided).

Bahia is a welcoming community and has demonstrated a willingness to work with people that wish to build in our community. A recent example of this was the Ryder Homes Bahia Heights project. They worked with the community, adapted based on the feedback they received and as a result the project moved through with no opposition that I am aware of. My objection is not "NIMBY"ism but one based on the practical restrictions of the lot and the negative impact it will have on our community.

The current designation of the land as R1 is already very generous. The proposal to reclassify it to allow for additional construction is borderline absurd. The land sits over the homes of several residences. The proposed project would severely impact these homeowners because it would place homes looming over the current homes only a few dozen feet away. In addition to this, the site is a critical wildlife corridor. Throughout the year, but particularly in Spring when animals start to have their young, large numbers of wildlife use that point to cross Bahia Drive. The review provided to you does not appear to have taken this critical issue into consideration. In addition to this, this project would have a substantial negative effect on a valuable community resource. The natural beauty of Bahia Drive benefits not only our residents, but also the hundreds of monthly visitors to the area. The current unobstructed view is one of the few places left in Novato for people to walk/hike while also taking in the natural beauty the Novato has to offer. This construction would create a significant obstruction on remove a significant amount of that beautiful resource from Novato residents. The document provided to you mitigates this by presenting houses built at unrealistic heights from unnatural perspectives. This would be a huge loss for Bahia and all of Novato.

One final note I wished to share was that these "pads" were never graded for development. The reason they are there today is because the original developer took the dirt to build some of the levees that are in Bahia today. if you review the original Bahia Master Plan (and revisions) you will see that there never was an intention to build there. The reasons for this are the same as the ones I mentioned earlier, but this serves to also show that not only did the original and subsequent Bahia developers recognize that it is not possible to build there, the current pads are also not designed in anyway to serve as a building lot. They are where they are simply because it was the easiest way to the developer at the time to dig out dirt to build levees. They should be viewed as nothing more than level pieces of land when considering your decision, their existence does not validate the viability or suitability of the land for construction in any way.

Finally, I wish to note that we remain ready and willing to help the developer work with the association and our homeowners. We have repeated this offer on many occasions, however they choose not to engage with us. On the two

prior reviews by the DRC, they also urged the developer to work with the community to try to understand the concerns of current homeowners and to discuss ways to mitigate the severe environmental impact; unfortunately they have continued to avoid doing this in the hopes that they can push it through blind persistence. One can only be led to understand through this action that they have no wish to take the concerns of current residents into account.

Thank you for your time and consideration,

Tim O' Connor

Brett Walker

From: John Pedone <knebel_pedone@yahoo.com>
Sent: Wednesday, June 30, 2021 3:28 PM
To: Brett Walker
Subject: [External] Bahia River View P2017-023

John Pedone
Kathy Knebel
2504 Topaz Drive
Novato, CA 94945

June 30, 2021

City of Novato
Community Development Department
922 Machin Avenue
Novato, CA 94945

Attn: Bret Walker, Senior Planner

RE: Bahia River View, P2017-023
Objections to re-zoning

We firmly oppose re-zoning and subsequent development of Bahia River View for the following reasons:

1. Adverse impact on the scenic vista southwest down Bahia Drive toward the bay plain, a view all residents of Bahia enjoy.
2. Adverse impact on traffic coming down hill from Bahia Drive to Topaz Drive due to cars pulling out of new residences.
3. Adverse impact on animal habitat and animal crossing paths across Bahia Drive to and from the Audubon reserve.
4. Adverse impact on pedestrians walking up-hill from Topaz Drive due to cars pulling in and out of new residences.
5. Our experience with Ryder Homes Bahia Heights. Although we met with the developer and thought we were being diligent in the planning phase, found that the story poles on which we based our decision were a "suggestion" and are not binding. That left us no recourse. We now have a large home on the hill that dominates the view out our upstairs large window, is visible from most rooms of the house and looms over the back yard. There is nothing preventing another developer from doing the same.

We do not need another development in Bahia. We feel that zoning laws and environmental impact research is being skirted or overlooked.

Re-zoning should not be permitted.

John Pedone and Kathy Knebel

Brett Walker

From: Susannah Perri <sierracool@gmail.com>
Sent: Tuesday, June 29, 2021 11:12 AM
To: Brett Walker
Subject: [External] Bahia River View Project

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, my name is Susannah Perri and I live at 105 Baruna Court in the neighborhood of Bahia. I am extremely concerned that this project will devastate the wildlife and destroy the natural beauty of this area. Please reject this proposal. I am including below the letter that Patricia Ravitz wrote to you because it covers all of the crucial details.

Thank you,

Susannah Perri

The letter below was written by Patricia Ravitz:

“ Dear Planning Commissioners, In September 2019, the Design Review Commission voted 5-0 to recommend that the Novato Planning Commission deny the Bahia River View project. The committee members expressed concern the project did not comply with the City’s regulations on hillside development, including the requirement of a 25-foot vertical separation from the ridgeline to the roof peak of any future residence. The 2019 Bahia River View project had a 150-foot-high ridgeline above sea level and is on a ridge looking up from Topaz Drive. There is no backdrop of a mountain or ridge, and the proposal was totally contrary to the hillside ordinance, which residents of Novato expect to be fully enforced. The Bahia River View property has a view of the Petaluma River, the San Francisco Bay, and the surrounding mountains. This view is enjoyed by painters, hikers, the entire Bahia community, and residents of Novato who drive out to park and take in the beauty of our view. Search-and-rescue crews hold trainings on this site. The wildlife is abundant and, since the recent development of Misty Court in Bahia, has been squeezed into an ever-shrinking habitat and depends on this land for its existence. Stargazers frequently come to this site to enjoy the many fantastic displays of the heavens. Now Ms. Malama is back with a new proposal which attempts to circumvent our ridgeline ordinance. She is asking to have her property rezoned from one lot to five lots. The site was previously graded, resulting in nine stepped pads on this property, which were never intended as house pads. The soil was moved to the bottom of the hill to create an RV parking area, which is no longer there. These proposed lots are precursors to development and would be out of compliance with our ridgeline ordinance, just as the 2019 project was. We depend on the Planning Commissioners to see through the intent of this request to subdivide this lot into five separate lots. The current zoning is for one house on one lot. That is what this developer purchased, and that is all she is entitled to. Ms. Malama seeks to change the zoning from planned district to low density residential, which according to Community Development Department senior planner Brett Walker, would avoid the need to create a master plan and precise development plan for future housing projects. This is a blatant attempt to circumvent the 5/0 denial she received from the Design Review Committee and to circumvent our existing City ordinances. When Ms. Malama’s made her first proposal in 2017, residents expressed concerns about losing privacy in their homes and backyards. Many were concerned about the impacts on wildlife. And virtually all were upset about the potential loss of the spectacular view that is the gateway to our community. At a 2017 workshop on the project, Design Review Commission members also raised concerns about the homes impacting views, the lack of story poles to demonstrate how tall future homes would be and whether the homes’ designs would fit with the surrounding neighborhood, according to the meeting minutes. Now Ms. Malama is attempting to skirt these issues by seeking to sub-divide her lot. Ms. Malama’s new proposal ignores the concerns of the community by filing a Draft Initial Study/Mitigated Negative Declaration (IS/MND), which includes changing the single lot Planned District (PD) to a subdivision of 5 lots (R1-10). She is entitled to what she purchased; one lot zoned for one house! I ask that she be held to her initial purchase and that the concerns of the Bahia Community be respected and heeded. I ask you not to let this developer attempt to ignore and avoid dealing

with our Hillside and Ridgeline Protection Ordinance and impact the property values and quality of life of the current residents of Bahia. Dividing the lots into five new R1-10 lots creates momentum to develop where prior issues still have never been addressed, are still problematic, and must be addressed before any approval can be considered. The MND gave 20 days for concerned residents to review a 334-page document and write letters. No meeting was held with the Bahia community. This is entirely unfair and puts residents at a serious disadvantage. The wildlife corridor will be destroyed if this lot is divided into five lots. This was not addressed in the MND. We have a responsibility to our wildlife. In Bahia, wildlife has already been pushed and squeezed by the new Misty Court development. The hazardous traffic conditions created with five new lots on Bahia Drive are not addressed in the MND. Allowing this lot to be subdivided would create the impression for unsuspecting new owners that this property is ready to build on. They would still face all the issues Ms. Malama faced when her project was rejected 5/0 by the Design Review Committee. The property is still on a ridgeline. The slope is also too steep!" Please reject this proposal.

Brett Walker

From: linda pollack <lindapollack@yahoo.com>
Sent: Wednesday, June 30, 2021 7:17 AM
To: Brett Walker
Subject: [External] Bahia River View

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission,

This parcel of land was bought as a single Lot and allowed one home; this should not change. You need to listen to the community and address our concerns for open space. The use of this hill should be kept as open space as it is not appropriate for building for a variety of reasons, including the wildlife that live there and enhance our lives by their presence.

As a democracy, let's not continue to only listen to those who have money.

Linda Pollack
cell: 619 865-4411

Brett Walker

From: Price, Kimberly <Kimberly.Price@ucsf.edu>
Sent: Tuesday, September 17, 2019 9:29 AM
To: Brett Walker
Subject: [External] Bahia River View

This staff report dated 9/18/19 which just came out is not viewable, the html link doesn't work.

This really gives us no time to read it before tomorrow's meeting even if we could.

Project-related Information

[DRC Staff Report \(09/18/19\)](#)

[DRC Staff Report \(07/19/17\)](#)

Project webpage: novato.org/bahiariverview

*DRC - Design Review Commission
*PC - Planning Commission

Please know I am opposed to dividing the Lot into 5 lots, it should remain 1 Lot, 1 House.

Respectfully,

Kimberly Price
2428 Topaz Drive
415-209-3004

Brett Walker

From: Price, Kimberly <Kimberly.Price@ucsf.edu>
Sent: Tuesday, June 22, 2021 10:56 AM
To: Brett Walker
Subject: [External] Notice of Intent to Adopt a MND - Bahia Riverview

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brett,

A few of the neighbors received this notice but not all of Bahia.

The sign that was returned to the site is blurred and damaged.. no one can read it.

I do not believe this is fair notification.

This project effects all of Novato.. not just Bahia... and all of Novato should be able to weigh in on this.

The 20 day comment period is not enough especially when the few notices we did receive were mailed on the 11th and not delivered until the 14th.

Is there a way to extend this and to get the proper notice put up on the property site so people can see if from their cars?

Thank you,
Kimberly

Kimberly M Price
2428 Topaz Drive
Novato, CA 94945
(415) 209-3004

bwalker@novato.org

June 29, 2021

Re: Bahia River View P2017-023

Dear Planning Commissioners,

I was dismayed to receive notice June 14th of a new project to divide the single lot zoned PD land behind my house with only a 20 day window to comment on a 334 page Draft Initial Study/ Mitigated Negative Declaration. I was especially dismayed since the Design Review Committee strongly voted 5-0 against development of houses down along this ridge and down this hill in 2019. At that time, Ms. Malama was urged to work with the community on any future project.

Ms. Malama did not work with the community at all. This new project is not noticed on the old sign on the hill which is water damaged and cannot be read. The communities' many concerns remain and as a lay person reading this 334 page draft I do not see the issues addressed.

The Bahia hill originally had dirt topped off and moved below to raise the yards (including mine) in order to protect against flooding; which still happens in wet years. Dirt was not taken off for building as the report mistakenly states. I am a former Bahia Board member and we had to do a lot of research this time. I also have an old oak tree that is sunken in the ground with wood around it to protect it which clearly shows how much dirt was used to raise up our yards. Pads on the hill do not equate intention to build.. they just used the dirt as fill.

Because of Misty Road development; I am seeing more and more wildlife living in this section of undeveloped hillside. Right above my home (Lot#2) we have red shouldered hawks nesting. The deer give birth every year as this area is protected. Animals of all kinds travel back and forth daily; some just stay. We have many types of birds which make this protected area their home. All would be chased away or killed if this area is allowed to be developed.

When Ms. Malama bought this property, she knew it was zoned PD with the limitation of 1 home. Dividing it and selling it to unsuspecting new owners sets them up to having to submit their own projects and will waste time, resources and money as the issues still remain. All of Novato enjoys the views from this hill and our Ridgeline Ordinance should protect us against this type of development. There is currently no water, no electric, no sewage. All of that would need to be developed with our tax dollars benefiting the very few and taking away from all of Novato.

We will have wet winters again and this hill helps to absorb the water and run off now; clearing it for building will just create drainage issues for the rest of us. Sound all echoes from the top of this hill. I can clearly hear people speaking when they are on the top of the hill looking over our wonderful Petaluma river view. I don't mind visitors as I know they are enjoying nature or painting the scenery. I also know they are temporary.

This land should really be preserved for all of Novato to enjoy and not just a few people with deep pockets. 1 lot, 1 home or how about buying it from her and making it a greenbelt?

Thank you for reading my letter.

Kimberly Price

2428 Topaz Drive

Novato CA 94945

Brett Walker

From: Flinn Moore Rauck <flinelizmora@comcast.net>
Sent: Monday, June 28, 2021 2:33 PM
To: Brett Walker
Cc: Flinn Moore Rauck
Subject: [External] Bahia River View project

Follow Up Flag: Follow up
Flag Status: Flagged

City of Novato Planning Division
Attn: Brett Walker
Bahia River View Project MND
June 28, 2021

Dear Brett Walker,

I am a fifteen-year resident of Topaz Drive in Bahia and have comments about the River View Project MND regarding a few things that might be negatively affected by a zoning change and subsequent construction of 5 houses on Bahia Drive. The project was rejected by the Novato Design Review Commission in September 2019, and if the proposal is unchanged, it remains a threat to wildlife and views that should be protected by the Novato Hillside Ordinance.

Wildlife:

On page 46, 3.4, Biological Resources, d), the "no impact" box is checked indicating no substantial interference with movement of native resident wildlife. I have seen at a minimum quail, rabbits, and deer cross the street from the open space to the area of possible housing and vice versa and coyote crossing a little farther north. I imagine a 5-house housing project could cause more than "no impact" to this wildlife corridor.

Also I did not see bobcat mentioned as wildlife in the area on either page 49 or Appendix B-2. I have seen a bobcat in the open space very close to the project boundary shown on page 53, figure 10.

Bahia Drive Views (but only one depicted):

Views from Bahia Drive that I did not find mentioned specifically in the MND report and that could be impacted by 5 houses include views of the Carquinez Bridge, Mt. Diablo and other East Bay hills. Although distant, Mt. Diablo and the closer hills are usually quite visible. It is difficult to tell how these views plus the closer views of the Bahia wetlands and marsh would be affected since there is only one photo with a conceptual visualization of possible building from only one viewpoint on Bahia Drive, taken towards the downhill end (Observation Point 2, Figure 6, page 27). The road curves and the view changes from the top elevation to the middle to the bottom of the hill, as it opens towards the south (towards Mt. Diablo). Also the photographed view is down Bahia Drive (to the east) and not also to the side (southeast and south), towards important views seen especially when walking.

Walkers:

5 houses would have quite an impact on the many people who walk daily up and down Bahia Drive. Naturally views would be blocked longer for walkers than for drivers. Walkers also frequently turn to the side of the street - facing towards where the houses would be built - in order to watch the sunrise and enjoy the varied views of the wetlands, distant hills and nearby trees.

Walkers on the south side of Bahia Drive are closer to the curb and thus closer to possible houses than drivers would be, so the houses would block more of a walker's view, including possibly the winter sunrise. Again, the views differ up and down the hill so it is difficult to tell how they would be affected for walkers since there are not photos in the MND with simulated buildings from more than the single viewpoint on Bahia Drive.

Incidentally, these are not views that most Bahians have from inside our houses. Not zoning this site for 5 houses will protect **public** rather than private views.

I ask that these impacts to wildlife and views be considered and the zoning of this parcel not be changed to allow 5 houses, especially since those houses are unlikely to be the affordable houses that we actually need.

Thank you for your attention.

Sincerely,
Flinn Moore Rauck
flinelizmora@comcast.net

bwalker@novato.org
June 29, 2021

Dear Planning Commissioners,

In September 2019, the Design Review Commission voted 5-0 to recommend that the Novato Planning Commission deny the Bahia River View project.

The committee members expressed concern the project did not comply with the City's regulations on hillside development, including the requirement of a 25-foot vertical separation from the ridgeline to the roof peak of any future residence. The 2019 Bahia River View project had a 150-foot-high ridgeline above sea level and is on a ridge looking up from Topaz Drive. There is no backdrop of a mountain or ridge, and the proposal was totally contrary to the hillside ordinance, which residents of Novato expect to be fully enforced.

The Bahia River View property has a view of the Petaluma River, the San Francisco Bay, and the surrounding mountains. This view is enjoyed by painters, hikers, the entire Bahia community, and residents of Novato who drive out to park and take in the beauty of our view. Search-and-rescue crews hold trainings on this site. The wildlife is abundant and, since the recent development of Misty Court in Bahia, has been squeezed into an ever-shrinking habitat and depends on this land for its existence. Stargazers frequently come to this site to enjoy the many fantastic displays of the heavens.

Now Ms. Malama is back with a new proposal which attempts to circumvent our ridgeline ordinance. She is asking to have her property rezoned from one lot to five lots. The site was previously graded, resulting in nine stepped pads on this property, which were never intended as house pads. The soil was moved to the bottom of the hill to create an RV parking area, which is no longer there.

These proposed lots are precursors to development and would be out of compliance with our ridgeline ordinance, just as the 2019 project was.

We depend on the Planning Commissioners to see through the intent of this request to subdivide this lot into five separate lots.

The current zoning is for one house on one lot. That is what this developer purchased, and that is all she is entitled to.

Ms. Malama seeks to change the zoning from planned district to low density residential, which according to Community Development Department senior planner Brett Walker, would avoid the need to create a master plan and precise development plan for future housing projects. This is a blatant attempt to

circumvent the 5/0 denial she received from the Design Review Committee and to circumvent our existing City ordinances.

When Ms. Malama's made her first proposal in 2017, residents expressed concerns about losing privacy in their homes and backyards. Many were concerned about the impacts on wildlife. And virtually all were upset about the potential loss of the spectacular view that is the gateway to our community.

At a 2017 workshop on the project, Design Review Commission members also raised concerns about the homes impacting views, the lack of story poles to demonstrate how tall future homes would be and whether the homes' designs would fit with the surrounding neighborhood, according to the meeting minutes. Now Ms. Malama is attempting to skirt these issues by seeking to sub-divide her lot.

Ms. Malama's new proposal ignores the concerns of the community by filing a Draft Initial Study/Mitigated Negative Declaration (IS/MND), which includes changing the single lot Planned District (PD) to a subdivision of 5 lots (R1-10). She is entitled to what she purchased; one lot zoned for one house! I ask that she be held to her initial purchase and that the concerns of the Bahia Community be respected and heeded.

I ask you not to let this developer attempt to ignore and avoid dealing with our Hillside and Ridgeline Protection Ordinance and impact the property values and quality of life of the current residents of Bahia.

Dividing the lots into five new R1-10 lots creates momentum to develop where prior issues still have never been addressed, are still problematic, and must be addressed before any approval can be considered.

The MND gave 20 days for concerned residents to review a 334-page document and write letters. No meeting was held with the Bahia community. This is entirely unfair and puts residents at a serious disadvantage.

The wildlife corridor will be destroyed if this lot is divided into five lots. This was not addressed in the MND. We have a responsibility to our wildlife. In Bahia, wildlife has already been pushed and squeezed by the new Misty Court development.

The hazardous traffic conditions created with five new lots on Bahia Drive are not addressed in the MND.

Allowing this lot to be subdivided would create the impression for unsuspecting new owners that this property is ready to build on. They would still face all the

issues Ms. Malama faced when her project was rejected 5/0 by the Design Review Committee. The property is still on a ridgeline. The slope is also too steep!

Please reject this proposal.

Sincerely,

Patricia Ravitz
Bahia Resident

Brett Walker

From: Sam Roth <notsmart@comcast.net>
Sent: Tuesday, June 22, 2021 4:29 PM
To: Brett Walker
Subject: [External] Bahia river view development

Follow Up Flag: Follow up
Flag Status: Flagged

Where is the water for this development supposed to come from? Does it make sense to build new housing in a state that doesn't have any water?

Brett Walker

From: Hans Grunt
Sent: Tuesday, July 18, 2017 6:12 PM
To: Brett Walker
Subject: FW: Feedback for City of Novato, CA

One for you regarding Bahia River View.

Hans Grunt
Senior Planner
(415) 899-8940

From: Public Info
Sent: Tuesday, July 18, 2017 5:30 PM
To: Hans Grunt <hgrunt@novato.org>
Cc: Steve Marshall <smarshall@novato.org>; Terri Brown <tkbrown@novato.org>
Subject: FW: Feedback for City of Novato, CA

Hi Hans,

We received the following feedback regarding the Bahia River View project that is going to DRC tomorrow evening.

Best,
Sherin Pourabedin
Management Analyst II/Webmaster
City of Novato
922 Machin Ave.
Novato, CA 94945
(415) 899-8957

From: City of Novato, CA [<mailto:webmaster@novato.org>]
Sent: Monday, July 17, 2017 11:32 AM
To: Public Info <publicinfo@novato.org>
Subject: Feedback for City of Novato, CA

You have received this feedback from sally scotto <sallyann@sasi-inc.com> for the following page:

<http://novato.org/government/city-council/agendas-minutes/design-review-commission-agendas-minutes>

Re the Bahia River View project: This "Ridge" project should not be built - The developer is illegally trying to bypass the Hillside and Ridgeline Protection standards of the Novato Zoning Ordinance, (Section 19.26) and divide it into 9 separate parcels! This hill exceeds an average slope of 10 percent and cannot be divided in this way. Save this beautiful ridge line and Novato's view of the Petaluma Marshlands and River for all of our families to enjoy! This is truly a crime to call it Bahia River View- (for just a few entitled?). and at the same time take it away from all who live here and visit? We have open space right across the street is that is a corridor for all sorts of the wildlife in our area. The developer approached us originally with 4 homes however, they were extremely disingenuous at this meeting- and now they are expanding it with no consideration of the entire community. This is a "full on build out" I am also concerned with all of the driveways on this busy Bahia access street as the entire community uses this for walking, hiking, etc and now we will have to dodge

cars - many have dogs, baby strollers, etc. This is Bahia's main access route - many negative ramifications with the build out of this project. Many of us will be at the meeting this Wednesday evening. Thank you, Sally Scotto

Brett Walker

From: Sally Scotto <sallyann@sasi-inc.com>
Sent: Tuesday, June 29, 2021 4:26 PM
To: Brett Walker
Subject: [External] Bahia River View Project P2017-023 SAVE OUR HILL

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commissioners:

As a long-time resident of Bahia I am absolutely opposed to the revised proposal to change the zoning to suit this one owner. We have had very little notice as a community, who are vehemently opposed to this project. This is not just a couple of residents who are opposed to it.

From the very start, Ms Malama and her consultants have been disingenuous in their presentations; failing to show any level of truthfulness or even providing factually engineered drawings. Instead, what we saw were drawings that misrepresented the existing hill conditions which have been deemed inappropriate for development for anything more than one home.
And here they are again, trying to change zoning, etc.

Below is a prime example:

[Ms. Malama seeks to change the zoning from planned district to low density residential, which according to Community Development Department senior planner Brett Walker, would avoid the need to create a master plan and precise development plan for future housing projects. This is a blatant attempt to circumvent the 5/0 denial she received from the Design Review Committee and to circumvent our existing City ordinances.](#)

Below states the compliance conditions in our own MC:

[Under the Municipal Code \(MC\) for the city of Novato, section: 19.20.080 - Scenic Resources Protection. : D.Development Standards. Proposed development and new land uses shall comply with Section 19.16.030 \(Baylands Overlay District\), and Division 19.26 \(Hillside and Ridgeline Protection\) where applicable, and the following requirements:1.Protection of Existing Views. Development and new land uses, or changes to existing structures or land uses shall not result in a change in the elevation of the land, or the construction of any improvement that would significantly or materially alter, or impair major views, vistas, viewsheds of major landforms from public roads, or public vantage points as described above.](#)

This community and the general public all enjoy the Petaluma River views when driving over the hill into our community – it is a beautiful introduction to our hiking and biking trails-
This owner has demonstrated that she has no concern related to the negative impacts to our community – this community has been through enough when we fought and lost our West Lagoon, which is nothing but weeds that now present a major fire hazard. This has not been dealt with at all.

We depend on the Planning Commissioners to see through the intent of this request to subdivide this lot into five separate lots. The current zoning is for one house on one lot. That is what this developer purchased, and that is all she is entitled to. In addition, she will be selling lots to unsuspecting buyers who will face major challenges in attempting to build – this could end up in major lawsuits and the City of Novato will also have to deal with this.

In conclusion, not one of these issues has ever addressed by this owner:

- Major View Obstruction
- Damage to a Major Wildlife Corridor here in Bahia
- Traffic pulling out into Bahia's major source of egress (with a blind hill at the top), a heavily used hill for biking, hiking, dog walking, bird watchers, etc.
- Drainage issues – homes built right on top of existing homes – Privacy issues
- Greenbelt disturbance

There is nothing positive about this project- only impairment to the community of Bahia and those who visit. She has already cost our city time and money with continued requests to change our zoning ordinances to suit her and she is not even a Novato resident!.

I implore you to please support Bahia residents and our concerns.

Much Appreciation,

Sally Scotto

Sally Scotto, IIDA
SASi / SAS Interiors
504 Santana Road
Novato CA. 94945

www.sasi-inc.com

E-mail: sallyann@sasi-inc.com

Phone 415 897 1120 office

Mobile 415 518 1042

Brett Walker

From: marksil00 <marksil00@gmail.com>
Sent: Tuesday, June 29, 2021 4:31 PM
To: Brett Walker
Subject: [External] Proposed Bahia River View Project

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Walker:

We are writing this to you as concerned residents of the Bahia Community. We are dismayed that this project, which the owner tried to turn from the initial, permitted one setback residence into 5 separate parcels is still being discussed. If I am correct, the owner is attempting to sell these individual parcels, presumably for each buyer to build a home on. There are many good reasons why this is a bad idea, but the main one seems to be that developing residences on several of these so-called Subdivisions would be contrary to Novato's own building code, which I will show here.

"Under the Municipal Code (MC) for the city of Novato, section: 19.20.080 - Scenic Resources Protection. : D.Development Standards. Proposed development and new land uses shall comply with Section 19.16.030 (Baylands Overlay District), and Division 19.26 (Hillside and Ridgeline Protection) where applicable, and the following requirements:1.Protection of Existing Views. Development and new land uses, or changes to existing structures or land uses shall not result in a change in the elevation of the land, or the construction of any improvement that would significantly or materially alter, or impair major views, vistas, viewsheds of major landforms from public roads, or public vantage points as described above."

I do not see how building homes across the street from a Marin County Park ridgetop trailhead would not compromise the expansive views of the tip of Rush Creek, the Bahia Lagoon, the Petaluma River and the Bay it flows into. Further, it seems the reason to build in this specific location is to co-opt those views. We use that spot almost daily to seek peace and meditation as we enjoy the natural beauty of the area. We certainly do not go to see just a part of it and then the front of someone's house, the top of their roof and the fence that

would undoubtedly surround the home to provide for the owner's privacy. I am hoping the City upholds its own very wise ordinance and rejects this plan.

Sincerely, Mark & Liz Silowitz
25 Circe Ct 408-394-8535

Brett Walker

From: Robin Stratton <robinstratton23@gmail.com>
Sent: Monday, July 5, 2021 3:38 PM
To: Brett Walker; donald johanson
Subject: [External] Attn: Planning Commissioners

My boyfriend and I just moved to Novato, and we are in love with the scenery and the air and the people here. It's a wonderful community.

However, we just learned that a Ms. Malama is proposing to rezone her property in our neighborhood from one lot to five lots. Not only do we feel this is in violation of the ordinance set forth by the Planning Commission, it's just a terrible idea: the threat to the wildlife we all so enjoy, not to mention all the construction, and the added traffic? We request strongly that you deny her proposal! She purchased this land as a **single lot for one house**. Please do not allow her to ruin this lovely lovely spot!

Respectfully,
Robin Stratton
Don Johanson
632 Santana Rd, Novato, CA

Brett Walker

From: Bob Brown
Sent: Thursday, July 13, 2017 5:17 PM
To: Brett Walker
Subject: Fwd: Bahia River View

Follow Up Flag: Follow up
Flag Status: Flagged

This was reassigned to you, right?
BB

Sent from my iPhone

Begin forwarded message:

From: msunkin23@aol.com
Date: July 13, 2017 at 5:05:08 PM PDT
To: bbrown@novato.org
Subject: Bahia River View

Hello,

I am a resident/voter/owner here in Bahia, Novato. I wanted to express my dissatisfaction over the changing scope of the Bahia River View properties.

I do not want homes built obstructing the existing view, and I also feel that the building of homes in that location would have traffic safety implications on top of wildlife crossing impacts.

Homes should not be higher than one story and should have proper safe entrance/exits.

I ask that you consider the existing homeowners concerns as you proceed with this planning.

Best regards,
Homeowner,
Mike Sunkin

Sent from my iPhone

Brett Walker

From: Carolyn Thompson <carolynt921@gmail.com>
Sent: Monday, June 28, 2021 2:13 PM
To: Brett Walker
Subject: [External] Opposition to Bahia River View

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mr Walker,

Thank you for the opportunity as a Bahia homeowner to provide commentary on the proposed River View plan. I have 3 main issues: 1) Destruction of Scenic Vista, 2) Traffic Safety, 3) Evacuation Safety.

1) Destruction of Scenic Vista: I take strong issue with Page 20 of the Draft Mitigation report. Question I, section a) rates the proposed project as having "Less than Significant Impact" on a Scenic Vista. The views from Bahia drive as residents come down the hill hiking provides for a sense of calm and appreciation for nature. Plopping homes on the majority of that hill side would destroy the natural scenic vista.

2) Traffic Safety: I have grave concerns for the safety of hikers, cyclists and cars traveling east on Bahia Drive. That location is an unsafe place for cars to be pulling out into and across traffic. It is a double yellow there with recreation and neighborhood traffic in both directions on that hill. I can foresee serious traffic collisions and bike vs car incidents from homeowners backing out of drive ways onto Bahia Drive.

3) Evacuation Safety: I would like to point out that there is only one paved road into and out of Bahia. I know we have a gravel access road but feel that adding even more families into an urban wildfire zone will impeded our ability as a community to safely and quickly evacuate in the event of a fire emergency. I note that page 77 section 3.9 f) states that there is no impact on an emergency evacuation plan due to this development. I disagree. How can adding more people, and cars pulling across the sole exit road not have an impact?

This has been tried before to get approved, and it has been stuck down. They are trying to have another bite at the apple by repackaging the project another way.

This neighborhood by the way is not opposed to change. We embraced the new development here and have endured that year+ long construction project in our neighborhood.

Please continue to halt this project - it will destroy our open space and bring traffic and safety hazards to our quite community.

Regards,
~Carolyn Thompson
Topaz Drive Home owner

Charles M. Thompson
700 Albatross Drive
Novato, CA 94945

July 19, 2017

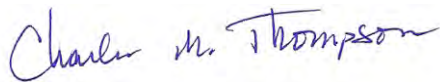
Brett Walker, Senior Planner
City of Novato Community Development Division
922 Machin Avenue
Novato, CA 94945

RE: Notice of Public Hearing,
Bahia River View Development,
FILE: P2017-023; DESIGN REVIEW, APN 143-151-06;

Dear Mr. Walker,

I would like to raise an issue with the project prior to the design review workshop scheduled for 7/19/2017, 7:30 PM. The Bahia River View development (APN 143-151-06) is within the Bahia Subdivision and as a consequence is subject to the Bahia Homeowners Association Bylaws and CC&R's (Covenants, Conditions and Restrictions), and is subject to Bahia ACC (Architectural Control Committee) review and approval. I would like to request that the staff report clearly acknowledge that the development is within the Bahia subdivision and is subject to Bahia Homeowners Association's governing documents.

Thanks for your attention to this matter.



Charles M. Thompson
President, Bahia Homeowners Association

Brett Walker

From: Charles Thompson <chasthompson700@aol.com>
Sent: Monday, June 28, 2021 3:28 PM
To: Brett Walker
Cc: Charles Thompson; Diane Thompson
Subject: [External] Bahia River View Project P2017-023 - Mitigated Negative Declaration

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Brett,

I am a resident in the Bahia Homeowners Association (BHA). I would like to raise two issues in regards to the Mitigated Negative Declaration (MND) Bahia River View Project.

1. Page 1, Section 1.3, states: "In accordance with CEQA, a good-faith effort has been made during the preparation of this MND to contact affected agencies, organizations, and persons who may have an interest in this project."

To my knowledge, the BHA has not been approached nor have adjacent property owners been approached in a good-faith effort during the preparation of the MND. Why hasn't the Project Applicant or the Environmental Consulting Firm (DUDEK) not communicated to those existing homeowners whose properties are adjacent to the Bahia River View property and therefore possibly the most affected?

The Design Review Staff Reports from 2017 and 2019 for this project (entitled *sr17031; u we 07/13/17* and *Bahia DRC Staff Rpt 2019-09-18*) included a section entitled Neighborhood Meetings. Under this title was a series of questions and comments made by Bahia residents. This series has been omitted from the newest MND. Why was the formerly included series of questions and comments not addressed in the MND?

2. The 2021 MND on pages 33 and 35 contains Existing and Conceptual Visualizations of Bahia Drive View Southeast and View West. Neither of the conceptualizations depicts the changes to the striping on Bahia Drive to include a two-way left turn lane. The proposed changes are covered on pages 2, 4, 96 and 97 and would constitute a significant change to the existing lane structure on Bahia Drive. The MND should be revised to graphically depict those changes?

Thank you.

Charles & Diane Thompson
700 Albatross Drive
Novato, CA 94945

Charles M. Thompson
700 Albatross Drive
Novato, CA 94945

July 29, 2017

Brett Walker, Senior Planner
City of Novato Community Development Division
922 Machin Avenue
Novato, CA 94945

RE: Bahia River View Development,
FILE: P2017-023; DESIGN REVIEW, APN 143-151-06;

Dear Mr. Walker,

As President of the Bahia Homeowners Association, I am responding to a request that we provide documentation showing that the River View parcel is within the HOA boundary.

The online search available at the Recorder's Official Records includes documents recorded since 1/2/1973. Since the Bahia governing documents were recorded prior to 1/2/1973, they are not viewable online at the Marin County Assessor Recorder web site. Documents recorded prior to 1973 may be viewed in Room 232 in the Marin Civic Center.

The 6.83 acre parcel along Bahia Drive (A.P. 143-151-06) is identified as "Parcel 2," and is part of the metes and bounds description in Exhibit A which is part of the original Unit 1B CC&Rs, recorded June 25, 1970, in Book 2382, page 360.

This parcel is also in the following CC&Rs and Amendments relating to the Bahia subdivision.

- Bahia Unit 1B Amendment, recorded October 6, 1970 at Book 2407, page 286.
- Bahia Unit 2, recorded August 4, 1970, in Book 2392, page 310.
- Bahia Unit 2 Amendment, recorded November 30, 1970, in Book 2419, page 550.
- Bahia Unit 3, recorded July 21, 1970, in Book 2389, page 29.

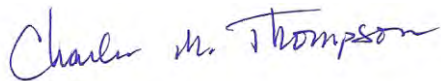
I have also attached scans of the cover page and a portion of Exhibit A for each of the three sets of Bahia CC&Rs. These scans provide a picture of the Book and Page numbers for Unit 1B, Unit 2 and Unit 3, and may be of help in your search.

The Bahia Board of Directors is aware that there are some issues that need to be addressed relative to the re-subdivision of the proposed River View development (A.P. 143-151-06), as well as further subdivision of Parcel J (A.P. 143-272-07) as the Bahia Heights development. The pertinent issues related to the proposed developments are contained in the CC&Rs encumbering both developments. The specific issues are (references are to the first set of CC&Rs for Unit 1B – the remaining CC&Rs are virtually identical) as follows:

- §§1F, 4A and 7B designate both parcels as "Multiple Property," which is for "multiple residential dwelling units," including condominiums, etc.;
- §7K provides that no "Lot shown on the Subdivision Map shall be subdivided without approval of the Architectural Control Committee." "Lot" is defined to include Parcel J (A.P. 143-272-07) and any "re-subdivision" of the remaining property (which would include a re-subdivision of A.P. 143-151-06);
- §14B provides that any owner of a lot is a member of the Bahia HOA. Again, a "lot" includes any part of the remaining property, so the issue must be clarified as to the number of "lots";
- §14C provides voting rights for members, and allows one vote for each lot. It also provides that members "who own a multiple residential lot" get one vote "for every two completed rental units or apartment units owned by such members." Since the proposed developments are not being developed as 'Multiple Residential Lots' we need to define the number of lots and corresponding voting rights, which we presume should be one vote per lot;
- §16C provides for assessments. Owners of single family lots (not currently the subject properties) initially pay \$15 per lot (obviously raised since then). "Each lot containing one or more multiple residential structures shall be subject to one-half" the assessment charged to a single family lot"; which also must be addressed; and,

Therefore, A.P. 143-151-06 is subject to the CC&Rs encumbering the entire Bahia development. This means that the Homeowner's Association has architectural review authority over any project developed on the property, and has the right to levy dues and assessments. Clearly, there needs to be a process for architectural review and possible approval, as well as clarification as to the vesting and extent of rights, privileges and obligations of membership in the Bahia Homeowners Association.

I hope the foregoing confirms that Parcel 143-151-06 is included in the Bahia Subdivision and is subject to the governing documents of the Bahia Homeowners Association. It is also an invitation to commence the discussions as to how best to address the incorporation of the lots into the voting, assessment and budgeting obligations of the Association and its members.



Charles M. Thompson
President, Bahia Homeowners Association

Attachments: Cover Pages and Exhibits A from each of the three sets of CC&Rs

15443

3

BAHIA UNIT 1B ✓

15443

*Lots 59-60 + 114 + 115
Bahia Unit 1-4 and
113-150-12 + 14-15-13 + 101 +*

RECORDED AT REQUEST OF
MARIN TITLE GUARANTY CO.

AT 20 MIN. PAST 12 P. M.

JUN 25 1970

Official Records of Marin County, Calif.

BOOK 2382 PAGE 360

all Pks 5 PM 2 2382 360

N. J. Giacomini
FEE \$ 35.60 RECORDER

DECLARATION OF

COVENANTS, CONDITIONS AND

RESTRICTIONS

15443
JUN 25 1970

BOOK 2382 PAGE 360

UNIT 1B

EXHIBIT "A"

feet to a point on the monument line of said Bahia Drive, thence along said monument line North $62^{\circ} 27' 40''$ East 35.00 feet, thence along a tangent curve to the left, radius 700.00 feet through a central angle of $20^{\circ} 05' 35''$, an arc length of 245.48 feet to a point in the center line of said Bahia Drive, thence along said center line North $42^{\circ} 22' 05''$ East 196.04 feet, thence along a tangent curve to the right, radius 600.00 feet through a central angle of $53^{\circ} 31' 10''$ an arc length of 560.45 feet, thence South $84^{\circ} 06' 45''$ East 583.56 feet, thence along a tangent curve to the left, radius 500.00 feet through a central angle of $21^{\circ} 27' 15''$ an arc length of 187.22 feet, thence North $74^{\circ} 26' 00''$ East 481.61 feet, thence along a tangent curve to the left, radius 500.00 feet through a central angle of $13^{\circ} 35' 55''$ an arc length of 118.67 feet, thence North $60^{\circ} 50' 05''$ East 261.42 feet, thence along a tangent curve to the left, radius 500.00 feet through a central angle of $25^{\circ} 00' 00''$ an arc length of 218.17 feet, thence North $35^{\circ} 50' 05''$ East 279.99 feet, thence along a tangent curve to the right, radius 500.00 feet through a central angle of $38^{\circ} 24' 35''$ an arc length of 33.19 feet, thence North $74^{\circ} 14' 40''$ East 420.84 feet to the point of beginning of the parcel of land herein described.

EXCEPTING THEREFROM Parcel D, as shown on that certain map entitled, "Bahia Unit 1-A", filed April 28, 1967 in Book 14 of Maps at page 3, Marin County Records.

ALSO EXCEPTING therefrom all that certain real property included within the boundaries of the lands shown upon the map entitled, "Bahia Unit 1B", filed for record in the office of the County Recorder of the County of Marin on September 5, 1969, in Map Book 14, at page 60.

ALSO EXCEPTING therefrom any portion of said property lying below the line of mean high tide, as said line came to rest from natural causes and by imperceptible degrees.

PARCEL TWO:

All the lands within the boundary lines of that certain map entitled, "Bahia Unit 1-A", filed April 28, 1967 in Book 14 of Maps at page 3, Marin County Records.

EXCEPTING THEREFROM Parcel D, as shown on that certain map entitled, "Bahia Unit 1-A", filed April 28, 1967 in Book 14 of Maps at page 3, Marin County Records.

ALSO EXCEPTING THEREFROM that portion thereof lying within the lines of Parcel One (exterior boundary Parcel A) above described.

ALSO EXCEPTING THEREFROM any portion of said property lying below the line of mean high tide, as said line came to rest from natural causes and by imperceptible degrees.

PARCEL THREE:

BEGINNING at a point on the center line of Bahia Drive, that bears South $57^{\circ} 41' 34''$ West 1583.05 feet from the intersection of the center lines of Bahia Drive and Topaz Drive, as shown on that certain map entitled, "Bahia Unit 1-A", filed April 28, 1967 in Book 14 of Maps at page 3, Marin County Records; thence along said center line along a curve to the left whose center bears North $15^{\circ} 34' 00''$ West, radius 500.00 feet through a central angle of $13^{\circ} 35' 55''$, an arc length of 118.67 feet; thence leaving said center line North $29^{\circ} 09' 55''$ West 40.00 feet; thence along a curve to the right whose center bears North $29^{\circ} 09' 55''$ West, radius 20.00 feet through a central

Page 2 of 3

BOOK 2382 PAGE 425

EXHIBIT "A"

15413
JUN 25 1970

19741

Returns to
MARIN TITLE GUARANTY CO.

*page 57
759 of 1000 checks*

BAHIA UNIT 2

*All Bahia 2
Lots 54-60 + 114 Bahia Unit 1A ✓
All Bahia Unit 1-B ✓
All Pcs 5 PM 2 ✓
All Bahia 3 ✓
143-150-12* -14 -
15-13* + 07**

DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS

19741

RECORDED AT REQUEST OF
MARIN TITLE GUARANTY CO.
AT 30 MIN. PAST 8 A. M.
AUG 4 - 1970
Official Records of Marin County, Calif.

n. j. Liscomini
REC 9 56.40 RECORDER

BOOK 2392 PAGE 310

19741
AUG - 4 1970

BOOK 2392 PAGE 310

*2/3 vote for loan
or construction
of common area
capital improvement
p935*

UNIT 2

EXHIBIT "A"

55° West 1150.00 feet, thence North 65° 33' 55" West 265.00 feet, thence South 77° 26' 05" West 320.00 feet, thence North 67° 03' 55" West 150.00 feet, thence North 67° 04' 24" West 37.35 feet, thence North 79° 11' 24" West 251.15 feet, thence North 87° 08' 06" West 309.59 feet, thence South 81° 41' 12" West 77.08 feet, thence South 73° 42' 40" West 158.37 feet, thence South 65° 51' 40" West 108.90 feet, thence South 26° 51' 26" West 464.50 feet, thence South 42° 28' 03" West 87.45 feet, thence leaving said property line North 54° 25' 00" West 519.39 feet, thence North 31° 00' 00" West 520.00 feet to a point on the monument line of said Bahia Drive, thence along said monument line North 62° 27' 40" East 35.00 feet, thence along a tangent curve to the left, radius 700.00 feet through a central angle of 20° 05' 35", an arc length of 245.48 feet to a point in the center line of said Bahia Drive, thence along said center line North 42° 22' 05" East 196.04 feet, thence along a tangent curve to the right, radius 500.00 feet through a central angle of 53° 31' 10" an arc length of 560.45 feet, thence South 84° 06' 45" East 583.56 feet, thence along a tangent curve to the left, radius 500.00 feet through a central angle of 21° 27' 15" an arc length of 187.22 feet, thence North 74° 26' 00" East 481.61 feet, thence along a tangent curve to the left, radius 500.00 feet through a central angle of 13° 35' 55" an arc length of 118.67 feet, thence North 60° 50' 05" East 261.42 feet, thence along a tangent curve to the left, radius 500.00 feet through a central angle of 25° 00' 00" an arc length of 218.17 feet, thence North 35° 50' 05" East 279.99 feet, thence along a tangent curve to the right, radius 500.00 feet through a central angle of 38° 24' 35" an arc length of 335.19 feet, thence North 74° 14' 40" East 420.84 feet to the point of beginning of the parcel of land herein described.

EXCEPTING THEREFROM Parcel D, as shown on that certain map entitled, "Bahia Unit 1-A", filed April 28, 1967 in Book 14 of Maps at page 3, Marin County Records.

ALSO EXCEPTING THEREFROM any portion of said property lying below the line of mean high tide, as said line came to rest from natural causes and by imperceptible degrees.

PARCEL TWO:

All the lands within the boundary lines of that certain map entitled, "Bahia Unit 1-A" filed April 28, 1967 in Book 14 of Maps at page 3, Marin County Records.

EXCEPTING THEREFROM Parcel D, as shown on that certain map entitled, "Bahia Unit 1-A" filed April 28, 1967 in Book 14 of Maps at page 3, Marin County Records.

ALSO EXCEPTING THEREFROM that portion thereof lying within the lines of Parcel One above described.

ALSO EXCEPTING THEREFROM any portion of said property lying below the line of mean high tide, as said line came to rest from natural causes and by imperceptible degrees.

PAGE 2 of 4

BOOK 2392 PAGE 375

EXHIBIT "A"

1974
AUG - 4 1970

18217

Handwritten initials

BAHIA UNIT 3

*Plots 59-60 + 114 + Bahia Unit 1-A ✓
all Bahia Unit 1-B + ✓
143-450-12 + -14-15-13 + 407 + ✓
all plots + 5 PM 2 ✓*

DECLARATION OF

COVENANTS, CONDITIONS AND
RESTRICTIONS

SUBJECT TO AMENDMENT
RECORDED 12/14/70
ATTACHED

18217
JUL 21 1970

BOOK 2389 PAGE 29

Book 2389 pg 29

UNIT 3

EXHIBIT "A"

55° West 1150.00 feet, thence North 65° 33' 55" West 265.00 feet, thence South 77° 26' 05" West 320.00 feet, thence North 67° 03' 55" West 150.00 feet, thence North 67° 04' 24" West 37.35 feet, thence North 79° 11' 24" West 251.15 feet, thence North 87° 02' 06" West 309.59 feet, thence South 81° 41' 12" West 77.08 feet, thence South 73° 42' 40" West 158.37 feet, thence South 65° 51' 40" West 106.90 feet, thence South 26° 51' 26" West 464.50 feet, thence South 42° 26' 05" West 67.45 feet, thence leaving said property line North 54° 25' 00" West 519.39 feet, thence North 31° 00' 00" West 520.00 feet to a point on the monument line of said Bahia Drive, thence along said monument line North 62° 27' 40" East 35.00 feet, thence along a tangent curve to the left, radius 700.00 feet through a central angle of 20° 05' 35", an arc length of 245.48 feet to a point in the center line of said Bahia Drive, thence along said center line North 42° 22' 05" East 196.04 feet, thence along a tangent curve to the right, radius 600.00 feet through a central angle of 53° 31' 10" an arc length of 560.45 feet, thence South 84° 06' 45" East 583.56 feet, thence along a tangent curve to the left, radius 500.00 feet through a central angle of 21° 27' 15" an arc length of 187.22 feet, thence North 74° 25' 00" East 481.61 feet, thence along a tangent curve to the left, radius 500.00 feet through a central angle of 13° 35' 55" an arc length of 118.67 feet, thence North 60° 50' 05" East 261.42 feet, thence along a tangent curve to the left, radius 500.00 feet through a central angle of 25° 00' 00" an arc length of 218.17 feet, thence North 35° 50' 05" East 279.99 feet, thence along a tangent curve to the right, radius 500.00 feet through a central angle of 38° 24' 35" an arc length of 335.19 feet, thence North 74° 14' 40" East 420.84 feet to the point of beginning of the parcel of land herein described.

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ALSO EXCEPTING THEREFROM any portion of said property lying below the line of mean high tide, as said line came to rest from natural causes and by imperceptible degrees.

PAGE 2 of 4

EXHIBIT "A"

REC 2389 PAGE 94

18217
JUL 21 1970

Brett Walker

From: Planning
Sent: Tuesday, June 29, 2021 2:55 PM
To: Brett Walker
Subject: FW: [External] Bahia Riverview sites

Follow Up Flag: Follow up
Flag Status: Flagged

Steve Marshall, AICP
Planning Manager

Main: (415) 899-8989 | Direct: (415) 899-8942
922 Machin Avenue, Novato, CA 94945

www.novato.org

-----Original Message-----

From: Elaine Thornton <ethorn04@yahoo.com>
Sent: Tuesday, June 29, 2021 12:22 PM
To: Planning <planning@novato.org>
Subject: [External] Bahia Riverview sites

I have lived in Bahia for 34 years. We have had many ups and downs here, but one thing that has stayed is the beautiful view we have coming over the hill and into our neighborhood. If these homes are built this view will be marginalized. It is one of the last things Bahia has going for it.

I am wondering how the vehicles will enter and exit their driveways on such a steep hill that people often speed down. It truly is not a good idea to add homes to this area.

Please reconsider this plan. Like I said, the view and added strange traffic patterns will really affect this neighborhood.

Thank you,

Elaine Thornton
709 Santana road
Novato

Sent from my iPh

Brett Walker

From: Claire <glamdent@yahoo.com>
Sent: Tuesday, June 29, 2021 10:01 AM
To: Brett Walker
Subject: [External] Bahia River View Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mr Walker,

We wanted to voice our concern over the proposed construction in Bahia. We have been Bahia residents since 2005 and serve the Novato community as local dentists. We want to see the city of Novato continue to develop, thrive and grow, but this proposed subdivision is NOT the way to do that.

This proposal has already been denied twice by the city of Novato over numerous concerns. Primarily that the land is not suitable for construction and was never intended to be housing lots. The proposed houses would violate the Novato regulations regarding building on a ridge line and impact the view basin of the Petaluma River. Not to mention that this is a major wildlife corridor.

Our community has been willing to work with the developers but they have not engaged with us. A good example of Bahia working with developers is the current Ryder homes being built on Misty court. Again, we are not against new growth and development, but this proposal has major violations and issues. The fact that they will not work with current residents and keep trying to resubmit similar plans without incorporating feedback is insulting.

Please do not approve the current Bahia River View Proposal. Thank you for your time and consideration.

Sincerely,
Eric and Claire Tyler

Brett Walker

From: Chrisandra Fox Walker <chrisandra@gmail.com>
Sent: Tuesday, June 29, 2021 10:29 AM
To: Brett Walker
Subject: [External] Comments on Bahia River View

Dear Mr. Walker,

I am taking the time this morning to add my voice to the overwhelming concern and opposition of our neighborhood towards the proposed construction of the Bahia River View subdivision. As a resident of Bahia, I am strongly opposing this project for now the third time, along with the majority of my neighbors whom you are likely hearing from as well.

This project has been rejected twice already by the Design Review committee for reasons that would gravely impact our safety and quality of life as a neighborhood, and as a rare and protected visitor's destination in Novato for birders, hikers, nature lovers, horseback riders and cyclists.

I am certain you have heard all of the arguments against construction of this parcel of land, especially the very sound and informative letter written by our HOA President, Tim O'Connor, so I am writing to add my voice to the litany of concern of the residents of Bahia. We ask that you honor the people of the neighborhood's thoughtful request to veto this project from an outside planner who is unwilling to consider the true needs and desires of the community.

Building on this very narrow strip of land that is entirely unsuitable for construction puts the immediate neighbors below the hill at danger. We are at a point in history where the choices we make for infrastructural expansion must be weighed against the reality that nature presents. In this case, these parcels that are essentially open spaces are not stable for building - I understand dirt was brought in to level them off. The soil of these open spaces that are stripped of trees is incredibly unstable. This is not rich loamy soil - it is dry, clay soil that doesn't hold water, and, due to years of drought, it is not truly a suitable spot for the construction of large houses.

We've seen the effects in Marin and throughout the world of climate changes, with increasing mudslides during the rainy season. This particular stretch of land is also a major crossing point for our wild neighbors, especially the deer and wild turkeys, and no consideration for this is made in the plans.

And, the obstruction of view when coming over the hill would be an unfortunate mistake for everyone. Building houses on this hill would also provide a safety hazard in terms of traffic and driveways for residents and visitors alike.

With all of our knowledge of environmental and human impact, I would hope that our beloved city of Novato would respect the limitations of an idea, rather than chase the dollar to make it happen. Our neighborhood has put forth thoughtful and logical opposition to this planned project, and it is my sincere hope that you will do everything you can to protect the safety and integrity of our community.

Thank you for taking time out of your day to read my letter and all the concerns of Bahia residents.

Warmly,
Chrisandra Fox Walker

--

chrisandra fox walker
ayurvedic health counselor (ahc)
yogini + mama

Some day, after we have mastered the winds, the waves, the tides and gravity,
we shall harness for God the energies of love. Then for the second time in the history of the world, we will have
discovered fire. ~Pierre Teilhard de Chardin

Brett Walker

From: Jordan Ward <pinkrosethreads@yahoo.com>
Sent: Tuesday, June 29, 2021 11:39 AM
To: Brett Walker
Subject: [External] Bahia River View P2017-023

Follow Up Flag: Follow up
Flag Status: Flagged

Please do not allow building on this property as it breaks up a clean ridge line view, it is a wildlife green belt for turkeys, deer, rabbits, quail, and it provides views for the neighborhood and the Novato community. Please protect this small piece of open space in Novato and do not allow building of any kind.

Sincerely,

Bahia resident, Jordan Ward

Sent from my iPhone

Brett Walker

From: Jennifer Wedge <jwedge415@gmail.com>
Sent: Wednesday, September 18, 2019 12:49 PM
To: Brett Walker
Cc: Steve Marshall; Hans Grunt
Subject: [External] Bahia River View Project

TO: Brett Walker, Senior Planner City of Novato
RE: Bahia River View

Dear Mr. Walker,

On September 17, 2019 I learned of the proposed Bahia River View project. Although I live nearby, I did not receive any notification of this project and only learned of it through the Marin IJ article.

I live on H Lane in Novato, which is nearby the proposed Bahia River View project. The quality of life of Greenpoint residents on H Lane and Bugeia Lane are severely impacted by traffic entering and exiting the Bahia neighborhood. The current situation of no pedestrian, equestrian or bicycle paths, or crosswalks along these streets exasperated with vehicles far exceeding posted speed limits places our residents in constant danger.

To expand the population of Bahia, without addressing our concerns, would be extremely detrimental to the safety of our community interfering with the enjoyment of our neighborhood by increasing the hazard to pedestrians, equestrians, and bicyclists.

Although H Lane is only partially in the limits of the city of Novato, Bahia drivers severely impact our safety as our neighborhood is home to many equestrian riders, bicyclists, and pedestrians who access the Rush Creek Open Space. Drivers from Bahia incorrectly thinking H Lane is a shortcut to Atherton, and speed upon our narrow lane.

Furthermore, to access Rush Creek we must cross the extremely dangerous intersection of H and Bugeia. Previously, there was a stop sign at Bugeia and H Lane with a crosswalk. As so many Bahia drivers did not stop, it was removed. Now, they do not even slow down far exceeding the posted speed limit. I challenge the planning committee to spend one Saturday afternoon watching a equestrian rider or bicyclist attempting to cross the street with speeding cars.

I have communicated with my H Lane neighbors who agree that further expanding Bahia without addressing the current dangerous traffic situation in our neighborhood is extremely dangerous and severely impacts our safety and quality of life.

Please redact my name and address from all published online documents.

Regards,
Jennifer Wedge
161 H Lane
Novato, CA 9494